

SEANAD ÉIREANN

Déardaoin, 12 Márta 2009.
Thursday, 12 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 that they propose to raise the following matters on the Adjournment of the House today:

Senator David Norris, the need for the Minister for Health and Children to clarify the position regarding the development of the national paediatric hospital, its location and cost, the constitution of the board and amounts already spent on preparatory work.

I have also received notice from Senator Michael McCarthy 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 immediately provide funding for the much needed extension to Clonakilty community college.

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

The need for the Minister for the Environment, Heritage and Local Government to review the legislation setting out the framework for the fixing of development levies, with a view to providing for a reduction in such levies to reduce the financial burden on new home owners and businesses.

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 Agriculture, Fisheries and Food to exempt fishermen who do not target cod or who have caught less than 1.5% from the days at sea scheme; and to ensure that the polyvalent entitlement of these fishermen are safeguarded.

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

The need for the Minister for Health and Children to contact her counterparts in the North and the Scottish Parliament to exchange ideas on how to curb the abuse of alcohol and its associated health and economic costs.

[An Cathaoirleach.]

I regard the matters raised by the Senators as suitable for discussion on the Adjournment and I have selected the matters raised by Senators Norris, McCarthy and Regan, and they will be taken at the conclusion of business. The other Senators may give notice on another day of the matters they wish to raise.

Order of Business.

Senator Donie Cassidy: The Order of Business is No. 1, Harbours (Amendment) Bill 2008 — Report and Final Stages, to be taken at the conclusion of the Order of Business.

Senator John Paul Phelan: I want to raise a couple of issues with the Leader. We had a full discussion in the House yesterday on the issue of Seanad reform, and I welcomed the opportunity to have that. Following on from a document produced by my party yesterday, we need to set that debate in a wider context of reform of the Oireachtas in general, necessitating the reform of the Dáil and Seanad as well as the committee structure. Whether the Government chooses to accept it, there is a perception that many Members of the Oireachtas receive additional payments for work which should be part of their parliamentary activity, regardless of needing additional payments. The reality is that there are only two or three Members of the other House, I believe, who are not in such remunerated positions. It is necessary at this juncture, when we are seeking solidarity between workers in the public and private sectors, that the Oireachtas and the Government lead by example. We should have a full discussion at the earliest possible opportunity on reform of the systems in the Oireachtas, particularly the committees.

The issue of ministerial pensions being paid to Members of either House who are still sitting, was also raised yesterday. This is an issue that affects a number of people in this House as well as in the other Chamber. It is wrong, I believe, that serving Members of the Oireachtas are in receipt of ministerial pensions while they draw their salaries as Members of the Dáil or Seanad.

I want to propose an amendment to the Order of Business, calling on the Leader to arrange a debate on the economy this afternoon when we finish the Harbours (Amendment) Bill. There is ample time today for a two-hour debate when that Bill is concluded, to discuss with the Opposition views and opinions we have to put forward in advance of the budget. The Minister for Finance was quite clear in his views as expressed a couple of weeks ago to the effect he wanted proposals from the Opposition. Members of my party will be making submissions to the Government, but it is only correct that at this stage before the budget, we in this House on all sides should have an opportunity to put forward our views in advance of its drafting. It is not just good enough to be told we will be involved in some type of co-operative effort after the budget has been drafted. We need to be involved now in advance of its preparation. I hope the Leader can accede to the request for that debate today when we finish with the Harbours (Amendment) Bill.

I want to mention yesterday's march in Belfast which was organised by the Irish Congress of Trade Unions that saw thousands of people from all denominations and none take to the streets in peace and solidarity to express their revulsion over the dreadful acts that have taken place in Northern Ireland within the last week. I compliment the people who arranged that event. There are other people, however, north and south of the Border who have information about what happened in those two attacks and who continue to support the activities of the rump groups which threaten to drag us back to the dark days we thought we had seen the end of. Graffiti has appeared in my area within the last few months supporting these organisations, which was not there before. There are obviously still people who support those who carried

out those dreadful acts and it is up to all of us, inside and outside the Oireachtas, to ensure they are called to justice.

I want to express my horror and disgust at the incidents in Germany and the United States, respectively, yesterday where 26 people lost their lives in two appalling shooting incidents. I want to pass on my sympathies to the families of those who were killed and injured.

Senator Joe O'Toole: I thoroughly support the idea of a debate on the Fine Gael document on reform of the Houses, and it would be very useful for the Government side to provide for it. It should be put out there so we may discuss it. We need to do that particularly at a time of a recession. It was never more important for us to extend to ordinary people the political scrutiny that is crucial in such difficult times.

I interrupted a speaker on the Government side yesterday, and it was not my intention to cast any aspersions on the Senator in question when he was discussing the construction industry. It was just the issue itself that I questioned, not the Senator, and I have raised this matter before. The construction industry cannot even give us the answer as regards how many houses, unsold, empty and waiting to go on the market are available. The construction industry, which has as tenants Home Bond, cannot even agree on the number. Neither of them agrees with the Central Statistics Office nor the Irish Auctioneers and Valuers Institute. That is why I do not trust these people.

There are stories this morning to the effect that CAB is being asked to investigate fraudulent builders who are trying to set up fraudulent sales with fraudsters, trying to cheat us, the banks and the community at large. Also today, there is news of a significant firm of auditors filing a disclaimer, unable to sign off on the accounts of one of the largest building firms in the country on the basis that it cannot confirm these are a true and fair reflection of its business activities. I am quite happy to discuss the construction industry, and particularly the small people who have lost work because businesses have gone to the wall. However, I do not have any need to meet with representatives from the Confederation Industry Federation, just to give them yet another opportunity to start off on their merry-go-round of profiteering and greed which has got us into the trouble we are in. I should be happy to have a debate on it, when all aspects can be dealt with, and I ask the Leader to bear that in mind.

Senator Alex White: Will the Leader please arrange a debate in this House on the announcement by the Taoiseach, the Minister for Education and Science and others yesterday of what has been described as an innovative task force involving UCD and TCD? At the outset, I want to say we should all welcome such an initiative that would ensure additional funding goes to our universities, so that they might continue to play a vital role in the economy and economic development of the country. Universities have always been crucially important in terms of innovation and economic growth.

On a cautionary note, however, precisely what the Government sees the role of a university to be in the modern world and economy should be explored in such a debate. While I readily agree that universities have played a vital role on the business side and as regards the economy in the past, they do not exist to be at the service of business. The idea of a university is much wider than that and they are not there simply to be at the beck and call, as it were, of business, or simply to produce ideas for the economy. The university has a much wider role to play and traditionally it is very much an independent role.

I should be somewhat cautious about the sense in which, for example, the universities or ideas being brought forward by leading academics and others are being commercialised. There is a wider responsibility on the part of the universities and these are the issues I should like to have teased out with the Minister, if he could come to the Seanad so that we might debate that

[Senator Alex White.]

announcement. There are three other issues in relation to that debate that I believe to be important. A certain nervousness was evident from the other universities earlier in the week. They may have put aside their concerns so as not to be seen in any way to be pouring cold water over yesterday's announcement, which was very welcome. However, we must bear in mind that there are more than two universities in this State and they have played a vital role at all stages as regards scientific pursuits and right across the board. That should be considered.

We should also consider our connections with universities in the North. We hear much talk about an all-Ireland economy. The important connections that have been established between universities in the South and the North should also be part of this initiative.

It is all very well talking about funding initiatives but we must also look at access for young people to third level education. The kite being flown in regard to third level fees is not a million miles away from the issues with which we must deal in this context. That also should be part of the debate. The Minister has been in the House once and should return. This would be an interesting starting point for a debate.

Senator Mark Daly: It is coming up to St. Patrick's week and I thank Stella O'Leary, president of the Irish American Democrats, for her role in ensuring that March 2009 was proclaimed Irish American heritage month by President Obama. I hope the Cathaoirleach and the Taoiseach enjoy their visit to the White House next week. In that proclamation, President Obama outlined the huge contribution by Irish Americans to the unions, such as the famous Red Quill from Kilgarvan — Kilgarvan people are known for causing trouble all over the world. He brought New York to a standstill for nine days by organising a strike telling the trial judge to "drop dead in his black robes" when he was ordered to break the strike. The Casey's from Sneem were world famous rowers and wrestlers.

President Obama also outlined how Irish people left these shores in the Famine hungry but hopeful. In this time of recession, it is important we remain hopeful and are mindful of the great debt we owe the United States for its assistance in our peace process and in our successes. I hope the Cathaoirleach enjoys his trip to the White House.

Senator Paul Coghlan: I very much agree with the remarks of my colleague, Senator John Paul Phelan, in particular those in regard to the sitting days of this House. We could give example. We should sit at least four days per week as well. Much extra work could usefully be given to the Seanad, in particular if the committees are to be reformed.

In these difficult and unprecedented times, no one fortunate enough to be a sitting Member of either House of the Oireachtas, in which we are honoured to serve, should be in receipt of additional moneys by way of a pension or otherwise.

On Senator John Paul Phelan's proposal to amend the Order of Business, much useful work could be done if we allocated two hours to discuss ideas and views. We all have examples. The motor industry, for example, is on its knees. Proposals could be brought forward which we could usefully discuss and recommend to the Minister and which would be revenue neutral. For that reason, I very much support his proposal and second his amendment to the Order of Business.

I very much agree with my colleague from Kerry, Senator Daly, in regard to the great work done by the Quills, the Caseys and many others from different parts of Kerry.

Senator Donie Cassidy: The Healy-Raes.

Senator Paul Coghlan: Indeed. I include them all.

An Cathaoirleach: Does the Senator have a question for the Leader? We are not on a public relations run.

Senator Paul Coghlan: It is a serious point, given the time of the year. I, too, wish the Cathaoirleach well on his trip and look forward to hearing about his contribution when he returns.

On a much more serious matter, I refer to the arrangements that existed between the lead man in Anglo Irish Bank and the bank in regard to loans and the arrangements with Irish Nationwide Building Society to conceal directors' loans. May we have an assurance from the Leader that no such arrangements existed for directors in other Irish financial institutions?

On the question of recapitalisation and restructuring, we have heard nothing about restructuring despite the promise in that regard at the outset of these difficulties. Will the Leader inform the House of the detailed arrangements that have been made, if they have been made? Recapitalisation is not in place and I presume the €3.5 billion to be given to the two banks cannot be put in place until this is signed off. I refer to the money earmarked for working capital, credit lines for small businesses and small industries, mortgages for first-time buyers of houses and the arrangements in regard to repossessions. I very much support the call of the bishops in regard to repossessions. I know there is a moratorium of one year, but at this tricky and difficult time, putting people out of their houses——

An Cathaoirleach: The Senator's point has been well made and I do not want a little speech on it.

Senator Paul Coghlan: I appreciate that. A rent arrangement could be put in place rather than putting families out of their houses.

What arrangements have been made in regard to the salaries and other such remuneration of senior banking executives?

Senator Jim Walsh: I concur with Senator Alex White's call for a debate on the co-operation between University College Dublin and Trinity College. It is imperative we get benefit from the moneys being invested in research and development. A debate in this House would be timely in order to focus on what is an important, a constructive and, I hope, a beneficial development.

Will the Leader arrange a debate at an early stage on the role and quality or otherwise of our media, their influence on society and their responsibilities? Senator Norris and I engaged strongly on the Defamation Bill. I am minded to call for such a debate because this morning
11 o'clock *The Irish Times* had two lead articles, one of which concerned the forthcoming budget and comments in that regard and the other concerned the very regrettable school shooting in Albertville, Germany. Both articles contained substantive stories. The *Irish Examiner* dealt with yesterday's report to the Oireachtas Joint Committee on Finance and the Public Service by the Criminal Assets Bureau on mortgage scams, which are very prevalent in the United States. Another lead article on the front page dealt with the school shooting in Germany. The lead story in the *Irish Independent* concerned a €3,000 hike for Deputies. It dealt with the unfortunate shooting in Germany in a single column on the right-hand side of that page.

I was surprised that one of the best selling broadsheets would deal in such a trivial manner with increments to Members of the Oireachtas. The other evening I listened to the editor of the *Irish Independent* on a talk show and he came across as responsible in what he said. I am, therefore, of the view that this is not a deliberate attempt to inflame public opinion or to cause

[Senator Jim Walsh.]

civil unrest, but I have concerns. Senator O'Toole put it very eloquently last night when he said that the first casualty in a recession is democracy. Unfortunately, there were very regrettable examples of that in the last century. It is an important issue that I would like addressed.

Increments are a public service issue and should be dealt with in that context. Elected Members of the Oireachtas should not be singled out.

I refer to the comments of Senator Phelan, with which I concur, on the call for a debate on proposals any party brings forward on reforming the Oireachtas. Reducing the number of Ministers of State would have to be done against the background of the role they play and the responsibilities they have. It is in that context the matter should be decided, rather than having a numerical debate. It should be a qualitative rather than a quantitative debate.

Regarding the number of committees and a reduction in their number, which is part of that proposal, I am a member of the Houses of the Oireachtas Commission. There was a proposal to look at reducing the number of committees by eight or ten — I cannot remember which. The saving was approximately €2 million, two thirds of which were staff costs which could not be reduced. The magnitude of our economic and fiscal difficulties are such that if we start trivialising them by talking about saving €100 here or €200 there purely in a pejorative and prejudiced way—

Senator John Paul Phelan: It is called leadership and setting the tone.

Senator Jim Walsh: —we are undermining a national co-ordination to tackle this in a cohesive, co-operative way, which this State needs.

An Cathaoirleach: The Senator has made his point.

Senator Jim Walsh: If we fail to measure up to that in this House and in the media, unfortunately, we will be faced in the next 18 to 24 months with the International Monetary Fund making decisions which will be unpalatable for everyone in the public service and in society. We all have a responsibility to act responsibly and I call for a debate on the issue so those who might disagree with my point of view would also have an opportunity to put their views forward.

Senator David Norris: I ask for a debate on the Corrib gas field. I do so in light of my considerable concern at the jailing of Ms Maura Harrington and the process which led to it. A former Minister of the Government gave this field away for nothing. The Minister concerned was subsequently jailed in the wake of a corruption scandal. He gave it away to Shell, one of the worst polluters and one of the most avid multinationals. It has been involved in incidents of pollution and was deeply implicated in the judicial murder of Mr. Ken Saro-Wiwa. It literally got away with murder in Kenya and there have been explosions in many other places where it has oil terminals.

I am concerned about this and would be very sorry if, after the Garda having been enlisted on behalf of a multinational, the courts system would begin to play a role in this matter. Judges are above criticism, apparently, and we cannot even ask questions about their remuneration. They are immune from cuts. I am concerned when judges feel free to comment widely on the personality traits of somebody they are sentencing, that having witnessed the behaviour of the person involved—

Senator Joe O'Toole: She assaulted a garda.

Senator David Norris: She does not believe in her idealism because she witnessed her enjoyment of the public limelight. I wonder about the qualifications —this is not a judicial matter. She then referred Ms. Harrington for psychiatric examination in addition to jailing her for 28 days. Are we returning to eastern Europe? Is it an attempt to use psychiatry to control political expression? This is terribly dangerous territory. She slapped a garda in the face.

An Cathaoirleach: Questions to the Leader.

Senator David Norris: I had my face slapped and the person did not go to jail for 28 days. I am asking for a debate so we can ventilate all these matters.

I congratulate the Green Party. At their conference the Minister for the Environment, Heritage and Local Government, Deputy John Gormley said he is attempting to ensure Ireland withdraws from the European Defence Agency. I ask for a debate on this matter. I have always supported Ireland's increasing involvement, through treaties, in the European Union. However, I campaigned against the Lisbon treaty because I failed to get any answer on the important matter of enmeshing Ireland in the international munitions for export trade. Please give me the opportunity this time to campaign in favour of the Lisbon treaty.

I also congratulate the Green Party on its announcement that television licence spongers will no longer go to jail. It was a frightful, stupid mistake. I tabled an amendment on this matter and it was ruled out of order because it might create a charge on the Exchequer.

I support Senator White and others who called for a debate on the university situation. This is a matter which should be properly discussed here. Many people have an interest in this matter, including some representatives of the graduates of the various universities, but it also highlights the fact that the Seanad would be immensely strengthened if the franchise were extended and we had representatives of the Dublin Institute of Technology and the University of Limerick in the House.

We have two universities in the top 200 in the world. We should be very glad of that. Co-operation between universities on research projects and intellectual mergers could be a good thing. I fought against the coercive merger 30 years ago of UCD and Trinity. We have all learned since then. If they can co-operate on research projects and pool their intellectual resources, why not do so? However, we need to know more about it and I support the call for such a debate.

Senator Marc MacSharry: I call on the Leader for a debate on data protection. I am a member of the Committee on Finance and the Public Service and yesterday the Criminal Assets Bureau and the Irish Fraud Bureau attended a meeting of the committee. It is clear that in our effort to preserve a level of civil liberties we are impeding upon the ability of CAB and the Irish Fraud Bureau to access the level of information required to fight crime in the manner in which it has evolved. We may need to revisit this matter. We all want to preserve the highest standards in terms of civil liberties but there are ways in which we can deal with access. One example is the use of the electoral register and other aspects of data protection which can assist the Garda, the Irish Fraud Bureau and others in their work. A debate on that would be most welcome.

I agree with Senator Walsh on the need for a debate on the media. We must be conscious that there is now very little reporting in the media. There are more papers and television and radio shows which have views rather than actual reporting, to the extent that one can only go to sources such as text television to read actual reporting and makes one's own decision on the

[Senator Marc MacSharry.]

facts rather than reading a series of interpretations of the facts. It would be very healthy for us to have that debate.

I agree and disagree with Senator Norris and others. I welcome the setting up of a task force of our higher academic minds who would come together in the interests of bringing this country forward. It would be vital in any debate that, as with the aspirations of our debate of the previous evening, we would include other third level institutions, not just the Dublin Institute of Technology and the University of Limerick but also the many institutes of technology throughout the country. The nation as a whole has suffered from the elitism within higher levels of third level education where individual universities and institutes of technology have been protectionist and overly competitive in not wanting others to be allowed to research a particular area while they secured the resources for themselves.

Another interesting point would be to tease out the level of expenditure, resources allocated by universities or the level of public money that is given to procure public relations agencies to ensure professors and assistant professors are on the appropriate television or radio shows. My information is that there is quite a considerable amount of it. Let us have that debate, make it all-inclusive and move away from elitism. We should ensure that even though the name of the university is internationally recognised as being in the top 200, we get the best graduates and information. All too often, they are not just in Harvard or the Ivy League; they could be in the Massachusetts Institute of Technology. I would like to think the Sligo Institute of Technology and many others throughout the country have as much to offer as anybody in Trinity or UCD.

Senator Joe O'Reilly: I support Senator John Paul Phelan's call, which was seconded by Senator Coghlan, for a special debate today on the economy and establish the practice of having a rolling debate whereby we would allocate two hours per week to an ongoing discussion on the economy.

Today, we should examine Senator Walsh's misunderstanding of Fine Gael's proposals on Oireachtas reform. It would be advantageous to provide that people in full-time employment and with other lucrative salaries do not receive pensions before reaching 60 years of age. It would also be advantageous to reduce the number of Ministers of State, given their proliferation.

Will the Leader arrange for a debate on our use of the excellent Civil Service? Civil servants are recruited from our school system by the most rigorous processes. Why should they be replaced in ministerial offices by a plethora of staff? There is no logic to that. Our fine Civil Service should run the country alongside politicians. We should not source people from outside.

Senator Jerry Buttimer: Hear, hear.

Senator Joe O'Reilly: Doing so is effectively a form of patronage and has created an entire industry.

Amid the leaks and the conditioning process ahead of the budget, the notion of a diminution of the carer's allowance has been floated. Will the Leader assure the House that that allowance will be left in place? It saves money in terms of institutional care and nursing home subventions. It allows people to stay where they want and it gives carers jobs in their communities. It is effectively cost neutral and the social benefit——

An Cathaoirleach: The point is made.

Senator Joe O'Reilly: Will the Leader assure the House on that matter? Will he also suggest to the Minister that another cost neutral project, a schools building programme, be put in place? If we remove prefabs and enter into the cheapest contracts available so that we can return money to the economy and save the jobseekers allowance, we can build schools and remove prefabs from playgrounds for nothing. I thank the Cathaoirleach for his indulgence.

An Cathaoirleach: Do I not have great indulgence?

Senator Joe O'Reilly: Will the Leader answer the question I raised yesterday? He was to research the matter for me. People are anxious to know whether the Taoiseach will pursue a bilateral agreement next week in respect of our undocumented immigrants in America. Those people are suffering as fugitives and cannot return home. Will the Taoiseach pursue tax harmonisation through the Anglo-Irish agreement? Both questions were asked yesterday.

Senator Ivor Callely: I noted with interest Senator John Paul Phelan's request for a debate on the economy. Numerous times in recent months I asked the Leader about the progress he and the other group leaders have made in trying to agree a schedule for such a debate. A request for a debate on the economy and the attendance of the Minister for Finance is not pragmatic unless there is an appropriate schedule in advance. I look forward to the Leader's response. Will he revert to me on the progress that he and the other group leaders have made with my suggestion?

I support the call for a debate on the TCD-UCD initiative chaired by the Taoiseach. Hopefully, it will be very successful and will prompt other such initiatives on third level campuses. I look forward to the outcome.

Will the Leader inquire into the implication of the closure of a temporary homeless hostel in Dublin and the alternative accommodation that has been arranged for the more than 20 homeless people in this shelter. Will the House support the alliance of groups campaigning to end homelessness in the city?

Senator Dominic Hannigan: I join Senator Alex White in welcoming the announcement of a merger of research facilities. It is an excellent initiative that could lead to 30,000 new jobs. I also agree with Senator MacSharry, who stated that the initiative should be extended. We are talking about a four-mile enterprise corridor between the two universities, but that is merely a pathway. We should consider extending it to other third level institutions, perhaps as far north as Queen's University Belfast, the Dundalk Institute of Technology and other regional institutions, including Sligo Institute of Technology. It bodes well for the country. Nokia emerged after little investment in Scandinavia. Given that the next large company will come from the information technology or the green sector, we should be investing in those areas.

We should, therefore, encourage more and more people into maths and science, an issue that was raised in the House yesterday. Forfás, in its most recent document on education and training, pointed out that we have a higher number of maths and science graduates than the rest of Europe. The figure might be as high as 50% and, while it is declining, it is also declining across Europe. Many people are attracted into the maths and science fields. Will the Leader arrange for a debate on how to ensure that level of attractiveness is maintained? It should include a discussion on college fees, access to third level education and access to other educational centres. The McIver report on FETAC colleges, which should have been implemented three or four years ago, should be debated. Will the Leader arrange for a wide-ranging debate on third level education?

Senator Cecilia Keaveney: It was sweet of people yesterday to suggest that the answer to the question of the mosquito device was to belittle or support Barry Manilow's music.

An Cathaoirleach: We are not discussing music.

Senator Rónán Mullen: It is sometimes like the Bermuda triangle in the Chamber.

An Cathaoirleach: On the Order of Business.

Senator Cecilia Keaveney: Will the Leader arrange for a discussion on food safety and healthy food options? In these economically challenging times, people state on radio that they will choose the cheaper option, be it in terms of cuts of meat or snacks. I would appreciate an opportunity to debate the matter of obesity, which has economic and health costs. We should not only discuss how to get cheap food, but also healthy food. We could ask the industry what it is doing to supply healthy options. Previously, I raised this matter in terms of drink, but it would be timely to hold a debate on food now. When people strive to be prudent in their weekly purchases, it is important for adults and children that the food is nutritious as well as cheap.

I will not refer specifically to the multiple murders of recent days. In challenging times, people are pushed into doing things that they would not normally do. Will the Leader arrange for a debate on mental health? Prevention is always better than cure and early intervention is better than no intervention. I will declare my interest as I want music therapy recognised as a clinical mental health intervention. It is timely that the issue of mental health be highlighted, particularly given that many business people are facing pressures. The House should have an opportunity to discuss the ways in which people's difficulties can be alleviated. We should do away with the myth that emotional upset is less important than a physical difficulty. People go to doctors to address the latter, but there is still a stigma attached to mental health issues.

An Cathaoirleach: The point is made.

Senator Cecilia Keaveney: It is time that the matter is exposed as an aspect of life and one that can be dealt with by a variety of options. A discussion on the subject would be useful.

Senator Jerry Buttimer: Any signal from the House to the effect that we condone assaults on gardaí should stop. We should protect gardaí and the full rigour of the law should be applied to anyone who intimidates or assaults them.

In the context of Senator John Paul Phelan's remarks on Oireachtas reform and in light of the forthcoming budget on 7 April, I ask the Leader to arrange for the House to sit on Wednesday and Thursday of next week to avoid sending the wrong message to the wider public that it is unavailable for business. This should be done to enable Members to discuss the budget under the headings of social welfare and education. As for Senator Alex White's comments this morning on third level colleges, I also remind Members that there is a very good university in Cork that should not be forgotten about. Moreover, such a debate should have regard to expenditure on the national development plan, taxation, health issues and communications.

In particular, I refer to the comments made by representatives of Eircom yesterday at the Oireachtas Joint Committee on Communications, Energy and Natural Resources to the effect it now is reviewing its spending. I remind Eircom that Ireland extends further than the M50 or the M7 and this must be remembered. Were Members to sit next week, it would do a great service to this House and the Oireachtas. I ask the Leader to schedule sittings for next week,

as so doing would send a message that Members are serious about reform and the budget as well as being on the side of the ordinary person and those who have lost their jobs in particular.

Senator John Hanafin: I support those speakers who have asked for a debate on the economy at the earliest opportunity. As the mini-budget approaches, which is necessary for the stabilisation of our finances, it is important to deal with such issues and to try to focus on those areas in which significant savings can be made. I take up the point made by Senator O'Reilly, which previously was brought to the House's attention by Senator Keaveney, on co-ordinating taxation between the North of Ireland and the Republic. I am certain the Stormont Executive would welcome an opportunity to enhance its funding at present. With that in mind, perhaps a debate on that specific item could be initiated in this House in order that in future, tax harmonisation will be a serious issue to the benefit of both parts of the island.

Senator Ivana Bacik: I echo the calls for further debate on Seanad reform following the successful debate last night that was prompted by Senator O'Toole's motion. It would be useful for Members to debate Fine Gael's proposals on Seanad reform. I also made some modest proposals for internal reforms to Seanad procedures to make its sittings somewhat more accessible and more relevant. The Leader should take on board these proposals, if possible.

I also welcome the call for a debate on the role of the universities. It would be important in the light of the welcome announcement regarding the merger of research between UCD and Trinity and its potential to create a large number of businesses as well as up to 30,000 jobs. Moreover, there have been some important initiatives from universities and institutes of technology in recent years. I refer in particular to the campus company initiatives in Trinity and the recently announced cross-Border initiative between Dundalk Institute of Technology and a college in the North. This is highly useful and should be debated further.

I also seek a debate on the equality infrastructure and on the announcement at the weekend by the Minister for the Environment, Heritage and Local Government, Deputy Gormley, that the decentralisation of the Equality Authority would be reversed and that additional funding would be provided. I understand that nothing has been done yet to implement that announcement. It would be important to debate what the Government has done thus far to weaken the equality infrastructure and to ascertain whether it can be reversed, as the Minister announced. The Leader should clarify this point.

I ask the Leader for the timing of the civil partnership Bill, which was supposed to come to this House in March. Given that we are nearing the end of March, will this Bill be with Members before Easter?

I welcome the news from the United States that President Barack Obama has announced a lifting of the ban on federal funding for promising embryonic stem cell research. I read President Obama's speech given last Monday, 9 March in which he put things so eloquently. The President's words should provide the context in which Members debate embryonic stem cell research. He speaks of the need not to make a false choice between sound science and moral values.

An Cathaoirleach: This point can be made in the debate.

Senator Ivana Bacik: I thank the Cathaoirleach. He speaks of the immense potential, and it is no more than this—

An Cathaoirleach: Please Senator, my time is closing up.

Senator Ivana Bacik: —that such research has with regard to trying to seek cures for currently incurable diseases and conditions.

Senator Eugene Regan: Yesterday, the Taoiseach observed that the budgetary position was a moving target and that it was difficult to gauge the economic growth rate. Initially, a growth rate estimate for this year of -2% was produced, followed by one for -4% and then another for -6.5%. This does not inspire confidence that the Taoiseach is in control of the figures or forecasts or that there is some element of precision in respect of what will form the basis for the budget that will be introduced on 7 April. I appreciate the Government wished to avoid taking measures before the local and European elections to minimise electoral losses.

Senator Alex White: Surely not.

Senator Eugene Regan: At least we have moved to the phase in which the Government recognises the existence of acute economic and public finance problems that must be addressed immediately. All political parties will play their part in this regard and it is important for them all to work from the same base. However, Members do not have to hand the figures and policy options in respect of this budget. I seek the presentation of a comprehensive paper, on which all could agree, containing the best estimates and forecasts available on public finances, the expenditure side, the budget deficit, borrowing, growth, inflation, competitiveness, etc. If Members argue about figures, they will never agree on the policy issues. My first request is that a comprehensive paper on the finances should be made available before Members have their next debate on the economy.

My second question to the Leader pertains to the Government's presentation of an addendum to the stability programme. I refer to its commitments to the European Commission on how to restore Government borrowing to comply with the permissible borrowing limits. The Government has given a commitment of a budget deficit of 9% of gross national product in 2009, which will be reduced to less than 3% by 2013. However, the European Commission criticised the programme that was submitted for being overly optimistic and insufficiently specific. This now has been found to be the case. Consequently, the credibility of the Taoiseach and the Government in respect of identifying the bottom line regarding the extent of the problem in the public finances and the economy is at issue. We must get the figures right. The Taoiseach must get control of them and Ireland must come up with policy prescriptions that will deal with this problem.

An Cathaoirleach: The Senator has made his point.

Senator Eugene Regan: This is the Taoiseach's last chance in this regard because if he does not succeed on this occasion and does not get it right, we face guidance from the European Commission or the International Monetary Fund as to how to get out of our economic problems.

An Cathaoirleach: The Senator has made his point.

Senator Maurice Cummins: While I do not wish to comment on particular court cases, it is important that Members recognise that gardaí put their lives on the line daily on our behalf. The poster campaign on which the Garda Representative Association has embarked displays the horrific injuries many members have suffered over the years while on duty. Consequently, it is important that Members should send out a strong message that they do not condone assaults in any circumstance on members of the Garda Síochána.

Senators: Hear, hear.

Senator Maurice Cummins: There should be mandatory custodial sentences for any assault on any member of the Garda Síochána——

Senators: Hear, hear.

Senator Maurice Cummins: ——or on members of the ambulance corps or firemen who are on duty. There must be respect for such people, especially when they are on duty, as otherwise there will be anarchy on our streets.

Senators: Hear, hear.

Senator Rónán Mullen: I wish to echo the call for a debate on the universities. While I welcome the merger and it is good to reach a critical mass of academic and research power, I also echo Senator Alex White's point that education is not simply about the economy. Members should recall Newman's idea of the university and the importance of arts and humanities.

I also wish to stress the need for openness in the discussion between the universities. I gather that the president of DCU, Professor von Prondzynski, was unhappy about the lack of openness as this initiative was being negotiated. Such a lack of openness is not desirable.

I compliment my colleague, Senator O'Toole, on his instigation of the debate last night on Seanad reform and compliment the Minister for the Environment, Heritage and Local Government, Deputy Gormley, on finally committing to taking the necessary step to widen the university franchise in order that graduates of the institutes of technology, the University of Limerick, Dublin City University and other colleges finally will be treated on the same basis as graduates of Trinity and the National University of Ireland. It is certainly true that university Senators have punched above their weight during the years, albeit sometimes punching each other and sometimes the wrong targets. Nevertheless, they have made an important contribution. I disagree with Senator Alex White's comment last night that the current system is elitist. Senator O'Toole's positive proposal that——

An Cathaoirleach: The Senator should not concern himself with what was said last night. It is not relevant to the Order of Business.

Senator Rónán Mullen: Will the Leader consider the position of an older person — perhaps an ill person — encountering a sign in Cork University Hospital cordially inviting him or her to an interactive lecture on the subject of why euthanasia should be legalised? How might such a vulnerable person feel? Would he or she think it proper that a speech on why euthanasia should be legalised was funded by public money, as this proposed event appears to be funded by the Health Service Executive? Is this how Cork University Hospital should be spending taxpayers' money?

Senator Donie Cassidy: Senators John Paul Phelan, O'Toole, Hannigan, Coghlan, Walsh, O'Reilly, Buttimer, Callely, Bacik and Regan called for a debate on the various Seanad reform proposals made by Fine Gael, the Minister for the Environment, Heritage and Local Government and the various groupings and parties in the Houses in order to ensure taxpayers obtain the best value for money. I offer Senators a commitment to have an all-day debate on the issue of Seanad reform. Last night's Private Members' business afforded inadequate time for this debate. I thank Senators for their understanding in this regard.

I agree that we must have a comprehensive debate on the issue. We must not lose sight of the achievements of this House and its importance. The entire future of democracy in this

[Senator Donie Cassidy.]

country depends on the way in which we conduct our business for the next ten, 20 and 50 years. The success of this peaceful nation depends on everybody's view being heard. This House allows that to happen. We sit late into the night, until 3 a.m., 4 a.m. or 5 a.m, in order that a full debate can take place and debates on Bills are not guillotined. Members will recall that the House sat through the night until 8.20 a.m. to debate the legislation on the guarantee for financial institutions. We are totally committed legislators. We are not involved in the argy-bargy of the political process that takes place in the Dáil.

It is absolutely essential that we conduct our affairs as effectively as possible and that we are perceived to do so by the public. We face a major challenge in seeking to ensure the proceedings of the House are brought into every home in order that the public — the constituents who have given us this responsibility — will see the massive work done in this Chamber on their behalf in scrutinising every item of legislation that comes before us. Included in this is the important task of scrutinising the vast quantity of European Union legislation which arrives not in 20-page or 40-page documents but by the half stone and stone. The House has a major responsibility in that regard.

I look forward to participating at the Committee on Procedure and Privileges, under the stewardship of the Cathaoirleach and in co-operation with the various Whips, to examine how we can take Seanad Éireann into the 21st century and make it more relevant. The House must function as the protector of democracy in respect of all the proposals received from the European Union, as well as the new and existing legislation we are required to deal with from various Departments. I will have no difficulty in allocating time for a debate on the issue.

In regard to a debate on the economy, I will discuss the issue with the leaders of the parties and groups at our next meeting. I suggest we leave it as late as we can in order that it can be taken as close as possible to budget day. I understand the Taoiseach will afford the Dáil the opportunity of having a debate on the economy before the budget is announced. It is timely and appropriate that this House should have an all-day debate, if necessary. I am prepared to set aside either a Tuesday or Thursday in order that every Member will have an opportunity to make a contribution.

Senator John Paul Phelan's request for an amendment to the Order of Business is timely. However, we are dealing today with Report Stage of an important Bill initiated in this House. Were I to concede to the amendment, colleagues could be here until 8 p.m., 9 p.m. or later. As Members know, various Ministers will travel to locations throughout the world next week as our ambassadors. We are greatly honoured that the Cathaoirleach will travel to Washington to represent this House. Senator Phelan and other Members know that I have always been forthcoming in response to any reasonable requests for time to be allocated for debates to be attended by the relevant Minister. I offer Members a commitment that they will be given an opportunity to express their views before the budget is announced on 7 April. In addition, we will have an all-day and all-night debate on the budget on Holy Thursday, 9 April. The time-frame is such that we will be required to process the Bill before the Easter recess.

I join Senator Hannigan in congratulating the Irish Congress of Trade Unions on its successful organisation of marches in the North of Ireland yesterday. I congratulate the marchers who came out in their thousands to let the world know that this was a peaceful place and that we did not condone the three murders that had taken place in recent days.

I will have no difficulty in allocating time for a debate on the construction industry, as called for by Senator O'Toole.

Senators Alex White, Walsh, Norris, MacSharry, Callely, Hannigan, Buttimer, Bacik and Mullen have congratulated the Taoiseach and everybody concerned on the establishment of

the new task force which involves the coming together of two universities. Various Members asked why the other universities and the institutes of technology were not involved. I will have no difficulty in allowing a debate on the issue and education in general.

Senator Daly referred to the announcement by the President of the United States, Mr. Barack Obama, that March was to be declared Irish-American heritage month. The Senator will join the Taoiseach and the Cathaoirleach in Washington on St. Patrick's Day. I am aware that he has many contacts there at the highest level.

Senator Coghlan called for a debate on banking issues. I propose that this be accommodated within the broader debate on the economy. I take the Senator's proposals in the spirit in which they were made.

Senators Walsh and MacSharry called for a debate on the media, particularly the responsible media. The big winner seems to be the teletext service. Many of us find ourselves checking it at 7 a.m. in our search for cold, hard facts as they are emerging rather than the personal views of a particular commentator. Such a debate would be timely.

Senator Norris called for a debate on the Corrib gas field. I will have no difficulty in allocating time for this purpose. The Senator also called for a debate on the European Union which I propose should take place after the Easter recess.

Senator MacSharry called for a debate on data protection. As legislators, we will be forthcoming in providing any assistance that may be required by the Garda Síochána in this regard. The screening of "Veronica Guerin" on television last night brought home the difficulties experienced by the Garda Síochána and journalists with regard to the horrific murder of Veronica, who we all knew so well. Senator Cummins called for mandatory sentencing of anyone convicted of the crime outlined by him. We support his call.

Senator O'Reilly referred to the schools building programme, on which €640 million is being spent this year. The Senator is pleased about that and we in the midlands are pleased that Loughgar has a brand new school in these difficult times for the economy. I will pass on his views to the Minister. He expressed strong views on a bilateral agreement with the United States on the undocumented Irish there. I will pass on his views to the Taoiseach before his visit to Washington.

Senator Callely called for a debate on homelessness and I agree to this taking place. Senator Keaveney outlined her views on obesity and food options. "The Tubridy Show" was enlightening on this subject this morning and I have no difficulty including this aspect in our debate on health issues when the Minister for Health and Children comes to the House. Senator Keaveney also called for a debate on mental health and music therapy, which is very uplifting. Anyone in the world knows how uplifting music is. It lifts the spirits of everyone and I have no difficulty in including this aspect in the health debate.

Senator Bacik called for a debate on the Equality Authority and I can accede to the request. She also asked about the civil partnership Bill, which was due in this House. I am endeavouring to get the date for its publication but I understand that the priorities of draftspersons are being examined. This Bill will come to the House and I hope it will be before the summer recess.

Senator Rónán Mullen: Can we still afford it?

An Cathaoirleach: Senator John Paul Phelan has tabled an amendment to the Order of Business: "That a two-hour debate on the economy be taken after No. 1." Is the amendments being pressed?

Senator John Paul Phelan: Yes.

Amendment put.

The Seanad divided: Tá, 17; Níl, 24.

Tá

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

Healy Eames, Fidelma.
McCarthy, Michael.
Norris, David.
O'Reilly, Joe.
Phelan, John Paul.
Regan, Eugene.
Ryan, Brendan.
White, Alex.

Níl

Boyle, Dan.
Brady, Martin.
Butler, Larry.
Callely, Ivor.
Cannon, Ciaran.
Cassidy, Donie.
Corrigan, Maria.
Daly, Mark.
Ellis, John.
Feeney, Geraldine.
Glynn, Camillus.
Hanafin, John.

Keaveney, Cecilia.
Kett, Tony.
Leyden, Terry.
MacSharry, Marc.
Ó Murchú, Labhrás.
Ó Domhnaill, Brian.
O'Donovan, Denis.
O'Malley, Fiona.
O'Sullivan, Ned.
Ormonde, Ann.
Walsh, Jim.
White, Mary M.

Tellers: Tá, Senators Maurice Cummins and John Paul Phelan; Níl, Senators Camillus Glynn and Labhrás Ó Murchú.

Amendment declared lost.

Order of Business agreed to.

Harbours (Amendment) Bill 2008: Report and Final Stages.

Acting Chairman (Senator John Paul Phelan): Before we commence I remind Senators that a Senator may speak only once on Report Stage, except for the proposer of an amendment, who may reply to the discussion on the amendment. On Report Stage each amendment must be seconded.

Government amendment No. 1:

In page 5, line 19, after "1933" to insert the following:

"and any application duly made for such a lease, licence, approval or consent".

Minister of State at the Department of Transport (Deputy Noel Ahern): Currently, this section only allows for consideration of leases and licences approvals or consents actually granted under the Foreshore Act and this is in contrast to the subsection regarding regulatory requirements under the planning Acts where consideration of both applications and permissions granted is specified. To ensure consistency, it is proposed to amend section 3 to allow for consideration of any application made under the Foreshore Act prior to a ministerial order

being made to alter a company's harbour limits. The amendment has a practical aspect because foreshore leases are not granted generally until planning permission has been granted. It is important, therefore, that applications under the Foreshore Act be considered also.

Amendment agreed to.

Acting Chairman: Amendments Nos. 2 and 4 are cognate, amendments Nos. 3 and 4 are technical alternatives that arise out of Committee proceedings and amendment No. 21 is related. Is it agreed that amendments Nos. 2 to 4, inclusive, and amendment No. 21 will be discussed together?

Senator Paschal Donohoe: That is not agreed. Amendment No. 3 should be discussed separately.

Acting Chairman: It will be discussed separately.

Senator Paschal Donohoe: Amendment No. 3 proposes a significant change.

Acting Chairman: Amendments Nos. 2, 4 and 21 will be discussed together. Amendment No. 3 will be discussed separately. Is that agreed? Agreed.

Senator Michael McCarthy: I move amendment No. 2:

In page 5, line 24, to delete "2006" and substitute "2007".

Are amendments Nos. 2, 4 and 21 being grouped?

Acting Chairman: Amendments Nos. 2, 4 and 21, which are Labour Party amendments, are being taken together.

Senator Michael McCarthy: Amendment No. 3 is not part of that grouping.

Acting Chairman: No.

Senator Michael McCarthy: Amendment No. 2 proposes "In page 5, line 24, to delete "2006" and substitute "2007"." This is a technical amendment proposed by my party. It is to correct a citation which was updated by the Water Services Act 2007.

Senator Paschal Donohoe: I second Senator McCarthy's amendment.

Deputy Noel Ahern: The principle underpinning this amendment is sound. I thank the Senators for tabling these amendments. Senator McCarthy admitted that this amendment is technical in nature, as are the others. Following our raising this matter with the Parliamentary Counsel, he identified an additional change to the collective citation in section 21 that needs to be inserted along with these proposed changes.

I propose to introduce an amendment linked to the changes proposed by the Senator in the Dáil. I thank the Senator for bringing this matter to our notice. Other similar changes seemingly are also needed. The Senator might not press his amendment on the basis that I promise to introduce an amendment in the Dáil that takes on board exactly what the Senator has proposed. Other items requiring amendment have been identified in the collective citation under section 21 and we will make those changes together.

Senator Michael McCarthy: I thank the Minister of State for his reply. I will withdraw the amendment on that basis.

Amendment, by leave, withdrawn.

Government amendment No. 3:

In page 5, line 29, to delete “2006.”,” and substitute the following:

“2006,

(iv) any development plan made by a planning authority pursuant to sections 9 and 12 of the Planning and Development Act 2000, and any local area plan under section 18 of that Act.”.”.

Deputy Noel Ahern: We discussed this matter on Committee Stage on foot of a proposal by Senator Donohoe regarding the principles and policies to which a Minister should have regard when making an order to extend a company’s harbour limits. We forwarded that amendment to the Parliamentary Counsel for consideration and drafting. Following discussions with him, he proposed an amendment which is slightly different from the one proposed by the Senator. The Parliamentary Counsel suggests that rather than specifying county or city developments reference should be made to any development plan made by a planning authority as well as any local area plan. It is the same type of proposal as that put forward by the Senator but it is worded differently.

Senator Paschal Donohoe: I discussed two points with the Minister on Committee Stage. One related to the need for public consultation and the need to put that process on a firmer statutory footing, with which we will deal shortly. The second point related to this issue, namely, to ensure the future development of any port area or port is congruent and fits in with the wider plan for the development of the area. I referred in particular to local area plans or any development plan for a city or county that a local authority puts in place for an area. Hopefully, the effect of this amendment will ensure that whatever development happens in a port will make sense in terms of the wider plan for the development of the area.

I welcome the fact the Government has taken on board this point. The wording proposed by the Minister of State seems to deliver what I sought in a better way than the wording of my amendment.

Amendment agreed to.

Amendment No. 4 not moved.

Acting Chairman: Amendment No. 5 arises out of Committee proceedings and amendment No. 6 is related. Is it agreed that amendments Nos. 5 and 6 will be discussed together? Agreed.

Senator Michael McCarthy: I move amendment No. 5:

In page 9, to delete lines 9 to 19.

Amendments No. 5 proposes, “In page 9, to delete lines 9 to 19” and amendment No. 6 proposes “In page 12, to delete line 1”. This section envisages removing local authority directors and reducing board membership such that the user representative will also be removed. We were persistent in making these points on earlier Stages. They are well documented on the record so much so that those documenting them must have nearly run out of ink.

In amendment No. 6 we oppose section 11(c) which deletes section 30(6) of the principal Act. The existing section 30(6) provides that local authority members can be members of harbour authorities. I wish that provision to remain in place as it is an intrinsic part of local democracy. We are approaching the holding of local elections. We will be pontificating to

people — I say that respectfully — about the merits and, possibly, demerits of local government. People in every jurisdiction in this country if they are on the electoral register, which I presume will be correct on this occasion, will be entitled to elect city councillors, town councillors and county councillors. That is a fundamental tenet of our democracy and something I greatly value. Many Members would not be here but for that fundamental basic principle of our democratic system. The local authority is an important element of our democracy.

My experience of serving in local government commenced when I was elected to a county council at 22 years of age, some ten years ago. I served on the same local authority as Senator O'Donovan. I was lucky enough to be chairman of its western division on two occasions and also to be its vice chairman. I also served on the coiste gairmoideachais, County Cork VEC. I treasure and value local democracy. The work that councillors do in local authorities in many ways is underrated and there are not sufficient supports in place for them.

If this section of the legislation is enacted, it will be anti-democracy and represent an assault on local government. I thank the Minister of State for attending today and his continued persistence in dealing with the Bill and presence during the debates on it. It must have been as tedious for him as it was for some of us. I urge him to take note of the comments of those of us who have been engaged in consultation on this measure. Consultation was a feature of this legislation and we have consulted widely on it.

There is a general view across party politics that transcends party affiliations in regard to councillors who serve on the boards of port companies. The two representatives from my county council who serve on Port of Cork Company, Mr. Kevin Murphy and Mr. Michael Hegarty, are excellent examples in terms of giving public service. They are fine councillors elected by their people in their respective jurisdictions in south and east Cork. It is not necessary to remove people such as those representatives from the board of the Port of Cork Company or any other board of a port company. To do so would represent an assault on democracy. I urge the Minister, Deputy Dempsey, to take on board this amendment.

Senator Paschal Donohoe: I second the amendment. As Senator McCarthy said, this point was discussed at great length on Committee Stage. My party and colleagues made points to this effect on Committee Stage. As the Senator said, to put in place provisions in legislation such as this providing for such a change when the holding of local elections is rapidly approaching hugely diminishes the role and influence of people who seek to serve their local communities.

Senator Denis O'Donovan: I concur with the points made by Senator McCarthy. There appears to be a sort of corporate governance that local authority members should not be on boards, which is wrong. Last week Senator McCarthy and I attended the launch in Dunmanway of the new west Cork community part of the Leader development. I believe at least five or six councillors are on that board. Here we have the Department of Community, Rural and Gaeltacht Affairs promoting the Leader programme which has different names in different counties. That is one Department. The notion coming across from Departments is to get rid of local authority representatives from boards. I am not saying this is endemic to the Department of Transport.

Historically local authority members have had a major input into harbour boards. Senator McCarthy referred to Cork Port. As a former member of the Bantry Bay Harbour Commissioners, I know that the local public representatives had a major input. I am not sure what the Minister of State can do in this regard. However, closing the door on them altogether is regrettable and wrong. Cork Port is a very big commercial port, probably one of the two or three biggest in the country. I have no doubt that the local authority members on that port's board

[Senator Denis O'Donovan.]

have acquitted themselves extremely well and bring an extra dimension to those boards. I ask the Minister to review the matter if not today in this House, certainly in the other House. As Senators we have an affinity with councillors, who are our electorate. For us to ignore them here would be wrong.

Senator Maurice Cummins: On Committee Stage I spoke at length on this issue. I wish to reiterate what I stated. Local authority members who have been on the boards of commercial ports have given significant experience to those bodies and make valuable contributions on a regular basis. Their attendance is probably among the highest of all members of those boards. On the board of Waterford Port, Councillor Cunningham representing the city council, Councillor O'Sullivan representing Waterford County Council, and Councillor Dowling representing Kilkenny County Council are excellent members. To lose their expertise would be bad for the port and the port authority.

There is a democratic deficit in what is proposed in this Bill as has happened in other legislation. Excluding members elected by the people themselves is a retrograde step. We have heard considerable lip-service from the people on the other side — I am not specifically talking about Senator O'Donovan. Many other people have enunciated what should be done regarding councillors. They have the opportunity to vote against this part of the Bill and support the amendment. By doing so they will show support for the local authority representatives — the people who elected many of them to this House. It would also give a message to their own party. On numerous occasions I have heard that everything is decided within Fianna Fáil parliamentary party meetings. This is an opportunity for this House and for Fianna Fáil to show they are on the side of councillors. We should not accept this section of the Bill which will exclude elected members. I challenge the Fianna Fáil and Green Party Members in particular to get rid of this section and stop the constant attack on local authority members.

I fully support the amendment as proposed by Senator McCarthy and seconded by Senator Donohoe. It reflects what we discussed on Committee Stage and I am disappointed that the Minister of State has not amended the section. The exclusion of local authority members is not acceptable.

Deputy Noel Ahern: As the Senators know, at present port authority boards have 12 directors. Various groups and reports have recommended a reduction in the number of directors on port company boards. The general view is that 12 is excessive even for the bigger ports. Some of the smaller ones——

Senator Maurice Cummins: What about FÁS and all the other boards with 20 or more directors?

Senator Michael McCarthy: There are 20 Ministers of State.

Deputy Noel Ahern: Even with some of the bigger ports, having 12 is too many. With some of the smaller ones it is possible to end up with more board members than staff. The change would not affect the term of any existing board member in any case.

There is another view. From the point of view of the Department of Transport, there is another aspect although this has been recommended to us by various reports. We would link it in with, for example, airport boards like Dublin Airport Authority or Cork Airport Authority. There are no local authority members on any of those commercial State bodies. It is rather different. One needs to go back into the history of ports and the harbour authorities. This is strictly about port boards rather than harbour authorities.

Sometimes even in the present set up there can be a conflict of interest for a local authority member. On Dublin City Council lately a very topical issue is an application to reclaim part of Dublin Bay which has been discussed for some years. That is a contentious issue for Dublin City Council. The three local authority members who are on the board of Dublin Port Company were forced to excuse themselves and could not take part in the planning discussions at the council. It is an argument as to which is more important. Dealing with planning issues as indicated by the previous amendment is a big issue for local authorities. In that case there was a very obvious conflict of interest and the three councillors had to exclude themselves and, as a result, were denied the opportunity to perform or take part in their planning role. It is possible to debate it either way.

The Minister, Deputy Dempsey, has made it clear that he will continue to appoint a local authority member as one of his statutory nominees. That is not in legislation — the Minister has said he will do it. It is up to all of us to ensure that other Ministers do likewise in the future.

Senator Maurice Cummins: Why not specify that in the legislation as we requested on Committee Stage?

Senator Michael McCarthy: If in doubt, leave it out.

Deputy Noel Ahern: We are not putting it in. On Committee Stage the Senator asked what would happen where more than one local authority was adjacent to a port. Even on that issue some people rebuked me or pulled me up on what I might have suggested at the time. Somebody has since told me that that particular port is in a different county. I apologise to the Acting Chairman, I do not want to raise another issue now.

Senator Maurice Cummins: The Acting Chairman would also have an interest in the matter.

Deputy Noel Ahern: I was talking about him. I accept there is an issue. If it was in the legislation as one, it might nearly create a bigger problem. Issues such as that will need to be discussed in some sort of friendly way to come to a decision. The Minister, Deputy Dempsey, has given two commitments. First, it will not affect the term of office of any existing member, whose terms are running out fairly soon anyway depending on when the Bill is passed. Second, the Minister has given a commitment that as long as he is in office, one person will be appointed. That is the best I can do for the Senator.

Senator Paul Coghlan: I make a heartfelt plea on the issue.

Acting Chairman: Once the Minister of State has dealt with an amendment, only the Member who proposed it is allowed to speak. Unfortunately, I must ask the Senator to resume his seat.

Senator Paul Coghlan: I am very strongly in favour of the proposal.

Acting Chairman: The Senator's comments are noted.

Senator Michael McCarthy: I thank all Senators for their contributions. This is a very important amendment and the depth of feeling on the issue has been demonstrated in eloquent terms by Members on all sides. I respect the Minister of State's response. I understand there is a senior Minister and a Minister of State and know there are certain instructions. While I do not expect miracles, I must persist with the amendment because it is very important for democracy.

Question put: "That the words proposed to be deleted stand."

The Seanad divided: Tá, 23; Níl, 15.

Tá

Brady, Martin.
Butler, Larry.
Callely, Ivor.
Cannon, Ciaran.
Cassidy, Donie.
Corrigan, Maria.
Daly, Mark.
Ellis, John.
Feeney, Geraldine.
Glynn, Camillus.
Hanafin, John.
Leyden, Terry.

MacSharry, Marc.
McDonald, Lisa.
Ó Domhnaill, Brian.
Ó Murchú, Labhrás.
O'Donovan, Denis.
O'Malley, Fiona.
O'Sullivan, Ned.
Ormonde, Ann.
Ross, Shane.
Walsh, Jim.
White, Mary M.

Níl

Bacik, Ivana.
Buttimer, Jerry.
Coffey, Paudie.
Coghlan, Paul.
Cummins, Maurice.
Donohoe, Paschal.
Healy Eames, Fidelma.
McCarthy, Michael.

Norris, David.
O'Reilly, Joe.
O'Toole, Joe.
Phelan, John Paul.
Regan, Eugene.
Ryan, Brendan.
White, Alex.

Tellers: Tá, Senators Camillus Glynn and Labhrás Ó Murchú; Níl, Senators Paschal Donohoe and Michael McCarthy.

Question declared carried.

Amendment declared lost.

Amendment No. 6 not moved.

Government amendment No. 7:

In page 15, line 32, to delete “subsection (1)(b)” and substitute “paragraphs (b) and (c) of subsection (1)”.

Deputy Noel Ahern: This amendment is purely technical and does not alter the text of the Bill in any significant or substantive way but merely changes the layout of the subsections to take account of some observations made within the Department. As originally proposed, the section resulted in unnecessary duplication and this amendment is intended to put that right.

Amendment agreed to.

Government amendment No. 8:

In page 16, to delete lines 4 to 20 and substitute the following:

“(c) the person is the holder of a subsisting certificate of competency which—

(i) is a certificate to which regulation I/2 of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978, done at London on 7 July 1978, relates, and

(ii) was issued to a master or deck officer by or under the authority of the government of any other state where such certificate is recognised by the State for the purposes of

regulation I/10 of that Convention by virtue of an order made under section 7 (as amended by section 28 of the Merchant Shipping Act 1992) of the Merchant Shipping Act 1947, ”.”.

Deputy Noel Ahern: Were these amendments grouped?

Senator Michael McCarthy: Amendments Nos. 7 and 8 are grouped.

Acting Chairman: Does the Minister of State wish to speak on amendment No. 8? It was already discussed with amendment No. 7.

Deputy Noel Ahern: The point at issue is the same. It is purely technical.

Amendment agreed to.

Acting Chairman: Amendment No. 9 is in the names of Senators O'Donovan, McCarthy, White, Ryan, Prendergast, Hannigan and Kelly.

Senator Michael McCarthy: Amendments Nos. 9 to 20, inclusive, are grouped.

Acting Chairman: They arise from committee proceedings. Amendments Nos. 9 to 20, inclusive, are grouped. Amendments Nos. 10, 11, 16 and 20 are related to Amendment No. 9.

Senator Denis O'Donovan: I move amendment No. 9:

In page 17, to delete lines 27 and 28.

Senator Michael McCarthy: I second the amendment.

Senator Denis O'Donovan: I am happy to withdraw the amendment but before formally doing so I refer to the protracted debates in this Chamber. Perhaps I spoke for longer than I had ever intended on the entire area of the Bantry Harbour authority and so forth. I put on record my appreciation to many Members of the House, particularly to Senator Donohoe, who was present for a long time debating these issues, to Senator McCarthy and Senator Ned O'Sullivan.

I have studied the amendment submitted by Government, which will be dealt with shortly. The Government has tabled several critical amendments, namely, amendments Nos. 12 to 14, submitted by the Minister of State and his officials. I welcome those amendments and I shall speak on them later. They go a long way. It might not be utopian for me but issues I raised, in particular what I referred to in my deliberations in this Chamber as a shotgun marriage between Bantry and Cork Port, will be avoided as a result of these amendments, on which I will speak later. Discussions between Bantry Harbour authority and Cork Port are provided for and, in fact, have taken place already. Matters should be fully teased out.

The public consultation process is essential. I note Senator Donohoe's amendment——

Acting Chairman (Senator Paul Coghlan): I am advised that amendments Nos. 9 to 20, inclusive, being grouped, the discussion on those amendments must take place now. Have they been seconded?

Senator Denis O'Donovan: In moving the amendment I will be withdrawing my amendment but I want to speak to the issue.

Senator Paschal Donohoe: That is fine.

Senator Denis O'Donovan: I am entitled to make a few points. I can speak on the Government amendments later but I will not be keeping the House for four hours.

Acting Chairman: I am advised that the amendments, including the Government amendments, are grouped and they must be discussed now.

Senator Denis O'Donovan: I thank the Acting Chairman for his advice. The principal reasons for my outspokenness on the amendments concerning Bantry Bay Harbour Commissioner and the Port of Cork Company was that I saw a change coming that was not properly planned or thought out. Government amendment No. 14 is critical as it deals with public consultation. I do not wish to be critical of the Minister of State or the Department but there is sometimes a lack of joined-up thinking and somewhere along the line we must ensure other Departments are included.

On a strict tunnel-vision view, what the Department of Transport is saying is probably right but in the case of Bantry, issues such as the dredging cannot be isolated. Currently only 20% of the pier in Bantry is accessible at low water and this is owing to silting. It was dredged in 1959 or 1960 and there is more than 2 m of silt. It is crazy to have a pier that in low water is inaccessible to small vessels. The Bantry Bay Harbour Commissioners have control of the entire bay and not just the Whiddy Island so consultation with Whiddy islanders — there are only about 20 left — inshore fishermen, mussel farmers who use the pier and those doing oyster and scallop farming and scallop dredging is required. I refer to the tourism industry, Garinish Island, the stone quarrying and export business and sailing. A very successful rowing club uses the inner harbour. The Atlantic Challenge is an international event which is being hosted in Bantry in 2012. It would be a big mistake not to enter into consultation with all those interests.

I am 95% satisfied there will be a consultation process put in place prior to any amalgamation with the Port of Cork Company or takeover by same. I am pleased this provision will be in the Bill and that it is written in stone as a result of Government amendments Nos. 12 to 14, inclusive, which are very specific. I presume “such other persons” would mean the elected Oireachtas Members from the constituency.

Amendment No. 14 states: “(c) an order under paragraph (a) or (b) shall not be made until after a public consultation process has taken place in respect of Bantry Bay Harbour or Tralee and Fenit Pier and Harbour, respectively, and all submission duly made in accordance with that process have been considered”. Therefore, all the various groups I have mentioned will have to be consulted and I hope that process will be transparent and properly advertised. People sometimes forget that traditional inshore fishermen — only a few of whom are left — have rights to the inner harbour for the mending of nets and storage of their gear. These people should be respected and consulted. For any Bill to propose a certain huge change in the control of Bantry Bay and Bantry Harbour without these people being consulted would be a big mistake.

I thank my own colleagues, in particular those in my Seanad group who gave me a lot of support on the issue. I could say that I have scored some moral victory but I am not here for points scoring. I am grateful to the Minister of State, Deputy Noel Ahern, who has met me on a number of occasions and has listened to my concerns. The Government amendments have come substantially close to what I want. In case it is said I am rowing back entirely, as it currently stands, the Minister, if he so wishes, can, with the stroke of a pen and without any consultation, have Bantry Bay Harbour Commissioners taken over by Cork County Council. That option is in legislation already. This is another avenue of enabling legislation. For a while I thought it was disabling legislation but these new amendments have provided another option. In three or five years' time, Cork Port and Bantry, for whatever reasons, may have a meeting

of minds and there may be consensus and consultation with the interested parties such as the sailors and inshore fishermen.

Dredging of the inner harbour might be the catalyst for the development of a marina and dredging is needed to make the only pier accessible at all tides. Senator O'Toole is a boat man and experienced sailor and he will know there is roughly 8 ft. of silt and gravel around the pier and that is a lot of water. Some of the ocean-going tugs are still used for the huge tankers coming into the single point mooring off Whiddy. Some of them have to come ashore. Some of those ocean-going tugs have a ten and 12 ft. draught of water. The Naval Service vessels come into Bantry quite often and it is a pity that at the head of the pier where there should be 12 ft. of water at low tide this is not possible now because of silting up.

I hope the dredging of the harbour will happen sooner rather than later and it could have the knock-on effect of allowing a marina. Bantry has been designated as a tourist town and hub. There should be joined-up thinking between Departments. The Department of the Environment, Heritage and Local Government is concerned with the dredging of the harbour because it is an environmental issue and the silt is contaminated with mercury and TVT which must be dealt with appropriately. The Department of Arts, Sport and Tourism has designated Bantry as a tourist hub and recently spent almost €1million on developing a beautiful walk from the railway pier, about three quarters of a mile long, linking up another road. One can walk along the seashore and a retaining wall has been constructed to prevent the cliff falling.

One Department is promoting tourism while another Department is considering giving Bantry Bay into the control of the Port of Cork Company. It will be a matter for negotiation between the two port companies but I am worried that Cork port may well take over Whiddy Island because of the link between Whiddy Island and Whitegate. Our only main client in Bantry is the ConocoPhillips oil company which contributes per tonnage to the finances of Bantry. Bantry Bay Harbour Authority now has approximately €1 million in the kitty and is in the black, as it has been, indeed, for the past 11 or 12 years. Its corporate governance is second to none. Admittedly, historically some mistakes were made, but there is an excellent chairman, a local small businessman as well as other local representatives and union people. It is a very well run harbour board and the co-operation between the board and Department officials is excellent. There are also excellent discussions and co-operation between Cork Port and Bantry on many other issues. There may be some merit in exploring all this for the future, without the necessity for those amendments.

The utopian situation I had dreamt of was that Bantry Bay Harbour Authority would be left in isolation. That probably would not achieve anything, in the event. We need the consent and support of the Department for grant aid and so on. The harbour board, with the help of the Department and the Government, has built a wonderful slipway on Whiddy Island, which should have been done 40 years ago. We can now have roll-on roll-off traffic regardless of whether it is a fire brigade, an eight-wheeler truck or an ambulance that has to get on the island. Currently there is a slipway three quarters completed at the abbey in Bantry, so many positive things have happened.

We debated this in the harbour board and looked at the option of Cork County Council taking us over. I must put on record that three of us out of 11 supported that. There was a unanimous vote against Cork Port taking over, but the majority on that occasion went for corporatisation, a stand-alone company. However, there is a downside to this, as I want to put on record. If that is done, unless there is a constant throughput of money coming in, any hope of grant aid from the Government is blocked. There are dangers in asserting the body is strong enough to have a corporate identity.

[Senator Denis O'Donovan.]

To conclude, as the proposer of the amendment, I can come in again, briefly. I do not intend to take up too much time today. I am glad the Minister, on behalf of the Government, has tabled these amendments. Without them I should be in an extremely difficult position today. I am satisfied the amendments are fair and balanced. If somebody had assured me last October that this could have been done, it would have saved my larynx a good deal of overactivity on a few occasions. That being said, we are where we are and I thank the Minister and his officials for their graciousness in coming around to what I believe to be a settlement. It may not be utopian, but I am 95% happy. I have spoken to many of the board members, including the chairman, and they are pleased with this outcome. We should move forward in a positive fashion. Again, I thank the many colleagues from all sides of the House who supported me on many occasions. Senator Buttimer called a quorum on one occasion which allowed me to draw my breath, which I appreciate as well. As a sidekick to all this action, Senator Ned O'Sullivan from the Acting Chairman's county will appreciate that it is wonderful that Fenit has the opportunity to avail of public consultation and I am glad about this. Fenit is smaller than Bantry, and I am glad it has the opportunity for public consultation and the assurance that there will have to be a meeting of minds as regards the Fenit and Foynes harbour authorities. Shotgun marriages between ports will not work and create enormous tensions both locally and politically.

Acting Chairman: The Senator's name will be synonymous with Bantry forever.

Senator Joe O'Toole: I second amendment No. 9.

Senator Michael McCarthy: My contribution will be brief, given the amount of time that has been spent on this Bill. I shall just make a few points about the 11th hour Government amendments. I want to put on the record of the House the fact I am not convinced of the necessity to abolish Bantry Bay Harbour Commissioners. The ministerial amendments do not remove the power to abolish Bantry Bay Harbour Commissioners, let us be quite clear about that. They merely require that there be a public consultation process. That it is to be welcomed because it is a direct result of the debate we have had in this House on other sections of this Bill, but it does not remove the power to abolish Bantry Bay Harbour Commissioners. The only requirements are the consultation process, newspaper notice and considerations. I am not being ungrateful and recognise that this is part of the Bill. However, after considering all these submissions and the newspaper reports as well as the public consideration, the Minister can still abolish the commissioners. That power is still in this Bill and I will be pushing my amendments to that effect for the reasons I have outlined.

Senator Paschal Donohoe: On some of the points that have been raised by my colleagues, I want to stress in particular that the need to put public consultation on a statutory footing was identified by the amendments I put forward on Report Stage. That is a key point I want to emphasise. We have had very long and important discussions as regards whether these authorities should be abolished, how they should work with each other and the power this Bill would confer on the Minister for Transport to do this.

I put on the record earlier my observation that it did not appear to me there was a clearcut case for the abolition of the different port authorities that we discussed. I identified what I believe to be the way forward, that is, to put public consultation on a statutory footing and spell out how that should be done. That was the amendment I tabled on Report Stage. On foot of the Minister of State committing to come forward with more detailed amendments as regards how this could be done, I offered to withdraw mine, which I did. I want to put that on the record of the House. It is not a case of the Department of Transport looking into its heart and

making an enormous leap forward in terms of generosity and innovation as regards these amendments. It is, however, the case that I and my colleagues here identified the need for public consultation. We put forward an amendment and then withdrew it because a commitment was made to do the same thing in a more detailed and specific manner. That is what has been done in the amendment here.

Senator McCarthy has already made the point, with which I concur, that the power remains for these authorities to be abolished. It seems to me the exercise of that power in the future would be a bad thing, but at least in the amendments we have secured that the path to such a decision, in the event, will be more transparent and the public at large and their representatives will have an opportunity for an input.

Senator Ned O'Sullivan: I specifically want to refer to the Government amendments. Like my colleague, Senator O'Donovan, I greatly welcome them and there was an audible sigh of relief in Fenit and Tralee this morning when it became clear that the Government had listened to the debate here, to Senator O'Donovan and indeed our colleagues on the other side of the House. It was a very useful debate and while there is a great deal of talk at the moment about the abolition of the Seanad, the experience of this Bill in its progress through this House, must underpin faith in the Seanad and provide an object lesson as to why it should continue. The Bill has been worked on and teased out in a non-partisan fashion and I acknowledge the contributions of Senators O'Donovan, McCarthy, O'Toole and indeed all the other Members who came up with very practical and constructive proposals. If this debate had been initiated in the Lower House it might have become entirely party political, more partisan and perhaps less productive.

In welcoming the amendment, I thank the Minister for being a good listener both in the Chamber and outside it. Senator O'Donovan's sterling efforts here must be given a special mention. Almost single-handedly, he filibustered here for a number of months. Another well known solicitor from Bantry, Tim Healy, who was part of Parnell's party before the split, did much filibustering in the House of Commons along with Parnell and others. Senator O'Donovan has followed in that tradition.

The Minister will know that those in Fenit have just produced their new business plan and hope to have the opportunity to present it to him shortly. They were overjoyed to learn that there will be a full public consultation process prior to any question of an amalgamation with Shannon Foynes. Indeed, those in Shannon Foynes are happy that they will be allowed to have their say. The directors of Shannon Foynes Port Company have no imperial tendencies and have no interest in amalgamating with Fenit.

In consulting the relevant interested parties, I stress that Tralee Town Council should be consulted about Fenit because it has a long tradition of supporting Fenit. Local fishermen and sailors, who sail for pleasure, should be consulted as should the main industrial customer, Lever, which has been a very loyal support of Fenit over the years. Oireachtas Members for the area should also be consulted. These consultations should be long, drawn out and relaxed and there should be no sense that there is a guillotine waiting to fall. However, I do not see these amalgamations ever taking place.

Senator Joe O'Toole: I would like to pick up on the points made by Senator O'Sullivan. This is a classic example of how the Upper House works and how the Lower House cannot operate. The Lower House could not have done what was done here because it would not have been given the time. If Senator O'Donovan was a Member of the other House, he would not have had the opportunity to engage in that level of argumentation and the Bill would not have received such scrutiny. Not that any journalists will be listening to this debate, because it does

[Senator Joe O'Toole.]

not suit their story at the moment, but this Bill will have been changed more by this House than it will be by the Lower House. The same applies to recent Bills initiated here.

At a time of recession and economic problems and where the Lower House has clear and prior responsibilities in regard to matters monetary and financial, the scrutiny of legislation is very important. It is a time, above all other times, when a second House is crucial.

It is correct to say this could not have happened in the other House. It is another example of the need for this type of scrutiny of legislation and of what can only happen in the Seanad. I am not saying this in any demeaning way but to use long-winded argumentation, which has always been part and parcel of the political process but which has been lost in many parliaments in Europe because of other matters crowding in on their time, shows the need to make haste slowly in the development of legislation.

I offer my congratulations to Senator O'Donovan for taking a courageous, isolated and lonely line. We all offered him support as the Bill progressed but he chose a difficult trek. It will also give to the people of Fenit and Bantry a certain sense of confidence in Seanad Éireann and a sense that things can get done here to protect local communities and local democracy which cannot be done elsewhere. I would like that message to go out.

In the midst of the current debate, Senator O'Donovan has done some service not only to his own community but to the political structure and the bicameral system of parliament, as outlined in Bunreacht na hÉireann. These are important points to make at this time. These are precious things which need to be developed. It might not make any great difference in Dublin 4 that Fenit and Bantry have asserted their independence today but for those of us who take an interest in all the people all the time, we should recognise this as a good job of work.

Practical issues were raised by Senator O'Donovan. I have taken my boat in and out of Bantry and Fenit harbours and I support the points he made. He said silting was a particular problem in Bantry. He said there was 2 m of silt, which means only 20% of the pier can be used in low water. That is also an issue in Fenit. The Tralee Canal goes from Fenit to the basin in Tralee and it is highly silted at present. Like Bantry, Tralee Bay goes into a corner and silt builds up. It is very tricky to navigate through. That is an issue because, like La Rochelle and Dingle, for example, Bantry and Fenit harbours have a dual role, namely, leisure and business. That requires local knowledge. It is only when a fisherman gets a bit tetchy about a guy in a small sailing boat getting in his way as tries to land his livelihood that one realises one must have local rules. These are important areas for the development of our tourism industry. We need people who want to attract local industry to be in charge.

I refer specifically to the Government amendments. These will enhance local decision-making and respect local culture. They are an adornment of local democracy and self-determination. Senators McCarthy and O'Donovan are correct that this does not change the power of the Minister to remove the commissioners. It would be a very foolish, stupid and misinformed Minister who, in the light of the debate which has taken place, would take such a regressive step at this point. As somebody who has spent most of his life at a negotiating table, I take it that this was a sort of halfway house outcome which allowed both parties to emerge with dignity and which delivers. In that regard, it is important.

It is also hugely important that water sports are developed. Seven or eight years ago when the previous Harbours Bill establishing the Shannon Foynes Port Company was before the House, I tabled an amendment that it should be called the Shannon Foynes Ballylongford Port Company but the Government would not accept it. There is another pier in the Shannon Estuary, Saleen pier, which has silted up. It is only navigable in high water at this stage. These are important issues to local people. We need to ensure we give local people a sense of self-

determination so they can make things happen for the local industry to make it more attractive to tourists and more inviting to people with boats.

Cork and Kerry have been to the fore in providing facilities to attract people. They are the furthest away from the boating populations of Britain and Europe but they have put in extraordinarily good harbour facilities all the way from Youghal to Fenit which should be continued all the way up the coast. This is a good example of local politics being enhanced by national politics and of a public representative using national politics and the Upper House of Parliament to deliver for his local area. It is a good day's work for the local communities in Kerry and Cork and for politics. It is a fair reflection on the proper work of public representatives at a time when trust and confidence in public representatives is at an all-time low and cynicism in the operation of Parliament is fed by media outlets all over the place. I congratulate Senator O'Donovan on at least inching forward a positive debate in that area.

Deputy Noel Ahern: It was clear from the rather long debate on Committee Stage that the potential transfer of these two harbours to ports nearby would be a fairly difficult and contentious issue. As I said many times on Committee Stage, this is an enabling provision that has been discussed at different levels and in different reports for approximately ten years. The Government's ports policy statement issued four years ago was the bible, so to speak, and this Bill was an attempt to provide a legislative framework for it.

During the course of the debate on the section concerned, it was said repeatedly that the introduction of such a provision should be dependent upon the completion of the due diligence process, which is under way. Talks are ongoing and the Bantry harbour commissioners have talked to Cork port officials for a number of years. The ideal situation would be that due diligence and other forms of consultation would be completed before this Bill was introduced, but it is difficult to get space in the timetable of the Dáil or the Seanad. It has been worked on since the ports policy document was issued some years ago. I accept it would have been better if the timing of various matters had worked out differently. It is important to stress that the introduction of an enabling process is not dependent upon the completion of such a process.

The 1996 Act introduced two enabling provisions in respect of regional harbours such as Bantry, which ensured they could be transferred to a local authority or that a private company could be established. Senator McCarthy was correct that this Bill will not remove the power to abolish the Bantry Bay Harbour Commissioners. We did not need legislation to do that. Even without the introduction of this Bill three or six months ago, if the Bill is defeated and the Government is brought down, the power to abolish Bantry Bay Harbour Commissioners is there, and has been there for 12 or 13 years. It could have been abolished in two ways. A private company could have been set up or it could have been transferred to a local authority, which has happened to a number of smaller harbours and harbour commissioners. The Senator is correct, but the provision is only an additional option by which it could be abolished.

The sequence has come in a different way. As I said several times on Committee Stage, it was always the intention that there would be ample local discussion and consultation on the status of Bantry and Fenit if they were to be transferred to any port. Such local consultation would have been in addition to the many years of high level consultation and discussion that took place.

Senator Donohoe tabled an amendment on consultation, which would have taken place. He felt it would be better to put it into legislation and make it a statutory commitment, and I said we would look at that issue. The wording by the parliamentary draftsman puts slightly different language on it but it is almost 100% the same as what the Senator suggested. I am glad other Senators did not accept it. Perhaps when they see the formal wording, which puts it on a statutory basis, they will accept it has helped people to see that the process will go through.

[Deputy Noel Ahern.]

Regarding who can be consulted, everybody and anybody can be involved. There will be an advertisement in the newspaper and it will be up to individuals, local groups representing whomever and others to make applications. There may be direct consultation with individuals and major groups; that is another aspect. Everybody and anybody may be included and it may well be that the harbour commissioners might like to take charge of the situation at local level and co-ordinate some of the local views. Everyone has the right to make a submission. People may organise local meetings or discussions on the matter and formalise into groups but any individual, whomever he or she is, can make a submission. We may not talk to everybody, but everybody has the right to make a submission. We may talk to some of the major groups, including public representatives. It is intended to engage with the relevant stakeholders in that regard.

The suggested amendment, which would provide for statutory consultation, would give a good platform for all issues to be discussed and analysed prior to any further move forward or recommendation in the future. I hope people accept that. Senator Donohoe put forward the original idea, but it shows that we want to reach out to local communities and people and to hear their opinions and views. There may be some truth in what people say about the consultation which went on in the past and about consultants' reports, which is that the small man was not consulted and some consultant-led reports are dominated by large pressure groups rather than the individual from whatever side of the fence.

In this situation, everybody can respond. I hope when the consultation process takes place public representatives and others locally will give it some energy and publicity so that people concerned will not say they did not hear about it and will want to submit a view six months too late. There will be ample time for all these things to happen and at local community level people will be aware of them and will have time to make their views known.

I will not say I enjoyed Committee Stage. It was rather long, but there were some interesting comments. I admit I am from an inland constituency in Dublin.

Senator Michael McCarthy: The Minister of State is a west Cork man.

Deputy Noel Ahern: My mother may have been from Castledonovan but I do not have the history, background or knowledge of some Senators on all aspects of the sea. The River Tolka and Dollymount are probably the nearest to water in which I have ever had involvement. Some comments here, particularly by Senator O'Donovan, were interesting. Reference was made to the break-up of the Department of the Communications, Energy and Natural Resources. The transfer of responsibility for the ports to the Department of Transport makes major sense for co-ordination and synergy when one is discussing Dublin port, Waterford port or similar ports. It is a different issue when one is talking about Bantry or Fenit, where a range of issues is involved.

Senator O'Donovan spoke in the Chamber and elsewhere, and lobbied at higher political level in another House close by, about the lack of co-ordination and the necessity for the Government to consider places such as Bantry where elements of several Departments are involved. Bantry has hopes, dreams and ambitions. It has an oil terminal and it also wants its pier, fishing, tourism and so on. Many of these matters do not fall under the remit of the Department of Transport. While it will support Bantry as best it can, a range of Departments are involved. It is a different kettle of fish from a large commercial port, such as Waterford, Dublin, Drogheda or Bremore. Senator O'Donovan referred to that matter elsewhere.

I accept the Government may need to be better co-ordinated when dealing with places such as Bantry or Fenit, but several small harbours are being transferred to local authorities because of the existence of the freight business, with the oil terminal in Bantry and, mainly, Liebherr in Fenit, which is appropriate to the company's needs. Liebherr has expansion plans. The freight element in those two ports renders them different from some smaller ports, such as Kinsale, Baltimore or wherever, which have no involvement with the freight business. I am glad that some Members are happy.

Regarding Senator McCarthy's point, we are all in politics and I understand the political line, but Bantry Bay Harbour Commissioners could have been set aside years ago. That power always existed and this Bill does not remove it, rather it provides another option. While I understand what the Senator said and he was not incorrect, that power was always there and the commissioners could have been set aside before pen was ever put to paper on this Bill. I thank the Senators for their comments.

Amendment, by leave, withdrawn.

Amendments Nos. 10 and 11 not moved.

Government amendment No. 12:

In page 17, line 38, after "may" to insert the following:

“, subject to paragraph (c) and after consultation with Bantry Bay Harbour Commissioners, the Port of Cork Company and such other persons (if any) as the Minister considers it appropriate in the circumstances to consult,”.

Amendment agreed to.

Government amendment No. 13:

In page 18, line 1, after "may" to insert the following:

“, subject to paragraph (c) and after consultation with Tralee and Fenit Pier and Harbour Commissioners, the Shannon Foynes Port Company and such other persons (if any) as the Minister considers it appropriate in the circumstances to consult,”.

Amendment agreed to.

Government amendment No. 14:

In page 18, between lines 5 and 6, to insert the following:

“(c) An order under paragraph (a) or (b) shall not be made until after a public consultation process has taken place in respect of Bantry Bay Harbour or Tralee and Fenit Pier and Harbour, respectively, and all submissions duly made in accordance with that process have been considered.

(d) In paragraph (c) ‘public consultation process’ means an invitation by the Minister to the public for submissions, within a specified time limit, on a proposal to make an order under paragraph (a) or (b) of subsection (2) where such invitation is made by means of a notice to that effect published in a newspaper circulating within the State and published on the internet.”.

Amendment agreed to.

Government amendment No. 15:

In page 18, to delete line 6 and substitute the following:

“(e) The making of an order under this subsection is in”.

Amendment agreed to.

Amendments Nos. 16 to 21, inclusive, not moved.

Question put: “That the Bill, as amended, be received for final consideration.”

The Seanad divided: Tá, 24; Níl, 13.

Tá

Boyle, Dan.
Brady, Martin.
Butler, Larry.
Callely, Ivor.
Cannon, Ciaran.
Cassidy, Donie.
Corrigan, Maria.
Daly, Mark.
Ellis, John.
Feeney, Geraldine.
Glynn, Camillus.
Hanafin, John.

Keaveney, Cecilia.
Leyden, Terry.
MacSharry, Marc.
McDonald, Lisa.
Ó Domhnaill, Brian.
Ó Murchú, Labhrás.
O’Donovan, Denis.
O’Malley, Fiona.
O’Sullivan, Ned.
Ormonde, Ann.
Walsh, Jim.
White, Mary M.

Níl

Buttimer, Jerry.
Coghlan, Paul.
Cummins, Maurice.
Donohoe, Paschal.
Healy Eames, Fidelma.
McCarthy, Michael.
Norris, David.

O’Reilly, Joe.
Phelan, John Paul.
Regan, Eugene.
Ross, Shane.
Ryan, Brendan.
White, Alex.

Tellers: Tá, Senators Camillus Glynn and Labhrás Ó Murchú; Níl, Senators Paschal Donohoe and Michael McCarthy.

Question declared carried.

Question put: “That the Bill do now pass.”

The Seanad divided: Tá, 24; Níl, 15.

Tá

Boyle, Dan.
Brady, Martin.
Butler, Larry.
Callely, Ivor.
Cannon, Ciaran.
Cassidy, Donie.
Corrigan, Maria.
Daly, Mark.
Ellis, John.
Feeney, Geraldine.
Glynn, Camillus.
Hanafin, John.

Keaveney, Cecilia.
Leyden, Terry.
MacSharry, Marc.
McDonald, Lisa.
Ó Domhnaill, Brian.
Ó Murchú, Labhrás.
O’Donovan, Denis.
O’Malley, Fiona.
O’Sullivan, Ned.
Ormonde, Ann.
Walsh, Jim.
White, Mary M.

Nil

Buttimer, Jerry.
Coffey, Paudie.
Coghlan, Paul.
Cummins, Maurice.
Donohoe, Paschal.
Hannigan, Dominic.
Healy Eames, Fidelma.
McCarthy, Michael.

Norris, David.
O'Reilly, Joe.
Phelan, John Paul.
Regan, Eugene.
Ross, Shane.
Ryan, Brendan.
White, Alex.

Tellers: Tá, Senators Camillus Glynn and Labhrás Ó Murchú; Níl, Senators Paschal Donohoe and Michael McCarthy.

Question declared carried.

Senator Denis O'Donovan: I formally thank the Minister of State, the Cathaoirleach and the House for putting up with my protracted debate over many days and hours. I acted responsibly in the interests of my community and I am glad that, even though the Bill is passed and Senator McCarthy is technically correct that Cork Port could take over Bantry Harbour, this cannot happen without consultation and without the ports agreeing to it. When I was a member of Bantry Bay Harbour Commissioners we had several meetings about the likelihood of Cork County Council taking over the commission. As the Minister of State pointed out, a Bill was passed by the Labour-Fine Gael coalition in 1996 that enabled the local authority and the Minister to force Bantry to come under the auspices of Cork County Council on a whim. We examined the option of corporatisation, which did not work out. That is history and I am satisfied that, as a result of the amendments tabled and the assurances given, if an event such as this happens although I do not think it will happen in the short term because there are too many issues involved, the fishermen, the town council, the harbour board, the people living in Whiddy Island and the mussel farmers will be consulted. This is now written into the Bill, which I appreciate. Bantry Harbour Authority and Cork Port must have meaningful dialogue. For the past three years there have been ongoing discussions between Cork Port and the Bantry Bay Harbour Authority. The due diligence process initiated by the Department is half completed, a draft report has been sent to the Department and I urge the Minister of State that this due diligence be completed in a transparent fashion. If necessary the draft report, which I believe is in the hands of their Department, should be given to Bantry and the matter should be teased out.

On the question of negotiation, if this eventuality was to take place the capacity for Bantry as an authority and community to negotiate appropriate terms is enshrined in this legislation. For the past 25 years in public life I have been saying that the major issues are dredging of the inner harbour and the extension to the pier. Whatever happens these projects must be done. Good luck to Cork Port if it provides the essential ingredients required to develop the harbour but there will be no shotgun marriage. There must be a long courtship and hopefully we will not see that happening in the next five years.

Senator Michael McCarthy: I concur with the sentiments expressed by Senator O'Donovan and thank the Minister of State, Deputy Noel Ahern, and his civil servants who attended the House for days. They discussed the merits and demerits of this legislation. I refer to the point made by the Minister of State in response to my point. The ministerial amendments do not remove the power to abolish Bantry Bay Harbour Commissioners. I take the Minister of State at his word and I hope this will not be the case. We cannot forget that this Bill is an assault on local democracy because it intends to remove councillors from boards of ports. I disagree

[Senator Michael McCarthy.]

fundamentally with that but I thank the Minister of State and his staff for their courtesy and I thank the Cathaoirleach for his indulgence.

Senator Paschal Donohoe: I concur with the words of my colleagues. I am particularly grateful for the Minister of State for acting on the two areas identified for change, namely, the need for this legislation to be consistent with county or city development plans and the need to put public consultation requirements on a statutory footing. As Senator McCarthy said, there are some areas that I still do not support regarding the reduction of the role of politicians in important areas. Having said that, the Bill has been improved since its entry to this House and that is what we are here to do. I thank the Minister of State and his staff for participating in the process and responding to the points raised by Senators on all sides of the House.

Minister of State at the Department of Transport (Deputy Noel Ahern): I thank all Members for their work. We had a long and comprehensive debate on this matter and I thank all who contributed. As well as the sections that were contentious, the Bill has other aspects that are not contentious but are very important. The ports system is developing and evolving and it is a key driver and facilitator of our import and export traffic. Some aspects of this Bill were not contentious or topical but are important parts of helping our ports structure to evolve and to assist the commercial ethos and development of the ports. This is an important item of legislation and while a few sections became contentious I hope the amendments we made address this.

While there has been consultation at length on aspects of the development of Government policy on ports over a number of years, the way in which we have strengthened this Bill means everybody and anybody has the opportunity to be part of this process at local level. I thank Members for the overall co-operation on this Bill. The overall Bill and some of its elements are very important from a trade and business perspective, including import and export traffic. I thank Senators for their time and co-operation.

An Cathaoirleach: When is it proposed to sit again?

Senator Donie Cassidy: At 2.30 p.m. on Tuesday, 24 March 2009.

Adjournment Matters.

Health Services.

Senator David Norris: I welcome the Minister of State to the House, particularly because we have a good Laois man in charge of this debate.

Senator Eugene Regan: The Senator is winning already.

Senator David Norris: It refers to the question of the provision of treatment facilities and services for the children in our community. In referring to our community, I mean the national rather than Dublin community. In the old days there were at least three principal centres for such matters, the Temple Street Hospital on the north side of the city, Crumlin in the west and the National Children's Hospital on Harcourt Street for those in the south. I remember that very well because I went to school quite close to it and people with broken legs were referred up there.

There was a series of reorganisation procedures and as part of that, the National Children's Hospital was incorporated into the hospital in Tallaght, although with certain substantial undertakings. Its identity was to be retained and the provision of facilities was to be funded. This has not happened. The brief given to the consultants was too restrictive and their hands were tied.

There is the question of access when all these services are concentrated in one area. I have been a great proponent of the metro and I noted the Minister speaking about the proposed service in my neighbourhood near the Mater Hospital. We hope the metro will run past that location, although there is a question mark over this because of financial constraints, but in any case people with sick children may not find it an appropriate method of transport. That should be borne in mind.

I have had a series of meetings with people representing the hospital in Tallaght. These were not the elite consultants and so on, although they would be supportive. They included the nursing staff, parents and technical staff. These people came here to meet with myself and Senator Déirdre de Búrca, who was also very much on side.

There is a certain degree of flexibility provided for at this stage with regard to the closure of the paediatric accident and emergency department at Tallaght Hospital, although this would remove a very important facility. This plan will result in the closure of all overnight beds in Tallaght and only day case beds will be present on site to deal with minor surgical cases. Once the reconfiguration of paediatric hospitals is complete, the urgent care centre will deal with minor scrapes, bumps, bruises, coughs and minor illnesses. All seriously ill children will face being transported across an increasingly congested city centre, involving delay and anxiety. In addition, people may come to the accident and emergency department and hang around to go through the initial stages before being told to go across to the other facility to start the process again. That is unsatisfactory.

These observations are highlighted in two documents, the RKW planning report and the statutory instrument that established the development board. In the planning report published in 2007, RKW indicated it was unable to consider the option of having two fully functional facilities — one on the north side and the other on the south side — to cater for the range of possibilities. That was recommended by the Irish Association of Emergency Medicine. The reason it could not consider the matter is because it was outside its remit. The consultants who prepared this report state that the concept of legitimate variation must be explored during the final planning stages.

The second document on which I am relying is S.I. No. 246 of May 2007, which established the development board for the new paediatric hospital at the Mater. Under section 5, it states with regard to board functions:

(a) to plan, design, build, furnish and equip a national paediatric hospital (“the hospital”) in accordance with a brief approved by the Executive with the prior consent of the Minister, and subject to any subsequent variations to this brief as may be determined by the Executive in consultation with the Board, and with the prior consent of the Minister;

The important term is “subject to any subsequent variations to this brief as may be determined by the Executive in consultation with the Board, and with the prior consent of the Minister”.

Although there is general support for the concept of a centre of excellence to deal with tertiary care for sick children, it should be noted that 18% of all hospital care comes under this category, leaving an overwhelming preponderance of sick children requiring easy and rapid access to secondary and tertiary care. One could argue that a large proportion of tertiary care

[Senator David Norris.]

in any case could be classified as elective, chosen or planned events. For example, there are specialised services, oncology and the diagnosis of serious illness. Some admissions will be emergency admissions but many accident and emergency admissions would come under a non-tertiary scenario.

Approximately 80% of the children in both Temple Street and the National Children's Hospital are admitted via the accident and emergency department, with the length of stay in the National Children's Hospital being 2.9 days. Emergency admissions are by their nature those which require speedy access to medical attention.

The Irish Association of Emergency Medicine has expressed serious concerns about the plan as formulated at the moment. For example, it has put the view forward that two fully functioning accident and emergency departments, with the back-up of overnight beds, would provide the "safest care" for sick children, which is a very important phrase. It has also indicated that urgent care centres as envisaged cannot replace the requirement for comprehensive emergency department care. That is a very serious case to be made.

A number of points and difficulties have been raised and it would be very helpful if the Minister could indicate that the flexibility that exists could be employed in the interests of the children of our country.

Minister of State at the Department of Health and Children (Deputy John Moloney): Unfortunately, the Minister cannot attend this afternoon and she has instead asked me to take this Adjournment matter on her behalf. The development of the National Paediatric Hospital is a priority project for the Government and the project is proceeding as planned. The Children's Health First report commissioned by the Health Service Executive indicated that the population and projected demands in this country can support only one world class tertiary paediatric hospital. It recommended that the hospital should be in Dublin and should, ideally, be located with a leading adult academic hospital in order to optimise the outcomes for children. Following detailed consideration, it was decided the most appropriate location for the new National Paediatric Hospital is at the Mater Hospital.

The development is being overseen by the National Paediatric Hospital development board, which was established in May 2007. The board has 12 members appointed by the Minister as follows: a chairperson appointed directly by the Minister, three members appointed on the nomination of the chairperson, three members appointed to represent the interests of the general public, two members appointed on the nomination of the HSE and one member each appointed on the nominations of the Children's University Hospital, Temple Street, the National Children's Hospital, Tallaght and the Faculty of Paediatrics, Royal College of Physicians of Ireland. There is currently one vacancy on the board to be filled on the nomination of Our Lady's Children's Hospital, Crumlin.

The board has appointed a number of key personnel, including a chief officer, a medical director and a finance officer. A detailed design brief for the new hospital is due for completion during the second quarter of 2009. The design brief will be converted into an exemplar design, outlining the exact dimensions and specifications for the new hospital to allow the project proceed to tender for construction. A more accurate estimate of costs will be available at that stage. The project is scheduled for completion in 2014. The HSE has advised that €5.3 million has been expended on the project to date and the Minister looks forward to continuing progress on this important development.

Senator David Norris: I thank the Minister of State for his reply and ask a few questions. He pointed out that the Children's Health First report recommended one centre of excellence but that does not answer the question about two upgraded accident and emergency units. This is recommended by the leading authority on the subject in the interest of what it describes as the safety of children. That is an important point.

My second point is that flexibility is provided by two documents such that the project can be changed in that minor way. I am no longer challenging the location of the hospital, although there are grave questions marks over it, but that matter is now history.

The Minister of State indicated there is one vacancy on the board.

Deputy John Moloney: There is.

Senator David Norris: It is a significant vacancy. It is one to be filled on the nomination of Our Lady's Children's Hospital, Crumlin, which has these exact reservations among others. That is a real problem.

I note the list of board members contains some distinguished people, including some friends of mine such as Harry Crosbie, who is a remarkable man. The sum of money the Minister of State indicates is being spent, that of €5.3 million, is considerable. An article appeared which indicated that €28.5 million had been approved for Project Management Limited — Beechams Solicitors to provide business services. That is a great deal of money.

An Cathaoirleach: The Senator has made his point.

Senator Michael McCarthy: It is a long point.

An Cathaoirleach: Senator Norris has made his point well.

Senator David Norris: There is flexibility in this regard and we need to examine it.

An Cathaoirleach: That is a long-winded question.

Senator Michael McCarthy: It is.

Senator David Norris: I would like the Minister of State to convey the points I have made to the Minister.

Deputy John Moloney: I certainly will. On a point of clarification, the debate on this project has moved on and settlement has been reached on the location. I welcome the fact that the Senator also accepts that point.

I am not sure as to the reason the board vacancy to be nominated by Our Lady's Children Hospital, Crumlin has not been filled. That information is not available to me. It has not been indicated that the hospital will not fill it. Apparently, it will fill it but the nomination has not yet been submitted.

Regarding the Senator's concerns about there being two accident and emergency departments, that is a matter for the board, which has now been put in place. I am not sure what the final decision on that will be as that matter has not been concluded. I will ask the Minister to correspond directly with the Senator on that specific point.

Senator David Norris: I thank the Minister of State for that.

Schools Building Projects.

Senator Michael McCarthy: I thank the Cathaoirleach for allowing me to raise the important issue of the much-needed extension to Clonakilty community college. I welcome the Minister of State, Deputy Michael Kitt, to the House to discuss this matter with me. I have raised the issue on several occasions with my party's education spokesperson in the Dáil, on the Adjournment in this House and through various other means. It is an important issue locally in terms of education, especially given the current economic downturn. It is a cause of great concern for the pupils who are the heart of any education topic. It is also a matter of great concern to their parents, the staff in the college and the wider community.

Clonakilty community college was built in 1980 to accommodate 400 pupils. I need not explain to the Minister of State, Deputy Michael Kitt, the impact on the school of population trends, that many people have moved into the area, it being a particularly attractive area in which to live and having been singled out for the decentralisation programme. It is one of the few successful elements of decentralisation, although that success will be sorely tested next month when the building is finished.

An extension to the school is clearly needed. The school has an enrolment of in excess of 600 pupils. Much of the professional advice available to the Department by its experts has been offered to that effect. Such are the capacity restrictions in Clonakilty community college that pupils have to travel for some subjects to the old technical school on the other side of the town which has sufficient capacity. That arrangement is dangerous and it has major health and safety implications. I have walked that route on many occasions. There are five or six dangerous junctions. Pupils have to traverse busy thoroughfares in a busy west Cork town. There are safety issues involved, not least the final sojourn to cross the road to the technical school. There are health and safety implications in that arrangement. We must also question the capacity of anyone to be open to learning if he or she have to traverse through a town when it is raining and possibly arrive late for class in a building where the conditions are not appropriate or conducive to a good learning environment.

The extension to the school is needed now more than ever because the population has increased in the area. Furthermore, the broader issue is that if the Government is serious about the schools building programme, now is the time for it to demonstrate that. If the extension is given the go ahead, that will reboot the local economy by providing employment to people in the area who have lost their jobs in the construction industry. It would enable some people in receipt of social welfare benefit to return to the workplace who would pay tax, which would increase the tax yield to the Exchequer. Therefore, there is a double advantage for the Government in approving this project. I ask the Minister of State, Deputy Michael Kitt, to be cognisant of that and to take that message back to his senior Minister.

This project was the subject of a political stunt in 2002. The then Minister for Education and Science, Deputy Woods, wrote to the then Minister for Agriculture and Food, Joe Walsh, who has now retired from public life, and gave a commitment in the run up to the 2002 general election that this project would go ahead. History has taught us that was a political stunt. I want to caution to the Minister of State about this. These issues are beyond party politics because the greater good in terms of the educational needs and the needs of the wider community are far greater than the needs of politicians or the political issues of the day. I ask the Minister of State to take strong cognisance of that.

Clonakilty was one of the towns identified for decentralisation. Now that work on the building, on which the Government has spent approximately €20 million, is nearing completion, I

wish to ask the Minister of State some questions about it. When will the Bord Iascaigh Mhara staff who are expected to transfer to and fill that building arrive? What is the timeframe for their transfer? Critically, will they transfer to the town? If they do, do we expect those civil and public servants to leave Dublin and take their children out of schools which probably have sufficient capacity and a decent educational infrastructure and transfer to a town and enrol their children in a school that at its best is trying to cope in restricted conditions?

The former principal of Clonakilty community college, Mr. Paddy Duggan, was the epitome of a man who gave good public service. I had a good deal of interaction with him on this topic. I record the professionalism, integrity and work ethic of all the staff of that school, including the current principal, Ms Anne Dunne, but especially Mr. Paddy Duggan, a man who has since retired and has gone on to do other things. It is a pity the extension to the school has not taken place thus far. I urge the Minister of State, Deputy Michael Kitt, to take on board what I have said and to impress this message on his colleague, the Minister for Education and Science, Deputy Batt O’Keeffe. The Minister resides in Ballincollig, which is not a million miles away from Clonakilty. I urge the Government to take action on this project as soon as possible.

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael P. Kitt): I am replying to this Adjournment matter on behalf of my colleague, the Minister for Education and Science, Deputy Batt O’Keeffe. I thank the Senator for raising this matter. It provides me with the opportunity to outline to the Seanad the Government’s strategy for capital investment in education projects and also to outline the current position in regard to Clonakilty community college in particular.

Modernising facilities in the existing building stock as well as the need to respond to emerging needs in areas of rapid population growth is a significant challenge and is one of the priorities of the Minister for Education and Science. The allocation of funding for school buildings in 2009 is €653 million. This represents a significant investment in the schools building and modernisation programme. This level of funding at a time of great pressure on public finances is a sign of the Government’s commitment to investing in school infrastructure and will permit the continuation of progress in the overall improvement of school accommodation. Under the recovery plan announced recently by the Taoiseach, an additional €75 million was allocated to the schools building programme for 2009.

All applications for capital funding are assessed in the planning and building unit of the Department. The assessment process determines the extent and type of need presenting based on the demographics of an area, proposed housing developments, condition of buildings, site capacity, etc. leading ultimately to an appropriate accommodation solution. As part of this process, a project is assigned a band rating under published prioritisation criteria for large-scale building projects. These criteria were devised following consultation with the education partners. Projects are selected for inclusion in the school building and modernisation programme on the basis of priority of need. This is reflected in the band rating assigned to a project. In other words, a proposed building project moves through the system commensurate with the band rating assigned to it. There are four band ratings overall, of which band one is the highest and band four the lowest. Band one projects, for example, include the provision of buildings where none currently exists but where there is a high demand for pupil places, while a band four project makes provision of desirable, but not necessarily urgent or essential, facilities such as a library or new sports hall.

In regard to Clonakilty community college, the brief for this extension-refurbishment project is to provide accommodation for a long-term projected enrolment of 550 pupils. The project,

[Deputy Michael P. Kitt.]

which has been assigned a band rating of 2.4, is awaiting the appointment of a design team. The progression of all large-scale building projects, including this project, from initial design stage through to construction is dependent on the prioritisation of competing demands on the funding available under the Department's capital budget. However, as the Senator will understand, it is not possible to progress all projects to construction at the same time. This project will continue to be considered in the context of the Department's multi-annual school building and modernisation programme. However, in light of current demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the further progression of the project at this time.

I again thank the Senator for giving me the opportunity to outline to the Seanad the current position regarding the school building project for Clonakilty community college.

Senator Michael McCarthy: I thank the Minister of State for his response. I have raised this issue several times and the response from the Department rarely deviates from what the Minister of State has just read out. The terminology in terms of band ratings gives little support or optimism to those concerned. This is a critical issue. The broader issue of the schools building programme is one on which the Government can show lead. A change of thinking is required. Proceeding to construction boosts the economy and provides decent educational infrastructure. As long as we get this kind of reply we are going nowhere.

Local Authority Funding.

Senator Eugene Regan: This issue is raised in the context of the general economy. It is the issue of the fixing of development levies that apply to residential developments and businesses. Sections 48 and 49 of the Planning and Development Act 2000, which commenced on 11 March 2002, provide for general, special and supplementary development contributions. These levies, which are chargeable by local authorities, were introduced during the Celtic tiger years. In a sense they were introduced at the height of the economic property bubble. Now that there is a significant reduction in property prices, the question arises as to whether the levels of these levies are now sustainable.

In Dún Laoghaire-Rathdown the contributions are €14,933.94 per unit of residential class development and €129.87 per sq. m. for industrial and commercial developments. This has evolved. Local authorities have discretion in the fixing of these levies and their usage. They draw up a development contribution scheme. Without question these levies have transformed the finances of local authorities. The manner in which these levies are used to fund community developments, parks developments, road infrastructure and water drainage infrastructure has been vital.

There is a more general issue that we need to face, which is the sustainability of the costs in the economy. The recent report of the National Competitiveness Council makes it clear that it is Government controlled prices. It can be rates, development levies and utility costs such as gas and electricity that contribute significantly not only to inflation but also to a level of cost in the economy, which has destroyed our competitiveness and, unless arrested, prevents us getting back to once again being a competitive economy. The other example is increasing our VAT rates while other countries are reducing theirs.

There is a general issue of local authority funding. The evolution of the development levies to an unsustainable level at present needs to be reviewed by the Government if we are to provide any stimulus to the economy and the construction sector. We need to restore competi-

tiveness, which must start with the Government taking responsibility for those charges that are within its competence to determine. The purpose of my motion is to request an examination of the framework provided by the legislation and a review of the level of development levies. I want to establish whether the Minister believes they are sustainable. We need to start the process of restoring competitiveness and this is an area in which the Government can make a contribution.

Deputy Michael P. Kitt: I thank the Senator for raising this issue. He has made some very interesting points in his contribution. The Planning and Development Act 2000 provided for a radical overhaul of the development contribution system. One of the central tenets of the reforms under the Act was to introduce greater transparency in the way in which development contributions were levied and applied. Under section 48 of the Act, elected members were given the powers to make, amend or reject the development contribution scheme proposed by the manager following a public consultation process. Therefore, the elected members have the central role in overseeing the level of contributions being sought and the way in which these contributions are spent by the local authority.

The policy guidance framework set out by the Department of the Environment, Heritage and Local Government is clearly designed to draw the attention of local authorities to their obligations under the legislation, while also recognising that the adoption of development contribution schemes remains a reserved function.

Section 135 of the Local Government Act 2001 requires managers, before the start of each financial year, to prepare and submit to the council a report indicating the programme of capital projects proposed for the forthcoming and following two years. The development contributions collected by local authorities are ring-fenced and committed to fund a planned capital programme as set out in the development contribution scheme adopted by the elected members. Equally, it is important to acknowledge that, in line with their reserved function, a number of local authorities have already responded to the economic climate by amending their respective development contribution schemes to reduce the contribution rates.

Local authorities are now witnessing a steep decline in revenues from these schemes and it is highly likely that development contributions income will continue to decrease significantly while expenditure will increase. It is appropriate for the legislative framework to continue to ring-fence development contributions for investment in long-term capital projects which reflect the local community gain associated with the contributions.

While respecting the reserved function of locally elected officials in this area, I expect that local authorities will consider reducing development contribution rates at this time. In their deliberations, county managers will continue to have regard to the overall funding position of their authority, any existing contractual commitments and the importance of supporting local employment through projects funded through development contributions. Given that development contribution schemes are adopted by the locally elected members, county managers will no doubt consult each council on this matter.

Senator Eugene Regan: I thank the Minister of State for his response. While I appreciate that he anticipates local authorities will revise downwards the level of development levies, I would have hoped for some guidelines and initiative from the Minister in regard to local authorities. I fully understand it is a reserved function as set out in the legislation but the local authorities are bound by guidelines issued by the Minister in many areas. The Minister could take an initiative in highlighting the obstacle which high development levies pose, not only to

[Senator Eugene Regan.]

any stimulus to the residential property market but also to businesses. I appreciate the Minister of State's response and I thank him for coming to the House.

The Seanad adjourned at 2.30 p.m. until 2.30 p.m. on Tuesday, 24 March 2009.