

SEANAD ÉIREANN

Dé Céadaoin, 11 Márta 2009.
Wednesday, 11 March 2009.

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

Paidir.
Prayer.

Business of Seanad.

An Cathaoirleach: I have received notice from the following Senators who propose to raise the following matters on the Adjournment of the House today:

Senator Cecilia Keaveney, the need for the Minister for Transport to review the ability of rural hackney men to convert to taxi licences where infrastructure is absent and they compete with illegal operators.

I have also received notice from Senator Rónán Mullen that, on the motion for the Adjournment of the House today, he proposes to raise the following matter:

The need for the Minister for Education and Science to indicate when Springdale national school Raheny, Dublin 5 will be permitted to proceed to tender; to clarify under what criteria schools are deemed “priority”; and the length of time schools are expected to remain on the priority list while awaiting approval to proceed to the next stage.

I have also received notice from Senator Pearse Doherty that, on the motion for the Adjournment of the House today, he proposes to raise the following matter:

The need for the Minister for Justice, Equality and Law Reform to outline the current status of the application for a Garda youth diversion project in Gweedore, County Donegal.

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

Order of Business.

Senator Donie Cassidy: The Order of Business is No. 1, Adoption Bill 2009 — Committee Stage (resumed), to be taken at the conclusion of the Order of Business and to adjourn not later than 3 p.m., if not previously concluded; No. 2, statements on the Irish language, shall be taken at the conclusion of No. 1, but not before 3.45 p.m. and conclude not later than 5 p.m. — Senators may speak for five minutes and share time by agreement of the House, the Minister to be called upon within five minutes of the conclusion of the debate for concluding comments; and No. 21, Private Members’ motion No. 35 on Seanad reform shall be taken at the conclusion of No. 2 but not before 5 p.m. and shall conclude not later than 7 p.m.

Senator Frances Fitzgerald: Yesterday we saw unanimous and widespread condemnation of the brutal murders of two soldiers and a young police constable, whose wife said this morning that she felt her life was over as well. It was good to see the political unity of all parties, North and South, and I ask the Leader to arrange time for an all-party motion in this House to express our condemnation and outrage at these killings. It is important — I know every Senator would agree — that we send a loud and clear message on our views on these horrific deaths. I hope the Leader will be able to organise that, either today or tomorrow.

Senator Nicky McFadden: Hear, hear.

Senator Frances Fitzgerald: I want to ask the Leader to ensure there is adequate time before the emergency budget in April to debate our views on what it should contain. It is really important to have such an opportunity, as requested by many Senators, to debate in this House what we believe the priorities should be and where action should be taken.

I want to focus in particular on one area today, namely, the protection of children in this country. It is very clear that in a time of recession tough decisions have to be taken, but it is extremely important that certain values and priorities are protected and highlighted. The recent cuts in special needs education are very dangerous in the long-term, and I ask that they be reviewed. I also want to call for a mechanism for an independent review of child deaths. There have been 22 deaths of children in care over a six-year period. Unlike many other countries there is no mechanism in Ireland to review child deaths independently. We need such a mechanism and I compliment the Ombudsman for Children for the work she has done in this area. Children have been dying in care and we have not had objective, transparent reports analysing what has happened and learning lessons from this. That is particularly important, but looking at the broader picture other jurisdictions, such as that of British Columbia, for example, have child death review mechanisms. We can learn many lessons about prevention, new procedures that need to be put in place and new initiatives in hospitals. I ask that the Minister of State with responsibility for children attend the Seanad and give his reaction to the report of the Ombudsman for Children on this area.

Visit of Bulgarian Delegation.

An Cathaoirleach: I welcome the visiting delegation from the Bulgarian Parliament, which is led by the Deputy Prime Minister, Mrs. Meglena Plugtschieva. On my own behalf and on behalf of all my colleagues in Seanad Éireann, I extend a warm welcome to you and sincere good wishes for a very successful visit.

Order of Business (Resumed).

Senator Joe O'Toole: Tá deacracht agam leis an Order of Business don lá inniu, agus ceapaim gur cheart dhá uair a chloig do bheith againn don díospóireacht ar an nGaeilge. Níl ach aon uair agus ceathrú a chloig againn, agus braithim go bhfuil sé sin ró ghairid. I believe it should be extended to two hours. Perhaps there is a problem with this, but if so we need to hear about it. It certainly needs to be extended somewhat further.

Yesterday, as Senator Fitzgerald has said, there was very strong support across all parties and groups all over the country for condemnation of the atrocities in the North. We now need to focus on positive elements. Among the issues we need to look at are the positive impacts of the Good Friday Agreement and how these affect society. We are not doing enough in this regard. To take a simple example, the North-South Ministerial Council is based in Armagh. I must declare an interest here in that I chaired the parliamentary liaison group of Co-operation Ireland, and we were in regular contact with these people. We recently had a meeting with the

North-South Ministerial Council in Armagh. One of the positive things I learned, of which I was not previously aware, is that there are meetings going on all the time between Ministers in the Republic and their counterparts in the North. Such discussions are being held every week. Every time a Minister in the North has any engagement with the ministerial council or with a Minister in the Republic, he or she reports to the Stormont Assembly, so people are engaging with the process. I have never heard in ten years about any report of such engagement except for the odd mention on television. I suggest the Seanad is the appropriate place in which something like that could be done regularly with reports being discussed in this House as regards what takes place.

It is also important to recognise the types of initiatives that are going on. There are obvious, practical, physical things people can see such as the Inland Waterways Association of Ireland, which is probably the most effective of the bodies established, looking after the waterways all over this island. There are other things, too. Along the Border there are many local authority bodies liaising with cross-Border groups, particularly in areas such as Monaghan, Fermanagh and Cavan. Those are the ones I know of, but there are probably others as well. They meet regularly with their colleagues on either side of the Border and focus on local issues. Party politics does not come into it, and neither does unionism nor nationalism. People need to be aware such things are happening and we need to have them recorded and discussed.

It is not just a clear choice, therefore, between the shooting of soldiers and policemen with nothing being done on the other side. Much is happening on the ground and we need to hear about issues such as Garda co-operation. Are people aware, for instance, of the Centre for Autism in Middletown County Armagh, which is supported by both governments and which has people in it from both the Republic and the North? It takes children from Waterford to Antrim, in terms of dealing with these issues. These initiatives are not being presented as the products of peace and the type of things on which we can build for the future, and they should be.

There are other issues in the Good Friday Agreement such as the development of special education and health as well as cross-Border supports that could be taking place, and we should be focusing on those. I do not want to go into further detail apart from saying this is an issue of positivity that needs to be recorded, recognised, acknowledged and developed. We need to discuss these matters in the Seanad so people know there are positives in the peace process, apart from the fact of people not losing their lives.

Finally, I hope we will not pay the price for both governments over the last ten years reducing to almost nothing the grant aid they had previously given to groups such as Co-operation Ireland, which are involved in developing cross-community initiatives deep into the communities. We need to foster new interest in that regard to ensure these earlier initiatives are re-invented.

Senator Alex White: Ar dtús by mhaith liom aontú leis an Seanadóir Ó Tuathail mar gheall ar an díospóireacht Gaeilge tráthnóna inniu, agus tá súil agam go mbeidh ama ar fáil do Pairtí an Lucht Oibre san díospóireacht sin. I hope all parties get an opportunity to contribute to that debate. The time allocated seems to be somewhat short, however.

I agree with colleagues in respect of the events in the North. Everybody will agree that the joint appearance yesterday of the First Minister and Deputy First Minister was a moment of very considerable power, on a par, perhaps, with many of those moments that have occurred in the last ten years. They stood together to uphold politics and the rule of law over those who challenge the enormous achievements made in the past decade. It was a hugely important moment of solidarity which we should all strongly welcome. We should also welcome and support the initiative taken by one of the lead organisations in civil society North and South,

[Senator Alex White.]

the Irish Congress of Trade Unions, and we should remind ourselves of this when talking about the economy. It has taken a really important initiative, namely, the silent protests and vigils which it is organising in different venues throughout the North today. This Chamber should strongly support that initiative as a way for ordinary people to express their horror at the three murders which have occurred there.

The Cathaoirleach's former colleague, Dr. Maurice Hayes, wrote very clearly and compelling today that this is an important moment for us to uphold the operation of and, historically, the importance of politics, of people coming together and reaching agreement. I believe he said we should not talk ourselves into a crisis in regard to this, that we need cool heads and a cool response and, most important, we need to demonstrate by our actions that politics and democracy work and, as politicians, to set about leading a united community into the future in which there is no room for terrorism of any hue.

Senator Cecilia Keaveney: I add my voice to those who spoke about the horrific assassination of the two soldiers and a police officer and the attack on the civilians. I express my condolences to the families of those killed and concern for those injured. None of us stands over a return to this type of activity. People from all political parties, North and South, standing together and condemning outright such activity has been a very positive sign that things have moved on significantly. For a while, one wondered whether people said one thing to their constituents and another in Parliament. However, when all politicians stand together and are as firm as they have been over the past few days, it is a great sign that things have moved on.

I agree with Senator Joe O'Toole that we should expose and exploit the things that are working extremely well. There has been a development in regard to how the history of the recent conflict is taught. The Oireachtas Joint Committee on the Implementation of the Good Friday Agreement met Dr. Eames and Mr. Denis Bradley last Thursday, and these are the types of issues at which they are still looking. What truth do we want to teach our children and our grandchildren? There is no truth, there is my version and somebody else's version of what happened. What we teach in schools must have that multiperspectivity. The other side must be put forward. We must do everything we can to ensure both sides get to know each other from primary school onwards.

I do not want to get into who might be arrested at this point but people over ten and under 25 years of age may not realise the realities of the Troubles, the awful carnage that took place and the psychological, physical and emotional damage done in many homes in Ulster. We cannot allow that to continue with the next generation.

Will the Leader arrange for the Minister of State with responsibility for children to come to the House to discuss an issue that was brought to my attention? I am chair of the youth committee in the Council of Europe and we will look at an item called the mosquito device. It is used in the UK primarily but it is also used in Ireland in areas where young people tend to congregate. It is a high pitched long frequency acoustic device that is supposed to annoy those under 20 years of age because it can only be heard by people up to that age. People over 20 years of age tend not to be able to hear it. It irritates those affected so much that they disperse, which is the goal, namely, to prevent young people from congregating. However, if a mother with a two year old child goes to a shopping centre, the child will be exposed to this sound but the mother will not hear it. The child will try to get away from the sound but the mother will not know what is the problem. That is one issue. Another issue is whether foetuses, unborn children, can hear it and the damage it causes. We should discuss whether we need to regulate, prohibit or promote the use of such devices. I would appreciate any exposure we can get on this issue so that we can get an Irish perspective on this international debate.

Senator Fidelma Healy Eames: Ba mhaith liom, freisin, cur leis an méid atá ráite faoin am atá leagtha amach le haghaidh na díospóireachta sa teanga Gaeilge inniú.

We all rightly condemn the death of the two soldiers and the constable in the North. It was wonderful to see such unison in that regard. The wife of the constable said she had been cheated of her husband's life. In the South, children have been cheated of an appropriate education. Will the Minister for Education and Science urgently address this House with a view to reversing the educationally and financially unsound proposals he made in regard to mainstreaming children with special needs?

Last weekend I learned that his decision is financially unsound, although he made it on the basis of saving money. Last Friday I visited Scoil Chairíona in Renmore which has seven children in a special class.

An Cathaoirleach: The Senator has called for a debate on education, but I do not want her to make a speech on what school she visited or otherwise.

Senator Fidelma Healy Eames: I apologise.

An Cathaoirleach: Senators should direct their questions to the Leader.

Senator Fidelma Healy Eames: By mainstreaming the seven children, the State will lose €40,000 per year. If put into a mainstream class, these children will require five special needs assistants and a half time resource teacher, and that does not take into account the mainstream class teacher's salary. Members of this House spoke about how educationally unsound this move is but now we have evidence that it is also financially unsound. I encourage every school to do a similar cost exercise.

I encourage the Leader to invite the Minister to the House to address this issue because I am sure he does not want it to cost the State more money. It is causing parents and teachers much grief because they know the effect it will have on children.

Equally flawed is the social partnership model on which the current Taoiseach and the previous one have relied. It is not working. There was great news yesterday with the announcement of 500 new jobs in Hewlett-Packard, but that is in stark contrast to the fact that we are losing approximately 1,000 jobs per day in the private sector. We rely on it for revenue to pay for the public service—

An Cathaoirleach: Does the Senator want a debate? We are not having Second Stage speeches.

Senator Fidelma Healy Eames: I call for a debate on the social partnership model. I understand that 1.5 million people working in the private sector, including in multinationals, are not represented at the social partnership table. The Taoiseach and the Cabinet are paying too much heed to a flawed social partnership model. We rely on the private sector to provide the revenue to pay for the public sector. Will the Government agree to expand the partnership process to include the job and wealth creating sectors of our society, that is, small and medium sized enterprises and the multinationals? Will the Government establish immediately a think tank with three criterion, namely, to protect existing jobs, to create new jobs and, above all, to identify actions to regain our competitiveness? I look forward to hearing the Leader's response to that.

Senator Larry Butler: Will the Leader arrange for the Minister for the Environment, Heritage and Local Government, Deputy John Gormley, to come into the House and discuss not only the planning situation, but also the major problem in the construction industry? There is an

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opportunity, given that there is a new budget coming on stream, for us to do something in that regard.

There are 190,000 people currently employed in the construction industry. We are in danger of losing many of those jobs in the next five or six months. When we are reviewing the national development plan, which we will have to do, there will be an opportunity to put a major job creation project for the construction industry in place, which could tackle the problem over the next number of months.

I was at a meeting last night. There is no doubt the construction industry is stressed. It has already lost 100,000 people. We cannot afford to lose another 100,000 people from the construction industry or any other industry in this country to unemployment. There are already 300,000 or 400,000 people heading that way.

Senator Joe O'Toole: The construction industry has a brass neck to come and tell us about its troubles.

An Cathaoirleach: No interruptions, please.

Senator Larry Butler: The point about the high wages paid in the construction industry was very well made last night. It will have to be reviewed. The unions will have to make difficult decisions for a change.

(Interruptions).

An Cathaoirleach: Senators must speak through the Chair and not across the floor.

Senator Larry Butler: We are living in a very difficult environment and we cannot afford to pay exorbitant wages, which is exactly what we are paying in some sectors, including the ESB as I pointed out the other morning. It is time we looked at all these things. These are difficult decisions. I know the social partners do not like to take too many difficult decisions but, for the first time, they will have to.

An Cathaoirleach: The point is made.

Senator Phil Prendergast: I ask the Leader for a debate on the HIQA standards launched this week regarding the promotion of best practice in residential care settings for older people and to improve the quality of life for residents in these settings. I would like a discussion on how the additional loading on each bed in each setting was arrived at. The HSE transformation programme 2007-10 places an emphasis on providing services in primary, community and continuing care settings rather than in acute hospitals.

St. Patrick's Geriatric Hospital in Waterford is a hospital and not a nursing home. The nursing staff are skilled in rehabilitation nursing, which is very important in enabling people to have the best quality of life they can. They are also skilled in venopuncture, canulation, gastronomy tube insertion, male catheterisation, CPR and nurse prescribing, amongst other things. It is a very different setting from nursing homes and has skilled staff. It should be remembered when any decision is being made, because St. Patrick's Hospital in Waterford should retain its hospital status and is providing a service which has been lauded as being the standard to be achieved by all working in this area.

We should have a debate here with the Minister of State at the Department of Health and Children, with special responsibility for older people, Deputy Máire Hóctor, the Minister for Health and Children, Deputy Mary Harney, or the Minister for Finance, Deputy Brian

Lenihan, whomever is most appropriate. Perhaps all of them could come in and make a contribution on what the best outcome would be for these people because what is happening now is not popular.

The issue of the setting of fees needs to be debated very widely because if these charges are to be passed on, in addition to residence, they seem to be set at boom time levels rather than being realistic proposals for people trying to carry out their jobs. It is having a dreadfully negative impact. People are seriously worried.

Senator Labhrás Ó Murchú: Is mian liom fáilte a chur roimh an socrú atá déanta chun an Ghaeilge a phlé inniu. Ar nós na cainteoirí eile, tá súil agam go mbeidh seans ag gach éinne gur mhaith leo páirt a ghlacadh sa díospóireacht é sin a dhéanamh. Díospóireacht thar a bheith tábhachtach a bheidh ann.

I join the other speakers who have expressed abhorrence at the terrible, brutal events which have taken place in Northern Ireland in recent days. We all hoped and believed this was part of the distant past and had been consigned to history. I do not honestly believe it is in the gift of anyone to take the life of another person. I have always held that view and still hold it.

I very much agree with Senator O'Toole's comments on the positive side of the progress made since the Good Friday Agreement. All of us, North, South and internationally, have invested a significant amount of hope and confidence in the Good Friday Agreement and that which has flowed from it since. We have seen major progress, which perhaps we could only have dreamt of and aspired too 20 years ago. Anything which distracts from or undermines that is not for the common good.

I do not understand how any reasonable person is not able to read the signs and understand that people on this island want peace. We stood each day in this House for many years condemning brutality in other parts of the world and always asked that diplomacy would replace military activities and terrorism. One cannot ask another part of the world to do that and not do it in one's own country as well.

There is a good opportunity to build on the unity that has been expressed in recent days. One difficulty with the events which have taken place is that if the united approach is not evident and manifested, things can grow gradually over a period of time. The initial weeks after events of this kind are particularly important. I accept an all-party motion is a step in that direction.

I strongly support the view of Senator O'Toole regarding having ongoing reports and debates. We had them during the Troubles in the North of Ireland and we have all, from time to time, called for debates on the North. We have had some since the Good Friday Agreement, but we should have them on a regular basis in the future. We should have an opportunity to discuss specific developments, activities and aspirations in this House in the future.

Senator Joe O'Reilly: Ba mhaith liom cur leis an méid a dúirt an Seanadóir O'Toole mar gheall ar an díospóireacht speisialta a bheidh againn tráthnóna inniu ar stádas na Gaeilge. Cé go gcuirim fáilte roimh an díospóireacht — is fiúí agus is maith an rud é go mbeidh sí ar siúl — sílim go raibh an ceart ag an Seanadóir nuair a dúirt sé go mbeidh an díospóireacht beagáinín ró-ghairid. Ba chóir go mbeadh an díospóireacht ar siúl ar feadh cúpla uair a' chloig. Is ábhair iontach tábhachtach iad stádas na Gaeilge agus an méid atá dhéanamh againn ar son na teanga.

As someone who has said in the House that he firmly believes in sending delegations abroad and presenting a very positive Irish image abroad, St. Patrick's Day is a great opportunity to showcase Ireland. I am a positive believer in it, and as we approach that day is it important, in

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the context of the awful events we discussed yesterday and are still discussing today, that we showcase the country positively.

I will raise one issue and move to others quickly. I ask the Leader to give us an assurance that the Minister for Foreign Affairs, Deputy Micheál Martin, will pursue a bilateral agreement for our forgotten people, the undocumented Irish who are like fugitives in America and cannot come home for family events. I mentioned the issue last week. I ask the Leader to assure us that a bilateral agreement will be sought, rather than waiting on an emigration Bill, which is pie in the sky and will clearly not arise. The American and Irish Governments should reach an agreement as there is enough good will to do so. Will the Leader respond to this point?

I support the views expressed to the Leader, to which I ask him to respond. In light of the weekend's awful events, we should heighten co-operation through the structures of the Anglo-Irish agreement. Will the Leader try to get action on harmonising prices in the North and South? It could be done through the Anglo-Irish conference. We could start with a couple of products and harmonise prices and taxation to provide a level playing pitch, which would have considerable implications for trade, sustainability of jobs, Exchequer returns and all-Ireland co-operation. Will the Leader prioritise the pursuit of tax harmonisation on a number of goods through the agreement?

Senator Ann Ormonde: Ba mhaith liom an Ghaeilge a labhairt, ach níl mórán focail agam. Tá suim agam mo chuid Gaeilge a fheabhsú. Tá mé ag freastal ar rang Gaeilge chun é sin a dhéanamh. I welcome this afternoon's debate on Irish, to which I will listen. I do not have enough confidence to make a contribution, but I hope to be able to do so in future.

The House discussed social partnership and whether the model should change. I do not have enough knowledge to state whether it is faulty, although I wish I had. I do not have the time to go into the subject in enough detail to make such a strong statement. However, I would welcome a brainstorming exercise. The model may or may not be right for the new generation. I would welcome a discussion on how to improve competitiveness and our relationship with the unions and on our salaries, etc. Given the fact that these are aspects of social partnership, it would be a welcome discussion in the Chamber.

I read a report today on upgrading the Planning and Development Act 2000. Doing so before the summer recess would be timely, given the fact that new local councillors will be elected. Completing the preparatory work on updating the development plan, outlining the relationship between the Department and local authorities and organising seminars for new councillors are important matters if the new crop of councillors is to understand the situation. Will the Leader accelerate the arrangements for the debate in the House? The matter of updating the Act has arisen often, but it is now more important than ever that we move on the issue quickly.

Senator Feargal Quinn: Right now, a delegation from the Joint Committee on European Affairs is arriving at Stormont to advise those in the Assembly on how to organise themselves to handle European affairs. It is in return for a visit approximately one month ago by the Assembly's European committee. I should be in the delegation, but I was unable to go at the last minute. This is exactly the sort of cross-Border co-operation that we should have.

Senator Joe O'Toole: Hear, hear.

Senator Feargal Quinn: Each joint committee should find a reason to visit the North and to invite its counterpart to come south. The more co-operation there is, the less the likelihood of any misunderstandings. Our horror at events during the weekend should be made clear. The more that we can do so and avoid ambiguous words, the better.

Senator Phil Prendergast: Hear, hear.

Senator Feargal Quinn: It could be a positive step, one that we should consider doing during the coming weeks.

I draw the Leader's attention to something that occurred yesterday. European finance ministers agreed to allow France to reduce the VAT rate on restaurant food to 5.5%. Previously, I stated that reducing the rate of tax can sometimes increase the amount of income. There are examples of this. It seems that the Irish tourism industry is competing with everyone, certainly France. If the French authorities believe that reducing their VAT rate on food will encourage tourism, it is the type of initiative that we should be taking. The change only occurred yesterday, but we should be following suit.

I have never heard of mosquito devices. Having only learned of them this morning, I gather that they can only be heard by younger people. By playing a sound, younger people do not assemble where they are not wanted. A number of retailers in Europe have discovered that a great way of ensuring that young people do not gather in certain areas is to play Barry Manilow or Mozart. As young people cannot stand that music, they move away quickly. I do not understand it, but it is a better idea than mosquito devices.

Senator Donie Cassidy: They do not appreciate it.

Senator Camillus Glynn: Ar nós na Seanadóirí eile, cuirim fáilte roimh an seans a bheidh againn stádas na Gaeilge a phlé níos déanaí inniu. Beidh gach Seanadóir in ann a gcuid tuairimí ar an ábhar sin a chur in iúl. Tá sé fíor go bhfuil an teanga faoi bhrú.

Now that the economy has slowed, particularly in terms of planning, it would be timely to invite the Minister for the Environment, Heritage and Local Government to the House and to ask him to use his good offices in liaising with local authorities to expedite the granting of planning permissions and fire safety certificates. Evidence suggests a considerable delay. While that delay was understandable in the past ten or 11 years, the excuse of numbers no longer exists.

Irrespective of whether we like it, the building industry is important. However, we are not discussing that industry alone. Rather, we are discussing individuals whose applications for planning permission have been delayed considerably. I would welcome a debate on the matter.

I congratulate the Garda on apprehending six or seven people in Drumshanbo in County Leitrim who had been running a cannabis growing facility, about which I heard on radio. They were members of a well known Oriental gang affiliated with a notorious Oriental outfit. Several years ago in the House, I raised other matters pertaining to gangs, but my comments were rubbished. I was told that there was no evidence to suggest that foreign gangs were operating in Ireland, but I have been proven right, as every Senator knows.

Ours is a country with a proud history in welcoming people to our shores, but we could do without the people in question. As far as I am concerned, they have no place in this country or society. If they want to ply their evil trade, they should return to where they came from. As every Senator knows, tolerance for it in their country of origin is far less than the tolerance exhibited in Ireland.

Senator Jerry Buttimer: I would welcome a debate on the role of the Construction Industry Federation, CIF. Senator Butler had some cheek defending it this morning given the fact that it gobbled up profits for years and colluded with the Government to leave us in this situation.

Like Senator Fitzgerald and others, I ask for a debate prior to the budget. Yesterday, the Governor of the Central Bank, Mr. John Hurley, stated that the economy might shrink by 6%

[Senator Jerry Buttimer.]

. The National Economic and Social Council, NESC, the Government's think tank, stated that we must reduce prices by 20% if we are to restore our competitiveness. In light of these facts, it is important that the House play a central role in the discussion on the budget's formulation.

In light of the trips made for St. Patrick's Day by Ministers, which I support in principle, I seek a series of post-event debates in which the Taoiseach and Ministers are invited to the House for a discussion and questions and answers session on how they got on abroad, what they achieved and how best they sold Ireland.

Senators: Hear, hear.

Senator Jerry Buttimer: It is important to have accountability in respect of the trips abroad. It also is important in this time of economic recession to tell the world that Ireland is open for business and has an educated and great workforce that is ready and willing to work. Equally, it is important, in light of the recent events in the North, to tell the people of the world that we are united in the pursuit of a peaceful Ireland.

I ask the Leader to invite the Minister for Communications, Energy and Natural Resources to the House to discuss the impending cutbacks in RTE. The decision by RTE to axe "Questions and Answers" is regrettable and wrong. It continues a trend in broadcasting to eliminate jobs, public service broadcasting and, more important, current affairs and talk radio. As for public service broadcasting, RTE has a duty to present current affairs to the nation, and "Questions and Answers" was an extremely good programme. I have been in its audience but not on the panel.

Senator Nicky McFadden: They do not know what they missed.

Senator Jerry Buttimer: It is important to have accountability in national radio and television.

An Cathaoirleach: The Senator surely will appear on the programme next week.

Senator John Hanafin: I ask the Leader to make inquiries on the proposals to televise Seanad and Dáil proceedings. I am cognisant that there was a debate about the role of the Seanad on national radio this morning in which two Members of the Seanad participated. Two other very well chosen, hand-picked cynics appeared with the two Seanadóirí. They began by seeking the abolition of the Seanad and descended further by seeking the abolition of the Presidency. It is about time the Seanad was able to show the world what exactly its Members do, the type of debate that goes on in this House and of which it is capable.

The media has not assessed properly the Seanad's role. When the Seanad was reformed in 1938, times undoubtedly were much more difficult economically. The crisis of the Emergency was about to begin and the standard of living was only a fraction of its present level. However, at that time, the people recognised the need for a second Chamber. If the Seanad is to be televised, Members should ensure they get equal access and that they order their business in such a way that the Order of Business in this House does not coincide with that of the Dáil. As no one else will do it for them, it is up to Members to ensure the work they do is presented accurately to the public.

An Cathaoirleach: There will be a major discussion on the Seanad in Private Members' time this evening.

Senator John Hanafin: I thank the Cathaoirleach. I also seek a debate on the economy. I refer to the excellent news that Hewlett-Packard is to take on 500 people and that Intel is to

invest a further €1 billion. While we undoubtedly have not reached the end of the trough of unemployment, there are signs of the shoots of recovery. When the recovery comes, as it will inevitably, despite the media's persistent belief that this recession is never-ending, although we are only in the first year of it, people will wonder why Ireland recovered so quickly. As the most open economy in the world, we have in place the systems that will ensure that we continue to trade particularly well in the world, and such systems have been in place for some time. I recognise the futility of blaming the Construction Industry Federation for the world downturn.

Senator Nicky McFadden: Only the Irish part.

Senator John Hanafin: To state that the problems in our economy——

An Cathaoirleach: This Senator's time is almost up.

Senator John Hanafin: ——result from the damage that the Construction Industry Federation has caused to the world economy is nonsensical and does not contribute positively to any debate.

Senator Dominic Hannigan: Is mian liom fáilte a chur roimh an díospóireacht a bheidh ar súil tráthnóna. Níl a lán ama againn ach beidh seans againn oráid a dhéanamh.

Like Senator Butler, I also seek a review of the national development plan and wish to see job creation schemes put first. However, it is important not to simply end up with a series of white elephants and to avoid going down the famine road. We must ensure that any changes to the NDP are cost-effective, as well as putting employment-generating schemes first. I look forward to a debate in these Chambers on the subject of a review of the NDP.

I wish to pick up on a point made by other Members pertaining to reconsidering our planning and development Acts. Like Senator Quinn, I am concerned that many young people have nowhere to go in our towns and villages and are constantly moved on and criminalised by machines such as the mosquito device. I will not go down the Barry Manilow route, as I happen to believe he produced some good music. The song, "Mandy" was one of my favourites, as was "Copacabana".

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

Senator Dominic Hannigan: While not dwelling on that point, my question is serious. In many of the new towns and villages that have sprung up and have been developed over the past ten years, there are no facilities for young people. They are moved on from dwelling to dwelling or from street to street with nowhere to go and nowhere to hang out in the absence of cafés and youth centres. This issue must be addressed, both locally and nationally, by means of changes to the planning and development Acts.

Senator Phil Prendergast: Hear, hear.

Senator Dominic Hannigan: I seek a review and a debate on that issue.

Senator Ivor Callely: There has been reference to Seanad reform this morning and I have raised with the Leader the issue of altering the House's weekly schedule to accommodate a time slot for a special debate.

An Cathaoirleach: We will have that debate tonight. Any one who wishes to comment on the Seanad will have the opportunity to do so during Private Members' time tonight.

Senator Ivor Callely: In the past, I asked the Leader to take up the issue with the other group leaders in the Seanad to ascertain whether our weekly schedule could include special debates on aspects of the economy, given the unique and special circumstances that prevail in light of the current difficulties. That could and should be accommodated by agreement between the group leaders, particularly in the weeks and months ahead.

The second issue I wish to raise pertains to HSE services for older people. While much good work is being done in our communities by people who provide services for older people, I am concerned about proposals from the HSE to amalgamate and reduce services in the area of home help, home care packages and meals on wheels. I ask the Leader to procure a briefing for me on same.

Senator Paul Coughlan: As was expressed yesterday and again today, wonderful unity has been demonstrated, both North and South, in the unanimous condemnation of the mindless and senseless murders that took place in the North. Yesterday, I asked the Leader, although he probably inadvertently overlooked dealing with it in his response, for an early debate with the Minister for Justice, Equality and Law Reform regarding an update on these matters. I call this morning for such a debate, which was also requested by Senator Fitzgerald. Members can move on and deal with all the other matters that have been mentioned.

I support strongly the points made by Senator O'Toole this morning, and not for the first time. Although many meetings are taking place North and South, one hears nothing about them. No progress is reported to either House of the Oireachtas and Members are not engaging with the process. The Senator's proposal would be very useful for the Seanad, as have been many other good ideas that have been mentioned in the Chamber from time to time. I look forward to hearing the Leader's response in this regard.

Senator Maurice Cummins: I join in the condemnation of the actions of the so-called Real IRA and the Continuity IRA, which claimed responsibility for the callous murders of the two soldiers and the policeman. They have no support and no mandate on either side of the Border and I sincerely hope the perpetrators will be brought to justice as soon as possible. It is important to note that in the past 12 months, there have been 40 attempts on the lives of policemen in Northern Ireland, which did not come to notice until the recent death of a police officer. Like other Members, I was heartened to hear Martin McGuinness describe the perpetrators of these heinous acts as traitors to the country, which is what they are. Certainly, Members should not be complacent in our attitude. We must give the Garda the tools it requires, including the capacity for greater surveillance and intelligence gathering. Any such expenditure is justified because it will benefit the security of our citizens and the State. I join other Members in calling on the Minister for Justice, Equality and Law Reform to come to the House to report on what is happening.

Like other Members, I once again raise the issue of the delays being experienced by social welfare applicants, with people waiting up to nine weeks to receive their benefits. This is an absolute disgrace. I appreciate that the Minister for Social and Family Affairs, Deputy Hanafin, is trying to deploy additional staff at social welfare offices, but the problem persists. People pay PRSI and income tax from the first week they join the workforce. It is entirely unacceptable that they should have to wait nine weeks to receive social welfare benefits. These delays also put pressure on community welfare officers, with people obliged to turn to them for money while they wait for their social welfare applications to be processed. The delays are clogging up the entire system. This matter must be dealt with urgently.

Senator Nicky McFadden: I join Senator Buttimer in paying tribute to John Bowman for the impartial way in which he chaired so many interesting political debates over the years and for

his encouragement of audience participation. This is not the right way for RTE to claw back its budgetary shortfall of €68 million. Eliminating some of the American trash on our screens or imposing cuts in the salaries of some of its highest paid personalities might be better ways of doing so. A message must go out loud and clear from this House that we will not tolerate any dilution of RTE's commitment to current affairs programming and debate. We in this House are only relevant if the public knows what we are saying in the course of the interesting debates that take place in this Chamber. I pay tribute to Mr. Bowman and thank him for all his years of service. I wish him well for the future.

An Cathaoirleach: I call the Leader to reply to the Order of Business and apologise to the few Members who did not get to contribute.

Senator Donie Cassidy: I join colleagues in welcoming yesterday's announcement of the creation of 500 jobs at Hewlett Packard, as well as the investment of an additional €1 billion by Intel. I intend henceforth to begin my reply to the Order of Business by focusing on positive news, so that the staff of "Oireachtas Report" will be able to offer a balanced broadcast to the people, featuring the good news as well as the bad. I wholeheartedly welcome this very good news, especially for people on the east coast and for young students and apprentices.

On behalf of the House, I call on the Minister for Education and Science to give serious consideration to increasing, as a matter of urgency, the marks awarded to leaving certificate students for mathematics and science by 50%. It is in these areas that jobs will be created in the future.

Senator Fidelma Healy Eames: Is the Leader seriously proposing an additional 50% for mathematics and science?

Senator David Norris: Will the Leader repeat that?

Senator Donie Cassidy: Yes, I propose an additional 50% for mathematics and science.

Senator David Norris: Surely students should deserve the mark they are awarded.

An Cathaoirleach: The Leader should be allowed to speak without interruption.

Senator Fidelma Healy Eames: There is nothing to support the Leader's proposal. A 10% bonus might be reasonable.

Senator Donie Cassidy: Such a scheme would encourage and assist young students in obtaining employment.

Senator David Norris: I must protest at the Leader's proposal. As a former teacher, I say that this proposal is madness. It will drive down academic standards. We will be a laughing stock.

(Interruptions).

An Cathaoirleach: Senator Norris has not made a point of order. He should allow the Leader to continue.

Senator Fidelma Healy Eames: The Leader's proposal would amount to a lowering of standards.

Senator Donie Cassidy: Let us consider my proposal.

(Interruptions).

Senator Fidelma Healy Eames: It would lower standards.

An Cathaoirleach: Members must allow the Leader to reply to the Order of Business.

Senator David Norris: The proposal he has made is absurd.

Senator Donie Cassidy: Those of us who are used to providing employment can talk from experience.

Senator David Norris: So can I. I have given jobs in at least two areas.

Senator John Hanafin: On a point of clarification, it is clear that the Leader referred to the awarding of additional points for the purpose of admission to third level education. What he said in this regard was clear.

(Interruptions).

Senator Fidelma Healy Eames: Yes. The point is that his proposal for a 50% bonus is ridiculous.

Senator John Hanafin: The Opposition is deliberately misrepresenting what he said.

(Interruptions).

An Cathaoirleach: The Leader must be allowed to continue without interruption.

Senator Donie Cassidy: There is no misunderstanding. The purpose of my proposal is to encourage students to study mathematics and science. In the future, more jobs will require that type of expertise. I would welcome the assistance of those Members who are intellectual scholars in considering how we can create more jobs in the future.

Senator Paudie Coffey: What about a national laboratory?

Senator Donie Cassidy: Senator Coffey, who is from the hard-pressed city of Waterford, knows well that we are here to do what we can to direct students towards the areas in which jobs will be available in the future.

Senator Paudie Coffey: We do not even have a national laboratory.

(Interruptions).

Senator Donie Cassidy: The Visitors Gallery is full this morning. I ask Senator Coffey to stop playing politics.

Senator Maurice Cummins: The Leader's proposal will not create any additional jobs.

Senator Donie Cassidy: The future of young people is far more important than attempts to play politics.

(Interruptions).

Senator Jerry Buttimer: May I make a point of order?

An Cathaoirleach: The Senator may do so on a procedural matter.

Senator Jerry Buttimer: Will the Leader clarify what he means by his proposal? Will he put some flesh on it?

An Cathaoirleach: That is not a procedural point.

Senator Donie Cassidy: I will explain my proposal to Members in minute detail after the Order of Business.

(Interruptions).

An Cathaoirleach: Members must allow the Leader without interruption.

Senator Donie Cassidy: Various Senators called for an all-party motion regarding the brutal murders of three unfortunate people in Northern Ireland in recent days. I have no difficulty with the inclusion of such a motion on the Order Paper so that the issue can be debated as soon as possible. I congratulate the Irish Congress of Trade Unions on its endeavours in getting everybody to join together today. People throughout the world will see on their television screens that the North of Ireland is a peaceful place and that we on this island are a peaceful people who will not let anything interfere with the working of the Good Friday Agreement. We are fully behind all those who are playing such a significant role in furthering the objective of a lasting peace on this island, an objective we all share.

Senator O'Toole referred to the meeting of the North-South Ministerial Council that will take place in Armagh. I, together with colleagues in this and the other House, am a member of both the Joint Committee on the Implementation of the Good Friday Agreement and the British-Irish Interparliamentary Body. I propose that the Committee on Procedure and Privileges, under the stewardship of the Cathaoirleach, should examine how we can make this House a conduit for debate on these issues. For example, an update should be delivered in this Chamber on at least a bi-monthly basis on the achievements, activities and agenda of the Joint Committee on the Implementation of the Good Friday Agreement and the British-Irish Interparliamentary Body. In addition, we should, from time to time, invite Ministers and other participants to update us on meetings of the North-South Ministerial Council.

Dr. Robin Eames and Mr. Denis Bradley attended an informative meeting of the Joint Committee on the Implementation of the Good Friday Agreement last Thursday under the stewardship of the Chairman, Deputy Treacy, at which they outlined the important work in which they have been engaged. I will undertake to consider how we can progress this at the earliest possible time. It is also my intention to invite the Taoiseach to the House for statements on Northern Ireland. I have already discussed this with him and as soon as he has an opening, I will include this on the Order Paper.

Senators Fitzgerald and Keaveney called on the Minister of State with responsibility for children to attend the Seanad and give his reaction to the report of the Ombudsman for Children on the death of children in care. I have no objection to such a debate.

Senators Keaveney and Quinn referred to the mosquito devices and I have no difficulty arranging this. Senators Healy Eames, O'Toole, Alex White, Ó Murchú, Reilly, Ormonde, Glynn and Hannigan called for an extended debate on the Irish language. This was in acknowledgement of the special fortnight from 2 to 17 March. We normally have the opportunity of a debate on the Irish language. The Minister is not available because it is a difficult time this week, with Ministers taking off to all parts of the world but the Minister of State, and Deputy Carey, will attend the House to acknowledge the importance of the fortnight. With the agreement of the House we will have a further opportunity for an extended period of time to allow Members to make a contribution to the great work taking place. I often refer on the Order of

[Senator Donie Cassidy.]

Business to the wonderful work of TG4, which plays a central role in promoting the Irish language, Irish culture and everything to do with our country.

Many colleagues called for a debate on education and we have no difficulty in arranging that.

Senator Fidelma Healy Eames: Will the Minister attend the debate?

Senator Donie Cassidy: I acknowledge the €640 million that has been invested in the capital programme this year. An extra 7,000 people have been employed in the past ten years. There is much achievement as well as an understanding of what is taking place with the downturn in the economy.

Senators referred to the need for the Minister for Enterprise, Trade and Employment to attend the House to discuss competitiveness, jobs and everything to do with employment. I have given a commitment for this to take place after St. Patrick's Day.

Senators Butler, Ormonde, Buttimer and Hannigan called for the Minister for the Environment, Heritage and Local Government to come to the House to hear our comments on the construction industry and the 190,000 jobs in this industry. I am seriously concerned about the 100,000 people who have lost their jobs in this sector, particularly the apprentices whose situation has been highlighted by Senator Hannigan and other colleagues over the past number of weeks. We must discuss that issue and see how we can assist everyone in that industry. Everyone is entitled to be supported in the downturn irrespective of the industry they work in.

Senator Alex White: Hear, hear.

Senator Donie Cassidy: Senator Prendergast called for the Minister of State with responsibility for older people to come to the House to discuss care for older people. I will make this request immediately after the Order of Business. Senators Ormonde and Glynn called for a debate on planning and development and called for the Minister for the Environment, Heritage and Local Government, Deputy Gormley, to discuss planning and fire officer certificates. Senator Glynn referred to validation dates, in which there can be major discrepancies ranging from three days to seven weeks in some local authority areas. Some indication should be given, as suggested by the Senator. I have no difficulty in arranging this the week after we return from the St. Patrick's Day recess.

Senators O'Reilly and Buttimer wished our Ministers well on the St. Patrick's Day showcase. I refer to their endeavours and hard work going all over the world. I wish them well and I also wish the Cathaoirleach well. I understand he will represent this House on St. Patrick's Day in the White House. I congratulate him on representing us. It is a wonderful acknowledgement that he is doing so and we congratulate him on taking the céad míle fáilte from the Upper House of Parliament to our friends in the White House.

Senator Jerry Buttimer: I asked the Leader a specific question on the Ministers' trips on St. Patrick's Day, which he avoided answering. I asked if the Leader would consider whether the Ministers could, on their return to Ireland, present reports to the House. I did not wish them well, I asked that specific question.

Senator Donie Cassidy: I had intended keeping that matter for last but it is a great pleasure to accede to the Senator's request.

Senator Quinn referred to VAT and its reduction to 5.5% last week in France. This is very welcome and I will include it in the proposals from this House when we are having a debate

on the economy, which has been requested by many Senators including Senator Fitzgerald, in our pre-budget proposal to the Minister. This would help our tourism industry in a major way.

Senator Glynn congratulated the Garda Síochána for the arrest of persons in Drumshanbo regarding the drugs find. I agree with the sentiments expressed by Senator Glynn.

Senators Buttimer and McFadden expressed disappointment that “Questions and Answers” will not continue. The professionalism of Mr. John Bowman is exemplary. He is one of the best broadcasters RTE has ever had and we wish him well in continuing whatever he will do in the future. He is one of the more serious and responsible broadcasters who we all enjoyed viewing and listening to. We wish him continued success in the future. I never had the pleasure of being invited to appear on the show but many colleagues had the great honour and privilege of appearing on the show. It was necessary and the programme has played an important role in political life. I wish Mr. John Bowman all the luck that we can wish anyone in that profession and we congratulate him on all he has done.

Senator Hanafin called on us to review the broadcasting of the Dáil and the Seanad. We can discuss that in our contributions tonight and if necessary we can change the Order of Business so we have a live broadcast of the Order of Business one morning a week on TG4 or another channel. This would enhance the image of the Seanad for the people of Ireland, who would see the great work that is taking place on their behalf in Seanad Éireann. We are the protectors of the Constitution on behalf of the people of Ireland and taxpayers. Under my stewardship, no Bill has ever been guillotined in their Seanad, with the exception of one Bill. Every section is discussed in minute detail——

Senator Dominic Hannigan: On a point of order, the Electoral (Amendment) Bill was also guillotined.

Senator Donie Cassidy: That is the Bill to which I refer.

An Cathaoirleach: That is not a point of order.

Senator Pearse Doherty: What about the banking legislation?

Senator Donie Cassidy: If the number of Bills guillotined in this House is two in seven years, I apologise.

Senator Dominic Hannigan: It is not just one Bill, that is the point.

Senator Donie Cassidy: I take the content of the contributions on the Bills. When colleagues pleaded with me at 5.30 a.m. to guillotine a Bill I did not do so. I apologise to no one for doing so. This House stands to protect the Constitution of the country.

Senator Jerry Buttimer: Hear, hear.

Senator Donie Cassidy: This House will not guillotine any Bill under my stewardship for the remainder of the lifetime of this Seanad. I give this undertaking today.

Senator Nicky McFadden: Well done.

Senator Donie Cassidy: This House is relevant to what is taking place in Ireland. The people of Ireland must be protected. There was much hard work done on the Constitution for years and I will not turn my back on our forefathers who gave us this country.

Senator Callely called for a debate on the HSE and sought to be briefed. I will make the request. Senator Cummins outlined his disappointment on the nine week wait for unfortunate

[Senator Donie Cassidy.]

people who are unemployed. This is unacceptable and there must be some way in which this can be addressed. I will request the Minister to attend the House after the St. Patrick's Day recess to discuss this matter.

Senator Joe O'Reilly: Regarding the bilateral agreement——

An Cathaoirleach: Questions were put to the Leader, he has replied and I am not entertaining anyone.

Senator Joe O'Reilly: Can the Leader comment on the bilateral agreements?

An Cathaoirleach: No, I cannot control the content of the Leader's reply to the Order of Business.

Order of Business agreed to.

Adoption Bill 2009: Committee Stage (Resumed).

SECTION 14.

Debate resumed on amendment No. 5:

In page 20, paragraph (b), line 30, after "effect" to insert the following:

"stating that she has been fully counselled as to the effect of her decision, that she understands the effect of her decision and that she has made her decision freely".

—(Senator Frances Fitzgerald).

Acting Chairman (Senator Maurice Cummins): I welcome the Minister of State. We are speaking on amendment No. 5 in section 14.

Senator Frances Fitzgerald: We had some discussion on this earlier. Basically, a number of criteria in the Bill regard the mother or guardian as to the effect of adoption and this is an amendment to ensure the woman has been fully counselled. At this stage there has been some debate on this and I would like to hear the Minister of State's response as to whether he would consider inserting this provision.

Senator Ivana Bacik: I support Senator Fitzgerald in this amendment. I cannot remember but I think I spoke already on this to support her and in that case I will not say any more. It is an important amendment and like Senator Fitzgerald, I would like to hear the Minister of State's response.

Minister of State at the Department of Health and Children (Deputy Barry Andrews): I thank the Senators. I am opposing the amendment. It is my view that section 14 already provides that the accredited body shall provide the mother with a written statement explaining the effect of an adoption and the consent necessary, and requires the mother to sign a document stating she understands the import of the written statement.

Furthermore, section 28 goes on to provide that the consent to the making of an adoption order is not valid unless the person whose consent is necessary has given the consent and understands the nature and effect of the consent to the adoption order.

Senator Frances Fitzgerald: Section 28 indicates that the mother should understand the nature and effect of the consent and of the adoption order. My amendment would strengthen that in section 14. It is an elaboration of the issue and a safeguard, given what we have seen in the

past. People have found themselves in positions where they have clearly stated they did not understand the consequences of the various legal aspects of adoption or the decisions being made. This is an attempt to safeguard that and I am disappointed the Minister is not inserting it in this section at this time.

Senator Fidelma Healy Eames: At one level I am inclined to agree with the Minister of State in that when a person has been counselled and gone through the assessment process as a prospective adoptive parent, there should be a very good understanding of what is about to be undertaken. In the case of the young mother of baby Ann recently, she clearly did not know the import of what she was embarking on. Ultimately, the adoptive parent lost out and the baby was returned to the birth mother. It would be wise to indicate that both the birth mother and adoptive parent needs to be fully aware of what they are undertaking prior to the signing of any documents. Will the Minister of State comment on that?

Deputy Barry Andrews: The baby Ann case is a very unfortunate set of circumstances. Those types of cases are determined on the basis of the best interests of the child, as we all know. Even under the old regime prior to this adoption Bill, every effort is made to allow the mother realise the consequences of both the placing of a child for adoption and the adoption order itself.

The best practice in this area internationally and here in Ireland from lessons we have learned from such unfortunate cases are encapsulated in the section and the corresponding section 28. I am satisfied that the amendment simply restates what is already in the section and that it does not go any further. The understanding that “the effect of her decision and that she has made her decision freely” is another way of saying what is already in section 14.

There can be no duress, which is implied as the opposite of a free decision, or oppression of will. This must be done on the basis of a full understanding of the consequences of what is being done and an understanding of the statement and the signing of that statement. There are a great deal of safeguards, all of which reflect best practice.

Senator Frances Fitzgerald: Sometimes, when going through procedures, there is a series of statements that must be signed. It can often be done in a ritualistic way and they may be handed over to people who are asked if they understand it and then sign it. My amendment uses the phrase “fully counselled”, which is different to asking if a person understands a form and can sign it. It is an attempt to ensure there has been full counselling, there is full understanding and the woman has made the decision freely.

I accept there are improvements in this legislation in terms of trying to ensure the very best practice is followed. This amendment would strengthen the provisions and ensure full informed consent by the mother. It would avoid problems down the road.

Deputy Barry Andrews: All the big cases in this area have featured the giving of full information by social workers to natural mothers and problems arise with a change of mind. Taking all the sections together, the statutory framework is correct. We must ensure practice reflects that, as it sometimes has not been of the first order in terms of what social workers do and how they work. I am satisfied the statutory framework is there and the next step, which is nearly always the case, is to ensure that is reflected and transposed into practice.

Amendment put and declared lost.

Sections 14 and 15 agreed to.

NEW SECTION.

Acting Chairman: Amendment No. 6 has already been discussed with amendment No. 4.

Senator Alex White: I move amendment No. 6:

In page 21, before section 16, to insert the following new section:

16.—(1) A child shall not be placed for adoption, nor may an application be made by the mother or a relative of the child for an adoption order, without the consent of the father or the court where the father is a guardian or is named on the child's birth certificate.

(2) Where *subsection (1)* does not apply, the father may give notice to the Authority that he objects to the adoption of the child.

Amendment put and declared lost.

SECTION 16.

Question proposed: "That section 16 stand part of the Bill."

Senator Fidelma Healy Eames: I have a query on the rights of the father where the mother wishes to place the child for adoption. What is the position if the father cannot be found or there is no certainty as to who he is?

Deputy Barry Andrews: That issue is dealt with in later sections. That issue will be widely discussed when we come to deal with them.

Senator Fidelma Healy Eames: Does the Minister of State wish to comment on it to lead us into discussion on the issue that will be dealt with later?

Acting Chairman (Senator Maurice Cummins): If it will be dealt with in another section——

Deputy Barry Andrews: It will be dealt in section 18.

Acting Chairman: ——the Minister of State will deal with it then under section 18.

Question put and agreed to.

Section 17 agreed to.

SECTION 18.

Amendment No. 7 not moved.

Acting Chairman: Amendments Nos. 8 to 11, inclusive, and amendments Nos. 17 and 18 are related and may be discussed together by agreement. Is that agreed? Agreed.

Senator Ivana Bacik: I move amendment No. 8:

In page 23, subsection (5), line 7, to delete "refuses to" and substitute "does not".

I am glad to have this opportunity to address the House on this group of amendments because, effectively, they all seek to achieve the same objective. As the Minister of State said, section 18 provides for circumstances where the father cannot be located or the authority does not know his identity. It covers those issues. Effectively, it is where the accredited body is to be

exempted from a duty to consult the father. It mirrors, as I am sure the Minister of State will state, the existing provisions.

The amendments I seek to insert will not in any way change the substance of the section. I should state that initially. I do not have any objection to the substance of the section. It is eminently sensible as it provides for the necessary procedures to be gone through where the father cannot be located.

I propose in these amendments to change the language in the section. While the language mirrors the existing language in section 6 of the 1998 Adoption Act, which inserts a new section 19A into the Adoption Act 1952, none the less it could be improved upon. Section 18(5) states that, “If the identity of the father of a child is unknown to an accredited body and the mother refuses to reveal the father’s identity” and it goes on to outline what will happen. In amendment No. 8 I propose to delete the words “refuses to” and substitute the words “does not”. My reason for doing so is that I believe the words “refuses to” are loaded. There is a judgment implied of the mother’s failure to reveal the father’s identity that signifies that there is something wilful, deliberate or negative about her failure to disclose his identity. In the interests of procedures running more smoothly, it would be better if the section was more neutral in the way it portrays the lack of revealing of the father’s identity.

The proposed amendment does not in any way change the substance or purpose of the section because it still requires that where the mother does not reveal the father’s identity, the accredited body must then counsel the mother on the various matters and if the mother continues not to reveal the identity, the accredited body must furnish the authority with a written report and so forth. The proposed amendment does not in any way change the steps that must be taken by the accredited body where the father’s identity is not revealed. It would simply insert more neutral language that is not condemnatory of the mother’s failure to disclose the name.

Clearly, there may be many reasons a mother might not wish or might not be able to disclose the identity of the father. It may be a lack of knowledge as to who he is. It may be a desire not to reveal his identity for many reasons, which are implied in other provisions of the Bill, where, for example, there has been violence in a relationship, where the conception is as a result of non-consensual intercourse and so on. There might be painful and difficult circumstances around the father’s identity, especially where mothers seek to give a child up for adoption, and there may be a very good reason for the mother not wishing to disclose the name of the father. The use of the language “refuses to” implies a judgment of that decision by the mother.

I will not labour the point in terms of the other amendments because it is fairly clear. Amendment No. 9 seeks to delete the words “in order to attempt to obtain her co-operation”. Again, that implies the mother is willfully not co-operating. That wording does not add anything in the sense that the purpose of the counselling is clear from the remainder of subsection (5)(a).

In amendment No. 10, I suggest that rather than the language “continues to refuse to” the use of language “does not” in terms of does not reveal the identify of the father. That language would be neutral as to why the mother is not revealing the identity of the father. In amendment No. 11, I propose the substitution of the word “assistance” for the word “co-operation” in subsection (6)(a). “Assistance of the mother” is a more positive term.

This exercise is all about trying to improve the process by which children are given up for adoption and to make it easier. It is a difficult process, particularly perhaps for the natural mother, and we must be mindful of and sensitive to that. That is why I suggest a more sensitive use of language in these provisions.

[Senator Ivana Bacik.]

Amendments Nos. 17 and 18 relate to section 30, which provides for necessary procedures to be put in place. As stated in the Bill, having gone through the necessary procedures with the accredited body, the authority will then dispense with consultation with the father where the identity is unknown. The same language of refuses to or is unable to reveal the father's identity is used in subsections (5) and (6). I suggest the use of the wording "does not" or "unable to" is a better and more sensitive use of language than the wording "refuses to".

I would be grateful if the Minister of State would indicate his willingness even to examine this issue of sensitivity in language. When we are dealing with a topic as difficult as adoption, it is useful to attempt to be as sensitive as we can be while maintaining the necessary substance of the relevant provisions. I would be grateful for the Minister of State's views in this respect.

Senator Feargal Quinn: I wish to add my words of support to Senator Bacik's words. This is not just a question of semantics or of use of words. Clearly, the word "refuses" has an insinuation of a determination not to whereas the words "does not" includes all the other reasons as well. In the case of amendments Nos. 8 and 10 the wording "does not" is much more moderate. It gets to the kernel of the topic. The word "refuses" has a different meaning and implies that the mother determines that although she apparently knows the identity, she refuses to reveal it. The words "does not" cover that. I urge the Minister of State to give serious consideration to accepting the proposed wording.

Senator Fidelma Healy Eames: I support Senator Bacik in her choice of words because, as I alluded to earlier, there may be cases where the mother does not know who the father is and the baby may have been conceived as a result of a very traumatic experience, be it rape or incest. The word "refuses" implies a lot that may only add to a great deal of pre-existing pain. Therefore, the words "does not" or "unable to" would be well-chosen words and I support their use.

Deputy Barry Andrews: I am inclined to accept the principle behind the amendments in regard to the words "refuses to" because we can do something on that and it is probably worthwhile to do so. The only caveat and reason I would not accept the amendments today is that I am concerned there may be an unintended consequence that mothers may be less inclined to reveal the identity of fathers. There is a possibility that they may opt instead not to do that more easily. As Members are aware, we are trying to guide ourselves on the principle of what is in the best interests of a child. It is obviously in the best interests of a child for many reasons that we would know the identity of the father. If Senator Bacik would withdraw her amendments, we might return to this issue.

However, in regard to the use of the word "co-operation" in amendments Nos. 9 and 11, I am not minded to accept that "co-operation" is a pejorative term and the section is improved by the substitution for it of the word "assistance". Co-operation has always been positive. While I accept it is an issue of language, I am satisfied that the co-operation of the mother is understood to be in the best interests of the child in those circumstances.

Senator Ivana Bacik: I am grateful to the Minister of State for indicating willingness to consider the matter and I will certainly not press it at this stage. I look forward to some constructive proposals on Report Stage. I would be very grateful if the term "refuses to" was removed as it is perhaps the most loaded term. I am grateful to my colleagues, Senators Quinn and Healy Eames for their support. I note that section 30(5) already includes the term "refuses or is unable to". That is not included in section 18(5), which is an interesting omission because it implies the only reason the mother does not disclose the name is that she refuses, which

clearly cannot be right. There would be many circumstances as envisaged in section 30 where the mother is simply unable to reveal the identity of the father. The term “refuses to” must be changed. I am glad that principle is acknowledged.

Co-operation is a less judgmental and loaded word. However, we need to consider the context in which it is used. I take the Minister of State’s point that generally to co-operate is positive. However, section 18(5)(a) uses the phrase “in order to attempt to obtain her co-operation,” which implies that she is not co-operating. I have a sense that is not the most sensitive or helpful phrase. I take the Minister of State’s point. Clearly one must guard against the unintended consequence that a mother is less likely to disclose the name of a father. My feeling, which I hope is right, is that there would always be a good reason for the mother not to disclose the name of the father. I do not believe that changing “refuses” would alter that. I do not believe it would encourage more women not to reveal the father’s identity. Clearly there are still many steps to be taken where the father’s identity is not revealed. It is not as easy a process and is more cumbersome. Therefore there are many built-in reasons for a person to reveal the father’s name if possible.

I note that both sections 18 and 30 contain procedures for statutory declaration where the mother is unable to identify the father. There are steps the mother must take and it is not as easy as simply not disclosing. Clearly the procedures that must be followed where there is no disclosure are more cumbersome than those where the mother names the father.

I am grateful to the Minister of State. I would like to see “refuses” removed. Some phrase that is not quite as loaded as “attempt to obtain her co-operation” would be useful because in its current context it implies that there is no co-operation. That is not helpful when we are trying to ensure the process is smoother and easier for everybody given that the process can only be a difficult process, especially for the natural mother. I am grateful for the Minister of State’s words and I will not press it at this stage.

Amendment, by leave, withdrawn.

Amendments Nos. 9 to 11, inclusive, not moved.

Section 18 agreed to.

SECTION 19.

Senator Alex White: I move amendment No. 12:

In page 24, line 12, after “consideration” to insert the following:

“, and it shall be presumed unless the contrary is shown that the welfare of the child is best promoted in the society of either or both of the child’s natural parents”.

The test that arises from the Supreme Court decision in *N and HSE* is material to the amendment and to section 19 in general. The notion of the welfare of the child is not a freestanding concept. There must be a presumption going with it. Is there to be or ought there be a presumption going with it that the welfare of a child is best promoted in the natural family unless the contrary is shown? I am not sure whether that is the case or whether that ought to be the case. I do not believe that the notion of the welfare of the child is undifferentiated or a freestanding concept. I would be interested to hear the response of the Minister of State on that matter. It is not possible to reduce welfare to simply a financial contest between natural parents and the conceivably more well-heeled or better-endowed financially adoptive parents. That is the basis upon which we propose to insert the words contained in the amendment.

Senator Ivana Bacik: I oppose this amendment which is not helpful. Section 19, as drafted, very importantly regards the welfare of the child as the first and paramount consideration, which is in keeping with our international obligations in terms of the rights of the child. To start to qualify or dilute that by creating presumptions would be unhelpful. Senator Alex White already referred to the baby Ann case. Unfortunately the constitutional presumption already requires that the marital family has certain rights over the child, which is not always conducive to the best interests of the child. There is a difficulty with that, which is why we have the current debate on the need to insert a constitutional amendment on the rights of the child. The judge with perhaps the most experience of child and family law, Ms Justice McGuinness, has made various comments that are pertinent. She supports the idea that the welfare of the child should be of first and paramount consideration, as we all should do.

Section 19 frames that correctly without any qualification or presumption. How can we say that the welfare of the child is best promoted in the society of either or both of the child's natural parents as a presumption? Certainly that would be the case for many children and, one would hope, for the majority of children. However, we need to be realistic. Children are not placed for adoption unless the natural mother, in particular, believes it is in the interests of the child that the child not be brought up with his or her natural mother and indeed sometimes with his or her natural father as well. For the courts trying to adjudicate on these matters and for the Health Service Executive trying to run the adoption procedure as best it can, it is vital to include the phrase "the welfare of the child as the first and paramount consideration" without qualification. Clearly welfare encompasses an entire range of different aspects. They are not just economic and financial but also emotional, psychological, spiritual and so on. We would certainly hope that most children would be brought up by their natural parents and that is not a problem. However, the Bill is not dealing with that majority of children but with children who are offered for adoption, which is a very different context. In that context it is vital the welfare of the child be the first and paramount consideration and that we do not dilute it with presumptions.

Senator Fidelma Healy Eames: I support Senator Bacik. I would like the section to stand without amendment. It is important to consider the welfare of the child without any qualification. When a child is placed for adoption only the child's welfare must count and not whether the birth mother is placing requirements etc. The welfare of the child is a very wholesome concept. It embodies all the aspects, including the physical, emotional, social and spiritual ones. That would also include the nurturing of the child's talents into the future as they emerge. In my experience of the adoption and assessment process I feel very confident that the authority places the welfare of the child at the centre. It is best to leave this without any qualification as it is stated in the Bill. I will also be opposing the amendment.

Senator Feargal Quinn: In supporting the amendment, I wish to make a point. Senators Healy Eames and Bacik made the point that the amendment clearly places the welfare of the child at the very top. The amendment states "unless the contrary is shown", which means the amendment has taken into account and recognised the very points made by those who believe the amendment should not be accepted. Given the choice, the amendment is in the interests of the child because it insists that unless the contrary is shown, the child should stay with its natural parents if that is at all possible. Because of the term, "unless the contrary is shown", I certainly support the amendment.

Deputy Barry Andrews: The position in general terms in the Constitution is that it is presumed the best interests of children are served in the marital family. We can debate that presumption all day in the context of the marital family and natural parents but that is not

really relevant to this matter. We are dealing with what considerations are to be taken into account during adoption proceedings. Naturally, adoption proceedings kick in when a natural parent presents a child for placement once all of the previous circumstances have been satisfied. It only kicks in when the adoption process has begun.

At that point, the presumption that is being suggested by the amendment, albeit a rebuttable presumption, carries the danger of skewing what, up to now, has served its purpose very well, namely, that the first and paramount consideration should be the child's best interest, and that at no point should a burden to disprove anything be placed on adoptive parents. It should simply be the case that if it is in the best interests of the child to stay with the adoptive parents, then so be it, and if it is in the best interests of the child to be returned to the natural parents, then so be it. That should be adjudicated freely in court and should depend on the circumstances arising in the case.

This has been the practice. As I am sure Senator Alex White is aware, the interest of the child is not just a financial matter and of course it encompasses the physical, moral, educational, spiritual and social interests of the child. That is the way in which the welfare of the child is taken into account.

Senator Alex White: I am interested to hear what the Minister of State and my colleagues have said in this regard. It is probably fair to say the substance of the proposed amendment more closely approximates to our law than the section as drafted. I understand the Minister of State's point as to its relevance in this section and, for that reason alone, I will not be pressing the amendment at this point. However, the Minister of State will know we are wrestling with these issues in the committee of which I am a member. There is some irony to the fact the content of the amendment as proposed by us is essentially the law, although the Minister of State says it is not relevant to have it included here — that is really the point he is making and I understand that point. While it is important to test this issue, as we will be doing in the next couple of months in the committee, I will not press the amendment at this point.

Senator Ivana Bacik: I do not believe the amendment does state the law at present. The law at present, as the Minister of State and I said, is that there is a constitutional presumption that the interests of the child are within the marital family but, in all other matters, while the constitutional preference for the family is there in Article 41, it is not necessarily with the natural parents. We must be mindful of the UN Convention on the Rights of the Child and our obligations thereunder to ensure the best interests of the child must take precedence in all matters concerning the child's welfare. Of course, that is in keeping with other legislation in terms of the Guardianship of Infants Act, which defines "welfare" very broadly in section 2, and while we do not have a definition here, we can take it "welfare" has a similar broad meaning in this Bill. It would be important not to qualify the consideration contained in section 19 that the welfare of the child should always be first and paramount in considering the making of an adoption order.

Amendment, by leave, withdrawn.

Senator Feargal Quinn: I move amendment No. 13:

In page 24, between lines 12 and 13, to insert the following subsection:

“(2) It shall be the duty of the Authority to obtain, where possible, the medical records of the biological parents of adopted children and to make such records duly available to the adopted children or their guardians through the HSE.”.

[Senator Feargal Quinn.]

This amendment arose from an approach from a person who I have known for 20 years. This man had been adopted at a very early age and had not met his birth mother until quite recently, certainly in the past ten years. He had always suffered from a particular illness. When he met his birth mother for the first time and was made welcome, he told her of this illness. She told him his father had the same illness and that she was sure this is where he had inherited it from. Had he and his medical advisers known this at an early stage, while the illness would not have been cured, it could have been delayed and restricted and he could have been helped a great deal.

It seems it is possible to help in this regard. I am not certain the amendment is totally accurate or capable of being enforced and, therefore, I included the term “where possible” because I assume it is not possible in many cases. In this case, however, and in many like it, it seems a shame the adopted child was unaware of the inherited illness when, had he known it, it would have been of great benefit.

I have also referred to the anonymity of the parents in order to protect them. While I am not sure if this is the ideal way to do this, I put forward the proposal because I believe it is worthy of consideration, which I hope the Minister of State will give it.

Senator Fidelma Healy Eames: I am happy to support the amendment. To be fair to current practice, social workers do try to establish medical history and while it has not been my experience in this country that they have supplied medical records of biological parents, they have certainly established medical history in anecdotal form. However, in the case of foreign adoption, I have, in my own case, been provided with medical records, which is very useful. Every family has a medical history. A child’s uncles and grandparents may have had a long line of heart disease, for example. Prevention is better than cure and a parent can adapt a lifestyle around that.

This is a very useful amendment. Senator Quinn has wisely inserted the words “where possible” because, of course, we do not want to slow down an adoption process or make it impossible to go ahead with it because the biological records of parents are not available. It is useful and I am keen to hear the Minister of State’s response.

Senator Ivana Bacik: It is a useful idea. I am not sure this is the best section in which to insert it given this is the section providing for the welfare of the child and, therefore, to include anything else in it seems to be a weakening or a detracting from that paramount consideration. However, it is useful idea to have some sort of duty, be it in statute or guidelines, that the authority would, where possible, make available medical records of biological parents. I would be interested to know whether there is currently a policy whereby such records are made available as a matter of routine, where they are available — I can imagine there are many cases where they are simply not available.

Deputy Barry Andrews: It is a very well-intentioned amendment. To identify genetic illnesses at the earliest possible time in a child’s life can have an amazing impact on the treatment and even the life expectancy of a child — that goes without saying. However, I am not inclined to accept the amendment for two reasons. One is that the health information Bill will deal with some of the issues. There are issues concerning whether one can access medical records of one’s parents in the normal course of events, apart from adoption — for example, I cannot access my parent’s medical records. That is a legal difficulty which would have to be overcome. It is a legal principle that persons are entitled to confidentiality in respect of medical records. However, I understand the health information Bill will build on existing data protection legis-

lation which gives effect to the EU directive on data protection. The principles of this are well established nationally, especially in the case of what is termed sensitive personal information and personal health information. This obviously falls into the category contemplated by Senator Quinn and those legal difficulties must be overcome. Nevertheless, as Senator Healy Eames rightly pointed out, in the process of placing a child for adoption medical histories are obtained where possible. In practice, therefore, this happens already. Part of the work done with birth mothers concerns the relinquishing of this information. We already had this discussion with regard to cases in which a mother refuses to identify the father. Clearly we wish to calibrate this in such a way as to balance the rights of mothers and fathers with the need to get sensitive medical information that may help the child in the treatment of any genetically inherited illness.

Both in practice and in statute we have the right balance. However, I believe this will be visited on a statutory basis when the health information Bill comes before both Houses.

Senator Feargal Quinn: I thank the Minister of State. I understand the point he makes. I agree with Senator Bacik. I am not certain this is the right place to put it. I believe the objective I sought in this amendment is understood and if it is possible to cover it in the health information Bill, that will solve the problem.

Senator Healy Eames made the point that the supply of information usually happens in any event and it may not necessarily be required to include it in legislation. However, I urge the Minister of State to consider the matter and ensure it is passed on to those who are putting together the health information Bill on the basis that it would solve a problem that exists. Such a measure would help those who have experienced such problems. I will not press the amendment. I believe the Minister of State understands the objective and I hope we will achieve something.

Amendment, by leave, withdrawn.

Section 19 agreed to.

Section 20 agreed to.

SECTION 21.

Amendment No. 14 not moved.

Section 21 agreed to.

Sections 22 to 25, inclusive, agreed to.

SECTION 26.

Acting Chairman: Amendment No.15 was discussed with amendment No. 4. Does Senator White wish to press that amendment?

Senator Alex White: No.

Amendment No. 15 not moved.

Section 26 agreed to.

Sections 27 to 29, inclusive, agreed to.

SECTION 30.

Acting Chairman: Amendment No. 16 was discussed with amendment No. 4. Does Senator White wish to press that amendment?

Senator Alex White: No.

Amendment No. 16 not moved.

Acting Chairman: Amendments No. 17 and 18 were discussed with amendment No. 8. Does Senator Bacik wish to press those amendments?

Senator Ivana Bacik: No.

Amendments Nos. 17 and 18 not moved.

Senator Fidelma Healy Eames: I seek clarification. Senator Bacik is not pressing this amendment. Can we expect to see it adopted in some manner in the next draft of the Bill?

Deputy Barry Andrews: I have indicated I am sympathetic to the change in language as proposed by Senator Bacik.

Senator Fidelma Healy Eames: That is good.

Senator Ivana Bacik: I thank the Minister of State for that clarification.

Section 30 agreed to.

NEW SECTION.

Acting Chairman: Amendments Nos. 19 and 44 are related and may be discussed together by agreement.

Senator Frances Fitzgerald: I move amendment No. 19:

In page 28, before section 31, to insert the following new section:

“31.—(1) In this section, “a contact order” means an order requiring the person with whom a child lives, or is to live, to allow the child to visit or stay with the person named in the order, or for that person and the child otherwise to have contact with each other.

(2) Where the father is consulted under *section 30 (3)* of this Act, the Court may make a contact order in favour of the father, on such terms as the Court may see fit.”.

On Second Stage we mentioned the concept of open adoption and asked the Minister of State how legislation might deal with that and what his view was in terms of the legislation required. We suggest a new section here in respect of the definition of a contact order. In addition, in paragraph (2) of the amendment we suggest that where the father is consulted, as under section 33 of this Bill, the court can make a contact order in favour of the father on such terms as the court sees fit. This amendment attempts to deal with situations of open adoption where, potentially, there would be ongoing contact such as is prevalent now in many countries, including Ireland.

Senator Ivana Bacik: I support this amendment. There are instances where the finality of an adoption order may not be appropriate. On Second Stage, I argued that it might be a good idea to provide for special guardianship in this Bill or in other legislation. This is a mechanism

provided for in section 115 of the UK Adoption and Children Act 2002. It gives long-term foster carers an additional legal status *vis-à-vis* the child who has been in their care for some time but in respect of whom an adoption order may not be appropriate. Senator Fitzgerald's amendment seeks to do something similar by ensuring there can be some ongoing contact even when an adoption order has been made.

A special guardianship procedure would be an alternative route. It would allow foster parents to have a special guardianship of a child but does not amount to a full adoption order in respect of the child. The child does not terminate his or her rights in respect of the natural parents. In some cases, that may be better for the child and for all concerned. I raised that issue on Second Stage but the Minister of State did not respond at that time. The previous Minister of State with responsibility for children consulted widely about special guardianship because of the mechanism used in Britain. Will the Minister offer his view on this? It is not directly to the point of this amendment but seeks to do something similar, namely, to offer something other than the finality of an adoption order, which seems to be the system we have currently. Might there be a better way to ensure some ongoing contact, even in cases where an adoption order has been made? Might there be an alternative to making an adoption order in some cases, for example, where long-term foster carers have been caring for a child who has ongoing contact with his or her natural parents and does not wish to sever that contact?

Deputy Barry Andrews: This amendment envisages a hybrid between fostering and adoption, a legislative halfway house. As Senator Bacik pointed out, previous Ministers of State with responsibility for children have, to an extent, investigated the matter. We may return to it but not in the context of adoption. Fostering arises out of child care concerns, as opposed to adoption, which is the creation of the same family tie that exists between a natural parent and a child. It is the recreation of that, on foot of the Adoption Bill and all the procedures contained therein. Fostering, on the other hand, arises from an order made, voluntarily or otherwise, under the Child Care Act 1991.

In Ireland we have a set principle that reflects the principles in the Hague Convention, namely, we prefer full adoptions because of constitutional provisions concerning the protection of the family. The Bill in its provisions allows for the conversion of simple adoption — the type of open adoption to which the Senator refers — into full adoption. I am not against the idea of an enhanced guardianship or a suite of rights for foster parents which would — I will be careful in my choice of words — improve the fostering relationship between parent and child and obviously in the best interests of the child. Recent legislation and child care legislation has given to foster parents the right to consent to medical procedures and to apply for a passport for a foster child. These are the kind of rights I have in mind and on which we can make progress. However, this would be under the heading of child care rather than under the heading of adoption. Under adoption we create a full adoption which gives to the adoptive parents and the child that same relationship as between natural parents and children in this country so, therefore, I am not inclined to accept the amendment.

Senator Alex White: I understand the point being made by the Minister of State about the meaning and the finality of an adoption order and the bundle of legal rights that are associated with it. One could argue that one cannot have a halfway house and that it is either adoption or it is not and there has to be certainty about it. This is what section 58 touches upon and to which my amendment No. 44 relates.

I understand very well the argument made by the Minister of State and the context in which he makes it. However, Senator Frances Fitzgerald's amendment has merit and I also draw the Minister of State's attention to my amendment No. 44 which I accept would constitute a very radical proposal in the context of the law as we know it and as has been described correctly by

[Senator Alex White.]

him. However, if one considers the current situation, in the case of a non-adopted child the position is that any relative or person who is acting *in loco parentis* to that child can apply for access to the child. That person may not have an automatic entitlement to obtain access but can apply none the less. The natural or even the married parents do not have an entitlement to absolute control over access. This is our law as I understand it and I am open to correction if I am mistaken. Why should that situation be changed so fundamentally and so utterly in the case of an adoption order?

In the case of a natural mother who cannot cope with the child, for instance, due to drug addiction or some other issue and the child is adopted, why cannot we at least explore or examine a bit further how a court might be able to afford her some small amount of access from time to time in the circumstances, without prejudice to the rights of the adopting parents who have all of the normal parental rights and duties as the Act makes clear and as the law currently states?

The idea that an adoption order must terminate all pre-existing relationships in that very harsh manner that it would appear to do, seems to be almost a kind of throwback to an earlier era of how we understand what adoption can offer and what is adoption.

Is there space or grounds here for the Minister of State to look at whether it has to be so black and white and such a final either-or situation? I know there are constitutional contexts to this and the Minister of State might well say the effect of this amendment would be unconstitutional but the old section 11(b) of the 1964 Act would seem to me to be unconstitutional for the same reasons if that were the case.

I do not expect the Minister of State to embrace this issue on his feet in the House but I appeal to him and ask that he might give it some further consideration. I acknowledge this is excellent and important legislation and there has been significant work on it. If we are ever to address this issue this is the only time when we can realistically address it. I do not claim to have the solution to the problem but it seems to me that this window between now and Report Stage might offer the opportunity for it to be considered once and for all.

Senator Frances Fitzgerald: Adoption practice is changing quite dramatically and there is the concept of open and closed adoption. The Minister of State in his response is speaking about a closed adoption system whereas the truth is that practice has gone ahead of—

Deputy Barry Andrews: I was referring to full adoption.

Senator Frances Fitzgerald: We will say full adoption. My point is that practice has gone beyond this in the sense that many adoption agencies and those working with mothers would set up a situation where birthday cards and letters and photographs are sent to the natural mother and significant events are recorded for her in letters. This is the practice and there are also examples of actual contact between natural mother and child, by agreement. The practice is ahead of what the Minister of State describes and there is scope for the law to reflect this and to formalise it. I ask the Minister of State to examine this issue. I understand there may well be constitutional issues but I ask that he examine it and see if there is scope and if it is constitutional for the Bill to include some recognition of this reality and some provision that would address it.

Senator Fidelma Healy Eames: With respect to my colleague's views, I have some difficulty with this amendment. I see merit in a suite of options being made available to adoptive parents and adopted children in both full and open adoption. I have no difficulty with the exchange of photographs and information updates on a birthday basis as this is quite normal. When birth

mothers and adoptive parents meet, they often agree to do this for six or seven years or whatever. However, the issue of visits is quite something else and I say this, bearing in mind the interest of the child. We need to be very careful about the growth and development of the child and the confusion that can arise around identity. I am completely supportive of the child knowing from day one that he or she is adopted and knowing his or her rights, the right at 18 to search and to trace and to be supported. It is always very useful when the birth mother or parents have had an opportunity to meet the adoptive parents and this is discussed before the adoption is finalised. In the UK, open adoption is quite common but I would like to know more about the outcomes of this policy and the research showing how good this policy is for the child. The most important aspect must be the welfare of the child.

I acknowledge there will be exceptions where a birth mother may have difficulty raising her child and where a birth mother, in all sincerity, is not able to agree to full adoption for her child. In that case, open adoption may make it easier and it would serve the child well.

The teenage years are tough years for some adopted children. Every teenager has difficulties coming to grips with themselves, with puberty and with his or her own development. When the meeting of a birth mother or father is put on top of that, it is quite something. I would wait until the child is 18 and I wish to add that to the pot of the discussion.

Deputy Barry Andrews: A national contact preference register was established in 2005 and this gives adopted children and natural parents an opportunity to put out feelers for contact. A court order is a dangerous precedent. There could be a frustrated father who objected to the placement or who challenged the consent being dispensed with in the High Court and who could be making applications for contact orders or applications as envisaged under amendment No. 44. This would cause upheaval for a child. As Senator Healy Eames said, it is already traumatic enough for a teenager. Many of them ask “Why me?” regardless of the difficulties associated with adoption and the greater problems associated with court applications in relation to contact that may not be welcome. That concern must be considered in this amendment.

There is a finality to Irish adoption. It would be a major change in policy to move towards the open adoption system. Section 58 of the Bill explains the position. It states:

Upon an adoption order being made, or the recognition under this Act of an intercountry adoption effected outside the State—

(a) the child concerned shall be considered, with regard to the rights and duties of parents and children in relation to each other, as the child of the adopters born to them in lawful wedlock...

Obviously consequential amendments would have to be made if we were to accept the amendments proposed. Apart from that, it is probably unconstitutional as well. On the example of the mother struggling with alcohol addiction, it was suggested that an adoption should be open so that the mother could have some contact, but fostering is supposed to, and does in most cases, deal with a situation where a mother, suffering from a temporary impairment, is not in a position to mind a child. Fostering allows contact in the normal way, with the opportunity, if the mother is able to restore herself to full capacity, to renew her relationship fully with the child.

We must stay within the parameters of full adoption. We must accept that we are setting minimum standards here. We have a full adoption system and I do not believe it is in the best interest of a child that an application could be made as envisaged here. The contact register is the appropriate way. There are other sections in the Bill which refer to the voice of the child

[Deputy Barry Andrews.]

being heard if he or she is over a certain age and where appropriate. That is safeguarded in the Bill also.

Amendment, by leave, withdrawn.

Section 31 agreed to.

SECTION 32.

Question proposed: “That section 32 stand part of the Bill.”

Senator Ivana Bacik: I am glad of the opportunity to address the House on this section as I flagged this issue on Second Stage. I believe that section 32 adds nothing to, and indeed is in conflict with the Bill. It seems to be in conflict with our international obligations to regard the welfare of the child as the first and paramount consideration. This section is, effectively, a relic of our past. It relates to a time, as the Minister of State will be well aware, when historically adoptions were run by religious bodies, the churches and their societies. Prior to the Adoption Act 1952 an *ad hoc* arrangement operated, with the different religious bodies controlling orphanages and deciding who gave children up for adoption. Geoffrey Shannon’s excellent book on child law, *Children and the Law*, 2001, gives a brief account of it in terms of the churches involvement in the placement of children for adoption with, again, always the consideration that they be placed with adoptive parents of the same religion as the birth parents. I believe I am permitted to quote once I attribute the source. There is one line in Geoffrey Shannon’s book which it is useful to quote as we debate this issue. He talks about the churches fearing that adoption would be used as a vehicle for changing the child’s religion and it was therefore necessary to assuage such concerns in the 1952 Act.

We have moved on from that. The Minister of State responded on Second Stage that the provisions have changed from the original provisions of the 1952 Act. That is right — I checked it — but of course the current provision in section 4 of the Adoption Act 1974 is really what section 32 would propose to restate, namely, that prospective adoptive parents, birth parents and child must all be of the same religion, unless the birth parents, knowing in advance the religious persuasion of the adoptive parents, have waived this requirement. Married couples of mixed faith can adopt provided birth parents consent to the placing of the child with them.

Restating the current position with section 32 can no longer be justified in Ireland 2009, a country of increasing pluralism and diversity in religion. Even to speak of “mixed marriages” betrays a mindset that is living in a distant past, when religious organisations and the churches had immense power in Ireland. I believe they still have too much power, but clearly nothing like they did. A provision that reiterates the current law from 1974 and previously in 1952, to the effect that an adoption shall not be made unless the child’s parents and the prospective adoptive parents are of the same religion, is to restate a presumption in section 32. The Minister of State is right in saying that this presumption may be rebutted and that the condition may be waived where everybody consents to this, but why is it inserted in the legislation? Why is religion seen to be a pre-eminent issue where, for example, we do not have ethnicity, nationality or geographical area? Presumably for many birth mothers nowadays the issue of where the child is to be placed, geographically, in a city, town or village, for example, is of much greater concern than the issue of religion or lack of religion because of course the prospective adopters may not have any religious persuasion. They may be atheists or agnostic. Why should religion be pre-eminent in this manner?

In Britain, as the Minister of State will be aware, there have been a great many issues relating to ethnicity and children being adopted by parents of similar ethnicity to the birth parents.

There is a great deal of sensitivity around that subject in Britain. That is equally so around religion and I am not saying it should not be a factor, it should, but just one of the factors, with ethnicity, nationality and geographic area in terms of whether prospective adopters are urban or rural dwellers and so on. There are a number of factors which the adoption authority must take into account. In restating the pre-eminent position of religion in section 32, we are creating a provision that is directly in conflict with our stated and very welcome consideration in section 19 that the welfare of the child should be first and paramount. Why should anything else have the status of a presumption when an adoption order is being considered.

That is a relic of the past and we no longer need to include this section. Clearly, religion can be something which adoption bodies will look at as one of the many factors to be taken into account in deciding whether an adoption order is in the best interests of a child. I feel very strongly that this is something we should look at again in 2009 as it is no longer appropriate. I know the history and have tried to give a brief outline in that regard. However, I do not believe that history justifies the continuance of this provision in the Bill or that it is in the interests of the child.

Senator Alex White: I, too, question why this section is in the Bill. Its inclusion must be justified, rather than arguing for its removal. Why is it here? Certainly, it seems to jar with the main substances of the legislation. Is it some type of postscript, a genuflection, as it were, in the direction of religion? Without having heard the Minister of State on this, there seems to be no real reason for its inclusion from the viewpoint of making legislation and dealing with the complex question of adoption. No doubt, religion, race, nationality, ethnicity and so on are questions which the authority, in making orders, will have to consider. These are areas that are worth considering in any event.

I find myself in full agreement with Senator Bacik's questioning the privileged position of religion. Why has religion its own section in the Bill? What about all the other characteristics that might well enter into the equation, given the differences or sensitivities that might arise between different groups? Why does religion have its own section in this way? What is the purpose that we are seeking to achieve? What are we seeking to protect by including it here in this essentially privileged manner? I support the arguments made and I oppose the section.

Senator Fidelma Healy Eames: I support my two colleagues and question the purpose of this section. If the birth mother must know and consent to the religion of the family to which the child is going, it could prevent many adoptions taking place.

I refer to inter-country adoptions. In some countries, the child must be technically abandoned. I am familiar with cases where children are left at dumpsters. For a mother to technically abandon her child for him or her to be put up for adoption, it would put an extra block in place if we were to bring religion into it.

I am keen to hear why religion is more important than colour and ethnicity. One would have to question whether this is helpful at this point in the adoption journey given that it is far bigger than this country. Irish families adopt 400 children from other countries annually. I look forward to hearing the Minister of State's justification for this section.

Deputy Barry Andrews: We would not have moved forward if this provision had tried to protect one religion over another. It does not. It is simply a reflection that for many people, religion is very important. As a State, we accept that. I do not believe ethnicity is as important and it would be wrong for the State to support that. I do not believe one's race is as important and that the State should serve to protect that in its policies. However, if a person is very religious, he or she is entitled to the protection and recognition of his or her religious views in

[Deputy Barry Andrews.]

State policy from time to time. A person is entitled to protection to be allowed to practice his or her religion in all its forms. I do not believe anybody in this Chamber would dispute that.

Rather than block adoptions, this tries to ensure consent is fully informed. If a person has no objection, the child could be adopted by a family of a different faith. The person could waive any objection to that. It is simply to protect against any difficulties which might arise later on. If one has a daughter and is placing her for adoption into a religion which might not be as favourable towards women as other religions, one may wish to reflect on that at the time of placement for adoption. It would be too late afterwards if we did not allow that to happen. Those are the considerations contemplated.

I accept that in 1974, when this was included, they were not the considerations and that there were others. They were afraid of proselytising, conversion and those types of things but we have moved on and we do not favour one religion over another. However, we insist that a person's right to practice his or her faith should be reflected from time to time. I would not compare it to a person's right to the protection of race or ethnicity.

Senator Ivana Bacik: I thank the Minister of State for his response. I believe he somewhat misunderstood the point Senators Alex White and Healy Eames and I made in terms of race, ethnicity, nationality and so on. There is very advanced literature on, and practice in, Britain, in particular, about the criteria to be taken into account in the placement of children with appropriate adoptive parents and all the factors an adoptive agency must look at in terms of an appropriate placement. Those factors include the relevant ethnicity of the child and the prospective adopters and the location in which the adoptive parents live, just as the nature of the home which the adoptive parents have to offer would be looked at, as indeed would their religion.

Senator Alex White put it correctly that this section privileges religion over all of those other considerations a reputable and good adoption authority must take into account in making a decision about the placement of a child with adoptive parents. All those factors must be looked at in the round, including the religion of the prospective adopters. Clearly, where the birth mother has a particular preference because perhaps she is of a particular religion or has an aversion to a particular religion, then the adoption authority if it is at all reputable, and ours are, must have regard to those wishes of the birth mother.

Our objection to this section is that it privileges religion over all the other considerations while at the same time, it does not refer in any way to the wishes of the birth mother in respect of where she might like the child to be brought up, whether in Dublin or Cork, for example, or whether she might like the child to be brought up by parents of a particular ethnicity or nationality. In privileging one consideration, it demotes all others or simply disregards them. That cannot be right when the authority must have regard to the best interests and welfare of the child.

This provision goes well beyond accommodating the entitlement of every one of us to have our own religious views or not to have religious views at all and it privileges religion. It also goes further by assuming that everyone has a religion. As an atheist, I take exception to that. Does it mean prospective adopters who are not religious may be disadvantaged in some way? There is a presumption that persons who are adopting are of a particular religion. That is problematic.

The Minister of State referred to 1974. He is quite right that in 1974 there would have been very different concerns about including a section such as this but it is 35 years later and things have moved on. Central Statistics Office figures on religious beliefs and affiliations clearly show us that times have changed in Ireland, that we are becoming more pluralist and more tolerant

and that religion no longer has that privileged place in our society. That is quite right and proper.

There is a constructive way to move forward on this and I would like the Minister of State to intimate that he might consider it. I suggest an alternative provision which would address his concern about a birth mother's concerns about religion but which would take on board the suggestions we have made. The provision might state that "where possible, the authority shall seek to accommodate the wishes of the birth mother with respect to". One could include religion there as one of the factors to which the authority would have regard in making an adoption order. In that way, that is accommodating somebody who has a very strong view that she would like her child to be brought up in a particular religion while at the same time not creating this very problematic presumption that the child will be adopted by persons of the same religion as the mother.

Senator Healy Eames raised a relevant point. I read section 20 a number of times and it seems nonsensical if it also applies to inter-country adoptions. Perhaps the Minister of State will clarify that. If a child is from Vietnam, Russia or China, it will be very difficult to comply with this presumption because the religious affiliations would be very different. There may be no majority religion in some of the countries from which people are adopting. It is nonsensical in that case. It makes a farce of the provision in the first instance.

We are debating in a legal vacuum but we all know that the majority of people adopting in Ireland are doing so from abroad. The provision is nonsensical to that extent because I do not see how it can be implemented in inter-country adoptions in any real way and it does not take account of changes in Ireland 35 years on. It privileges religion and it assumes that all of us have a religion. It somehow implies that persons who wish to adopt may be disadvantaged in some way if they are not of a religion. For all those reasons, I urge the Minister of State to accept the constructive criticism of this section and perhaps look at some alternative which might accommodate birth mothers' wishes in respect of religion and other factors too.

Senator Alex White: On the final point made by Senator Bacik, I would like the Minister of State to comment on the question of its application in the context of inter-country adoptions. In looking at the Bill again perhaps I am missing something in terms of where the matter appears. Section 32 covers religion. Does it have equal application to inter-country adoptions? How on earth is it suggested it could have any practical value or application in those circumstances, as touched on by Senator Bacik?

The Minister of State's justification of the section in the context of the rights of people to pursue their religious views or practise their religion is not really convincing. Of course people have the right to religious views and to practise their religion. To remove section 32 would not remotely undermine either of those rights. How could it conceivably affect people's rights to have a religious view or practise their religion?

It is problematic in the case of an adoption where a child is to be adopted and the natural mother takes an interest in the destination of the child. Religion is one aspect which would enter her mind. Listening to the debate, I find it problematic. I do not agree that included in a person's right to practise his or her religion or in the State's vindication of that right is a veto on the question of religion. I know this is a different area but I find it problematic. I do not think removing section 32 remotely undermines one's right to practise religion or hold religious views and I find it singularly unconvincing as a justification for the section.

Deputy Barry Andrews: To distinguish the right of a person to practise his or her religion from the other points made on race, nationality and ethnicity, perhaps I misinterpreted what was said in that regard and if so, that was not my intention. Regarding what Senator Bacik

[Deputy Barry Andrews.]

said, the existing section states “the religion (if any) of the applicant or each of the applicants, if they are a married couple”. It has been pointed out to me that perhaps there should be an amendment to the effect that where the section states “are not all of the same religion” we could include “if any” in that regard.

I stand over the views I expressed. We are trying to anticipate any dangers which may arise where consent would be challenged. We are trying to avoid that possibility. We are not trying to privilege religion over other considerations. We are trying to acknowledge the fact that people feel very strongly about religion. It is not the same as the other criteria we have outlined. It justifies the section as proposed.

There may be a reluctance to adopt into specific religions, whether Jehovah’s Witnesses or other religions which have restricted rights within their frame of beliefs. It is probably right and proper that a parent has full knowledge of that at the time of making consent. It is a situation we seek to avoid in this section.

Senator Ivana Bacik: I do not want to prolong the debate unnecessarily. I am glad the Minister of State has acknowledged there should be some amendment to the section. I agree that to include “if any” in the first line addresses the point I raised, which is that the section assumes everyone is of a particular religion. However, it does not really address the fundamental issue I have with the provision, which issue Senators Alex White and Healy Eames have supported.

From what the Minister of State has said, I do not hear any real justification for the continued inclusion of this section. It is privileging religion. There is no doubt about that. The concerns the Minister of State expresses could as easily be addressed, and in a much better way, by simply having a provision stating that the wishes of the birth mother with respect to the religion of prospective adopters would be respected. That should be the presumption rather than making the presumption that they all be of the same religion.

The other approach is a better, more inclusive one and still acknowledges the important role religion has. There are other factors in today’s Ireland which will be of equal concern to a birth mother and to any women going through the dreadfully traumatic experience of giving a child up for adoption. The main concern she will always have is that the child will be well looked after. This section is in conflict with that. How can we make a presumption that everyone is of the same religion and that is automatically in the best interests of the child? There are parents seeking to adopt with whom the child may be best placed and who have no religion. Those issues have all been raised already.

I would like to hear what the Minister of State has to say about my suggested alternative, which he did not address. It involved making an alternative provision stating that the wishes of the birth mother with respect to religion would be respected. I have not worded it very well but I will come up with something better on Report Stage. The Minister of State takes the point and perhaps he will comment on whether that would be a possible alternative route which would address the problems raised but would not make this very problematic assumption about religion.

Deputy Barry Andrews: I would have to see an amendment before I could comment on whether it would be accepted.

Senator Ivana Bacik: The Minister of State could draft a similar amendment himself.

Deputy Barry Andrews: I am not inclined to accept the amendment proposed by Senator Bacik.

Senator Fidelma Healy Eames: The difficulty with the way the section is framed is that it could be another blocking mechanism to enabling a mother to have her child adopted. There are so many other considerations that this is very last thing a mother needs. If the mother needs a parent of a particular religion to adopt her child it may not be the best parent for the child's broader needs. It could really slow down the process. I did not hear the Minister of State's clarification to Senator Bacik. Does this also apply to inter-country adoption?

Deputy Barry Andrews: I did not address that issue. Senator Healy Eames pointed out that some inter-country adoptions arise from the abandonment of a child and obviously there is no opportunity in those circumstances for the natural mother of the child to give an opinion. In inter-country adoptions, a mother will be counselled on all these issues, such as where the child will be placed for adoption. What was the previous point made by Senator Healy Eames?

Senator Fidelma Healy Eames: I mentioned that having this section in the Bill could slow down adoption.

Deputy Barry Andrews: It is a right for the natural mother rather than anything else. I do not see how it could fetter the natural mother in placing a child for adoption.

Senator Fidelma Healy Eames: A natural mother may have a desire to have her child adopted into a particular religion. I accept that could be something a natural mother would wish for. However, it will not be her sole consideration. She will have many other needs for the child. If one puts the issue of religion on top of her other requests, one may be very slow to find a suitable adoptive parent. I know this for a fact because some birth parents come with quite a list of requirements.

Deputy Barry Andrews: If the consent is not informed, one will not have an adoption. If a mother or father who is placing a child for adoption has a list of requirements, there will be no adoption until the list is complied with. There must be fully informed consent.

Senator Fidelma Healy Eames: I accept that consent should be fully informed.

Deputy Barry Andrews: One must ensure that is done. It is something which has tried to be captured in the amendment so the mother is fully aware and is entitled to assert her right to ensure this issue is respected. I would stand over the proposed section.

Senator Fidelma Healy Eames: I am supportive of the mother's right to be informed, as her consent should be informed. Medical records can be attained without there being a legal requirement. Establishing a religion can be done in much the same way. Including it as a major section could lead to its becoming a blocking mechanism, a new hindrance to a child getting—

Deputy Barry Andrews: It is not new.

Senator Fidelma Healy Eames: I appreciate that point. Given that we are trying to be current and to plan for the next 20 years with this Bill, will the Minister of State consider this matter before Report Stage?

Deputy Barry Andrews: It is less and less of a significant section due to the Senators' points. The section will not block adoptions in practice. Rather, it will ensure that adoptions will not run foul of subsequent withdrawals of consent because of placements with religions that do not suit or had not been brought to the attention of the natural mother or father. The section seeks to avoid that situation. It will not lead to any injustice. Rather, it is to the benefit of the legislation.

Senator Ivana Bacik: I would like clarification, as I did not hear the Minister of State's response to the question asked by Senator Alex White and I on whether section 32 applies to intercountry adoptions. The answer is unclear from reading section 20.

Deputy Barry Andrews: It applies to intercountry adoptions.

Senator Ivana Bacik: That confirms our points. Is the Minister of State saying that the section applies to all intercountry adoptions?

Deputy Barry Andrews: I must clarify the point, given the different opinions on it. I must give the Senators a more complete answer on Report Stage.

Senator Ivana Bacik: I would be grateful for that. I hope that the Minister of State will accept an amendment to the effect that adoptive parents might not have a religion. The section is nonsensical if it applies to intercountry adoptions, which form the bulk of adoptions. How can we presume that a child born in Vietnam to Vietnamese parents of the state religion will be of the same religion as the adoptive Irish parents? This is just one example.

Deputy Barry Andrews: I must revert to the Senators on Report Stage.

Acting Chairman (Senator Fiona O'Malley): Is the Minister of State reverting to the section on Report Stage?

Deputy Barry Andrews: Yes.

Senator Ivana Bacik: We reserve the right to discuss it on Report Stage.

Question put and agreed to.

SECTION 33.

Senator Alex White: I move amendment No. 20:

In page 29, subsection (1), between lines 38 and 39, to insert the following:

“(b) The applicants are a couple of the same sex over 21 years of age who can demonstrate that they have been living together within the jurisdiction for not less than two years and who have demonstrated to the appropriate authorities under this legislation that they are fit persons to adopt.”.

This is Senator Norris's amendment.

Deputy Barry Andrews: It has already been dealt with.

Senator Alex White: I will support the amendment, as Senator Norris is not in attendance.

Senator Ivana Bacik: During the debate on our amendments, amendments Nos. 3 and 20, Senator Norris and I stated that we would table a composite amendment on Report Stage. With this in mind, it is not proposed to press the amendment.

Amendment, by leave, withdrawn.

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

Senator Ivana Bacik: I move amendment No. 21:

In page 30, subsection (4)(a), line 26, to delete “21” and substitute “18”.

The age of 21 is inserted in section 33 as the youngest age at which a person may be considered as an adoptive parent in a domestic or intercountry adoption. It struck me as discriminatory towards younger people. I do not know why 18 years cannot be the age. In practice, it is unlikely that anyone of 18, 19, 20, 21 or 22 years of age will seek to adopt, but I do not understand 21 years as the lower age limit, particularly given the fact that we do not have an upper age limit. Adoption practice is to have a *de facto* upper age beyond which people cannot adopt, although other Senators know more about this than me. Why should we set a *de jure* lower age that is above the age of majority? Obviously, 18 years should be the lowest age and I am not proposing a reduction. We have changed 21 years of age for 18 years of age in most other laws.

Deputy Barry Andrews: The measure is to ensure a reasonable degree of maturity in adoption applicants. Different age limits are applied in other areas, such as the age of consent, voting and so on. In this case, the age limit allows applicants a reasonable opportunity to evaluate their readiness for the procedures involved, which everyone knows to be complex. If we are guided by the best interests of children, it is in their best interests to provide for a reasonable degree of maturity in the Bill. The lower age limit of 21 years provides the right balance while ensuring that adoption is available to young people. While one can marry at 18 years of age and have children in the normal way, a few more years would strike a reasonable balance in the adoption application process.

Senator Ivana Bacik: The authority must be capable of ensuring that the adoptive parents are of the appropriate level of maturity, but 21 does not add much to 18. We believe that people of 18 years of age are mature enough to marry, vote, drive and do just about everything else. It is the general age of majority, although 17 is the age of consent. I do not know why we are discriminating for adoption.

I can imagine situations in which the age limit of 21 years would be problematic. For example, if a young person with a serious illness wishes to adopt his or her partner’s biological child, the limit could lead to some injustice. I will not labour the point, but will the Minister of State reconsider the amendment?

Deputy Barry Andrews: I am not inclined to accept the amendment.

Amendment, by leave, withdrawn.

Amendment No. 22 not moved.

Section 33 agreed to.

SECTION 34.

Acting Chairman: Amendments Nos. 23 and 24 are related and will be discussed together by agreement. Is that agreed? Agreed.

Senator Alex White: I move amendment No. 23:

In page 31, line 1, to delete “The” and substitute the following:

“Save in the case of an application by a natural parent or relative of the child, the”.

[Senator Alex White.]

Section 34 addresses persons suitable for adoption or for the recognition of an intercountry adoption effected outside the State and sets out a number of tests. The amendment is intended to make an exception in respect of applications by a natural parent or relative of the child.

A strong argument can be made that the rigorous tests, which are included in section 34 for a good reason, are not appropriate to an application by a parent or relative in some respects. For example, section 34(c) refers to having “adequate financial means to support the child”. Essentially, were Members to retain this section as drawn up at present, they would be declaring that an unmarried mother or father of his or her own child could not become an adopter because he or she lacked the financial means or had no money. Similarly, Members should consider the reference to age in section 34(b). Is it their intention to specify that grandparents will not be able to adopt a grandchild because of the age of the former? I suggest, by means of this amendment, that more sensitive tests are required in the circumstances of a proposed adoption by parents or relatives, as opposed to those by unconnected third parties or other parties.

As for amendment No. 24, instead of “each”, it proposes to include the word, “either”. Essentially, this pertains to the qualifications on who is suitable to adopt. It is based on the argument that the qualification on who is suitable to adopt places an unreasonable requirement on applicants. This is an attempt to modify it a little by stressing, “either”, rather than “each”, in respect of their ability to parent, if this makes sense to the Minister of State. It modifies the qualification a little and makes it somewhat less of a burden. This certainly is the view of the International Adoption Association, which has been communicated to me.

Senator Ivana Bacik: While the amendment seeks to make a sensible change, I would be somewhat cautious about diluting the need for the authority to have regard always to the welfare of the child as being first and paramount. I have a slight concern, particularly in respect of amendment No. 24, that it implies a watering down of the tests required. I can see that the tests could be fulfilled much more quickly in respect of a natural parent or relative who was seeking to adopt. However, all Members are still highly conscious of the dreadful abuses that occur within natural families and I can imagine that an authority must still be satisfied of certain basic considerations pertaining to the child’s welfare before it could give its recognition to an adoption order or an inter-country adoption. This also applies to intercountry adoptions.

I note that section 34(b)(v) contains a requirement for the authority to be satisfied as to the prospective adopters valuing and supporting the child’s needs in respect of his or her identity and ethnic, religious and cultural background. This is what I referred to previously about adoption practice elsewhere being clear about always having regard to such matters when placing children for adoption with appropriate adoptive parents. It strikes me that this is a sensible way to frame the necessary consideration to be taken into account by the authority.

Senator Mary M. White: That is adequate.

Senator Ivana Bacik: It is a much more sensitive and sensible way of doing it than that proposed by section 32. Moreover, it strikes me that this provision conflicts with section 32. If the authority must have regard to ethnic, religious and cultural background while also operating within a presumption that the child is best served by being placed with someone of the same religion as his or her birth mother, it may find it hard to tally those two positions. They may not sit easily alongside each other in some cases. It strikes me that this is the better wording and it achieves the needs Members have identified.

Senator Mary M. White: I agree with Senator Bacik that the Minister of State should consider removing section 32 on Report Stage because the wording in section 34(b)(v)(II) in respect of “ethnic, religious and cultural background” provides adequate coverage.

Deputy Barry Andrews: To deal with the first point, in the previous day’s debate, Members had a discussion on the standards this Bill is trying to introduce and the danger of diluting such standards by allowing less rigorous criteria for certain categories of people *simpliciter*, without being obliged to go through the same eligibility and suitability procedures as everyone else. This is not good practice and would change significantly the overall Bill and the overall policy contained therein. The best interests of the child are best served by ensuring that anyone who sets out to adopt a child, regardless of him or her being a relative or being assessed separately as a natural parent, should be obliged to go through the same process of eligibility and suitability as everyone else. It is also good practice to ascertain how both proposed adoptive parents get on with each other, to view that process and to assess how that dynamic works.

I have serious reservations about amendment No. 24 which states, “if a failure by one only of the married couple to comply with this section would not seriously threaten the welfare of the child”. I cannot accept this and it is far removed from what this legislation seeks to achieve. As for amendment No. 23, one must avoid, as Senator Bacik put it, diluting the basic principle, which is that each applicant for adoption must go through the same rigorous process as everyone else to serve the best interests of children. One cannot on the one hand state it is a first and paramount consideration while on the other hand, permit all sorts of parallel mechanisms that would allow people to go through this process in a different way.

As for the comments on the religious, ethnic and cultural background, this raises an issue. Senator Mary White stated that she supports Senator Bacik in this regard. Section 34(b) sets out a list of criteria to which regard will be had when making an assessment of a person’s eligibility for adoption. It goes through a list of considerations as to whether a prospective adoptive parent is able to support the child’s welfare, which encompasses many different matters that Members have discussed earlier, such as the health, social, educational and other interventions for the child. Moreover, it would value their identity as well as their ethnic, religious and cultural background. This issue is separate to that which was being dealt with in section 32, which pertained to informed consent.

One could argue there is a dichotomy in the language employed because religion is referred to exclusively in one section, in respect of the establishment of consent. This is an area in which many problems have arisen in the past in respect of High Court cases disputing consent. This contrasts with the area under discussion at present, which pertains to the suitability of a parent to accept the ethnic background of a child. To use Senator Alex White’s phrase, the language jars a little. In any case, however, I am satisfied that it is legitimate to investigate such criteria in the assessment process. While they are not deal breakers, they are criteria to which one must have regard. While there is no amendment before Members in this regard, it is the right way to go.

Senator Alex White: I wish to respond briefly. I understand the points made by the Minister of State in respect of both amendments. With regard to amendment No. 23, he correctly states that he is opposed to any dilution of the basic principles and I have no difficulty with that. When I make that point, I do not suggest that it will be followed by a “but”, to the effect that I wish to dilute any of the principles. At the same time, a question arises in this regard in the case of a proposed adoption by a natural parent or a relative of the child, which is of a somewhat different character. Consideration should certainly be given to whether the criteria ought to be precisely the same.

[Senator Alex White.]

While I understand the Minister of State's position in regard to amendment No. 24, his response was slightly dismissive in that he seemed to suggest there was almost a lack of concern for the welfare of the child in the amendment. The welfare of the child is always of paramount importance. That is the test. It is not a question of setting aside the welfare of the child. Rather, the amendment proposes that where one of these criteria cannot be met by both persons, this will not necessarily be fatal to the adoption application so long as a conclusion is reached that to proceed would not seriously threaten the welfare of the child. It is wrong to characterise this as an attempt in any way to undermine the fundamental objective in all of this, namely, the welfare of the child.

I do not propose to press either amendment. I may come back to amendment No. 23 on Report Stage, and I reserve my position in regard to amendment No. 24.

Amendment, by leave, withdrawn.

Amendment No. 24 not moved.

Section 34 agreed to.

SECTION 35.

Acting Chairman: Amendments Nos. 25 to 36, inclusive, and 45 to 48, inclusive, are cognate and may be taken together. Is that agreed? Agreed.

Senator Alex White: I move amendment No. 25:

In page 31, line 28, after "*section 37(1)*," to insert the following:

"or to an accredited committee or body on behalf of the Executive".

This amendment arises from representations my colleagues and I have received from the International Adoption Association. Its primary concern in regard to this legislation relates to the delays in processing applications being experienced by prospective adoptive parents throughout the State. The Bill appears to state that all applications for assessment must be made through the Health Service Executive, which currently manages well over 90% of all assessments and has thus presided over the growth of waiting times. In Dublin, Cork, Limerick and elsewhere, it can take more than three years for an assessment to begin. Such waiting times are excessive. It is not unusual for it to take four to five years for applicants to be processed through a system that will ultimately involve only some 30 hours of contact with a social worker.

We all accept that assessment must be robust and must allow for an inevitably lengthy period of preparation, reflection and consideration by those responsible for processing applications. However, it has been pointed out to me that an applicant who applies to adopt three times may be involved in the process for up to 15 years. The International Adoption Association has asked that provision be made to allow accredited agencies to conduct assessments. As it stands, all applications must be made to the Health Service Executive and must subsequently be passed back to the executive's placement committee. This requirement serves to discourage the establishment of any assessment agency as its sustainability and efficiency would be dictated by the executive. Instead, assessments by accredited agencies should be directly routed to independent placement committees and applicants should have the opportunity to apply directly to any such accredited agency. What is the Minister of State's view on this?

Senator Paul Bradford: I support the points made by Senator White. Most of us approach this Bill from the perspective of the representations and constituency queries we receive on this issue. The concern raised most frequently by my constituents is the issue of the delay in assessment. I appreciate that in all legislation governing adoption we must be absolutely precise about the propriety of every part of the process. A certain degree of delay is necessary in order to allow all parties sufficient time to reflect and deliberate. However, the prospect of a waiting time of two and a half or three years is of serious concern to prospective adoptive parents. As Senator White observed, couples fortunate enough to adopt two or three children may be involved in the administrative process for ten or 15 years.

An acceptance that we must process applications as thoroughly and professionally as possible does not mean that we should not seek to remove some of the administrative road blocks. In this regard, the proposal that agencies other than the Health Service Executive should be allowed to manage the process is worthy of consideration. This legislation will put in place the strictest rules and regulations regarding the propriety of prospective parents. The process will be very thorough and everybody will be properly vetted. That is welcome and necessary. However, it should not be beyond the bounds of possibility that other agencies, other than the Health Service Executive, could have a direct role in assessment, thus expediting the application process and reducing the backlog. From my layman's perspective, this seems to be the issue of most concern to people. I have spoken to couples who want desperately to adopt a child but are faced not only with a wall of bureaucracy but also with an apparently endless delay. Accredited agencies which are obliged to comply with all the rules and regulations could play a constructive role in this regard. I hope the Minister of State will respond positively or will at least ensure that delays are reduced to the greatest possible and practicable extent.

Senator Ivana Bacik: Like other Members, I have received useful information from the International Adoption Association about the delays experienced by prospective adopters. We all agree that standards in terms of assessment for suitability for adoption must not be diluted. It must always be the case that any procedure has regard to the welfare of the child as its paramount consideration. The Bill envisages that accredited bodies would carry out certain functions and these amendments seek to facilitate that being done in the interest of smoother procedures of assessment for adoption.

Deputy Barry Andrews: I have met the International Adoption Association on a number of occasions since my appointment and the organisation has consistently raised the delay in the assessment procedure, as have constituents, Deputies and Senators. Complaints are also made about the procedure, although people are reluctant to complain about it because they feel they may jeopardise their chances of succeeding in their application. The International Adoption Association has made representations to me about ideas that will improve the speed at which this is done. I am in discussion with the organisation on this matter but it is not addressed in this legislation. It is an administrative issue concerning how the HSE carries out its business and whether an accredited body can do some of this work, as suggested by Senator Bacik.

I draw the attention of Senator Alex White to section 37(3):

As soon as practicable after the Health Service Executive receives an application under *subsection (1)*, the Health Service Executive shall take the following steps concerning the adoption proposed under the separate application referred to in *subsection (2)(b)* or arrange for the steps to be taken by an accredited body:

- (a) providing information, advice and counselling to the applicants;
- (b) carrying out an assessment of eligibility and suitability in relation to the applicants;

[Deputy Barry Andrews.]

That point is catered for in legislation. I have met the HSE about this matter on a number of occasions and it is trying to standardise the process in different parts of the country. Members have probably heard anecdotally that the process is much quicker in Donegal than in Dublin. The agency is trying to make sure this is equalised and after working on this standardisation process the HSE cannot guarantee that it will shorten waiting times. The HSE is upfront about this point.

The HSE has responsibility for this area under section 6 of the Child Care Act and for entering into arrangements with adoption societies in respect of providing services for the adoption of children. It is important that the HSE retains a central role in this to ensure that standards are maintained and that there is consistency in the standards applied through the assessment procedures. There has been discussion about a not-for-profit agency with the International Adoption Agency and this is not precluded by the legislation. For those reasons, I ask Senators to withdraw the amendments, which are not necessary because of section 37.

Senator Mary M. White: This is a most important Bill. I refer to the delay involved. It would be beneficial if the duration of the process was shortened. Two and a half or three years can be like a lifetime. I will present my document on suicide prevention to the Sub-Committee on the High Level of Suicide in Irish Society at 3 p.m. today. The HSE moves very slowly. The Minister of State should consider a non-profit organisation and should examine what is done in other countries. From the point of view of the child and the parent, this period is far too long. I do not see why common sense cannot prevail. I do not want to hold up the Minister of State's work in this regard but it would be a wonderful day's work if we could decrease waiting times with this Bill. I know people who think that the waiting time is too long and that they could not go through that experience, yet there are children in the world who could do with homes.

I am not suggesting that we rush this Bill, nor am I being critical, but this is typical of the public sector. I am dealing with another issue and because there are so many people involved in the unit of the organisation, the issue I am dealing with must be considered by six people. A private company or a non-profit organisation could deal with this through one person. Because the number of people employed in the organisation is so bloated, several people must give their opinions on the matter. We are missing out on the human and emotional lifetime challenge and opportunity for the child. For a parent who is deprived of the ability to have a child, this waiting period is cruel. It is archaic and it is about time we got to grips with it.

Acting Chairman: I remind Senators that we are dealing with amendments Nos. 26 to 36, inclusive, and 45 to 48, inclusive.

Senator Alex White: I took the somewhat selfish view that I would concentrate on the amendment I tabled, but I will try to have regard to others. I hear what the Minister of State says with regard to talking to other bodies in an attempt to improve the situation. Accredited bodies are already provided for in section 37, as the Minister of State pointed out. Our amendments to section 35 contemplate an application being made directly to an accredited body whereas section 37 refers to the HSE taking certain steps that might include arranging for steps to be taken by an accredited body if the person has applied in the first instance to the HSE.

I hoped the Minister of State would hear what I had to say so I will wait until he is finished talking — I do not take it as a slight. I am not in favour of outsourcing to facilitate any dilution of standards nor would I be in favour of a measure if I thought there was a danger it would undermine the standards the Minister of State is correctly careful to uphold. That is not what

is at issue, however. This is an administrative issue, as the Minister of State pointed out. If there is a group of people or an accredited body with certain skills, such as social workers who are responsible for these assessments, I do not see an objection in principle so long as there exists a mechanism whereby the HSE can apply standards. I do not see a difficulty in a regime where the accredited body could do that. There are plenty of examples where public bodies ensure that certain standards are applied and can outsource work. Many people of various political persuasions have promoted this as an approach to problems. Where there are large bureaucracies with major responsibilities, objectives and priorities, it may not be suitable always for an expert assessment to be made by a person working for that large organisation. It could be that one might ensure standards are applied by the accredited body but might outsource the task to the accredited body.

I agree with the comments made by Senators Mary White and Bradford with regard to long delays. People's genuine frustration cannot be emphasised enough. I have said what I wanted to about the accredited bodies and the Health Service Executive. I am well aware of the professionalism and application of many social workers engaged in this work. It is not in any sense a reflection on them or their professionalism to say that we need a different way of doing these things, be it as the Minister of State contemplates with the HSE set-up or whether accredited bodies might be able to do it. There are very fine social workers doing this work but it may be that they need to have some administrative and bureaucratic burdens taken from their shoulders so they can do the job they are trained to do.

2 o'clock

Acting Chairman: I am glad to see the Senator sees a role for outsourcing.

Senator Paul Bradford: Senators speaking about outsourcing could be rather dangerous at the moment as we could be outsourced ourselves. I was interested in what was said by Senator Mary White. When all this legislation goes through this House and the other House we should aspire to have a process in place of the highest standards that would be expedited in an appropriate fashion. People should not see an endless queue or list.

Mention was made of section 37 and I am advised that we can drift in and out of the sections because the amendments cover several of them. The Minister of State mentioned section 37, in which the language states, "As soon as practicable after the Health Service Executive receives an application" it shall do the following. Although it looks fine in print and the term "as soon as practicable" has been in law over recent years, the term often results in these very lengthy delays.

It would be great if we could have some time limit or obligation on the authorities either to have the assessments done themselves or to be in a position to outsource, if we are to use that sometimes politically incorrect word, to get the job done. Prospective adoptive parents only have one request — I will not say it is a demand because they are not generally demanding people — which is to have the assessment completed and their suitability or otherwise decided upon.

As Senator Mary White has said, it would be a great afternoon's work for the Seanad if we could be in a position to know, at the end of our deliberations, that there would be real progress on the time issue. There may be many ways of responding to that concern of ours and it could be a question of having more staff at HSE level or more time being allocated. What has been in place to date does not seem to be working as well as we would wish.

The Minister of State has mentioned that we hear stories from various parts of the country, with some of them right and some wrong. From our own constituency work we hear claims of

[Senator Paul Bradford.]

delays in one area and greater levels of progress in others. That would need to be improved as soon as possible.

In his contribution, the Minister of State spoke of the need to be thorough in the way assessments are done and we all support that. Will the Minister of State try to put in place some sort of timeframe, either by legislation or directive, or is this practical or possible? It is certainly desirable to set some sort of bar for us, the legislators, and there should be a reasonable timeframe for people seeking to have the assessments carried out. It is only the first step and the people should have a clear picture of a reasonable timeframe.

All of us on every side of the House are at one in our general support of the Bill but we are also at one in our desire to try to expedite matters. Senator Alex White spoke earlier of the process lasting three or four years but in speaking of the number of hours that became part of that three or four-year delay, it is not a question of six or 12 months' work. Senator White indicated it might be 30 to 40 hours of serious work and attention. I can see that it is better for that 30 or 40 hours of work not to take place over a three-week or three-month timeframe but it should not take three years to process that 30 or 40 hours of work. I am not trying to reduce the intensity and seriousness of those hours of professional input but it should not be beyond our collective abilities to put in place a system that works slightly more quickly and equally well.

We all would agree that the result of every assessment done over the course of previous years was correct but it is disappointing they have taken so long. We must aspire to progress in expediting this. The term "as far as practicable" is fine in print but what it does it mean in practice? The Minister of State should try to set some reasonable time limits and if those cannot be met under the present HSE-centred structure, it should be possible to use additional support.

I am interested in the Minister of State's comment that he has received queries or representations and he is at least reflecting on the possibility of giving some degree of discretion for outside agencies or not-for-profit organisations to be involved in the process. We look forward to the Minister of State's further deliberations on this as part of an effort to explore assessment issues.

Acting Chairman (Senator John Paul Phelan): I remind Senators that we are discussing amendments Nos. 25 to 36, inclusive and Nos. 45 to 48, inclusive. They will not be discussed further and may be moved later. Are there any other comments from Senators before I call on the Minister of State to respond on those amendments?

Senator Alex White: It is a long list of amendments which propose to amend different sections. It seems they are from the same perspective, which allows for the possibility of the Health Service Executive or any accredited agency authorised by the adoption authority to conduct assessments of suitability and so on. I have not studied the amendments particularly closely but they seem to raise a similar enough point to that which I raise in my amendment. It may well be that the amendments across a number of different sections of the Bill may offer a vehicle for the Minister of State to address the issue we have debated for the last few minutes, which is to see whether we can have a scenario where applications can be dealt with more quickly and perhaps more efficiently without undermining the standards we all want to uphold. There is great merit in the amendments and I am interested to know what the Minister of State proposes to say on them.

Deputy Barry Andrews: I reiterate that I have enormous sympathy for parents who have to go through this process because it is unnecessarily prolonged and drawn out. It can be tortuous and really tough on parents because much of the time they have had painful and difficult

problems relating to having children. I would love, as a Minister of State, to be able to make this reform and shorten that period of assessment. I have great ambition to do so.

I will identify some of the problems we have come across in dealing with the issue. Under the current system the same social workers are providing the adoption assessments as are providing services to children at risk and child abuse or neglect cases. We are drawing from the same pool. Members will know from previous debates in this House and media coverage that those same social workers are under serious pressure in terms of waiting lists. All children are assessed initially but the provision of services is taking some time. Every Minister with responsibility for children faces the nightmare scenario such as that which happened in the case of the child, known as baby P, in the Harringate Council in the UK. Child protection and welfare services are delivered by the same cohort of social workers who are under severe pressure to provide them. That is where some of the difficulty arises. We cannot ignore in any debate in this House the serious resource issue the HSE is experiencing in 2009, experienced in 2008 and is likely to experience in 2010. We cannot ignore those facts but, in fairness, we are dealing with legislation and the setting of standards.

On Senator Bradford's point about the setting of a timeframe, I would be reluctant to do that because I do not want to promise something I cannot deliver. This raises the question Senator Mary White and others raised, namely, a not-for-profit arrangement and why that cannot be done. I am not sure it cannot be done. That is why I am discussing with the IAA other ways of doing that. Some problems that have been highlighted in those discussions reveal that if a not-for-profit group is set up to carry out such assessments, naturally it will promise it will carry them out more quickly than the existing service and it will have to be self-funding. It will require a payment to be made whereas no such payment is made in the assessment process carried out by the HSE. The danger is whether such an arrangement would create a two-tier system where people with means would be able to get an assessment done more quickly. Trying to equalise and avoid that kind of problem is what we are scoping out with the IAA.

I reiterate that, as provided in section 37, the accredited bodies can carry out assessments. That is set out in section 37(3)(b), the next section with which we will deal. There is no legislative barrier to this being done and the political will exists to do it as far as I am concerned. I take on board the encouragement of Senators in this regard.

Senator Paul Bradford: I take on board what the Minister of State said. He spoke of delays and the burden on social workers to do almost two projects simultaneously. What is his assessment of the reason for the two and half to three year waiting period? Is it due to a staffing issue, the thoroughness of the work involved in the assessments or an administrative blockage? Within the remit of the existing legislation, should it not be possible to progress assessments more quickly? Are the delays due to a lack of staff or a lack of other resources?

Deputy Barry Andrews: They are basically.

Senator Paul Bradford: It is not that the HSE is understaffed, although there may be a lack of personnel in other fields of responsibility. Is the lack of social workers the official answer for the current delays?

Deputy Barry Andrews: It is the reality on the ground. As I explained to the Senator, the HSE is vilified all the time, especially in the Houses of the Oireachtas. I am a strong advocate for our social workers because they make major decisions in child welfare and protection about whether a child stays within his or her family or is put into foster care or some other type of protection of the State. These are major decisions. We had a discussion about this in the Dáil

[Deputy Barry Andrews.]

yesterday. Social workers do these jobs extremely well and under pressure. We have a problem with the retention of staff within the public child protection service provision. Many social workers prefer to migrate into private service provision. They prefer to work in hospitals where there are simple structures in place and a 9 a.m. to 5 p.m. workday. Working in this field with families with multiple problems and with children at risk is among the most difficult and challenging work social workers can do. The problem is that the same social workers are being called on to do the assessments. The problem is due to an issue of resources and an issue of time. I do not accept that the HSE is overstaffed. The improvements in numbers over the years are on foot of demands in this and the other House for the delivery of better services, more front-line people and the provision of various therapies and they have been provided.

We had a similar discussion in the Dáil yesterday and in 2008, therefore, this is a type of party political broadcast. The HSE is given credit for the improvement in our health indicators. From 2006 to 2008 we had the fastest improving health indicators in Europe. Credit is given to the HSE for that much needed reform of our health provision.

The simple answer to the Senator's question is that there is a problem of resources. That is why we are engaged in discussion to ascertain if we can do what I mentioned, but we do not want to create a two-tier problem. I take this issue seriously.

Senator Paul Bradford: I am pleased the Minister of State has confirmed that much or all the delay is due to a lack of resources. At least it is a problem we can identify and to which we can hopefully respond. I am at one with the Minister of State on what he said about the very effective, sensitive, professional and thorough manner social workers carry out their tasks and they have all our support. What can we do to support them either by way of increasing the administrative resources available to them or adding to their numbers? Is it possible that other staff, equally highly qualified but in a different field, within the HSE could receive further training to assist in the field of social work?

We should be able to utilise more effectively some of the substantial taxpayers' money this and previous Governments have spent on health services. At least the Minister of State has indicated his view that a sizeable portion of the delay is due to staff numbers and hopefully the appropriate personnel in his office and in the HSE will reflect on that. The money needed is available and the numbers required are available but it is a question of utilising them to the best possible degree. I hope the Minister of State can progress that. If the three year delay was necessary from an investigative point of view, that would be reasonable, but it is fairly obvious there is no practical or psychological reason an assessment should take up to three years. We must do everything possible to expedite assessments, whether by way of a not-for-profit or other agencies or by providing more resources for the HSE's budget for social workers. We have a duty to respond to the heartfelt pleas we receive from prospective parents and the need to progress their applications.

Acting Chairman: Is amendment No. 25 being pressed?

Senator Alex White: No, I will withdraw it and may resubmit it on Report Stage.

Amendment, by leave, withdrawn.

Section 35 agreed to.

SECTION 36.

Acting Chairman: Is amendment No. 26, which was discussed with the previous amendment, being pressed?

Senator Paul Bradford: I am not an expert on procedure, but will it be possible to revisit this matter on Report Stage?

Acting Chairman: Yes.

Senator Paul Bradford: I do not want, for various reasons, to speak——

Acting Chairman: The Senator cannot speak on the amendment.

Senator Paul Bradford: ——on Senator Fitzgerald's part——

Acting Chairman: The amendment can be resubmitted on Report Stage.

Amendment No. 26 not moved.

Amendments Nos. 27 and 28 not moved.

Section 36 agreed to.

SECTION 37.

Amendments Nos. 29 to 33, inclusive, not moved.

Question proposed: "That section 37 stand part of the Bill."

Senator Paul Bradford: I referred to a time limit earlier. I innocently proposed a time limit or an aspiration in that regard. I take the Minister of State's comment as being genuine in the sense that he does not want to set a very precise limit or demand. Is there some space in between to allow us to aspire to progress? To say that it will be done as soon as practicable sounds fine, but we need to reflect upon what is happening in reality. By directive or guideline, I would like us in some way put a little pressure on all of us on both the political side of the equation and the administrative side to have a reasonable timeframe deemed to be the norm rather than the exception.

Deputy Barry Andrews: The danger with a timeframe is that it might draw child welfare services away to service adoption towards the end of any proposed timeframe that might be set out in legislation. The dangers of that are self-evident. I would be very concerned about that. Again we need to frame the debate in the context of the country's financial situation, which is parlous as the Senator is fully aware. Therefore I would be very reluctant to put in legislation what we can do. However, there are two avenues. The Senator wants to apply the pressure to ensure the issue is not simply passed over. Two processes are ongoing. First, I am discussing with the IAA what type of provision it might be able to suggest. Second, the HSE is continuing to try to standardise processes across the country in order to make it efficient, clear and consistent, which would mean that prospective adoptive parents at least know what they are letting themselves in for and what to expect. As the Senator and others have said already it is tortuous having to wait unnecessarily. I would be extremely reluctant to insert any timeframe for that.

Senator Paul Bradford: I acknowledge and respect the Minister of State's response to my query, which was not particularly well researched or thought out. I was interested that the Minister of State said he would be concerned about the danger of drawing staff away from the work of child protection and welfare towards the assessment side of their duties. Therein lies the difficulty from a work and staff point of view. Obviously child welfare must be paramount and social workers are called on at all times of the day or night, seven days a week to respond

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to crises. We should hope that there would be sufficient staff resources for assessment duties and that it would not be the one or two hours' work that staff would do at the end of the week after having spent many stressful hours doing other child welfare duties. It was a telltale and genuine comment from the Minister of State. Obviously there is a difficulty with the personnel numbers on the ground doing this very important work.

I accept the comment of the Minister of State on the state of the national finances. His views are readily acknowledged by all responsible political parties. It is interesting that in one sense the work of adoption assessment is almost being slotted in — I will not say as an afterthought to the other duties. However, it is not getting the majority of hours available. I acknowledge that the other child welfare work is crucial and cannot be delayed or deferred by a minute. It surprises me somewhat that there appears to be a shortage of appropriate personnel to carry out both of these very important duties.

Deputy Barry Andrews: There has been a big increase in demand for these services in recent years.

Question put and agreed to.

Amendments Nos. 34 and 35 not moved.

Section 38 agreed to.

Amendment No. 36 not moved.

Section 39 agreed to.

Section 40 agreed to.

SECTION 41.

Senator Paul Bradford: I move amendment No. 37:

In page 34, subsection (1)(b), line 21, to delete “12 months” and substitute “24 months”.

Senator Fitzgerald advises me that the amendment arises from suggestions by the IAA. The argument is made that the waiting times for referrals increase partly in line with increased regulation and the growth of compliance with The Hague Convention. We should be mindful that issues can arise and can significantly delay applications in the process of conducting an adoption. I am advised that cases can take up to and beyond three years. A simple amendment to extend the renewal of a declaration to 24 months would provide for a total of four years in which to complete an adoption. I am also advised that it is of course possible as the Act provides for the authority to review cases and to retract declarations.

In a sense I am almost contradicting what I was saying earlier about the need to make progress and make haste to the greatest degree. The amendment relates to a number of cases where that bit of extra time could be required. I am advised by the Senator that the amendment was suggested following discussions with the IAA.

Deputy Barry Andrews: The amendment would provide for a four-year period until the expiration of a declaration. I consider this to be too long a period because in normal circumstances an extension is usually shorter than the original period rather than being exactly the same time. I believe 12 months is an appropriate period of extension. I am advised that diffi-

culties may arise in other jurisdictions in accepting documents that are four years old. I am inclined not to accept the amendment.

Amendment, by leave, withdrawn.

Section 41 agreed to.

Sections 42 to 45, inclusive, agreed to.

SECTION 46.

Acting Chairman: Amendment No. 38 is in the names of the Labour Party Senators.

Senator Ivana Bacik: I will move that amendment.

Acting Chairman: Does the Senator have the agreement of the Senators to move it?

Senator Ivana Bacik: I do not, actually, but since they are not present, I do not want the amendment to fall. I was hoping to support it.

Acting Chairman: If the Senator does not have their agreement, unfortunately she cannot move the amendment on their behalf. The amendment falls, although the Senator can discuss the section.

Senator Ivana Bacik: I will speak on the subject of the section.

Acting Chairman: Both amendments Nos. 38 and 39 in the names of the Labour Party Senators cannot be moved as they are not present to move them and they have not agreed with anyone to move them on their behalf.

Amendments Nos. 38 and 39 not moved.

Question proposed: "That section 46 stand part of the Bill."

Senator Ivana Bacik: I thought it was possible to move an amendment when the person proposing was not present. I have taken advantage of that in the past when I have not been present and others have moved amendments on my behalf.

Senator Paul Bradford: They were taking liberties.

Senator Ivana Bacik: They clearly were, and they should not have done it. That will be a suitable rap on the knuckles.

I wish to support the principle expressed in the amendments proposed for section 46 which concerns the power to summon witnesses. The section provides that the authority may examine on oath the witnesses attending before it. It should provide also that it could examine on affirmation rather than on oath, which is a very well-established procedure in our courts where matters are being attested to. It is an omission not to include it in this section.

Deputy Barry Andrews: I am informed that under the Interpretation Act 2005 an oath includes an affirmation or declaration.

Senator Ivana Bacik: That answers the question.

Question put and agreed to.

Section 47 agreed to.

SECTION 48.

Senator Paul Bradford: I move amendment No. 40:

In page 37, line 29, after “affidavit” to insert “, or a combination of both”.

I await the Minister of State’s response.

Deputy Barry Andrews: I am informed that section 48, as drafted, provides that “The Authority may take evidence orally or on affidavit.” If the authority takes evidence orally, it does not preclude it from taking it on affidavit also and *vice versa*. Therefore, the amendment is not necessary.

Amendment, by leave, withdrawn.

Section 48 agreed to.

Sections 49 and 50 agreed to.

Acting Chairman: As the Labour Party Senators are not present, amendment No. 41 cannot be moved.

Amendment No. 41 not moved.

Section 51 agreed to.

SECTION 52.

Question proposed: “That section 52 stand part of the Bill.”

Senator Paul Bradford: Will the Minister of State give a layman’s explanation of this section? Is it purely of an interpretative nature?

Deputy Barry Andrews: I do not have any particular insight to add. The Part is relevant in that it concerns adoption orders in exceptional cases and the role of the High Court. The section states:

(1) In this Part, “parents”—

(a) includes a surviving parent, and

(b) in relation to a child in respect of whom an adoption order is in force or who is the subject of an intercountry adoption effected outside the State that has been recognised, means—

(i) the adopters, or

(ii) the surviving adopter,

under the order.

(2) References in this Part to—

(a) persons in whose favour the Authority has made a declaration under *section 53(1)*, or

(b) persons applying for an adoption order,

in the case of—

(i) a declaration in favour of one person, or

(ii) an application by one person,

are references to that person.

It is simply a definition and interpretation section.

Question put and agreed to.

Section 53 agreed to.

SECTION 54.

Acting Chairman: Amendments Nos. 42 and 43 are related and may be discussed together.

Senator Ivana Bacik: I move amendment No. 42:

In page 41, subsection (2)(b)(i)(I), line 26, to delete “moral” and substitute “other”.

This is the critical section in Part 7 which relates to adoption orders in exceptional cases and the role of the High Court. Section 54 provides for the orders of the High Court authorising the adoption authority to make adoption orders for children whose parents fail in their duty towards them. This is a tricky area of law — I declare my interest as I practised a little in this area — and, of course, this must also be read in light of the Constitution.

To provide some context for the amendment I am proposing, the amendment seeks to change slightly the way in which such an order will be made by the High Court. The High Court can make an order even where there is no consent from the natural parents. It is clearly an exceptional type of order to dispense with the consent of a person whose consent would normally be necessary to the making of the adoption order.

Subsection (2) is the main subsection which provides for this. It states that where an application is made in the High Court, it may authorise the authority to make an adoption order and to dispense with the consent, and a range of tests are set out. The first of those is where the High Court is satisfied it would be in the best interests of the child to grant the authorisation, which is absolutely right and proper. I seek to change paragraph (b) where a number of matters must be shown to the satisfaction of the High Court. These provisions are set out under subsection (2)(b)(i) which restates the case law that has established the test.

It is an extremely difficult test for the High Court to fulfil and a very high hurdle to jump to waive the need for consent. Effectively, the High Court must be satisfied that the parents of the child for at least 12 months before the making of the application have failed in their duty towards the child “for physical or moral reasons”. I propose to remove the words “or moral reasons” and replace them with the words “or other reasons” because this is broader. Given the definition of “welfare” of the child in the Guardianship of Infants Act and our understanding of welfare, “physical or moral” is simply too narrow. I would prefer to see something broader, such as “physical or other reasons”.

The more substantive change I am proposing relates to subsection (2)(b)(i)(III). Currently, subsection (2)(b)(i)(III) provides that the failure of the parents in their duty towards the child — which must, of course, continue until the child attains the age of 18 — must constitute an abandonment on the part of the parents of all parental rights, whether they are under the

[Senator Ivana Bacik.]

Constitution or otherwise, with respect to the child. This is an extremely high test and one that has been set out by the courts. I know the Minister of State's response will be that it is a constitutional requirement that the parents must have abandoned their parental rights for the High Court to be able to grant an order without the consent of parents in such circumstances. However, my answer is a proposal to delete this subsection. While I accept this is dealt with in Supreme Court judgments, I do not believe we need to restate it here because it is already the law. I hope this is a law that will change if we amend the Constitution because it is unnecessary and duplicates the test already in existence to reproduce it in this provision.

I say this because the courts have stated the abandonment must be total in character and this abandonment test is very difficult to fulfil. It is right and proper that it should be a difficult test to fulfil where it is possible for a parent to consent and he or she has not done so. The real difficulty that has arisen is where there is a child of parents who are married to each other and where the child should be placed for adoption.

At present it is not possible for two parents married to each other to waive their parental rights by consenting to an adoption. The Minister of State may correct me if I am wrong but this is my understanding of the law, which will remain and is restated here. Under current legislation the only way in which a child of marital parents may be adopted is where the court is satisfied that the parents have abandoned all parental rights and have failed totally in their duty to the child. That is extreme and implies the most appalling judgment on the character of the parents. However, if they are married there is no other way for them to consent to adoption because of the constitutional status of the marital family. Geoffrey Shannon and others have long pointed out the difficulties with this.

Mr. Shannon wrote that it is profoundly ironic that it is easier to vindicate the interests of a child born outside marriage by means of adoption, in which that child becomes part of a caring stable family unit, than it is to secure the same rights for a child within wedlock. He said this arguably places the child of parents married to each other at a significant disadvantage relative to his or her non-marital counterpart because the only way a child born within marriage may be adopted is for this mechanism to be followed, namely, that the parents be proven to have failed totally and to have abandoned their parental duties.

I propose another solution, namely, to amend this provision and remove the need to prove abandonment. It is already contained in our constitutional jurisprudence and we do not need to restate it here. It is unhelpful because I anticipate we may be about to amend the Constitution, making the best interests of the child the paramount consideration, including in cases where the child is born within marriage. That would then change the situation.

There is another potential mechanism for fulfilling the needs of the child. It is clear from section 54(2)(b)(ii), that this proposal is intended to provide for a situation where a child is in the custody of and has a home with the applicants or prospective adopters and has been there for a period of not less than 12 months preceding that time, and that the child's adoption is an appropriate means by which to supply the place of the parents. This envisages a situation where a child is in long-term care of somebody other than his or her natural parents but whose natural parents are unable to consent either because they are married to each other and therefore legally cannot consent or they refuse to consent for another reason. In that situation, if the people who are caring for the child and who have done so for at least a year seek to adopt they must prove to the satisfaction of the High Court that there has been an abandonment by the natural parents of their parental rights.

A better approach would be to provide for special guardianship. The likelihood is that those who will make application under this section will be either relatives or recognised foster carers

of the child. In such a situation, English law provides a mechanism for long-term foster parents to apply for special guardianship under section 115 of the 2002 Act. They take on parental responsibility for the child, including all responsibility for day to day decisions about the child's care and upbringing, but the natural parents retain some limited rights, including the right to consent or not to the child's placement for adoption. It is a more appropriate procedure. It does not require the total relinquishing of all parental rights and in particular it does not require that the natural parents be shown to have failed or abandoned their child or children. That is very difficult for anyone to face. It is difficult for the prospective adopters to be placed in a position of having to show this and for the natural parents to be subject to this requirement.

I spoke about this matter during the earlier debate on different forms of adoption. In the past there have been recommendations for special guardianship mechanisms, particularly to facilitate long-term foster carers or persons who are caring for children born within marriage who cannot be adopted under our present law. In January 2005, the then Minister of State with responsibility for children, Deputy Brian Lenihan, published a report on the consultation process on adoption legislation, recommending that those foster carers who had cared for a child for five years or more should be able to apply for guardianship. Over 20 years ago, in 1984, the report of the review committee on adoption services made a similar recommendation. The provision has been recommended for a long time.

I understand that section 54 seeks to give the child security within the home of the persons who have been caring for him or her. We must never forget it is for the child's sake that all this is important. However, for that to be done, and where the natural parents do not consent or where they cannot consent because they are married to each other, the section requires that the High Court be shown that the parents have abandoned all parental rights. That is very difficult for everybody to have to do. Although a test case was laid down by the Supreme Court, I do not believe we should replicate this in adoption legislation that seeks to improve the adoption system. I wish to hear the Minister of State state whether he accepts the principle of the argument, or, if he cannot accept this amendment, whether he will accept there might be an alternative solution that would provide for some form of special guardianship.

Deputy Barry Andrews: This is a very complex area. The measure has been on our Statute Book since 1988 and this is simply a transposition of those provisions into the current Bill. It has been through the Supreme Court and the circumstances as set out in section 54(2)(b) reflect that, being the Supreme Court judgment on the section.

I read all the arguments in respect of section 54(2)(b)(i)(I). The requirement is that there must be a continuous period of 12 months during which the parents have failed in their duty towards the child. The argument is that this should be a sufficiently high bar, together with paragraph (II) which states that the situation is likely to continue until the child reaches the age of 18. The third criterion is superfluous. That has been ventilated by a number of people. If parents failed in their duty and this failure were to continue until the child was 18 one cannot imagine the parents could satisfy the other test, namely, that they had not abandoned their parental rights. The language is important here. It is not an aspersion on them, implying that they abandoned their children, but rather that they abandoned their parental rights. It is unfortunate in a way.

The Senator anticipated what I was about to say. There is a constitutional provision and we must stay within such provisions, including the judgment of the Supreme Court, the Act and the Article 26 reference. We are bound by that. Senator Bacik and Senator Alex White know that we are going to the third phase of consideration in the Joint Committee on the Constitutional Amendment on Children. One of the proposals put down by the Government before the last election relates to the position of marital parents, children of marital parents and

[Deputy Barry Andrews.]

adoption. It is important that we await the outcome of the scoping out of those issues by that committee. I am told that what happens in practice is that when a foster child reaches the age of 16 or 17, the application is made and because that age is close to the 18 years to which stage the failure of duty must continue, those applications are successful at that point.

I said that foster parents have improved their position. We discussed consent to medical procedures and the ability to apply for passports on behalf of foster children. If the constitutional position does not change an alternative would be to look for a set of rights. I am not familiar with section 115 of the UK Act but if there is something there that might offer us a signpost to a direction we might take we should look at it.

I am aware that my predecessors in this post, the Ministers, Deputy Brian Lenihan and Deputy Brendan Smith, were favourable towards this and in 2005, as Minister of State, Deputy Lenihan, launched the consultation. In the meantime we are very close to finality in respect of the committee chaired by Deputy Mary O'Rourke and we should await the outcome.

Senator Ivana Bacik: I thank the Minister of State for his response. In a way, I do not have as much of an objection to the test in the context of parents who are not married to each other or where, for example, a birth mother gives up a child for adoption. It is right that the test should be extremely rigorous in order for the adoption authority to be able to dispense with the consent. Clearly that is important. I am talking about children born within marriage because the parents have no entitlement or no capacity to consent under our present system. Indeed, before the 1988 Act — this is really a restatement of the 1988 position — there was no provision for children born within marriage to be adopted. I would like the Minister of State to explore the special guardianship option in greater depth. It is unfortunate that was not done in this Bill, given that there was such a long period of consultation leading up to the Bill and that this recommendation was put into the previous report in 2005 and in the 1984 report by the late Dr. Joseph Robins.

The reason special guardianship is so important is for the security of the child. The Minister of State rightly stated that in the case of children in their late teens an order may be made at that point. The difficulty arises for a younger child — these cases happen — who is facing the awful prospect of being moved between different foster carers or from foster carer to natural parent and back again to foster care. In this case the child has no degree of stability or security in his or her placement under foster care arrangements. As the Minister of State said, there has been some improvement in that foster parents can now apply for a passport for the child and so on, but there is still the prospect of the child being moved and this can be very disruptive for the child. Special guardianship offers a measure of greater stability and greater security for a child within the home of the people who are caring for him or her. Clearly adoption offers the greatest stability and security because it is the full order, but because of this difficulty about the children of marital parents, this very rigorous test is required to be fulfilled before a child born of a marriage can be adopted, even by his or her long-term foster parents.

I acknowledge that my amendment is not the right way to deal with this but some mechanism should be adopted, ideally in this Bill, to deal with this position. There is an attempt in section 54 to deal with the children who are in long-term foster care and who may have been born within marriage, therefore it may be very difficult to go through an adoption process. Indeed, the children and all concerned may not wish a full adoption. They may wish something more flexible where the natural parents can maintain contact. I would like to hear whether the Minister of State might anticipate looking again at section 115 of the UK Act.

Deputy Barry Andrews: I will definitely look at that section.

Amendment, by leave, withdrawn.

Amendment No. 43 not moved.

Question proposed: "That section 54 stand part of the Bill."

Senator Paul Bradford: I do not in any way have the expertise, the knowledge or the access to the fine legal tomes as has Senator Bacik. I raised this matter on Second Stage. I am far removed from professional expertise in law and I thought this section was very new whereas it is a transposition of the 1998 Bill, if I am correct. Has the Minister of State any indication as to the number of adoption orders which have issued under this section and whether its genesis stretches back further than 1998? Is it used very infrequently or slightly more frequently? Is there a number put on the orders which have issued under the said circumstances which would have led to the interventions described?

Deputy Barry Andrews: I am informed that the numbers are very low. This was discussed at the Joint Committee on the Constitutional Amendment on Children. It is usually applied for when a child is in long term foster care and reaches the age of 16 or 17. The application is made and is usually successful but the numbers are quite small. I will undertake to provide the Senator with the information in due course.

Question put and agreed to.

Sections 55 to 57, inclusive, agreed to.

Amendment No. 44 not moved.

Section 58 agreed to.

Sections 59 to 66, inclusive, agreed to.

Acting Chairman: Does Senator Fitzgerald wish to press the amendments already discussed?

Senator Frances Fitzgerald: I will withdraw the amendments. I understand the Minister of State will consider some of the points that have been made and we will return to them on Report Stage.

Amendments Nos. 45 to 47, inclusive, not moved.

Section 67 agreed to.

Sections 68 and 69 agreed to.

SECTION 70.

Question proposed: "That section 70 stand part of the Bill."

Senator Frances Fitzgerald: I ask the Minister of State to clarify in the case where countries which have not signed the Hague Convention but with which Ireland has a bilateral agreement whether this agreement is affected in any way by this section of the Bill?

Deputy Barry Andrews: I ask the Senator to explain further.

Senator Frances Fitzgerald: This is about the transfer of a child from the State to another contacting state, in accordance with the Hague Convention. Does it apply to countries with

[Senator Frances Fitzgerald.]

whom we have a bilateral agreement? Does it work the other way? If a country is not signed up to the Hague Convention, does this mean that a child could be transferred to those countries with which we have a bilateral agreement or does it have to be only to a country signed up to the Hague Convention?

Deputy Barry Andrews: I will come back to the Senator on that point as I do not want to give a definitive answer now. We can discuss it on Report Stage.

Question put and agreed to.

Sections 71 to 76, inclusive, agreed to.

Amendment No. 48 not moved.

Progress reported; Committee to sit again.

Sitting suspended at 3 p.m. and resumed at 3.45 p.m.

Irish Language: Statements.

Minister of State at the Department of the Taoiseach (Deputy Pat Carey): Gabhaim buíochas leis an gCathaoirleach agus gach páirtí sa Seanad as ucht na díospóireachta seo a chur ar siúl. Chomh maith leis sin, táim buíoch díobh ar fad as ucht cuireadh a thabhairt dom bheith i láthair anseo tráthnóna. Mar Phríomh-Aoire an Rialtais, fáiltím an deis seo chun díospóireacht bríomhar a bheith againn ar an nGaeilge agus ar thodhchaí na teanga. Níl aon dabht ach ó thog sé an oifig, tá an Taoiseach, an Teachta Cowen, ag tabhairt sampla maith dúinn ar fad ó thaobh na Gaeilge a úsáid sna Tithe seo. Ba mhaith liom aitheantas a thabhairt chomh maith don dea-shampla a bhfuil daoine ar nós na Teachtaí Kenny, Gilmore agus Ó Caoláin, chomh maith le Seanadóirí éagsúla, ag tabhairt freisin. Tugann focail ár gceannairí muinín dúinn ar fad sa Dáil agus sa Seanad conas is féidir linn níos mo úsáid a bhaint as ár gcuid Gaeilge féin le linn na hoibre laethúil.

I dtús báire, ba mhaith liom a rá go greideann na páirtithe Rialtais go bhfuil rí-thábhacht ag baint le pobal labhartha láidir Ghaeilge a choinneáil beo sa Ghaeltacht agus taobh amuigh den Ghaeltacht. Is í mo thuairim agus tuairim an Rialtas gur acmhainn luachmhar í an Ghaeilge — acmhainn a féidir a threisiú agus a fhorbairt ar leas na tíre. Is sa chomhthéacs seo, sílim, go bhfuil an rún os comhair an Seanad ag tabhairt tacaíocht dúinn ar fad san obair atá ar siúl ó taobh na Gaeilge a chur chun cinn. Chomh maith leis an Ghaeilge a bheith againn mar sheoid chultúrtha, creidimid gur féidir an teanga a fhorbairt níos mó mar acmhainn eacnamúil. Tá mé cinnte gur feidir níos mó forbairt a dhéanamh ó taobh leithéidí turasóireacht cultúrtha agus Gaeltachta de. Tugann aitheantas don Ghaeilge san Eoraip deiseanna breise fostaíochta i réimsí an aistriúcháin, na iriseoireachta agus na craolacháin. Thar aon ní eile, tugann sí deis dúinn teacht le chéile mar phobal teanga.

Nuair a bunaíodh an Stát agus arís le 50 bliain anuas, is iomaí dul chun cinn atá déanta ag an teanga. Is féidir le gach Rialtas san am sin cuid den mholadh a thógaint don dul chun cinn sin. Ar ndóigh, i measc na buaicphointí a bhí ann don teanga sa 50 bliain sin tá bunú Raidió na Gaeltachta, bunú TG4, achtú Acht Teanga, bunú Oifig an Choimisinéara Teanga, Foras na Gaeilge agus Údarás na Gaeltachta, an t-aitheantas don Ghaeilge faoi Chomhaontú Aoine an Chéasta i dTuaisceart Éireann agus an t-aitheantas oifigiúil oibre don Ghaeilge san Eoraip. Thug na buaicphointí sin misneach nua do phobal na Gaeilge ar fud na tíre. Spreagadar daoine chun an Ghaeilge a fhoghlaim. Chinntíodar go mbeidh an Ghaeilge beo agus bríomhar nuair atáimid ar fad sa Seomra stairiúil seo imithe ar shlí na fírinne. Má tá dul chun cinn déanta, níl

aon dabht ach go bhfuil go leor dúshláin roimh an teanga sna blianta atá romhainn. Sílim go bhfuil an Rialtas, na páirtithe pholaitiúla ar fad agus lucht na Gaeilge lán-ábaltá na dúshláin sin a sháru.

Mar is eol daoibh, sheol an Rialtas ráiteas i leith na Gaeilge ag ócáid i dTeach bhFarmleigh i mí na Nollag 2006. Ba é seo an chéad ráiteas dá leithead a cuireadh amach le beagnach 40 bliain. Chreid an Rialtas, mar phríomh-ghné d'aon pholasáí Gaeilge, gur cheart ráiteas soiléir a dhéanamh maidir le haidhmeanna an Rialtais agus polasaithe an Rialtais i leith na Gaeilge. Sa ráiteas, leagadh síos go soiléir ar bhealach éasca agus simplí an bhunchloch ar a bhfuil polasaithe Gaeilge an Rialtais bunaithe. Ba mhinic a bhí sé le cloisint roimhe seo nach raibh aon stráitéis nó plean fadtéarmach náisiúnta ann don Ghaeilge agus nach raibh aon fíis ag an Rialtas maidir le forbairt na Gaeilge don ghlúin atá amach romhainn. Is chun dul i ngleic leis an ndúshlán sin go bhfuil an Rialtas ag leanúint ar aghaidh le plean straitéiseach 20 bliain a fhorbairt. Is é sin an obair atá á leanúint ag an Taoiseach, ag an Aire, an Teachta Ó Cuív, agus ag daoine eile. Tá mé cinnte go mbeidh an stráitéis nua forleathan agus cuimsitheach. Níos mó ná sin, tabharfaidh sé treoir don teanga sna blianta atá amach romhainn. Tá mé cinnte go dtacaíonn sibh liom nuair a gabhaim gach dea-ghuá ar an Taoiseach agus ar an Aire, an Teachta Ó Cuív, san obair atá ar bun acu i leith plean don teanga a fhoilsiú.

Ba mhaith liom casadh ar na Gaeltachtaí ar fud na tíre. Foilsíodh tuarascáil i 2007 mar thoradh ar an staideár teangeolaíochta a rinne Ollscoil na hÉireann, Gaillimh ar úsáid na Gaeilge sa Ghaeltacht. Déanann an staideár sin anailís ar úsáid na Gaeilge sa Ghaeltacht chomhaimseartha. Is é an príomhrud a thagann as an tuarascáil ná go bhfuil an Ghaeilge faoi bhrú ó athruithe sóisialta agus déimeagrafaíochta, fiú sna croí-ceantair Ghaeltachta. Tá a fhios agam go raibh go leor cainte i ndúichí Ghaeltachta maidir le catagóir A, B agus C. Mar chuid den tuarascáil, déanadh moltaí i leith nithe éagsúla a mbeadh tionchar dearfach acu don teanga sa Ghaeltacht. Ina measc, bhí moltaí maidir leis na ceantair Ghaeltachta, an córas pleanála, an córas oideachais, cúrsaí óige agus Údarás na Gaeltachta. Ag rith as sin, bunaíomar coiste Rialtais. Tá an Taoiseach mar chathaoirleach ar an gcoiste, atá ag breathnú ar cheisteanna a thagann as an staideár. Tá an obair seo ag leanúint ar aghaidh. Tá súil agam go mbeidh plean gníomhaíochta socraithe chomh luath agus is féidir.

Ní bheadh sé ceart dom gan tagairt sonracha a dhéanamh do cheann de na scéimeanna is tábhachtaí atá á riaradh ag an Roinn Gnóthaí Pobail, Tuaithe agus Gaeltachta — scéim na bhfoghlaim Gaeilge. Anuraidh, d'fhreastal beagnach 28,000 foghlaimoir ar chúrsaí éagsúla ar fud na Gaeltachta. Taispeánann na figiúirí seo go bhfuil an-suim i gcónaí i bhfoghlaim na Gaeilge. Cabhraíonn na coláistí Gaeilge leis an nGaeilge a chur chun cinn — ní hamháin sa Ghaeltacht ach ar fud na tíre freisin. Tá na coláistí an-tábhachtach ní hamháin ó thaobh na Gaeilge ach freisin ó thaobh na heacnamaíochta áitiúla sna ceantair éagsúla ina bhfuil siad lonnaithe. Is tionscail ann féin iad na coláistí, a chuireann saothrú maith ar fáil dos na mná tí i rith an tsamhraidh. In ainneoin na géarchéime airgeadais, tuigtear dom go bhfuil na háirithe sna coláistí do 2009 ag dul go maith. Ar aon leis na coláistí Gaeilge, atá ag dul ó neart go neart, tá mé cinnte go bhfuil borradh na gaelscolaíochta feicthe ag Seanadóirí ina gceantair féin. Ar fud na tíre, tá suim nua sa teanga. Is ábhar misnigh dúinn ar fad an tsuim nua seo. Sílim go gcinntíonn sí todhchaí na teanga. I mo dháilcheantar féin, tá leithéidí de Scoil an tSeachtar Laoch, Ghaelscoil Bhaile Munna, Gaelscoil Uí Earcáin i bhFionnghlas, Gaelscoil Cholmcille i Seantrabh, Scoil Cairtriona agus Scoil Mobhí ag deanamh sárobair chun glúin nua Éireannaigh a dhéanamh líofa in ár dteanga náisiúnta. Tá scoileanna den tsórt sin ar fud na tíre. Chomh maith leis an obair atá ar siúl sna bunscoileanna, tá sárobair ar siúl ag an dara agus an tríú leibhéal, go háirithe ag “Fiontar” in Ollscoil Cathair Baile Átha Claith, in Ollscoil Chorcaí agus in Ollscoil na Gaillimhe. Tá an Rialtas bródúil as an tacaíocht atá tugtha do ghluaiseacht na gaelscolaíochta agus sa córas oideachas. Leanóimid le seo sna blianta atá amach romhainn.

[Deputy Pat Carey.]

Réimse eile gur mhaith liom tagairt ar ná an stádas mar theanga oifigiúil oibre an Aontais Eorpaigh atá bainte amach ag an Gaeilge. Baineadh amach an stádas seo don Ghaeilge tar éis fheachtais láidir ón Rialtas, a fuair tacaíocht ó páirtithe uile an Oireachtais agus eagraíochtaí Gaeilge ar nós Conradh na Gaeilge, Comhdháil Náisiúnta na Gaeilge, Stádas agus Comhaltas Ceoltóirí Éireann. Tá an Rialtas ag obair le Coimisiún na hEorpa chun a chinntiú go mbeidh acmhainní ar fáil chun freastal ar an stádas atá anois ag an nGaeilge. Tá ciste ar leith bunaithe ag an Roinn Gnóthaí Pobail, Tuaithe agus Gaeltachta chun maoiniú a chur ar fáil le haghaidh sain-chursaí tríú leibhéal Gaeilge. Cinnteoidh na sain-chursaí seo go mbeidh ar ndóthain aistri-theoirí ar fáil chun freastal a dhéanamh ar riachtanais an Aontais Eorpaigh ó thaobh na Gaeilge de. Tuigim go bhfuil an Roinn Gnóthaí Pobail, Tuaithe agus Gaeltachta ag obair le Óstaí an Rí chun cúrsa céime d'abhcóidí a chur ar fáil. Más féidir, tosnóidh an chúrsa i fómhar na bliana seo. Tá dian-chúrsa téarmaíochta dlí agus grammadach Gaeilge á sholáthar le blianta beaga anuas ag Óstaí an Rí, le cúnaimh na Roinne. Táim cinnte go neartóidh an stádas nua atá ag an Gaeilge san Aontas Eorpach a áit mar teanga nua agus saibhir — teanga gur féidir úsáid a bhaint as i ngach gné de shaol na ndaoine agus teanga as a bhfuilimid bródúil sa bhaile agus thar lear.

Cé go bhfuil an Rialtas ullamh chun tacú go láidir le húsáid na Gaeilge a leathnú agus a threisiú, tá todhchaí na teanga ag brath go mór ar na daoine. Go díreach, braitheann an todhchaí ar dhaoine a bhfuil Gaeilge acu í a labhairt agus cúnaimh a thabhairt dóibh siúd a bhfuil ag foghlaim na teanga. Tá orainn, anseo san Oireachtas ach go háirithe, timpeallacht a chothú ina mbraitheann daoine muiníneach a gcuid Gaeilge a úsáid, pé *4 o'clock* leibhéal atá acu, gan eagla orthu go gceartofaí iad nó go mbeidís míshuaimhneach. Tá sé riachtanach go n-úsáidfeadh daoine le Gaeilge an teanga nuair atá an deis acu, í a chur ar aghaidh chuig a bpáistí agus tacú lena húsáid laistigh den phobal. Tá mé muiníneach go leanfaidh an Ghaeilge ag déanamh go maith le hiarrachtaí dearfacha i measc pobal na tíre. Geallaim don Teach seo go mbeidh an Rialtas lan-páirteach sna hiarrachtaí sin. Go raibh míle maith agaibh.

Senator Jerry Buttimer: Cuirim fáilte roimh an Aire Stáit. Ar an gcéad dul síos, tréaslaím le Ceannaire an tSeanaid as ucht an díospóireacht seo a leagan síos, go háirithe le linn seachtain na Gaeilge. Tá áthas orm an deis seo a bheith agam ráiteas a dhéanamh ar an nGaeilge, go háirithe agus muid i lár sheachtain na Gaeilge.

Is mór an trua nach ndéantar iarracht cás na Gaeilge a ardú níos minice le linn na bliana. Ní ceart go fhanfaimid go dtí mí na Márta gach uile bhliain chun ár dteanga a phlé agus a labhairt. Ag deireadh na seachtaine seo caite d'fhoilsigh UNESCO tuarascáil a chuir in iúil go bhfuil teanga na Gaeilge i mbaol. Ní scéal nua é seo. Mar a dúirt an tAire Stáit, sa staidéar ar stádas na Gaeilge sa Ghaeltacht a fhoilsíodh i 2007, léiríodh nach raibh ach idir 15 agus 20 bliain fágtha ag an nGaeilge mar theanga pobail agus teaghlaigh sa Ghaeltacht.

Two years later, what has the Government done? Cad atá déanta ag an Rialtas? Tá coiste bunaithe aige chun an tuarascáil seo a phlé. Níl am againn chun a thuilleadh cainte a dhéanamh. Dá mbeadh an Rialtas dáiríre faoin dteanga agus faoi thacaíocht a thabhairt do mhuintir na Gaeltachta bheadh moltaí na tuarascála curtha i bhfeidhm cheana féin. B'fheidir go bhfuil níos mó déanta ag Des Bishop, an fear grinn as na Stáit Aontaithe, ar son na teanga. Sin ceist. Look at what Des Bishop has done agus ar an bhéim a leag sé ar labhairt na teanga, go mórmhór ag daoine óga ins na scoileanna. Chomh fada agus atá an teanga á labhairt tá sí beo agus sin an rud is tábhachtaí. Chomh fada agus atá an teanga á labhairt tá sí beo.

Ba cheart, go háirithe agus muid i lár chúlú eacnamaíochta, breathnú arís ar Acht na dTeangacha Oifigiúla. Cuireann an tAcht dualgas ar chomhlachtaí pobail, Ranna Stáit, comhairlí

contaetha agus comhlachtaí ar nós Leader na milliúin euro a chaitheamh ag aistriú cáipéisí ó Bhéarla go Gaeilge, cáipéisí nach léitear i mBéarla fiú, gan trácht ar an nGaeilge. Many documents which are translated into Irish are not read in either English or Irish. We might review that requirement.

Ba chóir duinn cinntiú go bhfuil gach uile tacaíocht á fháil ag scoileanna sa Ghaeltacht chun an Ghaeilge a caomhnú agus ag scoileanna taobh amuigh den nGaeiltacht chun an Ghaeilge a múineadh i mbealaí éifeachtacha. Ba chóir an t-airgead sin a chaitheamh ar scéimeanna a chuireann an teanga labhartha chun cinn agus chun tacú le coláistí samhraidh, naíonraí agus gaelscoileanna.

Ta meoin an phobail i dtaobh na Gaeilge athraithe go mór le cupla bliain anuas. Tá daoine báúil don teanga agus ag iarraidh í a labhairt. Is é an t-aon rud a chuireann as do dhaoine ná an Ghaeilge a bheith á brú orthu. Rinne Gaeilge éigeantach go leor dochair do chás na teanga agus déanfaidh aistriúchán éigeantach i bhfad níos mó dochair.

I am a product of an education system in which I did honours Irish. I am ashamed that I have lost so much of my Irish. Ní dhearna mé cleachtadh uirthi agus tá sí caillte agam. Rinne an t-Aire Stáit tagairt don Taoiseach agus do cheannairí na bpáirtithe eile. It is important that our language be a living and spoken language.

I thank the Leader of the Seanad for allowing this debate and I thank the Minister of State for coming to the House. It is important we debate our language as a living language.

Senator Labhrás Ó Murchú: Fáiltím roimh an Aire Stáit agus roimh an ráiteas dearfach ilghabhálach a chuir sé os ár gcomhair. Cabhraíonn sé i gcónaí tuiscint a bheith againn ar dhearcadh an Rialtais i leith na Gaeilge. Tá sé tábhachtach a fheiceáil go bhfuil straitéis 20 bliain i gceist don Ghaeilge. Tá áthas orm go bhfuil sé sin ag tarlú.

Tréaslaím leis an gcoiste atá ag eagrú sheachtain na Gaeilge. Níl amhras faoi go bhfuil sár jab á dhéanamh acu. Tá sé le tabhairt faoi deara ins na meáin cumarsáide agus i measc an phobail i gcoitinne. Rud a chuaigh i bhfeidhm go mór orm ná gur daoine óga is mó atá taobh thiar den iarracht seo. Cruthaíonn sé sin go bhfuil sprid ins na daoine óga fós maidir leis an nGaeilge agus go bhfuil siad sásta treoir a thabhairt. Níl aon amhras ná go bhfuil samhlaíocht taobh thiar den obair atá ar siúl acu.

Ní bheadh éinne in ann a rá 20 nó 30 bliain ó shin go mbeadh stádas láidir ag an nGaeilge fós ins an tír. Tá an-chuid rudaí tar éis tarlú agus bhí siad luaite ag an Aire Stáit. Smaoiním ar Raidió na Gaeltachta, TG4, na gaelscoileanna agus mar sin de. Deirtear liom go gcaithfidh daoine fanacht chun a bpáistí a chur isteach ins na gaelscoileanna, tá éileamh chomh mór san orthu. Seo rudaí atá thar a bheith dearfach. Chomh maith leis sin, feicim go bhfuil dea-thoil ann don Ghaeilge anois, rud nach raibh le tabhairt faoi deara ins na 1950aidí agus na 1960aidí. Bhí díospóireacht an-nimhneach ag tarlú ag an am sin maidir leis an nGaeilge. Níl aon amhras ná gur dhein an díospóireacht sin dochar agus gur tharla deighilt sa phobal ag an am. Is trua gur tharla sé sin. Ach baineann sé sin leis an stair agus is rí-annamh anois a cloistear ó éinne nach cóir duinn ár dteanga féin a chur chun tosaigh.

Bhí mé féin agus an tSeanadóir Buttimer ag cruinniú de chomhchoiste Oireachtais níos luaithe inniu a raibh cúrsaí ealaíona agus cultúrtha á bplé ann. Fáiltíomar roimh toscaireacht ón gComhairle Ealaíona. Bhí na hargóintí céanna á dhéanamh ag an gcruinniú sin agus atá á dhéanamh anseo. Is é sin, go mbaineann ár gcultúr agus, ar ndóigh, ár dteanga lenár bhféiniúlacht náisiúnta. Is beag tír a bheadh sásta ligint dá cultúr nó dá féiniúlacht náisiúnta imeacht le sruth mar baineann sé le gach rud atá idir lámhe againn i láthair na huaire.

Má fhéachtar siar ar stair na hÉireann, nuair a bhí cruachás le fulaingt againn tar éis an Ghorta Mhór nó le linn gach éirí amach, nuair a bhí brú á dhéanamh ar an tír cuireadh béim i

[Senator Labhrás Ó Murchú.]

gcónaí ar an gcultúr agus ar an nGaeilge. Má fhéachaimid siar ar stair na hÉireann, ar amanna nuair a bhí cruachás an-mhór le fulaingt againn sa tír seo — tar éis an Gorta Mór agus i rith gach éirí amach, mar shampla, nuair a bhí brú ar an dtír — tá sé soiléir go raibh béim i gcónaí ar an gcultúr agus ar an nGaeilge. An cúis a bhí le sin ná gur thuig daoine sna amanna sin go mbaineann ár gcultúr, an Ghaeilge ina measc, le anam an náisiúin. Spreag ár gcultúr daoine áirithe chun iarracht a dhéanamh ar a son féin agus ar son an ghnáth-phobal. Tá sé tábhachtach go dtuigfimis cé hiad na daoine a sheas an fód le blianta fada anuas chun an Ghaeilge a chosaint.

Nuair a labhrann mé mar gheall ar na daoine óga atá ann i láthair na huair, níl mé ag rá go bhfuil gach rud slán sábháilte. Ní mar sin atá sé. Chomh fada is atá an Ghaeltacht ann, agus daoine ag úsáid an Ghaeilge go laethúil ina saolta féin, beidh tuiscint againn ar an bhrí a bhaineann leis an Ghaeilge mar theanga bheo. De bharr an tionchar atá ag an Ghaeltacht ar an chuid eile den tír, tá an méid daoine a labhrann an teanga ag fás in an-chuid áiteanna, ní hamháin sa Deisceart ach sa Tuaisceart freisin. Tá an-bhéim á chur ar an Ghaeilge i mBéal Feirste, go háirithe.

Is maith an rud é go bhfuil Seachtain na Gaeilge ann. Ní hionann é sin agus a rá nach cóir dúinn ach an Ghaeilge a úsáid ag an am seo den bhliain. Tugann Seachtain na Gaeilge seans dúinn go léir bheith aontaithe maidir leis an ábhar seo. Is cuma má tá Gaeilge lag nó láidir ag duine — ba cheart dó nó di an teanga a úsáid. Ní cheart d'éinne brú a chur ar daoine maidir le chúrsaí gramadaí nó aon rud den tsaghas sin. Ba chóir dúinn bheith áthasach nuair atá duine ag déanamh iarracht an Ghaeilge a labhairt. Tá an-áthas orm go bhfuil Seachtain na Gaeilge ar siúl agus go bhfuil aitheantas á thabhairt do Seachtain na Gaeilge ag an Rialtas agus ag an Teach seo. Nuair a bhí an seisiún seo á phlé ar Riar na hOibre ar maidín, thug mé faoi deara gur labhair seacht nó ocht Seanadóirí, ar an dá thaobh den Teach, i nGaeilge. Níl aon amhras faoi ná nach bhfuil aon deighilt sa Teach seo maidir leis an Ghaeilge. Táimid go léir aontaithe. Nuair a bhí an tír seo ag iarraidh stádas oibre don Ghaeilge san Eoraip a bhaint amach, is cuimhin liom go raibh an Teach seo go mór chun tosaigh san iarracht sin.

Senator Joe O'Toole: Cuirim fáilte roimh an Aire Stáit. Níor mhaith liom cur i gcoinne aon rud a dúirt an Seanadóir Ó Murchú, ach caithfidh mé a rá nach “Gaeilge” a labhrann mé ach “Gaelainn”. Go minic, agus mé ag féachaint siar ar aon rud atá curtha i gcló ón Seanad, bíonn sé deacair dom an méid atá ráite agam a léamh os rud é go mbíonn sé caighdeánaithe “i nGaeilge” seachas a bheith scríobhta “i nGaelainn”. Is mór an trua é go mbíonn an deacracht sin agam i gcónaí. Caithfidh mé a rá gurb í an deacracht is mó a bhaineann le polasaithe Gaeilge ná go bhfuil siad dírithe i bhfad níos mó ar na Galltachtaí ná ar na Gaeltachtaí. Braithim i gcónaí go bhfuil i bhfad níos mó spéis ag an Rialtas — níl mé ag féachaint amháin ar an Rialtas atá ann faoi láthair ach ar gach aon Rialtas ó bhunú an Stáit — i gcúpla focal Gaeilge a bheith in úsáid sna Galltachtaí ná sa teanga a chothú, a mhéadú agus a fhorbairt sna Gaeltachtaí. Is ceann de na deacrachtaí é sin.

Is cuimhin liom nuair a fhoghlaim mé conas a cuireadh an Ghaeilge chun cinn sna scoileanna nuair a bunaíodh an Stáit. Rinneadar rud an-simplí an uair sin. Chuireadar múinteoirí go dtí na Gaeltachtaí le haghaidh trí nó sé mhí. D’fhan na múinteoirí i dtithe na ndaoine. Bhíodar mar baill de na Gaeltachtaí ar feadh an tréimhse sin. Nuair a tháinig na múinteoirí thar n-ais, chuir an dream sin an Ghaeilge chun cinn sna bunscoileanna agus ar fud scolaíocht na tíre seo. Bhí sé sin thar a bheith tábhachtach. Míneoidh mé an fáth ar shocraigh mé ar é sin a úsáid mar shampla. I 1980, trí scór bliain ina dhiaidh sin, d’foilsigh John Wilson, a bhí mar Aire Oideachais ag an am, Páipéar Bán chun polasaithe Rialtas na linne sin i dtaobh na Gaeilge a chur chun

tosaigh. I measc a raibh sa Phaipéar Bán, bhí moladh chun seans a thabhairt do mhúinteoirí agus scoláirí dul go dtí na Gaeltachtaí.

Is cuimhin liom gur chuaigh mé, in éineacht leis an INTO, i dteagmháil le oifigigh ón Roinn Oideachais an uair sin ag iarraidh go gcuirfí an moladh sin chun cinn. Is mór an trua é nár deineadh é sin riamh. Dá mbeadh an toil polaitiúil ann chun é a dhéanamh, cuireadh sé instealladh eacnamaíochta i saol na nGaeltachtaí, instealladh misnigh i muintir na nGaeltachtaí agus, is dócha, instealladh muiníne i bpolasaithe Gaeilge an Rialtais. Is dóigh liom go mbeadh a lán rudaí, ar nós fostaíocht, tionlactha le sin. Tá múinteoirí ar fud na tíre a bheadh thar a bheith sásta ráithe nó tréimhse sé mhí a chaitheamh sa Ghaeltacht. Is fíor nach bhfuil dóthain Gaeilge ag cuid acu faoi láthair. Tá an-ghrá ag cuid acu don teanga. Níl siad i gcoinne an teanga in aon tslí. Dá mbeadh seans acu dul go dtí na Gaeltachtaí, agus deontaisí agus acmhainní ar fáil chun cúnaimh a thabhairt dóibh, braithim go mbeadh an-dul chun cinn déanta.

Ba mhaith liom aird an Aire Stáit a dhíriú ar rud nach dtuigim. Is mór an trua nach bhfuil an tacaíocht céanna ar fáil dos na scoileanna Gaeltachta is atá ar fáil dos na gaelscoileanna sna Galltachtaí. Tá sé deacair an tábhacht a bhaineann le tacaíocht a thabhairt dos na scoileanna Gaeltachta a chreidiúnt. Tá páistí i gceartlár na Gaeltachtaí nach bhfuil Gaeilge acu ón gcliabhán. Tá mé ag caint mar gheall ar leanaí a rugadh i mór-roinn na hEorpa, mar shampla. B'fhéidir go raibh a thuismitheoirí ina chónaí i Sasana go dtí gur tháinig siad thar n-ais anseo. Tá páistí ag foghlaim an Ghaeilge sna scoileanna sin nach gcloiseann an teanga in aon áit eile. Ba chóir go mbeadh na hacmhainní agus an tacaíocht céanna ar fáil dóibh siúd is atá ar fáil sna Gaelscoileanna. Is mór an trua é nach bhfuil an fóirithint dírithe ar na scoileanna sin. Caithfear rudaí praiticiúla den tsórt seo a chur chun cinn.

Aontaím leis an Seanadóir Ó Murchú go bhfuil níos mó bá ann don Ghaeilge anois ná mar a bhí riamh. Braithim féin é sin. While I do not want to mention the war, is cuimhin liom na deacrachtaí a bhí agam nuair a bhí ainm mo áit dhúchais fhéin á phlé. Tá an troid sin fós ar siúl. Tá dul chun cinn déanta. Dé réir dealramh, tá athrú aigne tagtha ar an Rialtas. Rinne siad iarracht ainm an bhaile a athrú go dtí “An Daingean”, cé go raibh trí ainneacha — “An Daingean”, “Daingean Uí Chúis” agus “Dingle” — i ceist i gcónaí. Bhí sé de nós ag daoine aon ainm a úsáid, ag brath ar pé acu a bhí oiriúnach don chomhthéacs ag an am. Mar shampla, “An Daingean” a deirimís i gcónaí eadrainn fhéin. D'úsáidfimís “Daingean Uí Chúis” i measc stróinséirí agus “Dingle” as Béarla. Úsáidtear “Dingle” i nGaeilge chomh maith, uaireanta. Níor chuir sé isteach nó amach orainn riamh, go dtí gur cheap fear éigin taobh thiar de bhinse i mBaile Átha Cliath that it would be a good idea to change it all. That is the kind of thing that drives people mad. Is é sin an sórt rud a chuireann isteach ar dhaoine. Níl aon dul chun cinn ann. Ba chóir dúinn misneach agus tacaíocht a thabhairt do dhaoine. Ba cheart dúinn polasaithe praiticiúla, thar aon rud eile, a thógaint isteach. Tá súil agam go n-éireoidh linn an méid sin a chur chun cinn in éineacht leis an Rialtas.

Senator Dominic Hannigan: Is mian liom fáilte a chur roimh an Aire. Tá Seachtain na Gaeilge ar siúl faoi láthair. Cuirim fáilte roimh an díospóireacht atá ar siúl sa Teach inniu. Tugann an ócáid seo deis dom mo obair bhaile a dhéanamh. Téann mé go dtí rang Gaeilge gach seachtain sa Teach seo. An tseachtain seo caite, d'iarr an múinteoir orainn Gaeilge a labhairt sa Seanad. B'fhéidir nach bhfuil a fhios ag an Teach go mbíonn 20 Seanadóirí agus Teachtaí Dála ag freastal ar ranganna Gaeilge gach seachtain. Ba mhaith linn a bheith dátheangach i mBéarla agus i nGaeilge. Cinnte, tá a lán obair le déanamh sula mbím ábalta Gaeilge a labhairt go líofa, ach tá tús maith déanta againn.

Ta a fhios againn go bhfuil níos mó daoine ábalta Gaeilge a labhairt anois ná 20 bliain ó shin. Tá cúpla cúis le seo. An chéad chúis ná go bhfuil a lán gaelscoileanna ann anois. Nuair a bhí mé féin ag dul ar scoil ní raibh an gaelscoil ann mar rogha. Ní raibh deis againn an Ghaeilge

[Senator Dominic Hannigan.]

a úsáid ach amháin ar scoil nó sa Ghaeltacht sa samhradh, má bhí an t-airgead againn chun dul ann. Tá obair íontach déanta ag daoine áitiúla ar fud na tíre chun a ngaelscoil féin a oscailt agus tá an fás le 25 bliain anuas ar fheabhas.

Chomh maith le sin tháinig Acht na dTeangacha Oifigiúla 2003 i bhfeidhm chun tacaíocht a tabhairt don teanga. Anois, tá ar Ranna Stáit agus an eanáil phoiblí tuarascáil a fhoilsiú i mBearla agus i nGaeilge. Mar gheall ar an Acht teanga tá níos mó deiseanna ag daoine le Gaeilge obair a fháil mar aistritheoirí agus a leithéid.

Anois tá Raidió na Gaeltachta, Raidió na Life agus TG4 ann agus tá cláracha i nGaeilge ar go leor staisiúin eile freisin, mar shampla, ar Spin 103 agus ar Today FM. Ach an rud is tabhachtaí don teanga ná go bhfuil daoine áitiúla ar fud na tíre ag déanamh obair íontach chun an teanga a choinneáil beo. Tá na daoine sin an-thábhachtach ar fad.

Anois, ta cúlú eacnamaíochta ann agus beidh sé níos deacra airgead a fháil chun tacaíocht a thabhairt don teanga agus chun í a chur chun cinn. I mí na Samhna bhí mé ag caint le muinteoirí as gaelscoileanna i mBaile an Bhiataigh i gContae na Mí. Bhí mé ann chun plean straitéiseach Gaelscoileanna Teoranta a sheoladh. Ba bhreá leo scoileanna nua a bhunú ach níl an t-airgead acu.

Freisin, tá gá ann do mheánscoileanna dátheangacha nó meánscoileanna Gaeilge a oscailt. I mo cheantair féin níl ach scoil amháin ann. Tá páistí ábalta dul go dtí an bhunscoil Gaeilge ach nuair a chríochnaíonn siad ansin níl aon meánscoil Gaeilge ar fáil dóibh sa bhaile chéanna. B'fheidir go bhfuil eolas ag an Aire Stáit faoin cheist seo mar tá an fhadhb chéanna i mbaile Chill Deagláin. Deireann tuismitheoirí na háite liom go bhfuil géar gá le meánscoil Gaeilge. Bheadh tacaíocht de dhíth ó na páirtithe go léir chun níos mó airgid a chur isteach i meánscoileanna Gaeilge.

Cinnté, tá a fhios againn go bhfuil fadhb an-mhór leis an eacnamaíocht anois agus tá eagla ann sa tír go mbeidh an tAire Airgeadais ag gearradh siar ar bhuiséad an Aire Stáit. Ba cheart don Aire Stáit an tAire Airgeadais a chur ar an eolas go bhfuil feabhas an-mhór déanta ó thaobh cúrsaí Gaeilge de agus go bhfuil sé an-thábhachtach an fheabhsú seo a cosaint.

Senator Brian Ó Domhnaill: Is díospóireacht thábhachtach í seo maidir le cúrsaí Gaeilge faoi láthair agus faoi thodhchaí na Gaeilge, chan amháin don ghlúin seo ach dos na glúnta atá le teacht. Téann ceist na Gaeilge siar na blianta. Nuair a bhí go leor againn ag fás aníos bhíomar ag foghlaim na Gaeilge ar an scoil agus ag teacht abhaile áit a raibh an Ghaeilge ar fáil i go leor des na tithe, go háirithe ins an nGaeltacht. Déantar go leor cainte faoin nGaeilge sa Ghaeltacht agus taobh amuigh di. Le roinnt blianta anuas, tá an-fhorbairt déanta ar an teanga taobh amuigh den nGaeltacht, go háirithe leis an obair atá déanta ag eagraisí cosúil le Conradh na Gaeilge, Comhaltas Ceoltóirí Éireann, TG4 agus Raidió na Gaeltachta. Tá obair mhór déanta ag na gaelscoileanna agus ag na páistí go léir atá ag freastal orthu. Áit ar bith taobh amuigh den nGaeltacht a bhfuil gaelscoil innti agus tuismitheoirí toilteanach páistí a chur innti, bíonn na tuismitheoirí báiuil don nGaeilge agus bíonn sí á labhairt sa bhaile. Tagann na páistí abhaile ón scoil agus an Ghaeilge leo agus bíonn na tuismitheoirí sásta an Ghaeilge a labhairt dá bharr sin. Rud follán é sin. Tá buíochas tuillte ag na heagraisí go léir a bhfuil baint acu leis an nGaeilge sa tír, go háirithe na heagraisí atá taobh amuigh den nGaeltacht. Bunaíodh eagraisí úra mar pháirt de Chomhaontú Aoine an Chéasta agus tháinig forbairt dá bhrí sin, chan amháin ar an taobh seo den Teorann ach ar an taobh eile fosta agus tá an Ghaeilge á fhorbairt ins na Sé Contaetha.

Fáiltím roimh an obair atá ag dul ar aghaidh faoi láthair. Mar a dúirt an Seanadóir Ó Murchú, tá an Taoiseach ag tabhairt sampla maith don phobal. Tá an-obair déanta aige mar chathaoirleach ar an gcoiste Rialtais atá bunaithe aige. Fáiltím chomh maith roimh an obair atá déanta ag

an Roinn Gnóthaí Pobail, Tuaithe agus Gaeltachta agus ag an Aire, an Teachta Éamon Ó Cuív, le blianta anuas leis an Ghaeilge a cur chun cinn, go háirithe ó 1997 nuair a ceapadh é mar Aire Stáit ins an Roinn sin.

Tá fás substaintiúil tagtha ar an nGaeilge ins na bailte fearainn go léir ins an tír, go háirithe ins an nGaeltacht. Tá an cheist le cur i gcónaí, an bhfuil an Ghaeilge ag fás nó ag fáil báis ins na Gaeltachtaí? Mar chomhalta de Údarás na Gaeltachta agus mar dhuine atá ina chónaí sa Ghaeltacht, thig liom a rá go bhfuil an Ghaeilge lán bríomhar ins na ceantracha Gaeltachta agus go bhfuil sí a fós iontu.

Is féidir leis an Stát gach cuidiú a thabhairt don Ghaeilge ach ag deireadh an lae, is ceist í dos na daoine féin, agus go háirithe dos na teaghlaigh, an Ghaeilge a labhairt. Tá ról ag cúrsaí oideachais i dtodhchaí na Gaeilge, ins na bunscoileanna ach go háirithe. Tá sé níos fusa ag páistí óga an Ghaeilge a fhoghlaim ag leibhéal íseal ins na réamhscoileanna, na naíonraí agus na bunscoileanna. Más féidir leo an Ghaeilge a fhoghlaim ag an aois ghrúpa sin is ea is fearr. Tá thart faoi 86,000 duine ina gcónaí ins na ceantracha Gaeltachta agus lear mór acu ag labhairt Gaeilge go laethúil. Deirtear go bhfuil thart fá 250,000 duine faoi 20 bliain d'aois sa tír ar fad atá in ann Gaeilge a labhairt.

Tá súil agam go bhfoilseofar plean an Rialtais go luath. Beidh deis íontach ag an teanga ins na blianta amach romhainn de bhrí go bhfuil an Rialtas ag cur plean fadthéarmach le chéile don Ghaeilge. Is féidir jabannaí a chruthú as an teanga féin. Is buntáiste mhór fosta an stádas úr atá ag an teanga san Eorap anois.

Ta súil agam go mbeidh deis againn díospóireacht eile a bheith againn ar an ábhar seo go luath. Tá lúcháir orm go bhfuil an t-Aire Stáit sa Teach inniu, fear atá breá ábalta Gaeilge a labhairt. Bím ag éisteacht leis go minic ar Raidió na Gaeltachta nuair a bhím ag taisteal ins an charr. Tá Gaeilge den chéad scoth aige.

Senator Joe O'Reilly: Ba mhaith liom fáilte an Tí a chur roimh an Aire Stáit. Tá sé íontach tábhachtach béim faoi leith a chur ar an teanga labhartha ins na scoileanna ar fud na tíre. Tá a fhios agam go bhfuil an teanga labhartha lárnach sa chúrsa scoile. Tá fhios agam go bhfuil an teanga labhartha lárnach i gcuraclam na mbunscoileanna anois agus is cóir go mbeadh sé. Molaim don Aire agus don Roinn Oideachas agus Eolaíochta an cineáil béime ar an teanga labhartha a choimeád beo.

Sílím chomh maith go bhfuil sé íontach tábhachtach do leanaí óga tréimhse a chaitheamh sa Ghaeltacht agus go bhfuil sé sin an-riachtanach. Ba chóir go mbeadh seans ag gach dalta dul ar thréimhse go dtí an Ghaeltacht. In ainneoin go bhfuil na ciorraithe ar siúl anois, molaim don Aire agus don Rialtas airgead a chur ar leataobh agus a chur ar fáil do dhaoine óga chun deontais a thabhairt do dhaltáí óga ó theaghlaigh nach bhfuil ró-shaibhir chun dul go dtí an Ghaeltacht. Molaim an cabhair sin a thabhairt dóibh mar níl rud níos tábhachtaí, níos fearr ná níos forbartha do dhaoine óga ná dul ar thréimhse go dtí an Ghaeltacht.

Má théann daoine óga go dtí an Ghaeltacht ar feadh tréimhse agus má labhraíonn siad an teanga agus bíonn siad ag imirt cluichí agus ag tógáil páirt i saol sóisialta ansin, faigheann siad grá don teanga, grá don chultúr, do oidhreacht na tíre agus tá an cineáil grá don teanga acu de dheasca é sin a dhéanamh, nach mbeadh acu tar éis Gaeilge a fhoghlaim i seomra ranga acu féin. Mar sin, tá sé sin an-tábhachtach agus cuireadh mise an-béim ar sin, daoine óga a mholadh agus a spreagadh chun dul go dtí an Ghaeltacht agus cabhair a thabhairt dóibh é a dhéanamh.

Chuir an Seanadóir Ó Tuathail béim faoi leith ar seans a thabhairt do na múinteoirí, na hoidí scoile, dul go dtí an Ghaeltacht fosta agus ár ndóigh tá sé sin tábhachtach chomh maith. Tá sé íontach go mbeadh an grá don Ghaeltacht, an grá do oidhreacht na tíre, an grá do lucht na Gaeltachta agus dá dteanga féin a bheith ag na daoine sin. Tá sé an-tábhachtach go mbeadh

[Senator Joe O'Reilly.]

seans ag na múinteoirí an teanga a labhairt agus a bheith páirteach in imeachtaí na Gaeltachta. Molaim é sin a dhéanamh agus molaim don Aire Stáit anseo, scéimeanna a chur ar siúl agus smaoineamh go dian ar an ábhar seo, conas a mbeadh sé oiriúnach scéimeanna a chur ar siúl chun na daltaí a mholadh don Ghaeltacht gach dálda agus na múinteoirí ár ndóigh.

Tá sár obair déanta ag teilifís na Gaeilge sa tír seo, TG4. Is iontach an obair atá déanta ag an stáisiúin sin chun grá don teanga a fhorbairt agus a chothú sa tír. B'fhéidir go bhfuil sé riachtanach go mbeadh béim níos mó ar na stáisiúin áitiúil. Tá clár ana mhaith ar mo stáisiúin áitiúil, Northern Sound, gach seachtain sa Ghaeilge agus is maith an rud é ach tá sé riachtanach go mbeadh níos mó béime ar sin.

Ba chóir dúinn iarracht a dhéanamh san Oireachtas féin gach duine againn an Ghaeilge atá againn a úsáid go rialta. Sílim go bhfuil seans mór ag na leabharlanna timpeall na tíre imeachtaí nó oíche cheoil, oíche ghaelach sna leabharlanna agus ranganna speisialta agus oíche ag na coistí gairmoideachais a chur ar siúl. Tá an-tábhachtach leis an obair a dhéanann na coistí deonacha, na heagraíochtaí deonacha sa tír, mar shampla Comhaltas Ceoltóirí Éireann mar a bhfuil an Leas-Chathaoirleach páirteach ann — déanann sé an-obair ansin — an Cumann Lúthchleas Gael agus a lán eagraíochtaí mar sin. Ba chóir go mbeadh tacaíocht faoi leith tugtha do na heagraíochtaí sin chun an Ghaeilge a fhorbairt agus a chothú i ngach uair atá seans acu.

Senator Camillus Glynn: Ar dtús báire ba mhaith liom, admhaíl nach bhfuil neart Gaeilge agam, ach mar sin féin, tá an-suim agam sa teanga dúchais. Fáiltím roimh an deis chun díospóireachta a bheith againn as Gaeilge. Fáiltímid roimh an sampla maith atá tugtha dúinn uile ag an Taoiseach Brian Cowen ó cheapadh é. Is féidir linn uile níos mó iarrachta a dhéanamh chun an Ghaeilge a thabhairt isteach in ár gcuid oibre laethúil féin, 'sé sin an Ghaeilge a úsáid sa séipéal, san oifig, sa ghairdín, ar an sráid, ar an trá, sa phort, ar an bpáirc agus ag imirt peile. Is cuma má tá Gaeilge agat labhair í. An fáth nach bhfuil an Ghaeilge go flúirseach sa tír seo ná na daoine a bhfuil Gaeilge acu níl siad á chleachtadh.

Cuirtear ranganna Gaeilge ar fáil do bhaill an Oireachtais agus b'fhéidir gur cheart go mbeadh níos mó dúinn ag freastal ar na ranganna sin. Tá sé tábhachtach go dtiocfadh fás na Gaeilge ó na bailte agus ó na cathracha agus ón bpobal i gcoitinne atá ag freastal ar Ghaelscoileanna agus ar Ghael choláistí mar shampla. Tá buntáistí anseo freisin don Ghaeltacht mar beidh níos mó daoine ag iarraidh dul ar chuairt chun na Gaeltachta chun Ghaeilge a fhoghlaim agus feabhas a chur ar a chuid Gaeilge. I mo thuairim ní thagann feabhas ar do chuid Gaeilge muna chleachtann tú í. Is rogha an phobail é ag deireadh an lae an Gaeilge a labhairt agus tá sé tábhachtach go gcabhródh pobal líofa na Gaeilge le foghlaimeoirí i gcónaí chun muinín a thabhairt dóibh a gcuid Gaeilge a fheabhsú agus a chleachtadh.

An plean straitéiseach 20 bliain don Ghaeilge atá mar sprioc ag plean an Rialtais go mbeadh níos mó saoránaigh dátheangach sa Ghaeilge agus sa Bhéarla agus go méadófaí líon na gcainteoirí Gaeilge laethúla. Beidh forbairt na Gaeltachta mar phobal labhartha fíor thábhachtach san obair seo. Tá sé mar aidhm ag an Rialtas an méid daoine le Gaeilge a mhéadú ó 1.6 milliúin go dtí 2 milliúin duine. Tá sé mar aidhm ag an Rialtas freisin, líon na gcainteoirí laethúla Gaeilge a mhéadú ó 85,000 cainteoir laethúil go dtí 250,000 cainteoir faoi cheann 20 bliain. Beidh gníomhaíochtaí an phlean 20 bliain bunaithe ar ráiteas an Rialtais i leith na Gaeilge a d'fhoilsigh muid i 2006.

Is í an Ghaeilge ár dteanga dúchais, agus ní mhairfidh sí muna chuireann gach duine sár iarracht isteach chun í a choimeád mar ár dteanga dúchais, sé sin an teanga a úsáidtear i ngach slí, i ngach áit agus i ngach suíomh.

Senator Rónán Mullen: Cuirim fáilte roimh an Aire agus ba bhreá liom a rá go bhfuilim an sásta go bhfuil an deis seo againn an Ghaeilge agus cúrsaí Gaeilge a phlé sa Seanad go háirithe i gcomhthéacs Seachtain na Gaeilge a bheith tagtha. Is dócha go bhféadfaí a rá faoin nGaeilge go bhfuil ana chuid daoine sa tír ní hamháin buíochas le Dia go bhfuil go leor daoine go bhfuil Gaeilge líofa agus Gaeilge ar a dtoil acu ach sa tír ar fad is minic a bhuaifimid ar fad le daoine atá báúil leis an nGaeilge; go bhfuil rud éigin sa chroí ag daoine maidir leis an nGaeilge. Sa tír ar fad is minic a bhualaimid uilig le daoine atá báúil leis an Ghaeilge, tá rud éigean sa chroí ag daoine maidir leis an Ghaeilge. Is minic a deir duine liom gur deas leis an Ghaeilge a chloisteáil nuair a labhraím Gaeilge ó ham go chéile, fiú nuair nach dtuigeann sé gach rud atá ráite. Bíonn daoine sásta go bhfuil an Ghaeilge á plé.

Sinn a bhfuil an Ghaeilge againn, tá fáthanna éagsúla leis sin. B'fhéidir gur tógadh le Gaeilge sinn nó bhí múinteoirí maithe againn nó deiseanna againn agus sinn ag an choláiste nó ar scoil. Sin a tharla i mo chás féin. Tógadh i dteach mé nach raibh mórán Gaeilge inti ach bhí mo mhuintir an-bháúil leis an Ghaeilge agus bhí sé de smaoinemh againn gur rud maith í an Ghaeilge, cuid dár n-oidhreacht agus gur rud fiúntach é tréan-iarracht a dhéanamh chun í a fhoghlaim agus feabhas a chur uirthi. Bhí múinteoirí iontacha agam ar scoil a léirigh go raibh níos mó ná jab i gceist ach gairm acu an Ghaeilge a chur chun cinn agus rinne siad a seacht ndícheall sin a dhéanamh.

Le déanaí bhí sé d'ónóir agam bheith mar chathaoirleach ar chraobh na hÉireann de dhíospóireachtaí Ghael Linn i Ros Cré do na meánscoileanna lán-Ghaelacha. B'iontach an ócáid í agus bhí scíleanna díospóireachta agus Gaeilge den scoth ag na mic léinn. Is sean-teanga í an Ghaeilge ach, ar bhealach eile, tá an Ghaeilge an-óg. Má amharcaimid ar na daoine atá ag labhairt na Gaeilge sa tír anois sna Gaelscoileanna, agus ar na himeachtaí atá eagraithe ag a leithéid de Choláiste na bhFiann agus coláistí samhraidh eile, is léir go bhfuil nasc idir bheith óg agus an Ghaeilge a fhoghlaim agus sin an bealach ceart. Is cuimhin linn uilig agus sinn ar scoil, bíodh gur fiúntach an rud é an litríocht a fhoghlaim, mar aon le stair na teanga agus na litríochta, go raibh rud éigin in éasnamh, nach raibh an bhéim cheart leagtha ar fhoghlaim na Gaeilge mar theanga labhartha.

Bhí áthas orm go raibh deis agam le linn dom bheith ag an mheánscoil cionn is go raibh múinteoir, Michael John Kilgannon, go háitiúil a d'eagraigh cúrsaí Gaeilge i mBéal Átha na Sluaighe i rith an tsamhraidh agus d'fhreastal mé féin orthu agus rinne siad an-mhaitheas dom. Bhí sé de phríbhléid agam bheith mar mhac léinn agus ard-chinnire ina dhiaidh sin le Coláiste na bhFiann, agus tréaslaím do na coláistí samhraidh leis an obair iontach atá ar siúl acu. Chuir mé aithne ansin ar a leithéid de Phádraig Uí Cheatharnaigh, atá ag déanamh sár-obair le Comhdháil Náisiúnta na Gaeilge.

Tréaslaím fosta le m'iar-ollscoil féin, Coláiste Ollscoil na Gaillimhe. Ní dhearna mé féin an Ghaeilge mar ábhar céime ach bhí scéim iontach curtha ar fáil ag Oifig na Gaeilge Labhartha faoi stiúradh an fhir iontaigh sin, Peadar Mac an Iomaire. Bhí deis ag mic léinn nach raibh Gaeilge á déanamh acu mar ábhar ollscoile dul chuig An Ceathrú Rua go dtí Áras Mhairtín Uí Chadhain chun cúrsaí Gaeilge a dhéanamh. Cén coincheap a bhí taobh thiar de sin? Le déanamh cinnte go mbeadh daoine amach anseo i gcúrsaí leighis nó innealtóireachta in ann seirbhísí a chur ar fáil trí Ghaeilge do lucht na Gaeilge.

Tréaslaím leis na daoine seo uilig a chinntigh ní amháin go bhfuil an Ghaeilge beo ach go bhfuil sí óg agus go bhfuil daoine meallta chun snás a chur ar a gcuid Gaeilge. Bhain mé féin an-tairbhe agus an-taitneamh as sin. Tá áthas orm go bhfuil a leithéid de Des Bishop ag díriú airde ar thábhacht na Gaeilge agus daoine óga á mealladh aige. Gura fada buan na laocha seo ar fad toisc an tseirbhís atá déanta acu don tír, don chultúr agus do mhuintir na tíre as a gcuid grá don Ghaeilge a nochtadh agus daoine eile a mhealladh don Ghaeilge.

[Senator Rónán Mullen.]

Tréaslaím freisim leis an Taoiseach agus an dea-shamplá atá léirithe aige as an Ghaeilge a úsáid chomh minic agus is féidir. Ní bhíonn sé furasta i gcónaí Gaeilge a labhairt sa Teach seo mar ní bhíimid i gcónaí ag iarraidh brú a chur orthu siúd nach bhfuil Gaeilge ar a dtoil acu ach is fiú an iarracht a dhéanamh. Sinn a bhfuil an Ghaeilge againn, d'fhéadfaimis úsáid a bhaint aisti ar bhonn níos rialta. Na daoine nach bhfuil mórán Gaeilge acu, is fiú dóibh iarracht a dhéanamh mar ní bhfaighidh siad ach fáilte uainn.

Senator Pearse Doherty: Cuirim fáilte roimh an díospóireacht seo. Bhí mé ag cuartú díospóireachta ó tháinig mé isteach go dtí an Teach seo ar chúrsaí Gaeilge agus Gaeltachta. Cé go gcuirim fáilte roimh an díospóireacht seo, níor chóir don Ghaeilge bheith curtha sa choirneál le linn Seachtain na Gaeilge. Níl go leor ama tugtha don díospóireacht agus ní cheart dúinn bheith ag plé cúrsaí Gaeilge as Gaeilge, ba cheart dúinn na cúrsaí uilig a bhíonn le plé againn, ó stát na tíre go dtí cúrsaí iacaireachta, cúrsaí fostaíochta agus cúrsaí eacnamaíochta, a phlé tríd an Ghaeilge. Chuir mo chomhghleacaithe sa Dáil rún síos ar Riar na hOibre ansin mar gheall air sin go mbainfaimis úsáid as an Ghaeilge 50% den am le linn an lae seo agus an lae amárach. Chuir mé féin agus Seanadóir O'Toole an rún céanna síos sa Seanad.

Ag leanúint air sin, ba cheart go mbeadh sé aontaithe ag na páirtithe go léir céadchodán go bhféadaimis amach anseo le linn 2009 an Ghaeilge a úsáid sa Teach seo agus sinn ag plé ceisteanna eile.

Sin ráite, cuirim fáilte roimh an díospóireacht agus tá mé buíoch den Cheannaire ach, mar a dúirt mé, caithfidh an Ghaeilge a úsáid agus sinn ag déanamh gnáthobair na dTithe seo agus ní amháin nuair a bhíonn cúrsaí Gaeilge a bplé againn.

Ag díriú isteach ar an méid atá ráite ag an Aire Stáit, tá cúpla pointe ann. Nuair a luaitear na Gaelscoileanna, ceann de na neamairt mhóra atá á dhéanamh ag an Rialtas seo ná an ciorcalán 0044/2007 agus go bhfuil an tAire Oideachais agus Eolaíochta go fóill dubh in éadan an tumoideachais agus ag iarraidh deireadh a chur leis. Go dtí an pointe seo, tá gníomhairí na teanga ag tabhairt cás cúirte in éadan an Stáit le cosaint a thabhairt don módh teagaisc seo, modh teagaisc a oibríonn ar fud an domhain. Is scannal é má amharcann daoine ar cad é tá ag tarlú anseo nuair atá cosaint bhunreachtúil ag an Ghaeilge mar phríomh-teanga na tíre seo. Má amharcann daoine ar cad é atá ag tarlú sa Chomhthionól sna Sé Chondae, áit nach bhfuil an chosaint chéanna ag an Ghaeilge, tá an tumoideachas mar pháirt lárnach i bpolasaí an Rialtais ansin ó thaobh cúrsaí oideachais de. Bheadh sé go maith le linn Seachtain na Gaeilge dá bhfógródh an tAire Oideachais agus Eolaíochta go dtarraingeodh sé siar an ciorcalán sin agus go ligfeadh sé don tumoideachas dul ar aghaidh agus go gcuirfeadh sé stop leis an ionsaí atá an Rialtas seo a dhéanamh ar na Gaelscoileanna ar fud na tíre, scoileanna atá ag déanamh obair ar dóigh.

Ó thaobh an staidéir teangeolaíochta de, a luaigh an tAire Stáit sa ráiteas, rud atá ardaithe agam sa Teach seo go minic, ní thuigeann an Rialtas cé chomh práinneach agus atá sé. Tá se foilsithe anois ó 2007 agus chosnaigh sé níos mó na €500,000. Tá sé ráite go soiléir, i ndubh agus bán, sa staidéar go mbeidh an ceantar is láidre sa Ghaeltacht ag fáil bháis taobh istigh de 15 bliana mura gcuirfear na polasaithe atá sa staidéar i bhfeidhm. D'fhógair an tAire go mbeadh plean gníomhaíochta ag an Rialtas roimh dheireadh na bliana 2008. Tháinig sin agus d'imigh sé agus go fóill níl an plean sin againn. Nuair a chuir mo chomhghleacaithe sa Dáil ceist síos don Aire le fáil amach cé mhéad uair a bhuail an coiste aireachta ar a bhfuil an Taoiseach ina chathaoirleach, dhá uair ba fhreagra don cheist. Ó 2007, bhuail an coiste aireachta dhá uair chun plé a dhéanamh ar na moltaí sin. Níl sé sin maith go leor, nuair atá sé le feiceáil i staidéar a rinne an Rialtas go bhfuil an Ghaeltacht faoi bhrú — gheobhaidh sé bás muna gcuirfear na moltaí seo i bhfeidhm. Caithfidh an Aire Stáit agus a chomhghleacaithe an staidéar seo a

ghlacadh, i ndáiríre. Tá a fhios agam go bhfuil brú eile ar an Rialtas agus ar an Taoiseach, ach caithfidh siad déileáil leis an fadhb seo go práinneach. Caithfidh siad plean gníomhaíochta a fhógairt agus a thacú.

Luaigh an Aire Stáit an tábhacht a bhaineann leis na coláistí Gaeilge. Tá a fhios agam, os rud é go dtagaim ó ceantar Gaeltachta, mar gheall ar na buntáistí a bhaineann leis na coláistí, ní hamháin don Ghaeilge ach d'eacnamaíocht na Gaeltachtaí freisin. Tugann na coláistí antacaíocht dos na ceantair sin. Chuir an Rialtas droch-chinneadh i bhfeidhm i buiséad 2009, áfach, nuair a ghearr sé an €50 a bhí le fáil do gach scoláire chun freastal a dhéanamh ar na coláistí Ghaeilge. Is sampla é sin, mar aon leis an ionsaí ar an tumoideachas, don dearcadh ata ag an Rialtas ar an Ghaeilge. Níl an Rialtas ag déileáil leis an staidéar teangeolaíochta mar ba chóir. Anois tá sé ag gearradh an €50 a thugadh do gach scoláire chun freastal ar an Ghaeltacht agus an Ghaeilge a fhoghlaim. Tá an Rialtas ag déanamh ionsaí ar an Ghaeilge. Caithfidh sé tarraingt siar ar sin.

Is féidir linn go leor a dhéanamh ó thaobh an Ghaeilge de. Is rud mhaith é an plean 20 bliain. Ba chóir dúinn dearcadh fad-téarmach a bheith againn, ar bhonn náisiúnta. Ba cheart dúinn tacaíocht a thabhairt don Acht Teanga sna Sé Chontae. Cén áit atá ann d'Fhoras na Gaeilge taobh istigh den phlean 20 bliain? Sílim gur fhoras iontach tábhachtach é. Tá inní orm go gcuirfí ciorraithe i bhfeidhm ar an maoiniú a thugtar d'Fhoras na Gaeilge. Tá sé fógraithe ag an Rialtas go ndéanfaí ciorraithe taobh istigh de cúpla seachtain. An bhfuil an Aire Stáit ábalta rá leis an Seanad inniu nach mbeidh gearradh siar ar bith ar maoiniú Foras na Gaeilge?

Cuirim fáilte roimh an díospóireacht seo. Caithfidh i bhfad níos mó a dhéanamh. Bhuail mise, an Seanadóir Ó Murchú agus ceannairí na páirtithe eile leis an Aire, an Teachta Ó Cuív, níos mó ná bliain ó shin chun iarradh conas gur féidir an Ghaeilge a chur chun tosaigh i dTithe an Oireachtais agus muid ag comóradh 90 bliain ón Chéad Dáil. Ba í an Ghaeilge an phríomh-theanga an lá úd i 1919. Caithfidh níos mó a dhéanamh. Má cuirimid an teanga i gcoirneál beag, táimid ag déanamh neamhaird de. Ní féidir an jab a dhéanamh go simplí trí cúpla focal a rá le linn Seachtain na Gaeilge, agus sin é. Caithfidh níos mó plé a dhéanamh ar an Ghaeilge chun í a chur chun cinn. Caithfidh an Ghaeilge bheith mar páirt d'obair an Oireachtais gach lá. Ba mhaith liom comhoibriú leis an Rialtas agus na páirtithe eile sa dóigh is go mbeimid ábalta é sin a chur i gcrích.

Minister of State at the Department of the Taoiseach (Deputy Pat Carey): Tá an-áthas orm bheith anseo. Tá mé i ndáiríre mar gheall ar sin. Is pribhléid é dom bheith anseo i bhur measc. Ar nós a lán Seanadóirí, fuair mé mo chuid bunoidreachais agus meánoideachais trí mheán na Gaeilge ar fad, nach mór. D'fhoghlaim mé Laidin trí Ghaeilge. Tá mo chuid Gaeilge imithe chun donais, faraoir, ón lá gur chuaigh mé go dtí an ollscoil.

Aontaím leis an Seanadóir Doherty agus Bail eile a dúirt go gcaithfidh an Ghaeilge a úsáid i ghnáth-obair an Oireachtais — an Dáil agus an Seanad. Tá an-mheas agam ar Seachtain na Gaeilge mar tionscnamh, go mórmhór na daoine óga atá taobh thiar de. Cé go bhfuil sé tábhachtach, bheadh sé i bhfad níos sásúla dá mbeadh Question Time sa Dáil trí Ghaeilge go rialta. Bhí sé meascáithe idir Gaeilge agus Béarla i rith na seachtaine. Bheadh sé i bhfad níos sásúla dá bhféadfaimis é sin a dhéanamh.

Is léir os na cainteoirí difriúla go bhfuil an-suim ag an Seanad sa Ghaeilge, nó an “Gaelainn”, mar a dúirt an Seanadóir O'Toole. Is dóigh liom gurb í an “Gaelainn” Gaeilge na Ríochta. Labhair Seanadóirí mar gheall ar stádas na teanga. Tá an ceart ag Seanadóirí a dúirt go bhfuil na Gaeltachtaí faoi bhrú. Tá an Rialtas ag obair chun tionchar an Bhéarla sna Gaeltachtaí a laghdú. Táimid socraithe ar tacaíocht a thabhairt do phobal na Gaeltachta timpeall na tíre, i dtoibreacha na Gaeilge ar nós Dún Chaoin, Leitir Mór agus Gaoth Dobhair. Tá sé de dhualgas orainn ag Ghaeilge a chaomhnú agus a threisiú sa Ghaeltacht. Tá an Rialtas i ndáiríre go bhfuil

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sé chun gach cabhair is féidir leis a thabhairt don Ghaeilge, taobh istigh agus taobh amuigh den Ghaeltacht. Tá sé tábhachtach freisin cabhrú leis an mborradh atá tagtha ar gluaiseacht na gaelscolaíochta i mbailte agus cathracha ar fud na tíre.

Dúirt roinnt Seanadóirí go bhfuil gá le níos mó cabhair a thabhairt do mhúinteoirí agus daltaí sna bunscoileanna agus sna meánscoileanna. Tá na cuiditheoirí a oibríonn faoin scéim “Tús Maith” ag obair go maith, i mo thuairim. Tuigim go bhfuil múinteoirí an-sásta leis agus go bhfuil tuismitheoirí an-báúil leis. Tá níos mó oibre le déanamh, ceart go leor. Táimid chun labhráin agus uirlisí a chuir ar fáil, faoin scéim “Séideán Sí”, chun fás na teanga a chothú. Tá sé sin á leathnú ag an Rialtas. Labhair an Seanadóir O’Reilly mar gheall ar an scéim scoláiríochta, atá an-tábhachtach. Aontaím leis an Seanadóir O’Toole gur cheart dúinn scéim a fhorbairt chun ligint do mhúinteoirí tréimhse a chaitheamh sa Ghaeltacht. Déarfainn go mbeadh an Aire i bhfabhar scéim den tsórt sin. Bhí sé ar fáil nuair a bhí na coláistí ullmhúcháin fós oscailte. Botún mó ab ea é nuair a dúnadh iad go luath sna 1960í, ach ceist staire atá ann anois. Bheadh tréimhse sa Ghaeltacht an-tábhachtach do mhúinteoirí nach bhfuil Gaeilge flúirseach acu, cosúil linn fhéin.

Tá an Rialtas ag obair ar treoirphlean chun úsáid na Gaeilge a leathnú, ní hamháin san Oireachtas ach i ngach phobal, mór nó beag, ar fud na tíre. Labhair an Seanadóir Hannigan mar gheall ar Chill Dheagláin i gContae na Mí. Tá Gaelscoil na Cille sa bhaile sin mar ceann de na scoileanna lán-Gaelacha is aosta sa tír. Bíonn campa samhraidh ann gach bhliain. Meascann na tuismitheoirí, na múinteoirí agus na páistí le chéile agus iad ag foghlaim an Ghaeilge, ag rince agus ag dul ar deireadh seachtaine saoire. Tá caighdeán an-árd Gaeilge sa dúiche sin. Tá a fhios agam go bhfuil éileamh déanta ag muintir na háite chun gaelcholáiste a chur ar bun ann. Tá fás beag tagtha ar gaelcholáistí sa chathair seo. Tá daoine ag lorg níos mó dóibh.

Labhair roinnt Seanadóirí mar gheall ar Seachtain na Gaeilge. Ba mhaith liom go mbainfí níos mó úsáid as an Ghaeilge taobh amuigh de Seachtain na Gaeilge. Aontaíom leis na daoine a labhair faoi, mar shampla, an tionchar atá agus an deá-obair atá á dhéanamh ag TG4 agus Raidió na Gaeltachta. Tá suim níos mó ag daoine, i mo thuairimse, i “Ros na Rún” ná mar atá acu i “Fair City”, mar shampla. Tá tionchar an-mhór ag daoine ar nós Des Bishop ar saol daoine óga go mórmhór.

Geallaim don Teach go ndéanfaidh an Rialtas gach cúnamh agus spreagadh a thabhairt chun an Ghaeilge a chur chun cinn sna Tithí seo agus ar fud na tíre. Ba cheart dúinn i dTithí an Oireachtas ceannasaíocht a thabhairt dos na daoine tríd an teanga a labhairt go laethúil mar is beatha teanga í a labhairt. Tíocfaidh mé ar ais chuig roinnt de na Seanadóirí le 5 o'clock freagraí níos cruinne mar gheall ar Fhoras na Gaeilge agus an obair atá ar siúl mar gheall ar ceist an tumoideachais. Beidh an tAire i dteagmháil leo mar gheall ar na ceisteanna sin agus cinn eile nach raibh seans agam iad a fhreagairt.

Seanad Reform: Motion.

Senator Joe O’Toole: I move:

Seanad Éireann, recognising the all-party support for the Report on Seanad Reform:

- welcomes the fact that the indirect method of election by local authority members remains a core part of the new approach;
- believes that every qualified citizen should be entitled to participate in Seanad General Elections and urges the Government to bring forward as soon as possible, the necessary constitutional and legislative amendments to establish this universal franchise as recommended in the Report on Seanad Reform and;

resolves to mark this, the thirtieth anniversary of the Constitutional amendment whereby the people of Ireland approved the extension of the Seanad University constituency to other institutions of higher education, by having, in the University of Limerick (UL), the first new provincial university, a special Seanad sitting during which the details of the arrangements

(i) to include the new institutions and

(ii) to create the universal franchise

will be debated.

I welcome the Minister of State. I am extraordinarily disappointed in the Government amendment to this motion. The strongest line in it is that the Seanad “resolves to request the All-Party Group” to do something, which is extraordinary. We have an opportunity to debate the Seanad. We either change it or get rid of it because it cannot continue the way it is currently operating. From a democracy point of view, we have to examine certain aspects of it and get them right. In other words, we either reform or we die, we either change or be abolished, which I believe will happen. The Government believes it controls these matters but it does not.

This House does extraordinarily good work. Major legislation it dealt with in the past year included the Adoption Bill, currently going through the House, the Charities Bill which passed through it House earlier, the Broadcasting Bill, the Civil Liability (Amendment) (No. 2) Bill and the Harbours (Amendment) Bill. Those Bills did not receive the detailed scrutiny and discussion in the Dáil that they received here. That is the strength of this House. What I say is no reflection on the personnel in this House. I do not go along with those people who say that local authority members should not have an extraordinarily important voice in the election of the Upper House. Those are not my points.

What is required is a threefold approach. First, this is a democracy. The Second House is owned and shared by all the people, therefore, the question of a universal franchise where every citizen of the State would have a vote, a voice and an input into the election and composition of the Seanad is a *sine qua non*, and that must be delivered on.

Second, the universities constituency has no place in a democracy as currently structured. It has only a place in a democracy where other members of that democracy, other citizens, also have a vote. Then it has a perfect place. Because of the vocational nature of the Seanad, it is completely right that a vocational group such as university graduates would be picked. There is nothing wrong with that as long as they do not get something ahead of other citizens of the State. The way to deal with that is for a person who is citizen and a graduate to decide where he or she wants to register, whether for the election in the universities constituency or in one of the constituencies outside it.

I am talking about the composition and the election of a Seanad in three main parts, or four allowing for the nominations of the Taoiseach as part one. Part two would comprise local authority members electing a significant number of Members to the Seanad, about half of the number they currently elect. Every citizen of the State would have a vote on a list system such that parties would list the candidates they want to put forward for the Seanad in order of priority and the people would be chosen off the list on the basis of the percentage of the vote they were given by the ordinary people in the list system vote. I want to focus on that element. I say to my colleagues on this and the other side of the House who feel threatened by what I am saying that this is a huge attraction to Members of this House who have no intention or ambition to go forward for election to the other House. It means they will concentrate on the inside panels being elected by the local authority members and if candidates fail to get elected

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to the Dáil and their parties want them to be Members of the Seanad, they would be put on the list system, therefore, they would not be in competition with each other when calling to county councillors. In that way, the field is cleared and dealt with.

The way to deal with the universities constituency is to extend the franchise to every third level college, as asked for by the Irish people 30 years ago this year. Having extended it, people who are citizens and graduates can then decide where they want to vote. They can register through their colleges or in the normal electoral process to elect a candidate to the Seanad. Surely Members would find nothing threatening in that.

I hold in high regard my colleagues who are elected through the indirect system by councillors. I am not demeaning that system in any way, all I am saying is that as it stands it is overwhelming and that is unacceptable. I am talking about more than 20 Members as opposed to more than 40 Members being elected in the indirect system, more than 20 Members being elected by the people by a direct vote, maintaining the six Members on the universities panel except it would be extended to all the colleges, and there would also be Taoiseach's nominees. Furthermore, the outgoing Cathaoirleach should be returned unopposed. Everything I have said, apart from the numbers which may be slightly different, is part of the recommendations of the Seanad reform group. We should grasp such reform and move forward.

People do not trust or have confidence in this House nor do they have a sense of ownership of it. Debate is ongoing about what it is doing — it does not know what it is doing. Journalists who report what it is doing do not have a clue. These are the people who were experts on stem cell research yesterday, the following day they will be experts on health matters, the day after they will be experts on the economy and they are also experts on the Seanad. I talked to a journalist recently about the Seanad and asked him when was the last time he checked what was happening there. For instance, the Broadcasting Bill was changed more in this House than in the other House. I could go through other such instances time and again but I do want to get into that game. However, it is the reality. Work is done here.

In a time of recession when the other House will be rightly focused on the economy, as it is currently, the work of legislation still has to go on. The nuts and bolts of the political process has to continue and this is the House where that can happen. The idea of bicameral parliament with two chambers is hugely important and it is never more important than in a recession.

People have often heard that the first casualty of war is truth. The first casualty of recession is democracy. We saw it in Germany, Italy and Spain during the hungry 1930s and 1940s when people, by election, got rid of their democracies and were left with dictatorships. The first casualty of post democracy — our journalists friends should note this — is a free press. We need only look to Zimbabwe, Russia or any other country where there is not a democracy. These are important issues that we need to examine. That is not a debate I can get into now, as time does not permit. This House does very good work. In the main the Members of this House are serious, committed people. They have work to do and are serious about their job. Nothing I say can take away from that. However, having said that even though it can be viable, vital and effective, in terms of how we are elected or selected it is exclusive, undemocratic and unrepresentative. That is not a reflection on the people. In a democracy we cannot have a system where the people do not get a voice all the way through. It is also not fair to say they have no voice at the moment. They have an indirect voice through their local authority members. It is an indirect form of democracy and there is nothing wrong with that. I disagree with some of my colleagues on these benches about that issue. That is something that has worked well in other places. My only criticism of it here is that it is overwhelming. To have 43 such Members out of 60 is too many.

The Leader knows my views on this matter. If we do not take control of that, there will be no tolerance outside of here for the point I have just offered. Most people would say at an election the people should elect the representatives, that they can elect local authority members on another day and that local authority members should not have the vote. We have seen it in the North over 40 years. It is too little too late that causes the problem. We need to look at it now, grasp it, control it, manage it and direct it. This is an opportunity to take matters forward, to change the composition, to put in place the proposals made by the latest Seanad reform group, which had the support of all parties in the Seanad at the time. It represents a way forward that will give new life to the second Chamber.

I went to New Zealand which eliminated its second Chamber and I considered the impact it had on the legislative process. I believe it was a mistake to get rid of it there. I was told that its Parliament could do its work in one Chamber. However, it ended up adding three extra stages to the legislation, including another stage after Second Stage and another stage later on. It got longer and longer, and less efficient. The idea here is that the second House gives a second view and a new perspective and makes it work that way.

I also disagree with those many people who claim this House should have more power, which is nonsense. This House has enough power. The Constitution is fine as regards the power of this House. We do not want to end up like Washington where there can be legislative gridlock with one House going against the other. The will of the people should be expressed in the Lower House and that should always carry sway.

It was reported to me that only today somebody said: "Sure what does the Seanad do only rubber-stamp?" I do not know whether those people recognise that the Government has an inbuilt majority in the other House. There is more chance of getting the Government to change its mind here than in the Lower House. For those people that is the case.

Let me get back to the basic issues here. I can no longer look straight in the face graduates of universities other than NUI and Trinity, and try to tell them that I accept that they do not get a vote 30 years after the people decided differently. I cannot accept that point, nor can I say that the vocational system works. I come to my final red flag to people. The vocational system is working not in the way it was contemplated by Eamon de Valera. At the moment there is a very low bar, which calls for knowledge and experience. There is a very low bar in the implementation of that. If we do not do as I suggest, we will find ourselves in a situation where strict reform of the House will go into far greater detail as to what is required by that.

I will give my own example. I was the chief executive of Ireland's largest educational organisation, covering the entire island, and one would imagine I would have been a model to stand on the Cultural and Educational Panel. As I am not a member of any party and am non-party, I would not have got five votes. That was not what was contemplated when the system was defined in the 1930s. Later I became president of Ireland's largest labour organisation. I am not blowing my own trumpet here, I just want to put on the record that it does not work. I should have been a model to stand for the Labour Panel, but I would not have got five votes on that panel. I had to find my way in here through the most exclusive cadre, which I found very difficult at the time. I am thankful for the decent graduates of NUI who have managed to elect me in the past seven elections over 22 years. I hope I have represented them as well as I can. In every election campaign and even before that I have said that we should reform this House. I believe we should take control of it now and do it.

The Government amendment is appalling. I got a call this evening from a representative of the University of Limerick, members of whose alumni association were talking with Members of this House and members of the Green Party in recent times and were given a clear commit-

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ment that the university franchise would be extended to all the other colleges by the end of this calendar year. I would like that to be put on the record of the House tonight.

I have listened to the debate with interest. I have only scratched the surface of it. It is a major, constitutional, democratic and structural issue. It is to do with participation in democracy and is very much to do with a lack of trust and confidence by ordinary people in the political processes. Let us put trust back into the system. Let us give the people ownership and a say in the election of Members of the Seanad.

Senator Ivana Bacik: I am delighted to second this important motion on Seanad reform and to support Senator O'Toole. It is an excellent motion. Like Senator O'Toole, I have supported calls for Seanad reform even before my election to the Seanad for the first time in 2007. When we had a debate on Seanad reform, prompted, I believe, by a Government motion in November 2007, I spoke in support of that shortly after my election to this House for the first time. However, I believe this motion is more elegantly worded. It is important to note that it welcomes in particular that the indirect method of election by local authority members should remain a core part of a new approach to elections to the Seanad as envisaged by the all-party report on Seanad reform.

It also states the belief that "every qualified citizen should be entitled to participate in Seanad General Elections". It concludes with the need to include all the third level institutions and to create a universal franchise. Those are two very important principles to take forward while we reflect on the all-party report on Seanad reform of former Senator, Deputy Mary O'Rourke.

Before addressing the subject of Seanad reform, like Senator O'Toole I would like to say something about the nature of the Seanad. Some criticisms have been expressed in recent weeks, some by very long-standing Senators, of the procedures and the existence of the Seanad. Given that I am a relatively new Senator of less than 18 months, I would like to say something of my experience of the procedures. Coming in as a new Senator, some of these procedures are undoubtedly cumbersome. I am sure other new colleagues will share my view of that. At times there may appear to be considerably more heat than light generated in debates, yet I believe the Seanad fulfils a very important function and has enormous strengths. Any criticism must be measured against that.

There are some obvious reforms we could make without recourse to constitutional or even legislative change. I would like to put on the record three obvious changes we could make. We should publish a legislative schedule. I know the leaders of each group debate this matter each week and particularly in current times an element of flexibility is needed when emergency legislation comes through. However, we can predict much of the legislation that will be before us in two to three weeks' time, yet we do not tend to get adequate notice. It would improve the quality of debates if we had more time to prepare ourselves for those. I would love to see a legislative timetable prepared and publicly accessible so that not only we, as Senators, could prepare our debates, but also those ordinary members of the public in civil society. For example, those involved in adoption would know that the Adoption Bill would be debated in the Seanad in two particular weeks in March 2009. That would greatly improve public awareness and information about the Seanad and the debates here. It is a very obvious and simple measure that we could implement. I understand that in some sessions the Seanad has given more advanced notice of a timetable. Clearly it would need to be flexible. However, even if we could say that particular Bills were due to be debated in particular weeks it would be of great assistance.

Second, like many colleagues, I asked that the Order of Business would be reformed to become more obviously a debate on topical issues of the day. The time could be extended to

one hour and perhaps the time of individual speakers could be limited usefully so that each Senator would have more of a chance to contribute.

Senator Donie Cassidy: That is a good idea.

Senator Ivana Bacik: It might be useful. It would also make it easier to have a topical debate. Yesterday, as we all know, the Order of Business became a discussion about the dreadful events in Northern Ireland at the weekend, which is as it should have been. Yet, we still had to remain within this rather artificial framework of the Order of Business. It would be a great improvement to the perception of the Seanad outside and to our work within were we to say this is a debate on topical issues and to extend the time generally while allowing particular time limits for speakers, including the Leader, if I may say so.

My third proposal for internal reform, before we deal with more general reforms, is with regard to statements on particular issues. I can see there is often great merit and value to those issues but, equally, they sometimes seem rather obscure and it may not be clear, even to Members, why we are debating particular issues at particular times. While we all call for statements on issues, we can sometimes be surprised to see a particular issue on the agenda.

This afternoon's discussion on *Seachtain na Gaeilge* was obvious because *táimid i Seachtain na Gaeilge*, which is fine. However, there is often no rationale apparent to us or the public as to why we have statements. If we gave more advanced notice, it would give a better indication of why we have statements. Perhaps there should be a line or two on the agenda every week explaining why we have statements on a particular topic at a particular time. Where we have statements, given it is sometimes difficult for every speaker to contribute, 15 minutes is too long for individual spokespersons and perhaps an eight or ten minute maximum might be preferable.

Those are some minor points which would improve and enhance the quality of our internal debates. That said, in the 18 months I have been a Member, I have seen the immense strengths of the Seanad. Before I came in, I knew the Upper House served a very valid function. Senator O'Toole pointed out the merits generally of a bicameral system, which are undoubted. The Irish experience has seen some articulate Senators in the past — I am thinking of former Senators such as Mary Robinson and Mary Henry, for example, who used this House as a platform to express radical and progressive views on issues that were not being aired in the other House and probably would not have been aired in public debate otherwise. Those were the sorts of issues that led to legislative reform — I am thinking of issues such as the Bills on contraception that Mary Robinson brought forward in the 1970s and Mary Henry's very valuable contributions on IVF and the need for its regulation, as well as on capacity and wardship, which we are still debating.

A similar point can be made with regard to debate on legislation in the Seanad. Senator O'Toole has got it exactly right. We have much more thoughtful debates, particularly on Committee Stage, because all Members can come in on Committee Stage and this means that those who have individual expertise, knowledge or experience to share on a particular issue can contribute. This is a strength we have over the Dáil committee procedure. For example, I found the Adoption Bill debates this week and last week incredibly informative. They showed the Seanad at its best, teasing out complexities in difficult legislation with many sensitivities, working together with Government and Opposition to try to improve the quality of the adoption process for everyone, and always working in the best interests of the child. That is the Seanad at its best.

Many of the criticisms that are made about Seanad procedures could equally be made about Dáil procedures or committee procedures — I believe we have too many committees. One gets to a point where the criticism becomes too much. One could always say government would be

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a lot more efficient without opposition, but we must remember this is democracy. As has been said, it is an imperfect system but nobody has come up with anything better. Of course, government might function more efficiently without cumbersome processes of democracy, but that would be a dictatorship. We must bear this in mind and be reasonable in our criticisms.

I absolutely defend the systems and functions of the Seanad. While we should look at our internal procedures for reform, this motion looks at a more substantive type of reform, namely, reforming the structures and the need for greater democracy in the processes by which we elect our Members, which is important. I have had a strong welcome from graduates of different universities to the very narrow proposals that we extend the franchise for the university seats to all third level graduates. I have received e-mails, as I am sure others have also, from graduates of many different universities and institutes of technology — I understand we would have a warm welcome awaiting us at the University of Limerick if we were to sit there. This is a very important reform we need to make. Some 30 years after the constitutional amendment, we need to do this.

Reform of the university seats is only part of the overall picture. The report of former Senator, Deputy Mary O'Rourke, made a very valuable contribution, recommending comprehensive reform of the Seanad as a whole. I fully approve of her proposals that there should be a list proportional representation system for direct election to 26 seats and that higher education should choose six seats, but nobody should have two votes and a graduate would choose which of those two lists to vote for. We would then preserve the indirect elections by councillors.

I do not see the need for the Taoiseach's nominees as this effectively neuters the Seanad. I do not see it as being particularly useful and I think——

Acting Chairman (Senator Cecilia Keaveney): I do not want to cut off the Deputy on that topic but she has gone over her time.

Senator Ivana Bacik: My final point is that at this difficult economic time, the proposal of former Senator O'Rourke to extend the numbers in the Seanad to 65 might not be a runner. Overall, however, we need to overhaul our internal system internally and externally. I commend the motion to the House without the amendment.

Senator Camillus Glynn: I move:

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

"recognising the need for reform of Seanad Éireann, notes:

- the commitment in the programme for Government to determine the extent of cross-party agreement on the recommendations of the Report on Seanad Reform to advance proposals for implementation,
- that an all-party group of Members of both Houses of the Oireachtas, chaired by the Minister for the Environment, Heritage and Local Government, has been established,
- that following discussion of a scoping paper at its meeting in October 2008, the all-party group requested a further paper setting out a broader approach to possible reform in relation to four specific issues,

- that the all-party group’s members agreed to consider the options in consultation with their respective political parties and to respond, in writing, prior to the next meeting of the all-party group,
- that a further paper will shortly be circulated to the members of the all-party group, and

resolves to request the all-party group to conclude its deliberations as quickly as possible and for the Minister for the Environment, Heritage and Local Government to report on its conclusions to Government.”

I wish to share time with Senator Cassidy.

Acting Chairman: Is that agreed? Agreed.

Senator Camillus Glynn: It is very important that the whole concept of Seanad reform is being debated and I hope it will not be the last debate. With regard to the vocational panels and the 43 members elected under five different panels, all of which have two sub-panels, I note that five members, or 20%, were initially on the committee. While we are all aware Senator Ryan resigned for his own reasons, I note that 20% of the membership of the committee came from the vocational panels — that was Senator Brian Hayes. Yet, the people elected under that system constituted 71% of the membership of the Upper House, which is not a fair balance, although that is just an observation.

I have no difficulty whatsoever with including the other third level institutions and I believe they should be included. If one accepts that concept, which I do, it must be borne in mind that there are a number of local authority members who are disenfranchised from the system and do not have a vote for the Seanad. There are the members of the five borough councils of Drogheda, Clonmel, Kilkenny, Wexford and Sligo. There are the 49 former urban district councils, some of which have populations bigger than at least two counties in the Republic. There are also the 26 town councils, in one of which I happen to live. These are the former town commissions and, while there was a change to the name, that is all that changed. They have no vote.

We should be inclusive and this is an opportunity in that regard. This report has thrown in the ball and the game is on. It is like the league in that there should be “home and away” debates on this issue on many future occasions. I cannot understand why allegedly educated and intelligent people should advocate the abolition of the second House of the Oireachtas when one considers all that has happened throughout the world in respect of depression of democracy. Is it not true to say that a Member of this House, now sitting in this Chamber, discovered a glitch in legislation? That was Senator Shane Ross, to his eternal credit. Was it not this House that came to the fore in that regard? Do people suffer from convenient amnesia when we discuss the strong points of Seanad Éireann? Is this House not the watchdog of the Constitution, the House that fills the void left by faulty legislation put forward by several Governments and emanating from the other House?

Senator Bacik made a very relevant point when she said that when we speak on Committee Stage of a Bill the collective wisdom of Members of this House can contribute to that debate as they offer individual views relevant to their expertise. Is it not true to say of the Order of Business, condemned *ad nauseam* by speakers in this House, that Members can day after day make valuable points relevant to debates? They can call for debates on many issues that affect Senators or the public at large.

[Senator Camillus Glynn.]

One of the most important points in this report concerns the automatic re-election of the Cathaoirleach. The holder of the office is a political prisoner and cannot leave because he or she is precluded from doing so, even though in a former life the Cathaoirleach might have been affiliated to a party. There are many meetings of a public and community nature that he or she cannot attend. What is happening here? The Cathaoirleach of Seanad Éireann is a prisoner of the job and yet, if he or she wishes to go forward for election he or she must traipse around the highways and byways and put up 12,000 or 13,000 miles, as I did. I say to Senator O'Toole that I was neither listed nor assisted. I would love to be one of those chosen people but any list I was on was the final list when I was declared elected to Seanad Éireann. Any phone calls made for me were made on my own behalf. It is a great privilege to be a Member of this House and I do not begrudge the people.

This is a rare opportunity to reform Seanad Éireann. We must have a further debate on the election of the 20 seats. That matter must enjoy a far more protracted debate than the few minutes we have today. I am aware the Acting Chairman is showing me the red card. Today we have begun the debate. We had one not long ago but we must come back to this item repeatedly and in the fullness of time we will get it right. I welcome the Minister for the Environment, Heritage and Local Government, Deputy John Gormley, to the House.

Senator Donie Cassidy: I thank Senator Glynn for allowing me say some short words. I welcome the report for our deliberations today with the Minister present. It is a very important time for the Seanad. As Leader of the Seanad I fully support its reform. I support the proposal that all graduates should have a vote and I believe I speak for all Senators on all sides of the House when I say we are in unison in that respect.

As I said during the Order of Business recently, this House has an important duty with regard to the processing of legislation. It is not always possible to give all Bills full time in the Dáil. This House must be the protector of the Constitution and of the taxpayer. I am very proud to state that in my seven years as Leader of Seanad Éireann, to which position I was appointed three times, no Bill was guillotined in this House apart from two occasions. All sections were discussed. All Committee and Report Stages were taken. Line by line every Bill was protected under the Constitution and with regard to the taxpayers getting value for money. That is a serious commitment to the value of Seanad Éireann.

The people do not see the good work that takes place in this House. We have a duty to discuss the possibility of moving the time of the Order of Business to allow for the televising of our proceedings at least one morning per week, as happens in the Dáil at present. We should opt for a system other countries have whereby a Member is allowed to ask one question for one minute, in an orderly fashion. I am prepared to take this matter to the Committee on Procedure and Privileges and to do anything within current regulations and procedures to bring the message to the people about the great importance of the work being done in Seanad Éireann.

I call on those responsible journalists who have the democracy of our country at heart. We are not a dictatorship but a proud democracy in a very young nation among the nations of the world and we must consider seriously allowing the print media and radio let the proceedings of this House be known. We did not get the title of "Upper House" in a flip one-liner in an article in a Sunday or daily newspaper. We got it by the hard-earned work of Members who have gone before us since the setting up of this House. I can say, without fear of contradiction and having been a Member of both Houses, that the way our business is conducted and the manner in which Bills are scrutinised here is second to none in any parliament in the world.

Senator Paudie Coffey: I ask permission to share time with Senator Norris.

Acting Chairman: That is agreed.

Senator Paudie Coffey: I welcome the Minister for the Environment, Heritage and Local Government, Deputy John Gormley, to the House to listen to a very important debate. I commend the Independent Senators on what I and Fine Gael believe is a very reasonable motion asking for urgent reform of the Seanad. We must all act as soon as possible on this.

Even today media mandarins and commentators were on national radio calling for the abolition of Seanad Éireann. For those of us who believe in a truly democratic system, it is important that Seanad Éireann should continue to act as the Upper House and play an oversight role with regard to legislation and democracy in this country. Previous speakers have noted that the media do not take much notice of what happens in this House. Reporting in the media is very scant. In fairness, Jimmy Walsh of *The Irish Times* contributes a regular piece and it is important we acknowledge that.

Senators: Hear, hear.

Senator Paudie Coffey: “Oireachtas Report” offers a brief piece. I also acknowledge Mr. Tim Ryan who does a brief piece in the local paper in my constituency of Waterford. Other than that, members of the media have many questions to ask themselves in respect of the notice they give this House and the important workings that happen within it.

Reform of Seanad Éireann is the only way to give the House true credibility and connection with the electorate and to enhance its roles and functions in a fully functioning democratic State. The previous Seanad commissioned a report on Seanad reform and much work on a cross-party level went into the compilation of this report. Members looked at all previous reports. They invited many submissions from interested parties and made excellent recommendations on how the Seanad could become more relevant, democratic and connected, and how it could function with enhanced powers in the current era. I compliment the work of Senator Mary O’Rourke, former Leader of the Seanad, Senator Brian Hayes, leader of the Fine Gael group, former Senator John Dardis, Deputy Leader of the Seanad, and Senator Joe O’Toole, co-ordinator of the Independent group, who met on numerous occasions and considered all views while compiling this report.

There is an urgent need for the Oireachtas to consider Seanad reform. Only this week in Wexford the Minister, Deputy John Gormley, stated:

Seanad Éireann is something that I am going to reform. What we do need to look at and I think there is a motion next week in the Seanad, is to ensure that we have proper, democratic structures so that we have a franchise by the people that everyone can exercise and not just the chosen few.

The motion before the House certainly addresses the Minister’s comments. It will be interesting to see how the Green Senators vote on this motion. It is obvious the leader of the Green Party has a clear view which seems to be in line with the thrust of the Independent group’s motion before the House, namely, that Seanad reform is required urgently and that proper democratic structures are required to address all these issues. Under the current system of voting for university Senators, the graduates of Trinity College Dublin and NUI are the only graduates with a vote. Literally thousands of graduates from other universities and third level colleges and institutes of technology throughout this country are disenfranchised. My local institute is the Waterford Institute of Technology. A delegation of interested students from Waterford Institute of Technology travelled today to Seanad Éireann to hear this debate and I commend

[Senator Paudie Coffey.]

them on their interest. The graduates of such institutes are fully compliant with the framework of the National Qualifications Authority of Ireland. All its major awards, from higher certificate to ordinary degree, honours degree, masters and up to and including awards of doctorates are placed on this framework. This framework is the same for all institutes of technology and all universities. The framework is used across the European Union and its purpose is to ensure equality and recognition of all third level awards across Europe. It means that a degree in whatever discipline is worth the same respect and recognition whatever the awarding body, be it TCD or WIT.

It is unthinkable that 30 years after the passing of a constitutional amendment to allow legislative representation for all third level graduates, this measure remains undone. All our third level graduates should and must be treated the same. How can we hope to have any credibility in asking multinational companies to give equal respect to all our graduates if our Legislature fails to do the same? Is it not an admission that an award from outside a select few mature universities is worth less than those in the NUI and TCD? It is a startling hypocrisy that would not be allowed to stand in any other western democracy.

As politicians we often complain that young people are not engaging in politics. I am sure that I speak for every Member when I say that this is an issue that is always brought up when speaking to graduates. They want to engage and they want to participate in the democratic process, and Bunreacht na hÉireann was amended to allow it. I ask all sides of the House to support this motion which would allow this representation.

I refer to the Fine Gael policy which was announced today and which offers reform of both Houses of the Oireachtas. Fine Gael proposes that 20 of the 60 Senators be directly elected by the public, based on five Senators from each of the European Parliament constituencies, with these elections to take place every five years on the same date as local and European elections. It proposes that six Senators be elected by all graduates after each general election. If Fine Gael gets into power, whenever that may be, we hope to implement that policy.

I hope this motion will be adopted by the House and that progress can be made. For the sake of the credibility of Seanad Éireann, for the democracy we all represent, it would be a positive move and I commend the motion to the House.

Senator David Norris: I thank Senator Coffey for sharing time with me and I welcome the Minister to the House. It is very appropriate he should be here as he was chair of the committee and I sat at the first meeting. I do not agree with my colleague, Senator O'Toole, as I do not think anything very much will be done. The Minister will recollect that the first item on the agenda, this scoping nonsense, was an attack on university seats. The Minister was open about that and he changed it slightly. This is always what happens and it is complete and utter rubbish. Nobody in this House actually believes it. Perhaps it will happen, but it will not happen because people here believe it, because nobody does and that is what they will say privately.

I will not vote for this motion because of the inclusion of the councillors. This is what makes it a rotten borough really. It is highly dangerous and is totally undemocratic. That does not mean that I do not hold my colleagues in high regard as I hold them in very high regard just as in the same way I support population control. I do not think anybody should have more than two children but as for my friends who have five children, they cannot be wished away. I do not wish these people away but I wish to God they had never been procreated and the method by which they were procreated is obscene in the extreme.

All sides of this House put forward the idea and it was beginning to be implemented. A special committee of Seanad Éireann was set up to look into the situation of the renditions at Shannon Airport. This was scuppered because local councillors down in County Clare put the

squeeze on the Government parties and the committee was abolished. This shows a distortion of the power through local parish pump politics and that is the main reason I object to the motion.

The only thing good about the university seats is the method of election. We are the only democratic bit in the whole bloody place. There is an electorate of 50,000 in our constituency and 100,000 or so in Senator O'Toole's constituency. We all refer to these things as ours; it is a constituency in which I stand. We have real constituencies. I do not think it is a good idea to multiply the numbers by one thousand in order to give the public the impression that there is some kind of democracy here. Unlike Senator O'Toole, I would be in favour of giving more power to Seanad Éireann. Why not? It is absolute nonsense that we are spangled like babies and we are not allowed to spend money. Why not? How many times have we put down proposals here in this House and we have been ruled out of order because it would create a charge on the Exchequer. That is absolute insulting nonsense.

Acting Chairman: The Senator has run out of time.

Senator David Norris: With the way in which Governments have run the finances for years, we could not be any worse at the very least. I think we should certainly look at this idea.

I am not taking any lessons about democracy from either side of this House. I have sat in this House when every single one of the named officers of this House had been rejected at least once, and several of them twice, by the electorate and then they were popped back in by the Taoiseach. I do not think anybody in that situation is in a position to give lectures on democracy. Whatever its faults, whatever its difficulties, Seanad Éireann does a good job in revising legislation and that is what we are here for. We have found flaws in legislation and we have introduced and amended legislation. Ideas have been canvassed in this House of which the other House was notoriously shy.

We have good debates, and we should have them more often, about, for example, the North of Ireland. I thought it was a mistake in the old days when we were told we could not speak about the North for danger of inflaming the situation; it was already inflamed. I would like the opportunity to take on ideas such as those expressed by Senator Harris who accused the rest of us of posturing. Aithníonn ciaróg ciaróg eile is my answer to that. He is a very good posturer, a very powerful posturer, and his physical posture tells one a lot as does the wonderful expression in his voice, but the ideas were dangerous in the extreme. He talked about introducing internment. I would have liked an opportunity to reply and say that is the wrong way to go. Despite the accusations of posturing, I am very glad we had the opportunity in this House to express the grief of this country at the shocking events and the abhorrence that so many people on both sides of the community, on both sides of the Border, felt about that.

Mary Robinson was an old friend and colleague of mine, and still is, I think. As President of Ireland, she was not able to interfere directly in politics but she was able to express in gracious, clever and subtle ways what the Irish people were feeling and, in giving that expression, she really did a service to the people of Ireland. In addition to what else we can do, we can give that kind of service.

I will not be supporting or voting for the motion for the reason I have stated, neither will I be voting for the Government amendment because it is a laugh.

Acting Chairman: The Senator is on a very long two minutes at this stage.

Senator David Norris: The amendment refers to a scoping review, into another committee for a look at it and we will circulate a report. I would be very surprised.

[Senator David Norris.]

The Irish people will want the abolition of the Seanad. Pat Kenny thought he had got an interesting result on the radio today. If he had asked, “Do you want Dáil Éireann to be abolished?”, there would have been a 100% chorus saying, “Get rid of them”.

Senator Ann Ormonde: I welcome the Minister to the House. I am delighted to be here to make another contribution on how best to reform the Seanad. This matter has been raised several times since I first came to this House in 1993. Several debates have been held on the subject of how best to reform the Seanad for the 21st century. I have read the report and I have scanned it again and again, and there are two areas where reform is needed. I refer to the composition of the Seanad, how Members are elected and our role and function as Senators. People say the Seanad should be abolished. I did not read all 161 submissions. The majority of submissions contained suggestions as to how the reform should take place. I certainly do not agree with the cynics who believe for whatever reason that the Seanad has no relevance in the 21st century. I disagree totally with such thinking.

There have been suggestions that the election of Senators to the Seanad is undemocratic. I could not disagree more. How could it be? We are selected by a nominating body. We then have to travel the whole of Ireland to campaign among county councillors——

Senator Mary M. White: Hear, hear.

Senator Ann Ormonde: ——who to me have been elected by the public, and they elect us. Are we suggesting that people who have been elected are not good enough to elect us to the Seanad? That, to me, is democracy. For somebody to say to me that there should be a list system——

Senator Joe O’Toole: The Senator should not accuse us of anything we are not saying.

Acting Chairman: No interruptions, now.

Senator Ann Ormonde: ——is undemocratic, because I, having worked very hard could find at the end of the campaign, if a list system is imposed, that no matter what I have done to earn my Seanad seat, that people who are prominent in Ireland are selected above me. It could be that prominent people who have failed to hold their Dáil seats may be selected, and not I. Is that a fair system?

Senator Mary M. White: No, it is not.

Senator Ann Ormonde: I believe that to be undemocratic, so let us have fair play. Every election I have contested I have won, myself.

Senator Mary M. White: The Senator has won it on her reputation.

Senator Ann Ormonde: I have always said that I like fair play. That is the democracy end of it, we are elected and we are doing a good job.

As regards the university procedure, I agree totally with all the Senators who said the franchise should be extended to all graduates. It is most unfair to graduates from the University of Limerick and Dublin Institute of Technology who possess worthwhile degrees as well as those from Waterford Institute of Technology and all the other institutes of technology that are not given a chance. They should be well recognised and I believe that is the way we should go.

As regards the Seanad’s role as it stands, there are fine debates in this House. We initiate legislation in the Seanad and nitpick every part of it on Committee Stage, and yet none of us

gets any credit from the media, and I believe this is a shame. I have asked many times about how this might be corrected. Why are we disregarded, downgraded and in effect the poor relation? I do not like being a poor relation and I never was, in my household, growing up. I do not want to be a poor relation in this House, either. However, I find that the response from the public to the Seanad is along the lines, “Ah, you lot”, and these are the lies that are being used. I do not like this and I should like us to acknowledge that.

As regards the role of the Seanad, we have power and can invite MEPs to address this House. We can monitor and scrutinise legislation that has been drafted in Europe and can send it back if it does not satisfy the requirements of our citizens. We can link with the public through county councillors as elected representatives and God knows they keep us on our feet. Let there be no doubt about this, if they want something done and a Senator does not follow what they like, he or she will not be part of their team the next time out. There is definitely democracy in that sense. However, as regards the role of the Seanad, we could change in relation to how we do our Order of Business. I am not at all happy with that.

We are only touching on those points this evening. The Minister talked about all-party group members and said they were now having consultation papers and would report back to him. I should like the Minister to come back to the Seanad first. We should have a long day’s session on this topic. There are many points I should like to develop further. This is just a brainstorming exercise. There are many points to be discussed, for example how that list system would work. I am against it, but I should love to see further discussion on it. My jury is out as regards these matters. In relation to whether we should have the regional way of elections——

Senator Paul Coghlan: That was the proposal of the former Leader, Deputy O’Rourke.

Senator Ann Ormonde: I am making a contribution at the moment and I have listened to the Senator and what he had to say.

Senator Paul Coghlan: Absolutely, and I salute the Senator for it.

Senator Ann Ormonde: In relation to the proposal for a regionalised way of doing things I believe the jury is out in that regard and it should be discussed further. I am not sure it would work, but it is a good idea and would remove much hardship as regards having to travel all over the country. I do not really have the answer, however, as regards that and we need further discussion on it.

I have just touched on points many of which need further thrashing out. Before the Minister goes anywhere as regards this consultation paper, I should like him to revisit this Chamber, not for a two-hour debate, but rather for a session that takes as long as is needed because we must take the lead as regards reform of the Seanad.

Senator Mary M. White: Hear, hear.

Senator Ann Ormonde: It must not come from somewhere out there. We know how to run this Seanad. We are good at our job, let there be no doubt about that. I can tell the Minister we can make this work if given half a chance to reform the Seanad. I welcome the debate today, although I cannot agree with the motion. There are very good points in it, however. I thank Senator O’Toole for bringing it forward for discussion. The list system proposal as it stands I cannot go along with for the moment, but we should have another brainstorming exercise on it. If the Senator can expand his paper to clarify many of the very fine points, I would welcome that.

Senator Dominic Hannigan: I would like to share time with Senator Kelly, with the permission of the House. I welcome the Minister. Like many Senators before me, I welcome the opportunity to debate this motion and commend Senator O'Toole for bringing it forward. Senator Ormonde spoke about the need for a longer debate on this issue. We have been debating it for the last 60 years, so we need to see some finality.

Senator Joe O'Toole: Hear, hear.

Senator Dominic Hannigan: I am not sure whether another day or another report would help. I spoke about Seanad reform here in November 2007, and while the world outside has changed a great deal since, very little has changed as regards the way we do our business. My opinion remains the same as it was then.

During the week Senator O'Toole praised the work we do here and mentioned legislation such as the Charities Bill, the Adoption Bill and the Broadcasting Bill. They came through this House and benefited by the work put into them while in the Seanad. However, we are living through a period of protracted and previously unimagined crises. Events are unfolding at an enormous rate and our decision making process is struggling to keep pace. In that context the work that has been carried out in this House over the last 18 months has done the State a considerable degree of service. We have managed to spot oversights, put down amendments that were often very useful and the overall quality of debate has meant that legislation, originally drafted in some haste, has ultimately ended up serving the purpose for which it was intended.

Despite these worthy efforts, however, our collective democratic deficit remains and our credibility and usefulness in the eyes of the Irish public are virtually non-existent. Reform of the Seanad is in everybody's interest, not just ours. I find sometimes that it is difficult to be a participant in an aspect of the legislative process that suffers from such a chronic credibility deficit. Members of the public rightly view the *status quo* as undemocratic, elitist and of questionable long-term use in its current form.

I shall deal with some of the specifics of the motion. I cannot support any affirmation of the university panel system. The expansion of the franchise to include the institutes of technology, DCU and the University of Limerick would achieve little in the way of democratic accountability other than just expanding and reinforcing what is an inequitable and elitist system. The word "elitist" has been thrown about to great effect in national and international politics in the last few years. I do not want to label anyone or question the genuine good intentions of Senators in this House. However, the fact remains that this is an aspect of the system, as opposed to any individual actor, and it is inherently elitist. It promotes a group that achieved a specific level of educational attainment to a higher plane than the rest of the electorate and that is simply unacceptable and we cannot support it.

The university panel has provided the Upper House with legislators and public figures of considerable quality, both now and previously. The expertise and commitment Senators elected from the university panel bring to this House in areas such as human rights, finance, social policy and labour law is deeply appreciated by all of us. However, the end does not always justify the means, and the means in this instance must change. Senators Bacik, Norris, Mullen, O'Toole and Quinn are public figures of some strength in their own right and I have no doubt their electoral prospects would not suffer from the removal of the university panel system.

Many valuable rewards are, and should be, bestowed on men and women who graduate from university but the right to vote in an election at the exclusion of others is not among them. Many of my friends and colleagues have not had, in many cases, the chance or, in others, the

6 o'clock

desire to attend university but that should not mean they cannot take part in voting for elections to the Upper House. My preference is for the university panels to be extended and that anyone over 16 years of age who chooses to register should be entitled to vote for these panels, regardless of any educational attainment.

I have no problem in holding a session of the Seanad in the University of Limerick but I would be happier if it was held in a community centre in somewhere like Moyross than within the hallowed walls of some university campus.

Moving on to general reform, I fully support the general consensus that the vocational panel is in need of wholesale reform. The public consultation process carried out for the report found a unanimous appetite for reform in this area and it is important we recognise the usefulness of those labels. Simply, they were designed for a different time and a different society.

On the subject of the Taoiseach's nominees, I support suggestions in the report that these allocations be made to under-represented or marginalised groups in society. The House would benefit enormously in operational, contributory and reputational terms if seats were allocated to people from Northern Ireland, different ethnic groups, migrants and others who suffer from social exclusion. This kind of participative democracy would be enormously beneficial and I would be delighted to see those provisions as part of a reform package.

Recommendations in regard to the type of work we should do in the Seanad are as important as the procedural and operational reforms. The idea that the Seanad should have a key role in the scrutiny of European affairs, including reviewing draft legislation and providing MEPs with a national forum for discussing their activities, is excellent and would provide the Upper House with a unique and valuable mandate. Therein lies an excellent opportunity to address the disconnect many citizens and, indeed, legislators feel in regard to Europe. Such a system would be transparent, accessible and highly relevant to Ireland's future in the European Union.

Similarly, suggestions that the Seanad should undertake occasional scrutiny of public figures, public appointments, State agencies and the performance of public bodies would constitute an important step towards accountable democracy. Given that we now own a bank, such a function may prove invaluable in the future. Again, I thank the Senators for tabling this motion. As I said, we are speaking about the 11th report on Seanad reform, so let us just get on with it.

Senator Alan Kelly: I compliment Senator O'Toole and his colleagues on tabling this motion, which I will support. As my colleague, Senator Hannigan, said, let us just get on with it. This House needs to be reformed. We have been talking about it for long enough and it is something the Green Party proposed a long time ago. I look forward to that happening and will wholeheartedly support it.

There was a constitutional amendment in 1979 and the fact that it has not been acted on is crazy. I am a triple NUI graduate and the fact that I have a vote but most of the people living around me in the mid-west do not, because they went to the University of Limerick, is insane. They should have a vote. If we are to maintain the university panel system, graduates of all colleges should have a vote. However, I am not in favour of that system but favour that outlined by my colleague, Senator Hannigan, where people over 16 years of age should have a vote once they register. However, if we are to maintain the system where graduates have a vote, it must be extended to all graduates. It is crazy that scenario does not exist.

The Labour Party has a track record in this regard because in 1999 or 2000, the former Labour Party leader, Dick Spring, proposed a Bill stating same. I remember it because I was chair of Labour Youth at the time and had to digest this Bill on behalf of the party. The Bill would have extended the right to vote to graduates of other colleges. That should be mandatory if we are to maintain the current system. I would welcome a decision to hold a session of this

[Senator Alan Kelly.]

House in another location such as Limerick because it would show the workings of the House to the people.

I welcome the report and wish to make a number of points in regard to it. European legislation accounts for over 80% of legislation here. The relevance of this House would be greatly served if it scrutinised much of this legislation. I am a member of the Oireachtas Joint Committee on European Scrutiny, but one only gets to look at a fraction of the legislation coming through. Scrutinising that legislation would give this House a role which would be welcome. We would not end up with scenarios where we are not fully aware of the consequences of legislation or directives, whether good or bad, although I believe the majority is good. The issue is the transposing of legislation and directives into Irish law.

We need to be more flexible. Last year around St. Patrick's Day, there were ructions in the House when I tried to get a motion passed on the undocumented Irish in America. We nearly had to move heaven and earth to get it through. There was uproar. That is crazy. The House should be more relevant.

This House should be more open to accepting Bills, especially ones which are fair and are from the Opposition. I will propose some Bills in the near future and I hope the Government will look favourably on them. I see no reason for it to oppose them other than that I want to get them through. If a Bill is good, the Government should accept it because it is crazy not to do so.

When we debate certain legislation, it is important the relevant Minister is in the House.

Senator Paul Coghlan: He is here.

Senator Alan Kelly: On many occasions, that does not happen. Perhaps I am breaking with tradition but I compliment the Green Party which has the best track record in terms of the relevant Minister attending. I do not know, but perhaps it is the novelty of sitting in that seat. I thank the Minister, Deputy Gormley, for that.

Senator Rónán Mullen: They have bicycles so they do not get stuck in traffic.

Senator Alan Kelly: If the House is to be relevant and if we want the press to cover debates, the scenario where Ministers are sent into the House, fall half asleep and do not listen to us is crazy and cannot be allowed to continue.

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I assure the Senator I was not falling asleep but was listening to every word he said.

Senator Paul Coghlan: We do not doubt the Minister.

Deputy John Gormley: I thank Senator O'Toole for raising this issue and for his long and active interest in Seanad reform. I welcome the motion and agree with the Senator that reform of the Upper House deserves our attention. His motion represents a commendable desire to move this issue forward without further delay and I am happy to have the opportunity to lay out the timetable I intend to pursue. I had the opportunity to discuss the issue with the Senator earlier this week. I believe he understands that I have a genuine commitment to Seanad reform.

The programme for Government states that the Government will determine the extent of cross-party agreement on the recommendations of the Report on Seanad Reform to advance proposals for its implementation. The commitment to seek to advance Seanad reform forms a part of the Government's overall approach to Oireachtas reform.

In February 2003 the Seanad Committee on Procedure and Privileges established the sub-committee on Seanad reform. The terms of reference of the sub-committee provided that it should review and make recommendations on the future composition and functions of the Seanad, in particular the Seanad's electoral system and role in the areas of legislation, parliamentary accountability, public policy and EU affairs. The sub-committee on Seanad reform published its report on Seanad reform in April 2004 which sets out a package of comprehensive recommendations for further consideration and action concerning the composition, functions and future role of Seanad Éireann. Many of these recommendations are radical and far-reaching.

The principal recommendations of the report propose that the Seanad be increased to 65 senators from 60 at present to include the automatic re-election of the Cathaoirleach of the Seanad. Out of a total of 65 Senators, 32 would be directly elected and, as such, a universal franchise would be instituted. Under a list-proportional representation system, 26 of these seats would be filled from a single national constituency with a further six to be elected by a reformed higher education constituency, with graduates from all higher education institutes in the State being eligible to register.

Indirect election by local authority members would continue to be a feature and 20 Senators would be indirectly elected by county and city councillors, Deputies and Senators under the proportional representation-single transferable vote system, while 12 Senators would be nominated by the Taoiseach. The Seanad would be renewed on a rolling basis with direct elections, including the higher education constituency, taking place every five years on the same day as the European and local elections. Indirect elections and the Taoiseach's nominations would take place within 90 days after a Dáil election, similar to current practice.

While this was an agreed report, as recognised in the motion, it is less clear from my own experience in the all-party group that all-party consensus exists for the full set of recommendations.

Senators: Hear, hear.

Senator Joe O'Toole: I agree with the Minister.

Deputy John Gormley: The recommendations include the widening of the franchise for the higher education constituency in Seanad Éireann. The current restriction of the Seanad university seats to three elected by graduates of the National University of Ireland and three by Trinity College graduates has been acknowledged by all parties as anomalous. The Seventh Amendment of the Constitution (Election of Members of Seanad Éireann by Institutions of Higher Education) Act 1979 permits the extension of the higher education franchise, in a manner to be provided by law, to other institutions of higher education in the State. The 1979 amendment was originally introduced to facilitate the intended break-up of the NUI. However, legislation was not introduced or enacted to give effect to the constitutional amendment as the break-up of the NUI did not subsequently occur.

I have previously stated in this House that I am anxious to make progress in this area as 30 years have passed since the 1979 amendment. It is time to give it effect by extending the higher education constituency. The current arrangements exclude the graduates of the majority of third level institutions despite the fact that a constitutional amendment was passed in 1979 to broaden the scope of the franchise beyond Trinity College Dublin and the National University of Ireland to other institutions of higher education in the State. Aside from the disparity between graduates who are entitled to vote and those who are not, the system has been criticised because it confers a basic democratic right to certain people and therefore denies it to

[Deputy John Gormley.]

others solely on the basis of educational achievement. However, given the constitutional opening, reform should focus initially on the area of widening the third level franchise.

Clearly, the whole question of Seanad reform is a core element of the wider debate on democracy and the political process. The 2004 report acknowledged that it has considerable political implications and that difficult decisions will have to be taken involving sensitive political matters. The report argued that if progress is to be made there is an urgent need to accept the political reality that Seanad Éireann must be reformed if it is to make a viable and distinctive contribution to the economic, social and political affairs of our country.

I am anxious to see Seanad reform advanced based on all-party consensus before the election of the 24th Seanad. I chair the all-party group which includes representatives of the Independent Senators. The aim of the group is to establish, in a small number of meetings, the extent of cross-party agreement on the 2004 report's recommendations. It has met twice, most recently in October 2008. Notwithstanding different perspectives concerning specific changes, the general view of its membership is that reform is necessary. During the course of its deliberations four possible options were identified.

One option is an enabling amendment of the Constitution to permit subsequent reform by legislation and the replacement of the detailed provisions currently in the Constitution with a simpler enabling provision which would allow greater flexibility to reform the electoral process by legislation and would be similar to the Dáil provisions. It would also avoid the requirement to gain consensus on all issues in relation to a future electoral process at this point. Notwithstanding the potential flexibility of such an approach, a number of complex issues would still need to be addressed, such as the Taoiseach's nominations and the timing, system of, and eligibility for elections. A view would also have to be taken on the likely acceptance by the public of an open-ended referendum without a clear indication of the nature of the proposed reforms.

Another option is the expansion of the higher education constituency, which I referred to earlier. A further option is the assignation of responsibility for the scrutiny of certain senior public appointments to the Seanad. Considerable thought and development would be necessary to refine the idea of how the Seanad would perform such a role, especially the identification of the senior positions involved. The rationale of assigning such a role to the Seanad while excluding the Dáil would also need to be explained. The appointments process would also need to comply with due process and modern recruitment standards.

A final option is providing for the membership of the Clerk of the Seanad on the Houses of the Oireachtas Commission. It has statutory responsibility for expenditure, staffing and services in the Houses of the Oireachtas.

The group agreed to consider the four issues in consultation with their respective political parties following receipt of a paper scoping out each issue. Group members agreed to respond in writing prior to the next meeting of the all-party group. I will circulate the scoping paper to the group this week.

I look forward to receiving the views of the group and its respective parties. I will set a short deadline for receipt of these written submissions, with the final meeting of the group to follow immediately thereafter. If consensus cannot be reached it is my intention to introduce legislation by the end of this year that is as close as I can identify to such consensus. Part of such legislation will include the extension of the university franchise to ensure elections to the 24th Seanad will be conducted with an increased electorate.

In response to Senator O'Toole, I know he has received representations, particularly from former students of the University of Limerick, and I understand that was one of the reasons

he wanted to hold a meeting there. I know there is now some concern that this change will not go ahead. I thank the Senator for his representations and I assure him it will go ahead. There is no question about that. There is consensus on this matter.

Senator Donie Cassidy: There is full consensus.

Deputy John Gormley: There is not quite full consensus because certain Senators have said they want to see a whole package and not a piecemeal approach. I do not believe it is piecemeal. We can have a number of smaller reforms. It is vital to have some reform because if there is no reform, people we say we are stuck in a situation where nothing is happening at all. Once we get the ball rolling we can then see what further reforms are possible.

Senator O'Toole raised the issue of the House sitting outside Dublin. This is a matter for the House to decide. Article 15.1.3° of the Constitution provides that the Houses of the Oireachtas may sit outside Dublin. Advice may need to be sought whether one House of the Oireachtas on its own can decide to sit outside Dublin.

The Government amendment reflects the concern that there be timely progress on the matter of Seanad reform. It recognises the need for reform, notes the Government's commitment to determining the extent of agreement and the establishment of an all-party group. Furthermore, the motion requests that the all-party group conclude its deliberations as quickly as possible. I will then report to Government on its conclusions. In that regard, I will circulate a paper to the members of the group, as requested, within the next few days and we should then be in a position to call the final meeting over the coming weeks.

I will address some of the remarks I had the opportunity to listen to, although some Senators have left the Chamber. Senator Coffey referred to a question put to me by Mr. Sean O'Rourke. It seems to be the case that the Seanad has become the whipping boy for many people and is seen as a quick solution. I am on the record as saying that I do not believe the Seanad should be abolished. When I was asked this question directly, I stated that Seanad reform was necessary. In the interview, I mentioned that we needed to widen the franchise, which was a particular reference to university panels and that is a commitment that I have given today.

Interesting proposals have been made, including those of Senator Glynn. All the matters will be considered and must form part of any package, but whether progress can be made as quickly as the Senator would like is another matter. I must be frank with the Senator in that respect.

Senator Ormonde mentioned having a full day's debate on Seanad reform. However, I found ensuring people's attendance at even our short sessions to be difficult. People stated that they did not receive the notification or whatever, but we ensure that the notifications go out. Rather than have an open-ended debate, let us stick to a few core issues on which there is consensus and move on them. That would be the beginning of the process. I hope that we can move this issue on because it is a source of frustration for me that little has occurred in terms of Seanad reform despite all the discussion. I am committed to ensuring some of these reforms are made while I am Minister for the Environment, Heritage and Local Government.

Senator Maurice Cummins: May I share time with Senator Coghlan?

Acting Chairman (Senator Ann Ormonde): Is that agreed? Agreed.

Senator Maurice Cummins: I welcome the Minister to the House and thank him for the conciliatory tone of his speech and for his search for a consensus on Seanad reform. I have heard many misinformed comments on the modern relevance of Seanad Éireann from those who should know better. Issues such as lack of regulation in the banking sector and its financial

[Senator Maurice Cummins.]

policies were raised in the House long before the debacle in that sector came to light. Legislation is scrutinised to a greater extent in this House than it is in the Lower House.

The Seanad should be reformed. As the Minister stated, a number of reports have been made over the years, but they have not been acted upon by Governments. The Minister seems intent on reforming. I like his attitude, which views half of a loaf as being better than no bread. In this way, we will get something done.

The university seats should be retained, but they should be open to all graduates, an opinion held by the majority of Senators. The Taoiseach being allowed to make as many as 11 nominations must be questioned. The method is designed to give the Government of the day a majority in the House, but it should be used to choose people from several backgrounds and interests. Choosing two people from Northern Ireland, one each from the Unionist and Nationalist traditions, should be considered, as should choosing from groups that are under-represented in society.

The retention of the panel system is contentious. Many nominating bodies show little or no interest in the Seanad other than when they nominate people for Seanad elections. However, other nominating bodies have a real interest and made excellent submissions to the sub-committee on Seanad reform, a fact that should not be forgotten. Those nominating bodies should be examined thoroughly, but the majority of the 43 panel seats should be elected by local councillors, who are elected by the people. The question of the public voting in Seanad elections is important and should be addressed.

The recent report suggests an increase to a 65-seat Seanad, but that is not necessary. A Private Members' Bill tabled by me has been on the Order Paper for some time. It would give the Local Authority Members Association, LAMA, the right to nominate someone to contest a Seanad election in the same manner as can the AMAI and the Association of City and County Councils. The Bill would address this anomaly. However, if the Minister agrees with the principle behind the Bill, I will withdraw it.

As my colleague, Senator Coffey, mentioned, Fine Gael today made proposals on the radical overhaul of the Houses. We suggest that 20 of the 60 Senators should be elected by the people along European Parliament constituency lines. Those elections would occur every five years on the same day as the local and European elections and Senators should sit for fixed five-year terms. As my time has almost concluded, I will not encroach on Senator Coghlan's time.

Senator Paul Coghlan: I thank Senator Cummins for allowing me to share his time. I welcome the Minister to the House and thank him for his interest in this subject. I also thank Senator O'Toole for initiating this debate and for provoking everyone into action. Yesterday evening, my party met to discuss this matter. I am delighted with the Minister's agreement on the Seanad being a vital component of our system. Everyone accepts that some reform is necessary. Unfortunately, the people are apathetic. If asked, they would probably want to abolish the Dáil as well as the Seanad, particularly given these difficult times. Over the years, the House has been acknowledged as being less partisan and more objective than the Dáil.

I accept Senator O'Toole's comments on graduates.

There is so much to be covered, we will not have enough time to go into it all. My party does not agree with the recommendations in the last report. For example, we do not agree with increasing the number of Senators to 65, as the number should stay at 60. Senators Cummins and Coffey outlined some of our considerations in this respect. The increase is not a part of our agreed position, which was adopted yesterday evening.

Much more could be done. As Senators mentioned, there is no reason for the Seanad not to debate Northern Ireland issues more often. As the Acting Chairman and other Senators stated, we could reform our Order of Business. We should not restrict ourselves during the most topical part of the day. The Committee on Procedure and Privileges should examine the matter.

Before addressing my party's proposals, the electoral college comprising local councillors and Members is an ideal voting bloc. I respect other Senators' comments on the people in question. Each Senator represents 1,000 electors or more. As the Minister knows, several countries use indirect methods of election. We should not condemn this system outright. I agree with the Minister in that reform should only be conducted on an all-party basis. I commend him on the way he has set about trying to achieve it, on the meetings he has held and on the further meetings he intends to hold.

Fine Gael believes that the right of address in the Seanad should be conferred on MEPs, but someone pointed out that this right already exists. It should also be conferred on former taoisigh. Under the Leader and some of his predecessors, European Commissioners and others have attended the House. Fine Gael wants to provide the Seanad with additional powers to review proposed EU legislation, take presentations from the public on matters of national importance and initiate constitutional referenda on matters of public importance. Fine Gael wishes to empower the Seanad to write to the President to test the constitutionality of a Bill under Article 26. It wishes to empower the Seanad to interview applicants for various prescribed public positions, such as that of Comptroller and Auditor General, Ombudsman and so on. I see no reason not to extend the right to receive written answers to parliamentary questions to the Seanad. Moreover, its Members are prepared to take on much of the workload that is performed by some of the committees at present. As the Minister is aware, Fine Gael has proposed a reduction in the number of committees from 19 to nine.

Senator Dan Boyle: Members of the House have expressed their satisfaction at the approach being taken by the Minister in seeking to achieve consensus to bring about Seanad reform and it is preferable that such consensus can be achieved. However, the House should further welcome the point that consensus is not being defined as obstructionism. Throughout its history, this House has seen 11 reports on Seanad reform and the 23rd Seanad should make a commitment that a 12th report will not be introduced and that Members finally will initiate a process of change that has not yet been initiated during the 70-year or so history of this House.

When Seanad Éireann was established in its present incarnation in 1938, its original 60 Members were elected on the same basis as obtains at present, whereas Dáil Éireann then had 138 Members. I accept the points made by other Members regarding extending the size of the House, especially given the present economic and financial climate. However, the complete absence of change since 1938 reflects badly on our political system and shows a lack of willingness on the part of this House to reform itself. I am more than encouraged that in his contribution tonight, the Minister stated that in the event of a failure to reach consensus, he will take it upon himself to define as closely as possible how such consensus will be reached. He also stated that legislation will be produced by the end of this year and that by the election of the 24th Seanad, there will be an extended electorate for the university franchise at the very least.

As part of the concluding process of the group that is meeting at present, Members should examine other areas. While Members are constitutionally bound in a manner that restricts the number of changes that can be made in one fell swoop, I am encouraged by the consensus that exists already within the aforementioned group to the effect that beyond the 24th Seanad, efforts should be made to have an all-embracing constitutional change to replace the pages of the Constitution that are devoted to the election of Seanad Éireann with the single clause that exists in respect of the election of Dáil Éireann. Wide-ranging and deeper reform of Seanad

[Senator Dan Boyle.]

Éireann will not take place until this constitutional change happens. Although that is beyond the life of this Seanad, Members should set it as a goal.

In the meantime, there are small areas that Members can consider. For example, they could consider the composition of the vocational panels or their electorates. I refer to their extension to all public representatives and the possible use of votes by the nominating bodies. Moreover, the nominating bodies themselves should be examined in respect of which bodies participate in the process and which do not. Members should ascertain whether bodies exist that are not deemed to be nominating bodies within existing legislation but which should be. These constitute small and narrow reforms that can and should be entertained in legislation that could be produced this year. It will be necessary to achieve such balancing on one side of the reform of this House to counteract the major reform that will occur in respect of the university franchise. I am confident this can happen and that the goodwill exists for it to happen.

However, I also take on board the views of Members of this House that reform is not only structural but also pertains to the system of work in which Members engage. Measures to which Members should have access, such as written questions to Ministers, would improve the role of accountability of this Chamber. I also refer to the possible involvement of people who have served the State with distinction, such as former taoisigh and tánaistí. Such areas also should be addressed in the legislation and if agreement can be reached and if the Minister is in a position to define that agreement within the timeframe he has allowed himself, the Seanad Éireann that will be formed after the next general election could be one of the most radical Houses to have been elected since 1938. Members should set themselves that goal because to do otherwise is to play into the cheap commentary that exists at present about the need for and value of a second Chamber.

Senator Jerry Buttimer: Hear, hear.

Senator Dan Boyle: This is the norm in most functioning democracies and this Seanad more than justifies itself in the manner in which legislation is dealt with in detail. Moreover, Members should not be afraid to state at every opportunity that the style and tone of such contributions reflects well when compared with the other House. However, to win the respect this House deserves and needs, Members must send a clear signal that reform is necessary, possible and will happen by a certain date. When that happens, there will be a greater recognition of the importance of Seanad Éireann and the people will respect this House better because of that.

Senator Rónán Mullen: With the agreement of the House, I wish to share my time equally with Senator Ross.

Acting Chairman: Is that agreed? Agreed.

Senator Rónán Mullen: I welcome the Minister of State, Deputy Finneran, to the House and I commend my colleague, Senator O'Toole, on tabling this motion. I recall my own words in my maiden speech on my first day in the Seanad in which I expressed my hope that at the next election, I would not have the embarrassment of meeting graduates whose degrees were as good as mine but who were not in a position to vote for either university panel because of an outdated system of election. The Minister is to be commended on appearing to be ready finally to bring this issue to a head and to introduce the necessary reform. He has stated he will introduce legislation before the end of the year and that the next Seanad election will involve the election by a wider constituency of university graduates of the six Senators to be elected from the university panels.

I commend the work that has been done by various people over the years in bringing forward this issue. I commend the work of Graduate Equality, which was founded by a former Member of this House, Mr. Seán O'Connor, who worked very hard on this issue. I also wish Mr. Colm Hamrogue well, from whom all Members have heard recently, and who is newly responsible for Graduate Equality. I am sure they will be highly satisfied by the Minister's announcement this evening, and rightly so.

The motion tabled by Senator O'Toole looks to the need for a wider approach to reform and I share that view in respect of the reform of the other vocational panels elected by local authority members and so on. However, given the complexity of that issue, Members should not delay by a single day the necessary reform in respect of the graduate panels. The debate on Seanad reform must continue well beyond the debate about how university or third level graduates elect. While graduates of the institutes of technology, the University of Limerick and Dublin City University should participate as soon as possible, I seek further reform. I question, for example, the appointment of Senators by the Taoiseach which may offend against the spirit of the separation of powers. There should be a debate as to whether the President would be a more appropriate person to nominate people to the Seanad.

Senator Donie Cassidy: The principal reason is to secure a working majority.

Senator Rónán Mullen: I also wonder at the proposal to have a Cathaoirleach who is automatically re-elected. It makes much sense in the context of the Ceann Comhairle of the Dáil, who is unable to undertake the normal day-to-day constituency work that is a particular feature of Dáil Members' work. However, given the role of the Seanad, the idea that the Cathaoirleach would be re-elected automatically does not appear to me to be quite so compelling.

In the time that remains to me, I wish to note that Members must not simply discuss reform of how the Seanad is elected but must also talk about reform of how it does its business. I was involved in a debate last Friday with the director general of IBEC who came up with the rather glib view that the Seanad simply should be abolished. That is an example of the kind of pub talk that is going on about serious issues at present.

Senator Nicky McFadden: Hear, hear.

Senator Rónán Mullen: The lesson of the past ten to 15 years is that we need more parliamentary scrutiny, not less.

Senators: Hear, hear.

Senator Rónán Mullen: However, to avoid eating into the time of my colleague, Senator Ross, I will conclude on this point. As we seek to reform how the Seanad is elected, we must also reform the work we do here. This is vital in terms of addressing the weak parliamentary system in this State which is militating against proper scrutiny by elected representatives of legislation and Government policy.

Senator Shane Ross: I am in agreement with other Senators that this House must be reformed so that it can capture the public imagination and obtain public support. It certainly does not enjoy these advantages currently and this is presumably reflected in the negligible public response to today's debate. Other Members have referred to their own experience. The first action I took upon first being elected to this House in 1981 was to table a motion on Seanad reform. Unfortunately, very little has been done in this regard since then.

I fully support the motion. In his speech, the Minister, Deputy Gormley, sets out various deadlines for future action. We must be careful to ensure there is no hidden agenda in this. I

[Senator Shane Ross.]

would like to see the Minister's vision long before I see his legislation. I suspect his vision and legislation will be so far apart they will bear little relation to each other. I suspect his vision of Seanad reform involves all types of extremely high-minded ideas that he will be unable to implement. I assume he envisages something like what was contained in the report which came to the Seanad some years ago which offered a vision of the type of mix that would exist in an ideal second House. This would include Members elected democratically by the people, with others elected by councillors, universities, various panels and so on, together with a number of Taoiseach's nominees. We can all select the aspects of which we approve and disapprove in this proposed mix.

My fear, which may or may not be justified, is that having established what he wants to achieve, the Minister will find it cannot be done because of the power wielded by the political parties in this House. For reasons everybody can understand but not approve, they will not want to see the reform of the seats that elected them. That is perfectly natural. Therefore, I anticipate a start will be made, which will undoubtedly be a positive development in itself, but the start will also be the finish. The only specific reform the Minister mentioned was the extension of the university franchise, of which I thoroughly approve. It is a reform that must be implemented. However, he must not stop there. That is only a minor aspect of the required reform. We must look at the big picture. As such, the committee charged with considering these issues should agree that all reforms must come at the same time. If they do not come at the same time, they will not all be implemented. The political reality is that we will most likely be presented merely with the lowest common denominator, which is all-party agreement that there be reform of the university seats. That change will be followed by another 60 or 70 years in which nothing happens.

As I said, I agree that the university seats must be reformed by extension of the franchise. We would welcome that. However, the Minister must also take this opportunity to reform the electoral process in respect of every seat in this Chamber. That would be a tremendous achievement. Reforming only one aspect of the electoral process would not be an end in itself and would not be worth doing. I suspect, too, that it would be the end of the reform process. Instead, the entire system must be reformed.

Senator John Ellis: I propose to share time with Senator Walsh.

Acting Chairman: Is that agreed? Agreed.

Senator John Ellis: I welcome the opportunity to speak on the subject of Seanad reform. I was first elected to this House in 1977 under the panel system. I returned to it in 2007 as a Taoiseach's nominee. Therefore, I have seen it from both sides. I am strongly of the view that there is room for reform. However, are we talking about real reform or merely reform of the panel system and the other methods of election and selection?

There have been suggestions that membership of the Seanad should increase to 65. Electoral commissions have had the opportunity to increase the size of the Dáil from 166 to 168 Members in the last two or three revisions but have decided not to do so. The reason is that the public has no appetite for an increase in numbers. Likewise, I expect there is no appetite for an increase in Seanad numbers. If such a proposal were put to the public in a referendum, it would be absolutely hammered.

Senator Joe O'Toole: Senator Ellis is correct.

Senator John Ellis: I have no gripe with university representation in the Seanad and I would welcome an extension of the franchise. However, if we are to extend it to all third level insti-

tutions in the State, we should also consider it extending it to institutions in Northern Ireland. Students at those institutions should be allowed to vote if they hold Irish passports, as many of them do. This would be a helpful gesture to the people of Northern Ireland. If this is done, there should be an open election, with no categorisation of the different panels. In other words, six Members would be elected by graduates of all the third level institutions, North and South. Moreover, any graduate who is a resident of the State and making PRSI contributions should have the right to vote. In other words, those people who were obliged to leave the State to obtain their educational qualifications should have the right to vote.

I hoped to say more but my time is almost up. We must be very careful in making changes to the panel system which has afforded various groups the opportunity to be represented in this House. Councillors — who, we should remember, are democratically elected — should continue, along with Deputies and Senators, to have the right to cast their vote. There is a proposal that 20 Members should be elected under some type of national system. If it is agreed that there is a shortfall of representation throughout the State, why should we not address it by instead increasing the number of Dáil seats by 20?

Senator Jim Walsh: I thank Senator Ellis for sharing time. The Seanad, like any institution, can be improved and changed. However, we must recognise also that its contribution to legislation and public debate on matters of national importance has been second to none. A substantial amount of legislation has been introduced in the Seanad. Various Ministers have said to me on different occasions that they prefer bringing legislation to this House because it is more likely to meet with an objective, impartial and incisive debate. That is less likely in the other House because of the greater tendency for an intrusion of partisan politics into areas where it is unnecessary.

We should not underplay the role of this House. Now is an opportune time for people to denigrate politics and its various institutions. However, as Senator O'Toole stated, we have seen how such attitudes in the past led to serious consequences for Europe. Playing that particular game is the last route we should take. Those in the media who are playing that game may well live to regret it if the entire system is undermined. That is not to say that there is no need to deal with the following issues. It was suggested that we should move partially to a list system. How will people get their names on the list? My experience in other jurisdictions is that someone at the top of the party decides who will be on the list. Perhaps someone one can explain to me how that is more democratic than a system where locally elected representatives, with a mandate from people within the constituency, exercise their franchise in electing people to the Upper House of Parliament. I need to be convinced that there is democratic underpinning of the list system and I have difficulty seeing how it would operate in practice. That is an important consideration.

There may be a need to examine the necessity of the vocational system. A number of Members have alluded to this. Perhaps this should be considered according to the constituencies of the European Parliament rather than the vocational system but there is merit in the vocational panels. This could be examined.

I agree with the extension of the university panel to all third level institutions. There might be merit in extending this to all third level institutions on the island. With regard to the Taoiseach's nominees, there is a need to have a built-in majority for the Government of whatever hue so that legislation can be passed smoothly. An omission in our original report should be addressed. There should be reasonable representation from Northern Ireland. Some of the problems we face there exist because, whilst the peace process has been bedded down over the past ten years and no one wants to see any return to what happened for 30 years, we want to see more North-South involvement. A mistake was made in changing the North-South bodies proposed

[Senator Jim Walsh.]

to the six bodies for North-South co-operation under the agreement. We now have North-South bodies that do not register on the public psyche. By having reasonable representation of Unionists and Nationalists in this House we could play a pivotal role in the development of understanding and mutual co-operation on this island. The Seanad is ideally placed to do this.

Acting Chairman: I see that Senator White has arrived in the Chamber. Does he wish to contribute? Others wish to contribute in the five minutes that remain.

Senator Alex White: I will take two minutes. I do not wish any discourtesy to my colleagues but I have not been able to follow this debate because I was at a meeting of the Joint Committee on the Constitutional Amendment on Children. I am unable to respond to anything else that was said in the debate.

I wish to respond to something Senator Norris has repeatedly said in his robust defence of the university representation under the Constitution. Some of his contribution was teasing but he set up the question of university representatives against the local authority elected representatives, of which I am one. The 43 Members elected by a local authority members are elected by way of an indirect system of election. It is not unknown in many countries to have indirect elections, even for the presidencies of some countries. It may not be perfect and it may be an issue for public debate or a constitutional amendment in due course but at least it is universal. The relationship between an ordinary citizen and a Member of this House is indirect but it is the same. Once one has the franchise at 18 years of age, one can vote for local authority members and they, in turn, can vote for a Member of this House. Although it is indirect and imperfect, it is universal.

University representation is the opposite of universal. People do not like the term elitist but I have used it now even though I did not intend to use it in a pejorative sense. University representation is limited to a certain body of persons in a position to vote for candidates. I am a graduate, one of the privileged, lucky people who can vote for representatives of universities in this House. The question of university representation must be revisited and justified anew in this century. The justification that existed in the 1930s no longer exists. Members such as Senators Norris and O'Toole and many who have gone before them make a valuable contribution to public life but I do not see why we need to maintain the fiction of their being elected to this House through universities.

Senator Jerry Buttimer: I propose to share time with Senator McFadden.

Senator Donie Cassidy: Will there be time for Senator O'Toole to reply?

Acting Chairman: There will be time for a reply.

Senator Jerry Buttimer: Reform is necessary and structural reform of the means of getting here is necessary. I welcome the reforms proposed by Deputy Hogan, the Fine Gael spokesperson, and by Senator O'Toole in this motion. Whatever methodology we use, be it Senator Glynn's proposal to extend the franchise to town councillors or the vocational panel system that has served us well, there must be reform. More urgently, we must change how we do our business.

Senator Paul Coghlan: Hear, hear.

Senator Jerry Buttimer: Stopping our sessions at 4 p.m. or 5.30 p.m. on Tuesday sends out the wrong signal.

Senator Rónán Mullen: Or at lunchtime on a Thursday.

Senator Jerry Buttimer: The House has done much work since I was elected and we must change. Through the Committee on Procedure and Privileges we should seek the ability to table written parliamentary questions to Ministers. It is imperative that we have that status.

Senator Nicky McFadden: The issue that the public has most problem with is how we do our business. We should extend the working hours of the Seanad to four days a week as proposed by Fine Gael. We should invite former taoisigh or MEPs to address the House and have a consultative role, especially if we are abolishing committees. This would give more power to the Seanad. The value of the Seanad is that we tease out legislation. In doing so we have excellent debates and the reason we do not have more injunctions and High Court challenges is that legislation is teased out in this House.

Senator Joe O'Toole: I thank all Senators for an excellent debate. I do not have time to respond to every Member but I have made a note of issues raised by various Members and I wish to deal with these in a positive and proactive way. I agree with the points made by Senator Alex White. The university panel is elitist and its continuing existence is credible in the context of being a vocational group, where every other citizen of the State also has access to a vote for the Seanad. In that regard this fits well with the philosophy that is contemplated in the Constitution, that the university graduates are a group as long as every other citizen has the same access.

I disagree with Senator Norris's views on indirect election. The concept of indirect election by local authority members or one tier of democracy is well established worldwide. My objection to it is the overwhelming number of Members elected through that method. The proposal by Fine Gael today or the report of the reform group is the way to go.

I agree with the point made by Senator Glynn on urban and town councillors. If we allow the concept of indirect election this should include all those elected on that first tier. I said this before when urban and town councillors made their contribution to the reform group in this Chamber four years ago.

To three or four Senators who referred to this, I wish to point out that there is no mention of a list system in my motion. When I draft motions I take trouble to examine what will alienate people and what will not. I did not mention a list system.

Senator Paul Coghlan: Good on the Senator.

Senator Joe O'Toole: That is for another day and other people rather than me. I did not put numbers into it as that would also have alienated people. I made it easy for people to support this motion but people found reasons to oppose it that were not relevant to it in the first place.

The point was made by Senator Dominic Hannigan regarding university as opposed to universal voting. He did not grasp the point I was making. University Senators and the university constituency sits very well in a scenario where every member of the community — every citizen — has a vote in the election. It is another vocational group and there is no problem doing that. As long as graduates have nothing above and beyond another ordinary citizen, it is justifiable. If it is any other way, it is not justifiable, although it may have been in the days when the system was established. That day is long gone.

An issue was touched on by Senator Dominic Hannigan that I was going to include in the motion but which I thought a step too far. As the Senator mentioned it, I will deal with the issue. In extending the vote universally and in line with the view of the Constitution that the Upper House is different, it would be a good place to experiment and give a first shot to voting

7 o'clock

[Senator Joe O'Toole.]

rights for 16 year olds or 17 year olds. This is the reduction of the voting age for those who can vote for candidates in the Upper House in the extended panel. We could try that out as there is a view internationally that we should be looking in that direction. The matter is not in the report but we should look at it.

The panel system was referred to by Senator Boyle. It would take a constitutional amendment to do what I am suggesting and give every citizen a vote. It would not take a constitutional amendment to do something very close to that within the vocational panel. We could leave an internal panel being maintained and elected under the current form, nominated by Members of these Houses and voted on using the indirect method. The external people could be voted in using people registered as teachers for the educational panel, farmers for the agricultural panel and IBEC's crowd on the industrial panel, etc. Every Member could be brought into the process.

The point raised by Senator Ellis could be accommodated within the 1979 amendment to the Constitution, where as long as a person is a citizen, it should be possible in legislation to allow a person who graduated from a third level university in Northern Ireland to be accommodated. Graduates of Northern Ireland universities who are not Irish citizens would not be allowed in. That issue was considered at some length by the reform group. It cuts across the spirit of the Good Friday Agreement to give votes to citizens of the other jurisdiction in elections to these Houses. That is an issue we needed to look at.

We should have these debates and deal with the issues raised by Senators Bacik, Mullen and others in terms of internal reform, as well as matters raised by other speakers. We can act internally. What are we about? I am about winning back the trust and confidence of people in the political system. I am about diluting the cynicism with which people approach politics today and we can look at that issue.

There is the idea of proposing a sitting outside Dublin. I have suggested the University of Limerick, as it was the first college outside Dublin to be established that would come under this idea. It is a gesture towards contact with the community. Perhaps we are in the hallowed halls but we can do other things at another time.

I will list nine names — Catherine McGuinness, Mary Robinson, John A. Murphy, Professor Jim Dooge, Dr. Maurice Manning, Professor John Kelly, Gordon Wilson, Eamon De Buítléar and John Magnier. These are three groups of three; the last three were nominated by the Taoiseach, the second three were elected by the indirect system and the first three were elected in the university system. This illustrates how good people can come through all the systems. I value all the systems and we should hold on to them, but there is an imbalance.

In all the couple of hundred submissions we received two or three years ago, only one asked for the Seanad's abolition. The rest looked for something different. I was not a Member of this House when the debate on contraception was initiated by Mary Robinson as I was elected after that but I was a Member when we were the first House to consider the issues of AIDS, IVF, chlorofluorocarbons and climate change and stem cell research. We are having energetic debates on that on these benches and I could speak about many more issues.

The value of the House is beyond dispute. I ask people to be brave and confident about this, move it forward and get a result on the issue. We should show Irish people that we are here to serve, contribute and give political scrutiny. We are here in the spirit of the Constitution.

Amendment put.

The Seanad divided: Tá, 28; Níl, 22.

Tá

Boyle, Dan.
Brady, Martin.
Butler, Larry.
Callanan, Peter.
Callely, Ivor.
Cannon, Ciaran.
Carty, John.
Cassidy, Donie.
Corrigan, Maria.
Daly, Mark.
de Búrca, Déirdre.
Ellis, John.
Feeney, Geraldine.
Glynn, Camillus.

Hanafin, John.
Keaveney, Cecilia.
Leyden, Terry.
MacSharry, Marc.
McDonald, Lisa.
Ó Domhnaill, Brian.
Ó Murchú, Labhrás.
O'Brien, Francis.
O'Donovan, Denis.
O'Malley, Fiona.
O'Sullivan, Ned.
Ormonde, Ann.
Walsh, Jim.
White, Mary M.

Níl

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

Kelly, Alan.
McCarthy, Michael.
McFadden, Nicky.
Mullen, Rónán.
O'Reilly, Joe.
O'Toole, Joe.
Phelan, John Paul.
Regan, Eugene.
Ross, Shane.
Ryan, Brendan.
White, Alex.

Tellers: Tá, Senators Camillus Glynn and Labhrás Ó Murchú; Níl, Senators Ivana Bacik and Joe O'Toole.

Amendment declared carried.

Motion, as amended, put and declared carried.

An Cathaoirleach: When is it proposed to sit again?

Senator Donie Cassidy: Ag 10.30 maidin amárach.

Adjournment Matters.

Taxi Regulation.

Senator Cecilia Keaveney: I thank the Cathaoirleach for allowing me to raise this issue. It concerns the need for the Minister for Transport to review the ability of rural hackney men to convert to taxi licences where infrastructure is absent and they compete with illegal operators. It is obviously a gripping subject for the Members leaving the Chamber.

I appreciate the attendance of the Minister of State who has a role in the Department of Transport. I also appreciate that he knows far more about the taxi industry given that it is more pertinent to urban centres. I did not need to take much interest or notice of the deregulation of the industry or the issues related to it at the time because for generations taxi drivers in areas

[Senator Cecilia Keaveney.]

of Donegal had their own way of operating. There were no taxi drivers in many places. The legislation in place has changed that dynamic.

In raising this issue I am not trying to oust any motorist who has a taxi licence nor do I intend to challenge his or her right to make a living. What I challenge is the fact it does not pay people to buy a taxi licence in some rural areas. Yet if they operate as hackneys in the way they used to operate as taxis, which was the tradition where they would drive along the street and pick up people who hailed them on leaving the pub or some other premises, they would be breaking the law. For generations standing outside in the rain beside the car was no different from sitting inside in the car. However, I am not here to advocate breaking the law. I am here to say there is an issue that needs to be addressed.

I believe it costs €5,500 to buy a licence and the meter costs another couple of thousand euro. I am told it costs approximately €7,000 to €7,500 to get set up legitimately as a taxi operator. The difficulty is that hackney drivers in my area cannot be guaranteed they will have the infrastructure from which to operate. I am told that one taxi operator in Monaghan who despite having paid for a taxi licence needs to operate as a hackney because there is no taxi rank to pull into. That person needs to roam the streets and has gained no advantage in buying a taxi licence. Senator O'Sullivan said Listowel is no different with incursions from other counties.

In my area there are problems with both illegal operators and operators illegally coming from the North. The busy nights for the legitimate hackney operators are being raided by taxis that might or might not be licensed in the North coming to operate without a licence in the South. They are taking the bread out of the mouths of the people legitimately operating as hackneys in, for example, Bunrana and Merville. These people are providing a service and we would be encouraging them to get taxi plates. We cannot give them infrastructure because it is not being provided. They are saying they cannot make ends meet. They are not able to make their living because the taxi regulator is more interested in dealing with claims against them than claims against the completely illegal operators coming in from the North.

I am told that the people cannot be dealt with if they are from outside the jurisdiction. I therefore ask the Minister of State to talk to the taxi regulator to ascertain what strengthening of regulations might be needed to deal with this situation. We need a level playing field. I would say that the same applies in all Border areas. I know that in Letterkenny, which has a number of licensed taxis, there is a serious issue with people crossing from the other side of the Border without having Republic of Ireland taxi licences. I suppose that is why the taxi regulator's staff are spending so much time in Donegal — they are trying to deal with the big problem there.

My issue is that we want to have a service. We want people to be able to get to wherever they need to get to. In many cases there is no bus service so people rely on what we all call taxis but which in my area in reality are hackneys. Is there an argument for considering having in rural areas a reduced licence fee with conditions of use requiring operators to stay within, for example, eight or ten miles of the location for which the licence is issued? In other words if people were trying to get home from the pub in Merville, Clonmany, Carndonagh, or Bunrana the operators would work within a restricted zone so they could not tip over to the bigger urban centres and challenge the people paying the full licence and yet be able to make a living themselves. I am asking for a review of how this is operating around the country. I am told by many colleagues throughout the country that there is a problem with getting people to buy the licences because there is no infrastructure. We want people to be legitimate and able to earn a living. At the moment we seem to be caught between two stools. A review of the situation is very much warranted at this point.

Minister of State at the Department of Transport (Deputy Noel Ahern): I thank the Senator for raising the matter. As the House will be aware, the Commission for Taxi Regulation published a comprehensive review of the small public service vehicle sector on Monday. The review covers a wide range of issues affecting the industry and makes a number of important recommendations for the regulation of the industry in the future. The commission is now following up the report with a consultation with all stakeholders in the industry, including taxi drivers, hackney drivers, cosies and other people who are interested. Therefore, I suggest that hackney drivers who have concerns about the way the industry is developing, particularly those in the rural communities, make their views known to the commission and the Advisory Council to the Commission for Taxi Regulation. I also want Senator Keaveney to know I will forward her concerns to the commission for its consideration in the course of that consultation. While I can do that, perhaps the Senator might top it up by documenting her own views on it also.

The level of fee for acquiring taxi and hackney licences is determined by the commission and the current rates stand at €6,300 for a taxi licence — it was previously £5,000 — and €500 for a hackney licence. I am informed by the commission that, since liberalisation of the market, the difference between the fees for taxi licences, as opposed to hackney licenses, has not been a barrier to entry to the taxi industry. It is not so long since people had to pay approximately £80,000, certainly in Dublin, to buy taxi licences on the grey market. That is now €6,300 which is why there has been a proliferation of applicants in recent years.

I understand the number of taxi licences in the Senator's county of Donegal is currently 205 and the number of hackney licences is 316. I also make the observation that, in the case of suspected illegal operations, those matters should be reported to the Garda Síochána at local level.

Some years ago I used to be a member of Dublin City Council dealing with the taxi situation. I do not know whether the infrastructure is that relevant anymore. The scene has changed. Taxis can pick up passengers anywhere whereas a hackney is supposed to stay at a fixed location — be it an office or home — and wait for a call. However, life has changed and the mobile phone is the infrastructure nowadays. There is nothing to stop a hackney operator delivering business cards and everybody has a supply of them. He does not need to be ten miles away at home. He can be across the street waiting for a phone call. I am sure people would be more likely to know the hackney number in a rural community than would people elsewhere. Major infrastructure is not required. That is a load of cod. All that is needed are a few bits of paper to hand out to people. Everybody has a mobile phone so a hackney operator can be there in five seconds if he is well placed in the village without plying for hire and doing what the taxi driver does.

I understand what the Senator says about taxi drivers coming from Northern Ireland, which is illegal. They cannot ply for hire unless they are properly geared up to do so and have a licence. There are all sorts of peculiar practices around the Border with people going north to shop and people coming south to sign on. Now the Senator is claiming taxis are coming south. I do not know what we can do about what happens at the Border. Generally speaking in the urban context, with which I am more in tune, the hackney man, while he cannot tout around the streets, can and does still operate. I do not know whether it is necessary to tweak the costs because there are 205 people who have paid €6,300.

I will certainly submit it to the commission and I recommend that the Senator also does so because she might be able to give it a perspective it might not have considered. Much of the industry is dominated by the more urban settings. With some flexibility on the part of the hackney man he could be very relevant if he saw a friendly printer and got a few cards printed. He can be in his home or in some location nearby. I cannot be telling him how to break the

[Deputy Noel Ahern.]

law either. I am sure he could be quite conveniently located and yet within the law and able to respond to calls as he gets them. I will send the Senator's views to the commission.

Senator Cecilia Keaveney: I thank the Minister of State for his response. I understand I will probably find the answers within the commission's review. The Minister of State should not take too lightly the situation in Border areas. It is undermining people's ability to earn money. Therefore, it is undermining their ability to spend €6,300 to buy the licence in the first place, as well the meter on top of that.

Schools Building Projects.

Senator Rónán Mullen: My query relates to the need for the Minister for Education and Science to indicate when Springdale national school in Raheny will be permitted to proceed to tender, to clarify under what criteria schools are deemed "priority" and to indicate for how long schools are expected to remain on the priority list while awaiting approval to proceed to the next stage.

This school has been delayed in its current state without adequate explanation for the past year. I have visited the school and seen the conditions. I commend the principal, Ms Stella Downes, Dr. Fiona Manning and other interested parents and parties for their vigour and attention to this issue, and for keeping it in focus. The school is in a very dangerous state at present, having been denied funding for a new building for almost eight years. It appears the project has been put on hold again and again, and the deterioration in the state of the building over this prolonged time is having implications for many aspects of life in the school, not least the health and safety of both pupils and staff.

The school first applied for planning permission for a new school in 1999 and this was sanctioned by the Department in March 2001. In February 2003, the school's general inspector described the building as "totally inadequate" and it was assessed and listed as a priority in May 2005. Then, the Department altered the specifications and the school changed the plans accordingly. Despite proactively engaging with all the requirements as laid down by the Department and moving from stage 2 to stage 3 and through a range of stages, by February 2008, when the new school building list emerged, Springdale was omitted yet again.

In the meantime, the school building has deteriorated further with the deplorable conditions impacting on the entire school community. The health of staff and pupils has been adversely affected as a result of the dreadful conditions. School representatives met building unit officials last December and have been informed all along that the money "is there" and that the development will not be delayed. However, they feel that movement is not taking place and, to put it bluntly, that they have been getting the runaround. It appears there are unnecessary delays in the matter.

The school has no hot water, no designated PE facilities, no staff room and no library, and any such areas are now being utilised as temporary teaching areas. The junior infants classroom roof leaks, there is a damp problem and mouse infestation, and the principal spent last weekend sorting out drain problems in order to save money. Due to the continued lack of availability of funding, the school had to spend €2,500 on the heating system before Christmas, but the system itself is so antiquated that it is obsolete and replacement parts are no longer available.

What criteria are used to determine whether a school is placed on the priority list? "Totally inadequate" was the term used by the school's general inspector in February 2003. One wonders how pupils and teachers can be allowed to remain in premises that are in dire need of updating. Children should not be expected to carry the worry load of their school. Their child-

hood memories should be of learning, imagination, play and co-operation, not the adult worries of fixing the roof over their heads.

The children in this school are aware of the weather forecast and inform their teacher in order that the buckets and newspapers are in place to mitigate the effects of the rain on their dilapidated classroom. That does not square with the idea of a child-centred education system. In fact, it reinforces the public perception that the Government in times of plenty did not fulfil promises to schools like Springdale, and now, in times of scarcity, it seems that those most in need of support and funding will be those who suffer most.

Minister of State at the Department of Education and Science (Deputy Barry Andrews): I am taking the Adjournment on behalf of the Minister for Education and Science, Deputy Batt O’Keeffe. I thank the Senator for raising this matter as it provides me with the opportunity to outline to the House the position with regard to the proposed building project for Springdale national school, Raheny, Dublin 5.

In September 2008, the Minister announced details of 25 major school building projects that are to go to tender and construction. As the Senator is aware, the proposed building project for Springdale was included in that announcement. The schools that were announced in September 2008 will provide permanent primary school places for over 4,500 students in five new and 15 extended and modernised schools. A further 3,600 students at post-primary level will benefit from one new school and four major extension and refurbishment projects. The project for Springdale involves the provision of a new six-classroom school on the existing school site. This development will ensure an appropriate learning environment for the pupils of the area for many years to come.

As the Senator will be aware, from February 2008 all major public capital works must use the new public works contracts and, accordingly, the school was informed that the tender documents for this project would have to be revised prior to proceeding to the invitation of tender. The revised tender documents have recently been received in the Department and once it is established that they are in order, the school will be authorised to progress to the invitation of tender.

Additionally, in January and February 2009, the Minister announced a further 53 projects that will be proceeding to site this year which, upon completion, will create more than 22,000 places by way of new schools, extensions to existing schools and refurbished schools. This year, a record €653 million will be invested in the school building programme. The 25 major projects which were announced in September to proceed to tender or re-tender and on to construction, along with the further 53 projects announced over the past seven weeks, represent a very significant amount of new business for the construction industry at a time of severe contraction in that sector. The more competitive environment in the construction sector will allow the Department to maximise the return for the capital resources invested in the school building programme. Our increased spend this year demonstrates the Government’s desire to continue investing in the productive capacity of the economy, to create construction jobs and to provide school children and teachers with the best educational environment in which to learn and work.

In February 2009, the Minister also announced details of 25 major school building projects that are now to start architectural planning. The majority of these projects were previously approved in principle to enter architectural planning. These projects have been selected to start architectural planning now because, once completed, they will provide a significant number of extra permanent school places in areas where demographic demand is great. In addition to these major construction projects, the Minister will shortly reveal full details of this year’s summer works scheme and a new plan to improve energy efficiency in schools.

[Deputy Barry Andrews.]

I thank the Senator again for raising the issue of the school building project for Springdale national school and I am pleased both to be able to give him good news in regard to this particular project and to outline the extensive programme of work which will be carried out under the school building programme this year.

Senator Rónán Mullen: Do I take it there will not be any question of waiting to see if the school is on a list at some future date and that there will be an automatic authorisation to progress to the invitation of tender once it is established the documents are in order?

Deputy Barry Andrews: That seems to be evident from the response prepared by the Department. The reply notes that once it is established the documents are in order, the school will be authorised to progress to the invitation of tender. That seems to be the intention.

Youth Services.

Senator Pearse Doherty: Baineann an cheist atá agam le cúrsaí cóiriúla atá ag dul ar aghaidh i gceantar Ghaoth Dobhair. Phlé mé seo cúpla seachtain ó shin sa Seanad nuair a bhí cuid mhór eachtraí ag titim amach sa cheantar ach is ceist eile í seo a bhaineann le tacaíocht a thabhairt d'ógánaigh an cheantair agus do na gardaí go mbeidh comhoibriú ann leis na hógánaigh ar dhóigh níos fearr.

Tá fóram bunaithe i nGaoth Dobhair, Fóram Ghaoth Dobhair, agus is páirtnéireacht é idir polaiteoirí, daoine atá gníomhach i gcúrsaí óige agus sa phobal, na cumainn trádála agus tráchtála agus na gardaí atá ag comhoibriú le chéile chun déileáil le cuid de na fadhbanna atá ann sa cheantar. Ceann de na rudaí a d'aithin an fóram sin i 2006 ná go raibh gá le Garda youth diversion project. Cuireadh iarratas isteach ag an phointe sin agus an cheist atá agam ná cad é stádas an iarratais sin faoi láthair.

The matter concerns the support that is required for youth in the Gweedore region. It deals with youths in a certain age group, namely, between 12 and 17 years. A number of years ago, a forum was established which saw co-operation between community leaders, politicians, the business community, those involved in working with youth on the frontline, the youths themselves and gardaí.

One of the points identified in that forum is the need for a Garda youth diversion project to be established in the Gweedore region. An application went subsequently to the Department and the Minister for what is called the "Gweedore justice project". This stems from the basic lack of facilities in the Gweedore region other than those for people involved in sport. I commend all those who voluntarily gave up their time to provide facilities, events and ideas, and forums for young people to attend. However, despite their best efforts there is still a lack of facilities.

Unfortunately, some of our young people between the ages of 12 and 17 have fallen into petty crime and have been involved in nuisances and disturbances and in other offences such as criminal damage, burglary, assault and unauthorised taking of mechanically propelled vehicles. These are just some of the issues the Garda identified over the period 2004 to 2006. In the figures I have for that period, there were 15 referrals in 2004, comprising six formal cautions, eight informal cautions and one file for direction. In 2005 that figure increased to 24 referrals, namely, 19 informal cautions and five formal cautions. In 2006 we saw an escalation in the seriousness of the incidents, which included five prosecutions. That is alarming for any community and, unfortunately, this community has seen different challenges in recent weeks.

The application for the Garda youth diversion project comes from an agreement or consultation between community leaders and politicians. I sit on the forum, as does the Garda, which

identified this project as being beneficial to the community. I do not wish to give the impression there is a significant crime problem in the community. That is not what this project is about. It is about supporting young people so that when they fall under the radar of the Garda the force can divert them to the project instead of dealing with formal cautions and subsequent prosecutions. It is a way of keeping people away from crime and it is proactive and preventive.

I ask the Minister of State to take this on board. Over two years after the application went in, where does it stand?

Deputy Barry Andrews: The Minister for Justice, Equality and Law Reform has delegated to me, as Minister for State at the Department of Justice, Equality and Law Reform with responsibility for children and youth affairs, the powers conferred on him under the Children Act 2001, as amended. The matter raised therefore falls under my responsibility.

The National Youth Justice Strategy 2008-2010 sets out plans for co-ordinated programmes and services in the area of youth justice which will be delivered through a number of agencies, including the Irish youth justice service of the Department of Justice, Equality and Law Reform; the Department of Education and Science; the Department of Health and Children; the HSE; the Garda Síochána; the Courts Service; the probation and welfare service; the Children Act advisory board and the Department of Community, Rural and Gaeltacht affairs. The net effect of the strategy is to ensure a more co-ordinated strategic approach to service delivery, make better use of existing resources and deliver better outcomes for children in trouble with the law and the community in general.

The strategy is being progressed at national level by the national youth justice oversight group, which was established to facilitate the cross-agency collaboration required. The oversight group, which comprises members from each of the key agencies, is scheduled to report to the Cabinet sub-committee on social inclusion in mid-2009. One of the strategy's high level goals is "to divert offending by diverting young people from offending behaviour". There is a range of initiatives to divert young people from offending behaviour. The first is the Garda diversion programme, which provides an opportunity to divert young offenders from criminal activity and includes a restorative justice aspect. It operates on a nationwide basis under the supervision and direction of the Garda National Office for Children and Youth Affairs.

The diversion programme provides that, in certain circumstances, a young person under 18 years of age, who freely accepts responsibility for a criminal incident, may be cautioned as an alternative to prosecution. In more serious cases, the young person may be placed under the supervision of a Garda juvenile liaison officer, who is responsible for administering the programme at local level. It has proven to be highly successful in diverting young people away from crime by offering guidance and support to young people and their families. The Children Act 2001 put the programme on a statutory basis. As of 31 January 2009, there were 109 gardaí operating as juvenile liaison officers and many other gardaí are engaged in liaising with young people on a day to day basis. In addition, young persons probation, a division of the probation service, has been established to deal with young people who come before the courts.

Garda youth diversion projects, which operate as a resource to the diversion programme, are funded by the Irish youth justice service and administered by the Garda Síochána. These youth projects are community-based, multi-agency crime prevention initiatives which seek to divert young people from becoming involved, or further involved, in criminal or anti-social behaviour. They achieve this aim by providing suitable activities to facilitate personal development, promote civic responsibility and improve long-term employability prospects. By doing this, the projects also contribute to improving the quality of life within communities and enhancing Garda-community relations.

[Deputy Barry Andrews.]

There are 100 Garda youth diversion projects in operation throughout the country, including two in County Donegal, one in Falcarragh and one in Raphoe. An application to set up a Garda youth diversion project in Gweedore was received by the Garda Commissioner. However, there are 39 similar applications for new projects throughout the country currently with the Commissioner. These applications were held in abeyance, initially to allow the significant 2007 increase of 29 new projects to settle down and become established and, subsequently, because of the growing uncertainty over the public finances. The position now is that, in view of the current budgetary situation, it is not possible to commit to any new projects at this stage. Therefore, the primary focus of the Irish youth justice service and the Garda Síochána will be on ensuring the quality and effectiveness of the existing projects.

The first step in reviewing the effectiveness of the Garda youth diversion projects was undertaken in 2008 when a baseline analysis of each of the 100 projects was undertaken by the Irish youth justice service. The report of this analysis is nearing completion and I expect to receive it soon.

It is important to recognise that the national youth justice strategy operates in tandem with the National Children's Strategy 2000-2010. There are currently four pilot local children's services committees, including one in County Donegal, helping to implement the national children's strategy. These are multi-agency committees, chaired by the HSE and they include both local gardaí and probation representatives. They are helping to achieve coordinated and integrated service for children in the counties concerned.

Senator Pearse Doherty: I thank the Minister of State for his response. Unfortunately, it is not the one I had hoped to receive nor is it the one that those involved in the forum and the young people who will probably need the service in the future were hoping to receive.

The Government has implemented a number of cuts and budgetary restraints. This applies to the Minister of State's Department and therefore his hands are tied to a certain degree. I wish to bring to his attention that the youth project which existed in Gweedore and which assisted some of these young people has also had its funding withdrawn so there is a double blow here. The diversion project was never in place and I do not know if anything can be done to try to help these young people in the interim. As the Minister of State knows, the cost of sending somebody to Mountjoy jail for six months far outweighs the cost of prevention measures the Garda can offer. Perhaps I will correspond with the Minister of State later to see if anything can be done, even a halfway house, in the interim until public finances are back in order.

Deputy Barry Andrews: In response to Senator Doherty, I met some of the young people from Gweedore who came to Dáil na nÓg recently and I pay tribute to them. They came straight up to me to explain the circumstances and the shortcomings, and the fact that funding was stopped. I assure Senator Doherty that, thanks to them, I am fully aware of the problems in Gweedore. It is an area in which I wish to concentrate any available resources, whether in youth cafés, youth work provision or, in the future, youth diversion projects.

The Seanad adjourned at 7.50 p.m. until 10.30 a.m. on Thursday, 12 March 2009.