

DÁIL ÉIREANN

—
Dé Céadaoin, 5 Aibreán 2006.
Wednesday, 5 April 2006.
 —

Chuaigh an Ceann Comhairle i gceannas ar 10.30 a.m.

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Paidir.
Prayer.
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Leaders' Questions.

Mr. Kenny: People will have been shocked yesterday by the brutal execution of Denis Donaldson in a remote part of County Donegal. The execution bore the hallmarks of the execution of Eamon Collins outside Newry in 1999. Whatever about the past associations in this case, the murder must be condemned out of hand as being a cold, callous and vicious murder. Given that the murder occurred within the Republic, it falls to the Garda to investigate it exclusively. Its responsibility is to bring to justice those responsible for making the decision to carry out the murder.

Given that the investigation is at a very early stage, will the Taoiseach reflect on the following matters? Was the Garda aware that the late Denis Donaldson was living in this part of Donegal? In light of the recent revelations about his past in which he said he was recruited as a British agent because of being compromised at a time when he was vulnerable in his life, was this information communicated to the Government? Was there any request for or contact about protection to be provided by the Garda to Mr. Donaldson? Did this matter surface in respect of the briefings given to the Taoiseach and the Minister for Justice, Equality and Law Reform about Northern Ireland issues? Was the Garda aware from its intelligence resources and from the PSNI that Denis Donaldson was a marked man, that his life was under threat and, if so, was the matter discussed?

Has the Taoiseach reflected on the fact that, because of the activities of the police forces, North and South, in attempting to deal with organised criminality, especially in respect of some of the actions taken against some cross-Border personnel, it might have been an attempt by that wing of the movement to exert its authority within the organisation? Having said that, does the Taoiseach consider the murder will have any serious implications for the meeting he is having tomorrow with the British Prime Minister?

The Taoiseach: I will give Deputy Kenny the facts at my disposal. First, this callous murder is a brutal reminder of Northern Ireland's tortured and tragic past and I condemn it in the strongest possible terms. At approximately 5 p.m. yesterday, a 999 call was made to ambulance control by a member of the public requesting medical assistance at a house in Clogher Cor, Glenties, County Donegal. The body of Denis Donaldson was discovered at the scene. When gardaí arrived at the scene, they confirmed the deceased to be Denis Donaldson, whom they knew. Mr. Donaldson had received extensive injuries. His right hand was practically severed at the wrist. Two spent shotgun cartridges were found outside the house. The assistant commissioner of the northern division has taken charge of the investigation and a full-scale murder inquiry is now under way. Gardaí are keeping an open mind on the murder at this stage. The scene was preserved and a checkpoint was set up. Liaison with the PSNI was established immediately. The services of the State pathologist were requested. The member of the public who called the ambulance saw the door of Mr. Donaldson's house open between 2.40 p.m. and 3.30 p.m.

On the whereabouts of Mr. Donaldson, gardaí became aware in January of his presence at the location where he was subsequently murdered. Following the public attention he received, gardaí visited him and advised him that, because of his circumstances, there was a perceived threat to his life. They offered him advice on his personal security and gave him a telephone number for Glenties Garda station in case he had any concerns. The house where he lived received passing attention from the Garda on an ongoing basis. It should be noted that Mr. Donaldson did not at any time request Garda assistance or protection since that period in January. He was last sighted by gardaí in Glenties the previous day at approximately 5 p.m., which was approximately 24 hours before they received the call to his house.

On Deputy Kenny's other questions, I have no idea at this stage who could have or would have been involved. Given the circumstances, many people would have had an interest in Mr. Donaldson in one form or another. Whoever was responsible for this evil deed was certainly no friend of the peace process or of anyone on this island. I do not know what was on the mind of whoever was responsible. Perhaps it was blind and bitter retribution. Whatever the reason, it was a foul murder and the investigation will have to take place. I note the murder has been condemned by the republican movement, including Sinn Féin and the IRA. It is right that they did so in an unequivocal and timely manner.

It has been made clear that the two Governments will not be deterred from efforts to bring politics centre stage in Northern Ireland. The Prime Minister, Mr. Blair, and I will travel to Armagh tomorrow and get on with the talks. I have no idea whether the timing of the murder

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had anything to do with the events this week or whether it is retribution for the past. On whether it will make a difference to the events that will take place tomorrow, it certainly will make the talks more difficult. Something always happens to build up tension when talks are about to take place to try to deal with issues in Northern Ireland. We had been working hard and making some progress. This event will test our resolve and we must try to move on tomorrow.

Mr. Kenny: I assure the Taoiseach this side of the House will continue to offer its support to the Government in having the Good Friday Agreement implemented in full, and in making decisions to bring about the Northern Assembly doing its job again.

I do not know who carried out this murder. Someone took a decision to end Denis Donaldson's life. I note the statement from P. O'Neill saying the IRA had no involvement. The IRA remains an organisation proscribed by the Government. P. O'Neill said the IRA had no involvement in the murder of Detective Jerry McCabe, in the Northern Bank raid or in the murder of Robert McCartney.

I hope the Garda investigation into this murder in Donegal will bring about a speedy identification, if that is possible in a professional hit such as this, to determine who carried out this murder. Those who have declared themselves perennially clean cannot be removed from the investigation. I do not know if those who handled the late Mr. Donaldson, from MI5 or MI6 or whoever was involved, had any involvement. I trust the Government and the Minister for Justice, Equality and Law Reform will see that every possible resource required by the Garda to carry out a full investigation as speedily as possible will be made available. I thought we had left behind this sort of tragic, deliberate and controversial murder, but clearly the remnants of hatred, bitterness and revenge remain lodged within some wing or element of whatever organisation or group decided to carry out the murder. I hope it will not interfere with the efforts of the Taoiseach and Prime Minister Blair to continue discussions and negotiations with the Northern Ireland parties in order that the Assembly is restored and the Good Friday Agreement can be implemented in full, as is the wish of the vast majority of people North and South.

The Taoiseach: I thank Deputy Kenny for his support for the implementation of the Good Friday Agreement, which is our sole aim. Deputy Kenny is right in saying that whoever is behind this murder, whether an individual, an organisation or a group within an organisation — I hope they are remnants of the past — must be identified. It is important for many reasons that every effort is made to find the culprits, and that as many facts as possible can be established. The

Garda and the Minister for Justice, Equality and Law Reform will make every effort, and all necessary resources will be put into achieving this. If I am correct, we were talking about Denis Donaldson just before the Christmas recess, and the fact that he had been uncovered as an agent for MI5 and MI6 and had been involved in certain activities for two decades, which ultimately led to the downfall of the Northern Ireland executive four years ago. As we approach the Easter recess we are talking about the brutal murder of Denis Donaldson as we try to bring back the executive again. I hope every effort is made to find the culprits and bring them to justice. That is important in the case of any murder, but particularly this one, because there is great interest in who might still be engaged in such activity, in the Irish jurisdiction or in any part of the island.

Yesterday's evil deed is a reminder of the past, but I assure Deputy Kenny and the House that tomorrow is about the future. Prime Minister Blair and I will get on with the business of putting the past behind us. We will be asking Northern Ireland politicians to take responsibility to get real progress, and politics, going again, because ultimately the only way we can do that is to have a real political dimension. We will be asking people to sit in the Assembly and to elect an executive as soon as possible. We will set out how we believe that is possible and allow them time, but it must be done this year. There will be an onus on all the parties, especially the larger ones, to give this initiative a chance. It is time to talk and agree. We hope the parties will take the opportunity which may not come again for some time if not seized this year. I hope politicians can let the Garda carry on the investigations, obviously with the co-operation of the PSNI, while they carry on with the political activity, since the only way we can ultimately stop brutal killings such as occurred yesterday is when politics takes control.

Visit of Icelandic Delegation.

An Ceann Comhairle: Before calling Deputy Rabbitte, I wish on my own behalf and on behalf of the Members of Dáil Éireann to offer céad míle fáilte, 100,000 welcomes, to Ms Sólveig Pétursdóttir, President of the Althing, and her parliamentary delegation from Iceland. I hope they will find their visit enjoyable, successful and to our mutual benefit.

Leaders' Questions (Resumed).

Mr. Rabbitte: The Labour Party joins in deploring the grisly murder yesterday and offers the Taoiseach support in his efforts tomorrow to get the Northern Ireland institutions back up and running.

I want to raise with the Taoiseach the decision his Cabinet made yesterday in deciding to sell off a strategic State asset, the most important decision since the Eircom sale. Is the Taoiseach

resolved on this course irrespective? I know there is one view abroad, as there currently is on many issues. There was one view abroad on the sale of Eircom, and the sale turned out an unmitigated national disaster, a decision which set back the telecommunications infrastructure in this country by at least a decade. There was also one view taken in most sections of the media and by most of the commentators, not to mention the advisers and consultants who got €70 million for advising on the sale.

The Taoiseach proceeded with the Aer Lingus decision yesterday and has proceeded to build up anticipation and to sell the company on the basis of two deceptions. The first is that the Minister for Transport and the Taoiseach's spokespersons have put abroad the word that because of EU rules, the State was prevented from investing in Aer Lingus. That is not so, which fact has been established by the commission set up by the European Court of Justice, so it is perfectly permissible for a State company to invest for normal commercial reasons in a company, just as a private investor can.

It is interesting to look at the Goldman Sachs report of November 2004 in which that company made it quite clear that it was asked to advise on Aer Lingus, subject to the over-riding stipulation as follows:

The current policy of the State is to provide no further equity funding to the company. The State will not provide further capital to the company either to fund expansion or in the event of a financial crisis.

Goldman Sachs made it plain this restriction was a matter of Government policy, not an EU restriction.

The second deception relates to the pretence that the Minister for Transport is retaining a golden share. The Minister and the Taoiseach know the European Court of Justice rejected as illegal the ownership of a minority golden share which would protect strategic interests. In the case of the UK Government's golden share and the airport operator, BAA, it was ruled illegal under EU law in May 2003. The golden share had special voting rights attached to it and sought to give Ministers the final say in major decisions such as selling the airport. The European Court of Justice ruled on this matter that it is illegal to use the golden share for protection of strategic interests. The Taoiseach is so confident about the decision made, but it is a surprise to most people that the Progressive Democrats has pushed Fianna Fáil so far to the right — it would be unthinkable even a decade ago that Fianna Fáil would have sold off the national airline in a country that has the strategic requirements of an island nation. The Taoiseach nonetheless proceeded. If he is as confident as that of his decision——

An Ceann Comhairle: The Deputy's time has concluded.

Mr. Rabbitte:——why could it not be done on the basis of honestly setting out the case rather than asserting two major falsehoods, that he cannot invest as the shareholder and that the golden share will protect us?

The Taoiseach: I do not think either of those are the basis of the debate. Whatever about earlier arguments, I have been engaged and involved with Aer Lingus for a long time. I was the last Minister for Finance to invest substantial resources in Aer Lingus to keep it flying at the time and to allow it to buy the Airbuses which was a big modernisation issue. As Taoiseach I was involved in the effort following 11 September, which was no fault of the company, when the aviation business worldwide slumped to the bottom and where strong airline companies were going to the wall, to try to work with the staff interests to protect it and keep Aer Lingus flying. I have long been a supporter to try to strategically help Aer Lingus. We spent the period from 2003, after that last plan, up to 2005 deciding how best to allow the development of Aer Lingus into the future. I accept the sale or part sale of a State company is a big decision. The Government decided to allow the sale of a majority shareholding in Aer Lingus a year ago to facilitate an equity injection into the company while retaining a significant stake in the company to protect the State's key strategic interest. That was part of the decision yesterday.

Following consideration of the report received from the advisers who worked on this during the past year, following the two years' work put in by the Government, and following agreement with the Minister for Finance on the matter, the Minister for Transport presented the case to Government yesterday on the implementation of the investment transaction. In line with the Government decision of last year a majority of the Government's shareholding in Aer Lingus will be sold. This will be done through an initial public offering of the company's shares on the Stock Exchange. The State will retain at least 25.1% of the company to protect the State's strategic interest. It is important that is done.

The Minister will mandate our advisers to commence work on the implementation of the IPO. The Minister has also advised us of the outcome of the consultations with the trade unions on investment transactions. Understandably there are a number of issues of concern they wish to see addressed, following long discussions with the Minister for Transport. Job security and pensions are the two major issues. The Ministers for Transport and Finance have mandated the management of Aer Lingus to engage with the trade unions with a view to resolving the issues identified by them. Hopefully, through this process, we can find a way forward to allow the staffs'

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interests to be addressed to the maximum extent possible. That is the background. It is not a question of what the Government can or cannot do. It is a question of allowing Aer Lingus with the State still being involved, to develop into being a stronger airline than it has been in the past. Twice in the past decade Aer Lingus almost went down. This, based on all the best advice, is the way to allow it get available funding in the financial markets, to have additional aircraft, to help the financial strength of the company, to grow into the future and to implement its own business plan. To do otherwise, would be to reject the best advice available to us. Deputy Rabbitte will appreciate that the Government could do that. I could do that and say we do not accept the advice of the management, and for that matter, the last management, the board, the advisers or our Government people and go a separate road on which nobody has advised.

A Deputy: These were the same advisers in the case of Eircom.

The Taoiseach: If I was to do that I would be open to far more questions.

Ms Burton: What will happen to the golden share?

An Ceann Comhairle: Deputy Rabbitte without interruption please.

Mr. Rabbitte: The Taoiseach answered fewer of my questions than usual. For example, there is no clarity in the statement issued yesterday. Can the Taoiseach say when the IPO will take place? Precisely how much of the company will be disposed of? What proportion of the pension deficit will be cleared? If his argument is that he envisages a further demand for finance, in those circumstances will not his share and the share of the ESOT be reduced? Are his arguments not the exact arguments we heard at the time of the Eircom takeover? Surely, colleagues in the House can recall it so short a time ago. The then Minister, Mary O'Rourke, was just short of doing a Molly Malone on it in O'Connell Street, going up and down with her wheelbarrow, inviting anyone to come along and buy the shares, and we see what happened. We see what has happened to our telecommunications infrastructure and to the roll-out of broadband where Ireland has slipped from second place in the league table to the bottom.

An Ceann Comhairle: The Deputy's time is up.

Mr. Rabbitte: Will the Minister for Transport, Deputy Cullen, do a Molly Malone this time? Can one imagine such an accident prone Minister being in charge of handling an IPO in these circumstances? Would the Taoiseach buy a second-hand voting system from this Minister?

Mr. Cullen: I would not buy one from the Deputy either.

Mr. Rabbitte: This is the situation we are in. Can the Taoiseach say when the IPO will take place? Exactly what size of share is being retained. What does he propose to do when that share is diluted? Does he accept the European Court of Justice ruling in the matter of a golden share? Why is he putting it abroad that this is going to protect a strategic interest in the future when he knows it will not? Did it protect us in the case of Irish Sugar? Was not the House told at the time by the former Minister, Michael O'Kennedy, that he would retain a golden share, which I think was 35%? Did that protect Irish Sugar? We are doing all this for how much? Is it €400 million? Some €400 million is a peddling amount of money in these circumstances.

An Ceann Comhairle: The Deputy's time is exhausted.

Mr. Rabbitte: Given that, obviously, much of the homework is done behind the scenes will the Taoiseach give us some idea of how much it will cost us in advisers and consultants to sell a strategic national asset?

The Taoiseach: The next steps are that the Ministers for Finance and Transport will mandate the company to negotiate with the trade unions on the package of measures to address the concerns that have been identified. I have already said they are job security, pensions and possible dilution of ESOT shareholdings, following the issue of additional shares in the company. These and others are the issues the company will engage in with the unions. In parallel with this process the advisers appointed by the Ministers last year will be mandated to commence preparations for an IPO of shares in Aer Lingus as early as possible, taking account of the need to comply with Stock Exchange rules and to launch the stock in the most positive market conditions. A period will have to elapse while that is being done. The final terms of the investment will be agreed between the Ministers for Transport and Finance and the general principles of the disposal of the majority of the State's shareholding will be laid before the Dáil for approval. Together, the State's share and the trade unions' share will amount to 40% of the company.

Ms Burton: For how long?

The Taoiseach: The issue is to try to allow Aer Lingus to grow, expand and prosper. The best way of ensuring the company does not go the road of other airlines, including very strong companies such as Swissair and some of the biggest government-owned airlines in the world, is to try to allow it to grow and prosper.

Ms Burton: New Zealand was forced to renationalise its former State airline.

The Taoiseach: Thankfully, the number of people using our aviation industry, the strength of our tourism base and investment in the economy mean it is sensible to do this. With continued State involvement in Aer Lingus, this option will be good for the airline, staff and customers. The transaction will give the company access to the broadest range of funding available on the financial markets, enhance its financial strength and give it commercial flexibility to compete and win in one of the world's most dynamic industries.

Mr. Stagg: There is nothing preventing it from doing that at present.

The Taoiseach: If one wants Aer Lingus to survive, it must be allowed to trade and deal on the same terms as others.

Ms Lynch: Why not invest in it?

An Ceann Comhairle: Allow the Taoiseach to continue without interruption please.

The Taoiseach: The only way the airline will thrive is to allow it to implement its own business plan, which will result in the long-haul fleet doubling in the short term and growing by more than 55% over the next five years, with the positive implications this will have for employment. This is the right way to proceed.

Ms Shortall: The Taoiseach failed to answer any of the questions.

Mr. J. Higgins: I notice the millionaire-owned press this morning warmly embraces the Government decision to privatise the national airline. Why would it not do so given that some of its key players made a fortune in asset-stripping the previous major taxpayer-owned company the Government privatised, namely, Telecom Éireann? No doubt the directors of Greencore warmly applaud the decision to privatise Aer Lingus. After all, they made a fortune from another Fianna Fáil privatisation, never mind that they destroyed the beet and sugar industries and the jobs of hundreds of workers in the process. The millionaires who owned Irish Ferries will also warmly support the Government's privatisation plans and might even buy shares. They might also be in a position to advise the new owners on how one takes a trade union workforce with reasonable pay, jobs and conditions and turns it into a yellow pack operation of exploited migrant workers. The bankers, to whom the Taoiseach wants us to be nice, will also applaud the decision as they will get enormous consultancy fees. In other words, in the privatisation of Aer Lingus the Taoiseach is in the company of sharks and not the majority of the Irish people. The decision to privatise the company, if implemented, will be

one of the most outstanding acts of economic treachery committed by any Government in the history of the State.

In previous times, attacks on Aer Lingus or its workers would draw loud protests from Fianna Fáil backbench Deputies from north Dublin, Clare, Limerick or Cork but now that the greatest act of betrayal is imminent we hear not a whimper of opposition. A collapsed rugby scrum would emit more intelligible grunts than we have heard from Fianna Fáil Deputies in protest at the privatisation of Aer Lingus. If the airline's workers from north Dublin had sent in cabbage heads from the local vegetable farms to decorate the benches behind the Taoiseach, they would get more decent representation in opposition to the privatisation plans than from those who represent them at present.

Mr. O'Donoghue: The Deputy should stop insulting the greens.

Mr. J. Higgins: Why does the Taoiseach persist with the fraudulent assertion that privatisation is necessary for funding when he is well aware that, if necessary, public funding to the tune of billions of euro can be wisely invested in this national asset? Shamefully, under his mandate our nationally-owned pension funds are invested in the murderous armaments trade and killer tobacco industries but are not allowed to be invested in a publicly-owned company.

The Government does not have a mandate from the people for this privatisation. Prior to the previous general election the Fianna Fáil Party did not go before the people with a commitment to privatise Aer Lingus. The workers in the company would be entirely justified in paralysing these privatisation plans with industrial action and would be acting far more democratically than the Government. I challenge the Taoiseach and his party to withdraw the privatisation plans and make them a key issue in the forthcoming general election. Let us debate the matter and allow the workers and people to have their view on it. I have no doubt what that will be.

The Taoiseach: One of the great features of parliamentary democracy is that people are entitled to hold opinions. The Deputy is entitled to his opinion but I disagree with practically everything he says and does on every issue and this one is no exception. His theory would have resulted in Aer Lingus's closure. The company still employs 3,600 people. It employed 3,000 more when it was in State ownership and hamstrung by the constraints imposed by the State which prevented it from developing. These are the great things the Deputy would have.

Mr. J. Higgins: That is untrue. The Government refused to invest in Aer Lingus.

The Taoiseach: The Deputy's small band of merry men and women in the company would always argue that Aer Lingus should be restricted, kept in State hands and not allowed to develop. They take pride in the fact that Aer Lingus, as our national airline——

Mr. J. Higgins: The Taoiseach should address the issues.

The Taoiseach: I listened to the Deputy. Democracy works both ways and, like him, I am entitled to speak.

An Ceann Comhairle: Allow the Taoiseach to continue without interruption. Deputy Joe Higgins will have an opportunity to speak.

The Taoiseach: The Deputy would prefer Aer Lingus, when the European open skies policy comes into force, to continue to be able to fly into just five airports in the United States and have no opportunity to develop and grow and no chance of enhancing its status. Rather than unions and workers owning some of the shares, he would prefer them to be the slaves of what he sees as the capitalist class. He opposes workers owning shares and being able to have pride in their company. His ideology is gone, even in the most eastern parts of the communist world. His day and his old arguments are finished and he should realise it.

Mr. D. Ahern: Even Deputy Rabbitte no longer believes them.

Mr. J. Higgins: The Taoiseach should return to his history books and learn the real history——

(Interruptions).

An Ceann Comhairle: Allow Deputy Joe Higgins to continue please.

Mr. J. Higgins: I see one of the Cork Deputies has got his voice back. Perhaps he will raise it in support of Aer Lingus workers. The Taoiseach should go back to his history books and read the real history of socialism.

Mr. D. Ahern: The crowd who used to print money.

Mr. J. Higgins: He would learn that the monstrous dictatorships in eastern Europe, with which Fianna Fáil Party Governments had diplomatic relations and its Ministers regularly visited, would be anathema to that for which the Socialist Party has always stood.

The Taoiseach has evaded the issues. Why are right-wing economists — not socialists — calling for the renationalisation of Eircom following the disastrous outcome of that privatisation? The Independent Deputies, not all of whom are socialists, support maintaining Aer Lingus in

public ownership, as do the company's workforce and the people. It is the right-wing ideologues of Fianna Fáil and the Progressive Democrats who are pushing the privatisation agenda and forcing our national airline into the hands of sharks.

The Taoiseach should wake up. All over Latin America, for example, people are up in arms in opposition to the privatisation of crucial services such as water. The clock is turning against the neo-liberal agenda and towards the idea of investing in public companies. The way forward for Aer Lingus is to bring workers to the heart of the company and develop it democratically with a full input, not to take the Government's route of handing it over to sharks and, inevitably, losing control of it. If in ten years the national airline has been asset-stripped by corporate vultures, with jobs, wages and working conditions ravaged, the Taoiseach may well be riding into the sunset, but it will remain as a monument of shame to the neo-liberal agenda he and his Government has pushed for the past nine years.

Mr. Cullen: The Deputy would see it closed with his philosophy. That is the rubbish we heard in the 1960s.

Mr. J. Higgins: If I were the Minister, I would hide in the benches over there.

Mr. Cullen: I will not hide. The Deputy will never find me hiding. I stand my ground.

Mr. J. Higgins: Remember the clapped out voting machines when you talk about old ideology.

Mr. Cullen: That's an old song. You should get something a bit more original.

The Taoiseach: Obviously the Deputy and I disagree on this and we will continue to disagree. I remind the Deputy that, before it was liberalised, the old Department of Posts and Telegraphs was in place when I was first elected to the House. One of the biggest issues for constituents was having to wait four or five years to get a telephone. There were no telephones.

Mr. Stagg: They are waiting again now.

The Taoiseach: People could not make telephone calls. Now one can walk into any office or premises and get a telephone on the same day.

Mr. Stagg: They cannot.

(Interruptions).

The Taoiseach: There is huge competition now.

(Interruptions).

An Ceann Comhairle: Members of the Labour Party are not members of Deputy Joe Higgins's

party. He asked a question and he is entitled to hear the reply without interruption.

Mr. D. Ahern: They would sell their souls to anybody.

The Taoiseach: They would make an excellent Government by renationalising the telephone system to bring us back to the dark past. I suppose they would ban mobile telephones as well.

(Interruptions).

An Ceann Comhairle: Allow the Taoiseach to continue. Deputy Joe Higgins had his opportunity to speak.

The Taoiseach: I will say two things because obviously I will not be allowed to speak. Deputy Joe Higgins argued for years — I admire him for this — about how great the countries of eastern Europe were and how we should be the same.

Mr. J. Higgins: This is incredible.

The Taoiseach: The Deputy argued for that.

An Ceann Comhairle: Deputy Joe Higgins must resume his seat. He had an opportunity to speak.

Mr. J. Higgins: This is slanderous.

The Taoiseach: The truth is always slanderous.

Mr. J. Higgins: The Taoiseach cannot explain——

An Ceann Comhairle: Deputy Joe Higgins had his opportunity to speak.

Mr. J. Higgins: ——the difference between Stalinism and democratic socialism.

The Taoiseach: Deputy Higgins would tell all the countries that joined the European Union that they were wrong and that they should renationalise all the companies they have sold. He believes that but I think it is rubbish and, thankfully, the people in those countries think it is rubbish as well. I reject the Deputy following that course here.

Aer Lingus in its current situation can hardly manage to deal with the five airports it flies to in the United States. However, there are 22 locations in the United States that want to do business with this country.

Mr. Stagg: The Government will not invest in the company.

The Taoiseach: Please listen. It is not possible to fly people from these locations if one does not have the aircraft. I am sure the Deputy understands that.

Mr. M. Higgins: What about a flying voting machine?

The Taoiseach: Therefore, we need investment to bring people here. If we can bring these people to different regions of the country, it will develop tourism, which will create jobs and allow us to become a modern country.

Mr. Stagg: One does not have to sell Aer Lingus to do that.

The Taoiseach: I know Deputy Higgins does not particularly like that but that is what I want to do for the future. I believe this policy is the right one.

Ceisteanna — Questions.

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Agreements with Members.

1. **Mr. Kenny** asked the Taoiseach the arrangements in place in his Department for providing assistance to certain Independent Members of Dáil Éireann; and if he will make a statement on the matter. [9145/06]

2. **Mr. Sargent** asked the Taoiseach the arrangements which are in place for his Department to provide assistance to certain Independent Deputies; and if he will make a statement on the matter. [10190/06]

3. **Mr. Rabbitte** asked the Taoiseach the arrangements that are in place to provide assistance for certain Independent Members of Dáil Éireann; if he will list those who are entitled to avail of this service; the estimated annual cost of providing the service; and if he will make a statement on the matter. [10199/06]

4. **Caoimhghín Ó Caoláin** asked the Taoiseach the arrangements in place in his Department for providing assistance to certain Independent Members of Dáil Éireann; the assistance offered to them above and beyond that available to all Members of the Houses of the Oireachtas; if officials in his Department are responsible for this assistance; and if he will make a statement on the matter. [10569/06]

The Taoiseach: I propose to take Questions Nos. 1 to 4, inclusive, together.

A number of Independent Deputies offered invaluable support to the previous Fianna Fáil-Progressive Democrats Government. While in regard to this Administration their support is not as critical to the Government's majority, given the support they provided in the past, I have tried, and will continue to try, to be as helpful as possible to these Deputies. A staff member in my office assists the Government Chief Whip's office in its work in liaising with these Deputies. The

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official meets with the Deputies on a regular basis and arranges to keep them briefed on issues as they arise.

I confirm there is no additional cost to the taxpayer in dealing with these Deputies. One assistant principal officer deals with the Deputies and assists the Chief Whip in this matter. In seeking to be as helpful as possible regarding the priorities and issues of concern for the Deputies, this is managed within the expenditure on programmes within the programme for Government and the national development plan and will be within the parameters of planned expenditure within departmental Estimates.

Mr. Kenny: Is it reasonable to give some Independent Deputies a helping hand over and above everybody else? They are elected by the same electorate as other Members. They have rights and responsibilities and the use of the facilities of the House. Is this a type of each way bet for the Taoiseach? Given that his partners in Government are prepared to state they can do business with other parties in the House, the Taoiseach is expending taxpayers' money to ensure the other half of the bet is kept sweet in case anything goes wrong. Does the Taoiseach have a view on that?

The Taoiseach: That is not the strategic objective. The Deputies concerned have been supportive of the Government and it would be wrong, just because we have a majority in the House, not to give them some assistance. The Deputies concerned do not seek preferential treatment. In fact, other Members, including other Independent Members, ask for support from time to time. We try to deal with them even-handedly. Obviously, however, these Independent Members were crucial to the Government in the last Dáil and it would be wrong of me to abandon them because of the voting position. They do not incur an increase in expenditure or get preferential treatment that would create any difficulty.

Mr. Kenny: Will the Taoiseach give their names? Deputy Healy-Rae was crucial for the Government in the last Dáil. Are they an extension of the reserve force Deputy McDowell talks about, in case the Taoiseach's erstwhile friends decide to walk away for some reason? One week they are leaving and the next week they are not. Who are the Independent Deputies who receive slightly more favourable assistance from the Government?

The Taoiseach: Three of the four Independent Deputies who supported the Government in the last Dáil still keep in touch with the Government. They are Deputies Healy-Rae, Blaney and Fox.

Mr. Sargent: The Taoiseach has a majority with the Progressive Democrats so it would be interesting to find out why this arrangement with

certain Independent Deputies is continuing. Is Deputy Cooper-Flynn considered part of the arrangement? Is the Taoiseach conveying the message that former Fianna Fáil Deputies who were difficult are to be rewarded for creating difficulties? What message does that give to Fianna Fáil backbenchers? The Taoiseach mentioned briefings. Is a particular representation facility offered? Does it go to each Department or does it go through the Government Chief Whip? Has it been streamlined in that fashion? Are civil servants availed of to provide this service? Is it the case that this politicises the Civil Service and are certain people picked out for preferential treatment? Should the same service not be provided to all Deputies so the Government cannot be accused of politicising the Civil Service?

The Taoiseach: Both my office and that of the Whip assist all Deputies on a daily or weekly basis. Deputy Sargent will appreciate that if I found someone helpful and constructive over five years, that I would not just turn over the book and say the numbers are different and we are not interested any more. That is not the way I act because it is disrespectful. It is no more than that. The Deputies do not seek any great help or assistance. They might at times look for a meeting or deputation with Ministers, but others also do that every day in the House. I confirm that Deputy Cooper-Flynn is not one of the Deputies concerned. Any assistance does not bring an additional cost but comes within the ordinary work of the staff in the office.

In the last Dáil, on a daily basis one was asking Deputies to vote with the Government and to support legislation. Therefore, it was necessary for the working of Government in those arrangements to have quite close contact and briefing on the issues. We cannot expect people to vote without such briefings. They do not have the benefit of parliamentary parties like the rest of us to get these detailed briefings. The briefings were provided and it was right to provide them.

An Ceann Comhairle: I call Deputy Rabbitte.

Mr. Rabbitte: I cannot think of anything to ask.

Caoimhghín Ó Caoláin: There is no argument with such an arrangement in principle, but it should be up-front and people should know about it. In that context, the Taoiseach has indicated the Deputies who are permanently involved. However, in reply to Deputy Kenny earlier, the Taoiseach stated, "and including other Deputies from time to time". Who are the Lanigan's ball Deputies who step in and out again? Will the Taoiseach tell us who they are? He has told us those who are in his permanent coterie, but who are those who are occasionally in the Government's favour in terms of fast-tracking of information and responses etc.? What is the criteria

for establishing if Deputies are with or against the Government?

The Taoiseach: If the Deputy checks back he will find a few of them who helped me to get this job on the first day by voting for me. Being the fair-minded person I am, if a Deputy voted to get me into the job and then asks me something, I take notice of it. I never hold that against—

Mr. McHugh: I had better start asking.

The Taoiseach: I appreciate it.

Caoimhghín Ó Caoláin: Is Deputy McHugh one of the Lanigan's ball Deputies?

Mr. McHugh: No, I am not.

The Taoiseach: I never hold that against Deputy Ó Caoláin's party. I meet his party more than I meet anybody and am always favourable towards it, both North and South.

Caoimhghín Ó Caoláin: I suppose the Taoiseach is hoping that will pay, but he will wait.

Mr. J. Higgins: Was the Taoiseach in a position to offer Deputy Healy-Rae a search party to locate his missing pony recently or did he make any request in that regard?

The Taoiseach: I may have asked the Independent Deputies to help him over Easter.

Standards in Public Office.

5. **Mr. Kenny** asked the Taoiseach his plans to amend the code of conduct for office holders; and if he will make a statement on the matter. [9146/06]

6. **Mr. Rabbitte** asked the Taoiseach his plans to amend the code of conduct for office holders; and if he will make a statement on the matter. [10198/06]

7. **Mr. J. Higgins** asked the Taoiseach if he intends to amend the code of conduct for office holders. [10201/06]

8. **Caoimhghín Ó Caoláin** asked the Taoiseach if procedures are in place for a review of the operation of the code of conduct for office holders; and if he will make a statement on the matter. [10570/06]

9. **Mr. Sargent** asked the Taoiseach if there will be a review of the code of conduct for office holders. [13068/06]

The Taoiseach: I propose to take Questions Nos. 5 to 9, inclusive, together.

The code of conduct for office holders was drawn up by the Government following consul-

tation with the Standards in Public Office Commission and has applied since 3 July 2003. I have exchanged recent correspondence with the commission with regard to the provisions of section 2.2.3 of the code with a view to providing office holders with clear guidelines as to the usage of public resources in the context of public events or advertising.

This is the only issue that has arisen since the code came into operation and I firmly believe we would be ill advised to begin considering amending or replacing it until we have allowed sufficient time to review its operation particularly in the context of a general election period.

Mr. Kenny: Prior to the local elections the then Minister for Education and Science, Deputy Noel Dempsey, sent out material from his Department to draw up election information for Fianna Fáil. Subsequently, he repaid €2,500 in respect of that material. Around the same time the former Minister of State at the Department of Enterprise, Trade and Employment, Deputy Fahey, was in difficulty about the use of Government headed paper.

In June 2004, the Standards in Public Office Commission found that both Ministers had not appropriately observed the code of conduct for office holders, in particular sections 1.5 and 2.2.3. Last year it emerged that a civil servant who worked in the Department of the then Minister of State, Deputy Callely, resigned because the Minister required her to attend a political function which was outside the terms of the remit of a civil servant. I understand the Minister for Enterprise, Trade and Employment, Deputy Martin, asked a civil servant to attend a Fianna Fáil parliamentary party meeting to give a briefing on a particular matter. Does the Taoiseach agree that is a breach of the code of conduct? Under no circumstances should public servants be asked by Ministers in any Government to attend at exclusively party-political meetings where the interests of the party could override the issue at hand and be seen to politicise the public service. Will the Taoiseach comment on that? Does he agree this kind of activity leads to a situation where a Minister is open to a charge of allowing the interests of party politics to take precedence over the public good and public office requirements?

The Taoiseach: There have been very few breaches of the code. Ministers have sometimes not been careful enough or have inadvertently allowed literature go out and three or four of them have had to pay back in that regard. With regard to the advertising which involved Deputy Callely, the Standards in Public Office Commission gave a view which I brought to the attention of all. It is a difficult area where Ministers have to promote something but cannot be seen to promote themselves. The code gives the guideline people should follow.

[The Taoiseach.]

On the issue of officials, it would be wrong for civil servants to be asked to go to a parliamentary party meeting in terms of our general parliamentary meetings. However, it has always been the practice, and I have seen this in Opposition as well as in Government, that if a Bill, proposal or certain data is on the agenda, a civil servant may come along to explain the issue. The civil servant in question just gives the departmental position and I do not see anything wrong in that. It could, in fact, be good from the point of view of providing information. This practice has been around a long time and is good, but it would not be good for a civil servant to be in on a parliamentary meeting where all of the party business is on the agenda. I do not see anything wrong with the civil servant being invited to brief party committees that are working on a particular proposal. That is good and all parties do it from time to time. The civil servants should not, of course, be asked to do anything other than explain or answer questions on what is being done. They should not engage in party political discussion.

Mr. Kenny: The Taoiseach has touched on a relevant point. Public perception of these issues is important. If a senior civil servant is asked to go to a political party meeting to give a briefing, the public reaction is that the public servant is in with the party to whom he or she is giving the briefing. Perhaps it might be more appropriate if the public service were to announce a briefing on a Bill or section in the briefing room in Leinster House 2000 for Members of the Oireachtas during a set period. Then members of the Taoiseach's or my political party could go to such a briefing, which is very different from members of one political party being addressed by a public servant. In terms of providing good information and a proper briefing, it might be helpful but there is a distinction drawn in the public mind between the Minister asking a public servant to go to a party political meeting as opposed to giving a briefing to Members of the Oireachtas, of all parties and none.

The Taoiseach: I do not want to be too fussy about this. Years ago, when I was in Opposition and doing some research on manpower policies, I was able to get access to civil servants to brief me on particular issues. When I researched the Trade Union Act and the changes to the Trade Disputes Act 1906, I was also able to get civil servants to give me a briefing on process. I do not see any difficulty with that. Obviously, if civil servants are put in a position of a party political nature, that is wrong, but briefings are useful. As good as a Minister or an Opposition spokesperson may be, he or she will not have the same grasp or detailed knowledge as an official who has been working on legislation or a proposal.

Politicians should not be restricted. It is difficult enough in Opposition for people to organise

things but if people are prepared to give briefings, they should be allowed to do so. It may not always be possible to have an open briefing, but it should be. We should not let ourselves get too politically correct to the extent that we cut ourselves off from access to information. It often seems more relevant when people have to come here to brief us.

Mr. Rabbitte: Will the Taoiseach elaborate on the changes — I think I heard him say changes — to the provisions for public advertising? I know what he is saying when he argues that sometimes it is difficult to distinguish between what is being promoted and who is doing the promoting. However, I would not want the Taoiseach to get away with too much innocence here. I know his innocent persona has served him well and it probably is because he is as innocent as the new-born babe but he will remember that, coming up to the previous general election, a dozen or more of his Ministers contrived to find public information announcements that they had to communicate to the people, by radio advertisements, in newspapers and so forth. We all know, whatever about the innocence affected in this House, that the purpose was to promote the Ministers and the Government, not to disseminate public information. What changes will the Taoiseach be making in this area, will they be laid before the House and when will we be able to examine them?

The Taoiseach: When that issue came up, a fair point was made about it and I acknowledged that at the time. It was the subject of a complaint to the commission which examined the complaint but did not consider there was any basis on which to pursue the matter. However, arising from consideration of the matter and following communication with the commission, I issued guidelines to Ministers on the issue. I do not know if those guidelines are in the public domain but I have no problem putting them there.

The point was that one can give information but should not build it into an advertising campaign on oneself. It should be about the issue. The commission had no difficulty with a Minister issuing the information but said it should not involve photographs or a public relations campaign around that Minister. It should be information that is issued. That was the commission's suggestion and I instructed all Ministers and Ministers of State to follow those guidelines in future.

Mr. Rabbitte: Have any breaches of the legislation been reported since July 2003? Does the Government have any plans to review the disclosure levels and the spending limits as they now apply? Is the Taoiseach concerned about the most recently published information showing that a then serving Minister of State managed to be the recipient of donations equivalent to half of

those received by the rest of the Members of the House? Is that good practice or does it need to be examined?

An Ceann Comhairle: The Deputy is moving away from the questions before us which deal exclusively with the code of conduct. We have moved well outside that.

Mr. Rabbitte: If the Ceann Comhairle says so.

The Taoiseach: No changes are envisaged to the limits or levels. I do not think there were any breaches of the code. There were a few issues concerning Ministers of State who used departmental letterheads wrongly. One Minister of State sent out 15 letters concerning an event and he had to pay back the money. I do not think there were any breaches of the terms of the code and no changes are envisaged.

The commission notified us that the next time we review the legislation, it would seek the inclusion of some amendments to make some sections of the Act clearer. That was with regard to advertising, if I recall correctly. Other than those mentioned by Deputy Kenny, there have been a number of issues to do with literature and people sending out letters on departmental stationery.

Caoimhghín Ó Caoláin: Does the Taoiseach recall that in July of last year, the Minister of State at the Department of Finance, Deputy Parlon, appeared in an advertisement for calf nuts in the *Farming Independent*? I am not suggesting for one moment that the Minister of State was paid for his participation in the advertisement but he indicated that he was involved to the benefit of a person whom he described as a good friend. With all due respect to the Minister of State, I am sure the Taoiseach would agree that it is questionable as to whether his photograph in the advertisement would have benefitted the sale of calf nuts in any event. Nonetheless, does the Taoiseach believe it is ethical for a Minister of State to participate in commercial advertising in this way? Has the code of conduct been re-examined as a result of this Minister of State's calf nuts exposure?

The Taoiseach: That issue was raised at the time and the code points out that Ministers should be careful how they promote any particular product, although it is very difficult to do that. If a politician goes to the launch of something and holds it in his or her hand, then——

Mr. Rabbitte: That is all right as long as one does not eat the nuts.

The Taoiseach: That would definitely be bad for one's health. People must be careful but I am not too sure how, in political life, one can have a clear line on that issue. It is quite difficult.

Mr. Sargent: I note from the Taoiseach's reply that he is fixed and quite narrow in regarding the code as having to do with the use of resources. Given the experiences of recent months, is he considering applying it to the behaviour of office holders, when it comes, for example, to the presumption of innocence? The Minister for Justice, Equality and Law Reform provided a classic example when he tried to associate my colleague, Deputy Gormley, with an attack on the offices of the Progressive Democrats. Would that not count as a matter that is unacceptable? Does the Taoiseach regard the code of conduct as having to do with issues other than resources? Is that not an example of where the officeholder should have regard for the basic presumption of innocence?

Mr. Rabbitte: That is an interesting dimension and a question that should be allowed. I would like to hear the answer to it.

Mr. Sargent: Likewise, there is the case of the journalist who the Minister for Justice, Equality and Law Reform decided to defame, with no charges still brought to this day.

An Ceann Comhairle: That does not arise out of this question. These questions deal with the code of conduct.

Mr. Sargent: If this is not to do with conduct, then what is?

Caoimhghín Ó Caoláin: Yes.

An Ceann Comhairle: Deputy——

Mr. Sargent: I am only asking the question, I am not giving the answer.

An Ceann Comhairle: The Standards in Public Office Commission interprets the code of conduct. It decides——

Mr. Sargent: The question concerns the code of conduct.

An Ceann Comhairle: The matters that have been raised have already been decided in the House. We could be here all day discussing individual items.

Mr. Sargent: I will be finished in a second.

An Ceann Comhairle: These questions deal exclusively with whether there are plans to amend the code of conduct.

Mr. Sargent: That is why I am raising these points. The code of conduct makes it clear that no decision regarding a private company is to be countenanced. Whatever the Taoiseach's difficulty with the fine line he describes, is there not a case to define exactly what no decision regarding a private company means? Is the action of the

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Minister of State at the Department of Finance, Deputy Parlon, acceptable? If it is not, the code should be made more clear for the Minister of State who has an obvious difficulty with the fine line referred to by the Taoiseach.

The Taoiseach: The commission pointed out that the latter case was not clear from the code, but how does one make it clear?

Mr. Sargent: The code could include advertising.

The Taoiseach: That is not advisable because of cases where one could be used unintentionally in an advertisement. In the case of someone intentionally placing his or her photograph in an advertisement, the commission said that was something that should not be done.

The code of conduct does not stand in isolation. It is part of the wider framework of the Ethics in Public Office Act 1995 and the Standards in Public Office Act 2001. They must be read together and that is the point made by the commission. The code cannot impose new requirements that are not legislatively based. It can, however, be used by the commission as guidance to whenever a complaint is made under section 4 of the Act, which provides for complaints of a breach of ethics. The Standards in Public Office Commission oversees implementation of the Acts and guidelines and has specific statutory powers to investigate and make findings on failures of compliance with the Acts. The Acts are taken together and the code is admissible in any proceedings before a court, a tribunal or a committee of the House. The code, in its own right, indicates standards of conduct and integrity for officeholders where these are not expressly covered by legislation. It can be used against a Member.

Public Procurement Policy.

10. **Mr. Kenny** asked the Taoiseach if there is a corporate procurement plan in place within his Department; and if he will make a statement on the matter. [9147/06]

11. **Mr. Rabbitte** asked the Taoiseach the procedures in place within his Department with regard to corporate procurement; and if he will make a statement on the matter. [10200/06]

12. **Mr. Sargent** asked the Taoiseach if his Department has a corporate procurement plan; and if he will make a statement on the matter. [13069/06]

The Taoiseach: I propose to take Questions Nos. 10 to 12, inclusive, together.

Existing procurement policies provide for procurement of the goods and services required by the Department in a manner which seeks to

optimise the value for money of the purchases concerned. It is in accordance with public procurement guidelines as set out by the Department of Finance.

There is a requirement to produce an annual corporate procurement plan as part of the national public procurement policy framework, issued by the Department of Finance in May 2005. In response to that requirement, my Department has commenced the process of developing a corporate procurement plan which will be completed this year. It is expected that the analysis and evaluation of current processes will provide an opportunity to identify and, subsequently, introduce any improved procurement practices which would assist the Department in maximising value for money in its procurement of goods and services.

Mr. Kenny: Each year the public sector spends approximately €19 billion in buying goods and services. For years, there has been no political drive to have a more focused approach in getting the best possible deal for the taxpayers' money. In October 2004, Northern Ireland identified a three-year public sector savings target of €375 million, which was based on a new procurement initiative being applied to its level of expenditure of €2.55 billion. When one considers the amount of equipment, goods and services bought across the public sector, there must be some method—

An Ceann Comhairle: The question refers specifically to the Department of the Taoiseach. The question the Deputy is asking would be a matter for the line Minister.

Mr. Kenny: I know that but the Taoiseach's Department is one of a range of Departments involved. The Taoiseach's Department must purchase goods and products to supply its personnel to fulfil their functions and in that sense, it is part of the overall jigsaw. Is there a concentrated effort to manage procurement? Has a target been set for a listing of what can be bought in a more centralised manner for the public service in five years? This would be in the interests of saving money and getting best value for taxpayers' money.

The Taoiseach: My Department complies with the guidance on the procurement of supplies and services set out in the public procurement guidelines. The Department of Finance has issued several guidelines in recent years. The last set of guidelines was issued in 2004.

In recent times, the Department of Finance has argued that the purchasing power of all Departments must be accumulated. A Department can do its best on its own but a centralised procurement procedure, acting for the entire public sector, would see larger discounts. It is not an easy exercise but it is an important one.

The Department of the Taoiseach, like other Departments, is required to have a formal procurement planning process which is very different from the old system. The Department of Finance carried out a detailed review of the procurement processes across the Civil Service and public service, as part of the modernisation of procedures.

Computer technology allows Departments to engage more with the requirement. Responsibility for the preparation of the plan has been assigned to my Department. It must analyse its purchases, how that can be done through a centralised system and consider procurement practices and trends. The Department is doing this with the assistance of the Department of Finance which has developed a practical training course for participants.

Getting Departments to procure in a more centralised manner is a new concept. A centralised procurement process will lead to greater discounts — ten Departments procuring together will get larger discounts. While some of this was in the old procurement guidelines and EU directives, the Department of Finance is seeking a more detailed procurement plan. There is no doubt we will get better economy of scale and efficiencies through it. However, it will take some time to get it up and running. They have begun the process, however, in making all Departments engage with it. Every Department must have a plan, although some did this last year. My Department will have it finished and up and running this year. The economies of scale in my Department may not be as big as in others but we must play our part in delivering on that matter. As far as office expenditure, including equipment and information technology sections, is concerned, there must be advantages in doing so.

Mr. Rabbitte: Do I understand from that that the revision of the procurement guidelines is not restricted to the Department of the Taoiseach but operates across the board? Will the Taoiseach take into account difficulties being encountered by some newly established firms which feel they are effectively excluded by the existing procurement guidelines? For example, it is not unusual to be required by some Departments to submit an auditor's certificate for the last three years' trading. Will the Taoiseach ask that this particular question of recently established firms being given a fair shake be taken into consideration in any revision that is contemplated to facilitate new entrants and optimise value for taxpayers' money?

The Taoiseach: Over recent years, because of tax certificate issues they have become very strict but it is not fair on new companies trying to enter the market, so I will raise the point further. For the record, it is expected that the result of this exercise will be to identify even better methods

of procuring goods and services required — in my case, by my Department. The benefit of performing a high level analysis in the overall departmental perspective will ensure that purchasing trends can be identified which may not be apparent at a micro level. Such an analysis may possibly identify opportunities for cross-departmental procurement options which will yield economies of scale and other efficiencies. It is expected that an examination of the opportunities for streamlining and gaining efficiencies in the procurement process itself will occur, especially through the use of modern financial systems and payment options. If this can be masterminded in the way it is being set out by the Department, obviously the economies of scale should be quite substantial.

Mr. Sargent: Sometimes there is a perception of a golden circle for procurement which new companies find it difficult to break into. The Department of Finance guidelines should apply to all Departments. Has the Department of the Taoiseach taken on board some of them that come to mind? For example, I understand that the Department of Finance has recommended a training programme for executives in charge of specialised IT projects or construction contracts. Has the Department of the Taoiseach taken that on board?

As for the recommendation from the Department of Finance, will the Taoiseach also let the House know whether an individual within a Department will be allocated with responsibility for all major IT and capital projects? I understand that a project manager would take the lead in ensuring that projects are developed on time, to specification and within budget. Has such an appointment been made in the Department of the Taoiseach?

I understand that performance tables have also been recommended for each Department. Is the Department of the Taoiseach included? The tables will gauge the extent of project outcomes versus contract budgets. Does the Department of the Taoiseach have people in place in line with those recommendations? While I do not think it is a Government policy, does the Department of the Taoiseach have a policy on ethical procurement given that investment does not have any ethical considerations? Surely it should be easier and more straightforward to put in place an ethical procurement policy concerning, for example, fair trade products.

The Taoiseach: On a number of the points the Deputy has raised, we have such policies in place. In addition, we must comply with the national public procurement policy framework, which came under the Department of the Taoiseach last summer. As I said at the outset, my Department is developing a corporate procurement plan that will have to cover all points within the policy framework. There will be designated officials but I think my Department's expenditure might not

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justify bringing in additional people. There are designated people in the IT area, however. We have been fortunate in that much of the work has been done in-house owing to the skills of some staff who happen to have concentrated on this for most of their careers. Therefore, there are such designated people who cover many of those issues.

We must fulfil all the guidelines under the corporate procurement plan, including examining issues such as the difficulties in securing supplies of goods and services in a competitive market, the relative expenditure on goods and services, and the total cost of individual goods and services relative to total purchasing in the organisation. All the criteria that have been set down under the Department of Finance guidelines must now be implemented on a departmental basis. We must comply with that Department's view that this is the only way to deal with such issues. I am not sure about the ethical code but I will raise the matter with my officials.

Mr. Sargent: The Taoiseach should check it.

Requests to move Adjournment of Dáil under Standing Order 31.

An Ceann Comhairle: Before coming to the Order of Business I propose to deal with a number of notices under Standing Order 31. I will call on Deputies in the order in which they submitted their notices to my office.

Mr. F. McGrath: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the urgent need to recognise Irish sign language officially as the language for the 5,000 people in the deaf community and the 35,000 other people who use Irish sign language; to give it a status equal to that of the spoken language; and to give the Irish Deaf Society maximum support.

Ms C. Murphy: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the problems being encountered by parents of children with special educational needs in accessing second level school places. In a recent parliamentary reply communicated to me from the Minister for Education and Science it was stated that the National Council for Special Education had no way of knowing how many children will require special educational facilities as they make the transition from primary to secondary school. During the five-year lead-in period for the NCSE, no attempt has been made to ensure that the needs of children in these circumstances are anticipated and provided for in line with their requirements. I call on the Minister for Education and Science to implement a comprehensive planned and co-ordinated policy on the provision of education to children with special educational needs from infancy to adulthood.

Mr. Sargent: I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: to investigate fully the impact of the Government decision to sell a majority stake in Aer Lingus, in light of the experience of national airline privatisation, for example, in New Zealand, in the absence of any alternative to aviation kerosene with the pending peak oil impact on fuel supplies, and in the face of the industrial unrest such a unilateral decision is likely to have on the social partnership talks and on employment at Aer Lingus itself; and the need for this Government to answer to the people for its reckless and short-sighted actions.

An Ceann Comhairle: Having considered the matters raised, they are not in order under Standing Order 31.

Order of Business.

The Taoiseach: It is proposed to take No. 12, Road Safety Authority Bill 2004 — Report Stage (resumed) and Final Stage; No. 13 — Employment Permits Bill 2005 — Order for Report, Report and Final Stages; and No. 14 — statements on Sellafeld, to be taken at 5.55 p.m. and the order shall not resume thereafter. It is proposed, notwithstanding anything in Standing Orders, that No. 14 shall, if not previously concluded, be brought to a conclusion at 7 p.m. and the following arrangements shall apply: the statements shall be confined to a Minister or Minister of State and to the main spokespersons for the Fine Gael Party, the Labour Party and the Technical Group, who shall be called upon in that order and who may share their time, and shall not exceed 15 minutes in each case; and a Minister or Minister of State shall be called upon to make a statement in reply which shall not exceed five minutes. Private Members' business shall be No. 28, Residential Tenancies (Amendment) Bill 2006 — Second Stage, resumed, to conclude at 8.30 p.m.

An Ceann Comhairle: There is one proposal to put to the House. Is the proposal for dealing with No. 14, statements on Sellafeld, agreed?

Mr. Boyle: I express my reservations that the mechanism of statements does not go far enough towards meeting ongoing public concern. There should be a motion before the House on practical actions we can take to put pressure on the British Government. The mechanism of statements is a repeat of previous debates in this House. We must take far stronger action as a parliament to put on record Irish public concerns about the continued existence of Sellafeld and the actions of the British Government on its future.

An Ceann Comhairle: Is the proposal for dealing with No. 14 agreed? Agreed.

Mr. Kenny: Will the Taoiseach give an update on the charities regulation Bill, which I know is complex. Two pharmacy Bills have been on the list for quite some time. Has the Tánaiste appointed a chief pharmacist? This area causes some concern. Will the Taoiseach give a response as to when these Bills will be published?

The Taoiseach: Both pharmacy Bills are to be ready during the course of this year. The charities regulation Bill is large. Work is proceeding as speedily as possible and it has been receiving priority. The heads were approved by Government approximately one month ago and we hope to have it in the House this year. I hope many of the substantive legal issues that surround charitable donations and bequests have been resolved. It has taken a huge amount of effort and commitment, and I hope those major issues have been resolved. It is a matter of drafting the Bill — even the heads are extremely large — and I hope it will be ready this year.

Mr. Rabbitte: Has the Government done legislative work on the sale of a majority stake in Aer Lingus? Have heads of a Bill been approved? If not, when will legislation be brought before the House on this issue?

The Taoiseach: As I stated this morning, when the work is completed on this it must be brought to the House for approval. The management must now take it forward and it depends on when that work is complete.

Mr. Sargent: I note the Ceann Comhairle's decision on my request under Standing Order 31, but, aside from the legislation — I agree with Deputy Rabbitte that it needs to be fully debated here — is there any willingness on the part of the Government to have a more broadly based debate—

An Ceann Comhairle: It does not arise on the Order of Business.

Mr. Sargent: It does in terms of what the Government decided.

An Ceann Comhairle: Deputy Sargent decided yesterday it was a matter for the Whips if a debate has not been promised.

Mr. Sargent: I am discussing Aer Lingus today, although it is related to the matter on which I spoke yesterday. A bird will not fly without wings and a plane will not fly without fuel. We could have a wider debate on Aer Lingus, which might take into account those issues.

An Ceann Comhairle: It is not in order on the Order of Business unless a debate has already been promised.

Mr. Sargent: I will put it to the Whips.

Mr. J. O'Keefe: Will the Taoiseach clarify the position on a number of issues, two of which are related and another which will be made related. Is the Government working on a defamation Bill and legislation dealing with a press council? The issue of privacy has been related to those. Will we have one, two or three Bills on these matters and when will they be introduced?

The Taoiseach: The defamation Bill should be available shortly. Work is well advanced on it. The report on the privacy Bill is prepared but the heads have not yet been drafted.

Mr. J. O'Keefe: On the press council—

Mr. O'Dea: The press council will be included in the defamation Bill.

The Taoiseach: It will be in the defamation Bill.

Mr. Sherlock: I presume the Taoiseach is aware that the High Court upheld the constitutionality of law permitting the purchase of ground rents from landlords. Will the Taoiseach restore to the legislative programme the Bill on ground rents and when will that be done?

The Taoiseach: I have not studied the judgment. I am sure it must be studied before a decision is made on whether to proceed.

Mr. J. O'Keefe: The Taoiseach should ask Deputy Woods about it. He had a clear view on it once.

Mr. Sherlock: The Taoiseach should stop being evasive.

Mr. Crawford: I wish to briefly raise some issues. In light of the serious difficulties that some families find with coroners courts, when will the coroners Bill be dealt with to allow us discuss the issue? When will we discuss the sale of alcohol Bill, in light of the slaughter which happens on the roads of our country and the Taoiseach's commitment to re-examine the advertising issue? When will the Bill on the attachment of fines be brought before the House to relieve gardaí and allow them to go on the beat?

An Ceann Comhairle: The Taoiseach, on legislation.

The Taoiseach: The coroners Bill is due in the middle of this year. The heads were approved just before Christmas. On the Bill regarding alcohol products, voluntary agreements have been reached so we must await the outcome of those voluntary agreements.

Mr. Crawford: When will the outcome be examined?

The Taoiseach: The attachment of fines Bill is listed for this session.

Ms McManus: There has been much delay on the medical practitioners Bill. The Government has been subject to criticism for not publishing the Bill. What is the situation now? The heads of the Bill were agreed by Cabinet but changes were made subsequent to the Neary scandal. Have the amended heads been agreed and when will they be published?

The Taoiseach: The amended heads have not been agreed. The Bill is due later this year.

Ms McManus: This is an extremely pressing issue that affects people's lives. When is it expected that the amended heads will go to Cabinet?

The Taoiseach: I do not know.

Mr. Boyle: Will the Government consider making time available for further clarification and discussion on a number of documents included on today's Order Paper? The first is the report laid by the Minister for Defence regarding service by the Defence Forces in the United Nations. There is a precedent that when a mandate is given it is discussed in the House. If a mandate is reviewed or extended that precedent should still hold.

The other documents relate to EU scrutiny reports by the Committee on the Environment and Local Government, the first of which relates to the council regulation for amending the EURATOM Treaty. Given today's debate the question of whether we should participate in EURATOM or whether that treaty should continue to exist deserves more discussion in this House. The final item is another scrutiny report by the Committee on the Environment and Local Government on the European Council decision on genetically modified maize, which has not been discussed in this House and which is a matter of widespread concern among the public. It deserves further scrutiny on the floor of this House.

The Taoiseach: All those matters can be discussed by the Whips. I understand the UN mandate has been discussed by the committee, but if it must be discussed in the House that can be done. I do not have an objection to that.

Mr. Stagg: The Taoiseach is aware from previous questions of my anxiety that RTE provide broadcasting coverage to reach Irish people living abroad, specifically in Britain. It would be necessary to amend RTE's remit to enable it to do so. The Taoiseach promised to take a personal interest in this matter. Has Cabinet approved the broadcasting authority Bill and when will it be published and brought before the House?

The Taoiseach: The Bill is down for this year.

Mr. Stagg: I know it is down for this year. I hoped we would get it before Easter.

The Taoiseach: It will not be ready before Easter.

Mr. Stagg: Will it be ready before summer?

Mr. Durkan: It will be ready before Easter next year.

The Taoiseach: It is hoped it will be ready before summer.

Ms O'Sullivan: I do not know whether the Taoiseach met the Union of Students in Ireland yesterday regarding their concerns about the inefficiency and unfairness in the system for distributing third level grants. When will the third level student support Bill be introduced to deal with that issue?

The Taoiseach: The heads of the Bill are at an advanced stage and are expected soon. The Bill is due to come before the House later this year.

Mr. Durkan: I wish to give the Government a gentle reminder regarding its proposals for delivering better Government in which it made a commitment on the minerals development Bill. This has progressed slowly through the system although it has been promised for a long time but it remains in the dim and distant future.

In regard to the issue of emissions, carbon funding and trapping there is a Bill proposed to update the Forestry Acts 1946 to 1988 but publication is not indicated. Is it possible to say when it will be introduced? This Bill could be used as a mechanism to improve the carbon-trapping capabilities of the forestry services.

The Taoiseach: The minerals development Bill is listed for this year. I do not have information on the forestry amendment Bill because a comprehensive review of the sector is under way, including the potential legislative implications. This commenced in the latter half of last year and a consultative group has been established to oversee the legislative changes required. The group is expected to continue its deliberations up to the end of May, so it will be summer before we know what conclusions it reached.

Mr. Costello: The transfer of the Dublin Institute of Technology to Grangegorman is close to the Taoiseach's heart. The Grangegorman Development Agency Bill was passed six months ago. When will the agency be established in order that its work may begin?

The Taoiseach: The Minister for Education and Science was waiting until some personnel became available.

Mr. Costello: Are they available now?

The Taoiseach: The Deputy and I know both people and I understand there will be progress after Easter.

Mr. Broughan: I have a question each for the Ceann Comhairle and for the Taoiseach. The Ceann Comhairle ruled out a swathe of questions I proposed for tomorrow on energy.

An Ceann Comhairle: If the Deputy wishes to discuss this matter there is another way to deal with it.

Mr. Broughan: Are we allowed to discuss the Commission for Energy Regulation in this House? The Ceann Comhairle seems to have ruled that anything a regulator does is not the business of this House.

An Ceann Comhairle: All rulings in my office are made in accordance with Standing Orders.

Mr. Broughan: The Ceann Comhairle is wrong on that matter and he should allow the discussion take place.

An Ceann Comhairle: The Deputy is entitled to hold that point of view but the Chair rules in accordance with Standing Orders.

Mr. Broughan: *Quis custodiet ipsos custodes?* Who looks after the regulators, if not ourselves?

An Ceann Comhairle: Does the Deputy have another question on legislation?

Mr. Broughan: I would like the Ceann Comhairle to read those questions again so that we can have a genuine debate. I have one brief question for the Taoiseach regarding the backpayments for the pensioners and workers at An Post in respect of Sustaining Progress.

An Ceann Comhairle: That does not arise on the Order of Business.

Mr. Broughan: Will the Taoiseach come back to the House on that issue?

Road Safety Authority Bill 2004: Report Stage (Resumed).

Debate resumed on amendment No. 6:

In page 6, line 18, after “driving” to insert “schools and”.

—(Deputy Shortall).

Minister for Transport (Mr. Cullen): I dealt with this amendment at some length last night.

An Ceann Comhairle: The discussion was concluded. We cannot proceed with this amendment because the Deputy is not in the House.

Amendment, by leave, withdrawn.

Amendments Nos. 7 and 8 not moved.

Mr. Crowe: I move amendment No. 9:

In page 6, line 26, after “Authority” to insert the following:

“but notwithstanding the transfer of functions to the Authority, the Minister shall be accountable to Dáil Éireann for the general policy of the Authority”.

Amendment put and declared lost.

Amendment No. 10 not moved.

An Ceann Comhairle: Amendment No. 11 is ruled out of order.

Amendment No. 11 not moved.

Mr. Kenny: I move amendment No. 12:

In page 6, between lines 46 and 47, to insert the following:

“(5) Without prejudice to any other subsection in this section, the Authority shall further have amongst its responsibilities, the following:

(a) the registration of vehicles and retention of data pertaining to the ownership of vehicles;

(b) driver testing;

(c) registration of qualified driving instructors;

(d) maintenance of the national driver file;

(e) education of drivers, and promotion of educational and information campaigns for safe and responsible driving;

(f) maintenance, management and revision, as appropriate, of the Rules of the Road;

(g) maintenance of road signage and markings;

(h) policy advice to the Minister and certain other bodies as prescribed by this Act; and

(i) such other matters as the Minister may prescribe from time to time.”.

Mr. Cullen: The House might note in particular that section 4(4)(b) addresses the core functions of the promotion of road safety in general and the education of road users. The wording proposed for that paragraph reflects provisions contained in the establishment order for the National Safety Council whose remit will pass to the road safety authority.

I intend to revoke that establishment order formally through the exercise of my powers under

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the Local Government Services (Corporate Bodies) Act. Therefore, while I appreciate the overall thrust of the amendments proposed by Deputies Olivia Mitchell and Shortall, the outcomes they seek are already being addressed in this area. We discussed this on Committee Stage. The registration of vehicles is a matter for the Revenue Commissioners and it is not appropriate that it should be a function of the road safety authority.

Under section 60 of the Finance Act 1993, as amended, data on the ownership of vehicles in the national driver file is a matter for the Minister for the Environment, Heritage and Local Government. Section 4 of the Bill provides for the transfer of functions to the road safety authority covering the driving test, registration of driving instructors, driver education and the promotion of road safety for the sake of clarity.

Amendment, by leave, withdrawn.

An Ceann Comhairle: Amendments Nos. 13 and 23 are cognate and will be discussed together by agreement.

Mr. Cullen: I move amendment No. 13:

In page 7, to delete lines 7 and 8.

These are technical amendments arising from the provisions of section 22 of the Interpretation Act 2005 which provides that a power conferred by an enactment to make a statutory instrument includes a power to repeal or amend it.

Amendment agreed to.

Mr. Kenny: I move amendment No. 14:

In page 7, between lines 15 and 16, to insert the following:

“5.—The Act of 2002 is amended by:

(a) inserting the following new subsection after subsection (3) in section 1:

“(4) Responsibility for the maintenance, operation and alteration of the licence record shall vest in the Road Safety Authority.”,

(b) deleting section 2(2) and substituting the following:

“(2) Where a person is convicted of a penalty point offence, the number of penalty points specified in column (5) of the First Schedule opposite the mention of the offence in column (2) of that Schedule shall, subject to and in accordance with the provisions of this Act—

(a) be endorsed on the entry relating to the person in respect of the offence,

(b) be entered into the record of the Garda PULSE system, and

(c) be endorsed upon that person’s driving licence by an Garda Síochána.”,

(c) inserting the following new subsection after subsection (5):

“(6)(a) Upon receipt of a notice under section 5 of this Act, a person shall, within 14 days, surrender his or her licence to a Member of an Garda Síochána at any Garda station, so that the penalty points under this section may be endorsed upon it.

(b) A person who fails to surrender his or her licence under this subsection shall be guilty of an offence, which shall be punishable by a fine not exceeding €80 for each offence until the said licence has been endorsed in accordance with subsection (a) of this section.

(d) deleting section 5 and substituting the following:

5.—(1) When penalty points are endorsed on the entry of a person, the Minister shall, as soon as may be thereafter, cause a notice to be given or sent, by post or otherwise, to the person—

(a) to the effect that the number of penalty points specified in the notice has been endorsed on the entry relating to the person following—

(i) the making by the person of a payment referred to in section 2(1), or

(ii) the conviction of the person of a penalty point offence,

and that, subject to section 3(2), they will remain on the entry for a period of 3 years beginning on the appropriate date, and

(b) specifying the total number of penalty points that, following the endorsement aforesaid, stand so endorsed and, if that number equals or exceeds 12, specifying that the person will be disqualified under section 3 for holding a licence for a period of 6 months, beginning on the appropriate date, and directing him or her to submit the licence held by him or her to the licensing authority that granted the licence not later than 14 days from that date.

(2) When a notice is given or sent to a person under subsection (1), the Minister shall cause—

(a) particulars of the notice, including its date, to be entered on the entry relating to the person,

(b) a copy of that notice to be sent to an Garda Síochána, and

(c) particulars of the notice, including its date, to be entered on the Garda PULSE system.

(3) A person who does not comply with a direction under paragraph (b) of subsection (1) in a notice under that subsection shall be guilty of an offence.

(4) An Garda Síochána shall—

(a) have jurisdiction to seek the surrender of a licence in the name of person to whom a notice has been given or sent under subsection (1), in the same manner as if a court order had been issued for the forfeiture of that licence, or

(b) seek a court order for the forfeiture of that licence under this Act.”

Mr. Cullen: As I indicated on Committee Stage, the development of the support system for the penalty points system involved significant and ongoing consultation with all the State agencies involved, including the Garda Síochána, the Courts Service, the vehicle registration unit of the Department of the Environment, Heritage and Local Government and the Department of Justice, Equality and Law Reform. The system involved the establishment of data linkages between the national driver file and the relevant information technology systems in the Garda Síochána and the Courts Service. An intrinsic part of the system is that all the endorsements of penalty points on a licence record and all disqualifications are recorded on the national driver file. There have been further allegations of loopholes in the penalty points system recently but that appears to be more anecdotal than real.

When this point arose on Committee Stage I told Deputies Olivia Mitchell and Shortall that I would set out the procedure for them. To clarify the penalty points disqualification procedure, any driver who accumulates 12 penalty points is disqualified for six months under section 3 of the Road Traffic Act 2002. In accordance with section 5 of the Act a driver is automatically notified by the vehicle registration unit of the Department of the Environment, Heritage and Local Government on behalf of the Department of Transport that he or she has reached 12 penalty points and will be disqualified 28 days from the date of the notice. The notification also directs the person to surrender his or her licence to the appropriate licensing authority within 14 days of the date of disqualification. It is an offence under section 5 of the Road Traffic Act not to surrender one's driving licence to a licensing authority. At the same time, a copy of the disqualification notice is sent to the Garda Commissioner, the authorised officer of the relevant motor tax office and the Department of Transport. I understand the details of such disqualifications are now directly entered on to the PULSE system. Upon expiry of the period allowed for the surrender of

the driving licence, a notice is issued by the vehicle registration unit to the Garda Síochána informing it whether a licence has been surrendered. It is an offence under section 38 of the Road Traffic Act 1961 to drive without a driving licence. To suggest that a person can continue to drive while disqualified because he or she or the Garda did not know that he or she is disqualified is untenable given the notification procedure in place. A notification of payment of a fixed charge from the Garda Síochána or a conviction in the courts in respect of any penalty point offence results in points being recorded on the licence record in the national driver file and the automatic notification of penalty points incurred and the total number of penalty points on a person's record.

By 31 March 2006, 34 drivers had already served a disqualification period of six months. Of the 13 drivers currently disqualified, eight have already surrendered their licences. A further seven drivers are in the process of being disqualified and will be required to surrender their licences within 14 days of the disqualification becoming active. The point is that disqualified drivers hand over their licences. There is nobody outstanding who has not surrendered his or her licence.

Ms O. Mitchell: This amendment aims to invest authority for the driving licence in one body. There are major problems with the system and follow-up action is not being taken because there are so many agencies involved in the process, such as the Garda, the national driver file in the Department of the Environment, Heritage and Local Government, the Courts Service and the local authorities. Communication between these bodies is poor. We witnessed the fiasco involving the failure to disqualify drivers with 12 penalty points. Under this system, people receive their penalty points through the fines system, rather than through the courts system. Vesting responsibility in one body is the way forward. The process will become very messy if it is not streamlined. The Minister spoke about the introduction of the European driver licence but we cannot wait for this development. We will continue to encounter problems until the driver licensing system is computerised.

Mr. Cullen: It is fully computerised.

Ms O. Mitchell: Smart card driving licences have not been introduced. A garda cannot take a driving licence from a driver at the side of a road and gain immediate access to his or her driver history. If we want to have a truly automated penalty points system and enforce all the Road Traffic Acts, we need to introduce smart card driving licences. There is considerable anecdotal evidence that it is very easy to have between two and four licences, which is another way for people to subvert the existing system. Whatever

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measures are undertaken by the Minister, we need get to grips with the entire system of licensing and streamline it.

Ms Shortall: There is a valid concern in this regard. In a debate on this issue a few weeks ago, the Minister was unable to give a clear answer on the matter. His understanding was that the Garda would have access to this information on the handheld units. However, this is not the case. Relying on people's honesty and hoping that they will return their licences is inadequate. The Minister could not tell us what the situation was a few weeks ago. After it was raised in the public domain, he obtained this information and was in a position to tell us. This issue will presumably become more pressing given the additional offences. Will anyone keep track of whether licences are returned? Who will be responsible for this task? When the numbers were small, the Minister was able to obtain the information upon request but will he be able to produce it at any point in the future on demand?

Many of these problems would be resolved if we had smart card licences, which were promised several years ago by the former Minister for Transport, Deputy Brennan. I have noted developments taking place at European level. When does the Minister envisage the introduction of smart card licences? What work has been done to date and can he give an estimate of the kind of timescale he is working to because the introduction of such a measure would solve many problems?

Mr. Crowe: The major difficulty in this area is poor communication. The Garda find it difficult to obtain the relevant information if they stop a car. A young woman in my area has received a number of courts summonses in the past two years because someone passed her name on to the Garda. This young woman had never been in trouble with the law previously. The Garda knows the identity of the person who passed her name on to them but she was still forced to attend court over the two-year period. Some of the summonses related to driving offences. There was no evidence of any great urgency in dealing with these offences, which probably did not register highly on the radar screen but had a significant impact on this woman's life as she was forced to take time off work to attend court.

If a person is stopped by the Garda and it is suspected that he or she is disqualified under the penalty points system, the information must be accessible to the Garda. We are informed that, to date, gardaí on the beat do not have access to this information even though they may suspect that a driver has been disqualified. According to the Minister, information about penalty points will be available on the PULSE system. Will gardaí at a checkpoint or on the side of the road or who stop a motorist have access to this information? The

system up to now has been characterised by poor communication. Difficulties have been encountered in informing people that they have been issued with penalty points because the system is quite slow. I do not know if the system will be speeded up so that people will be informed within a certain period. In some areas, certain people complained that they were unaware that they had been issued with penalty points. A number of these people appeared on chat shows and stated that they were unaware of the number of penalty points they had accrued as a result of their careless driving.

Mr. Cullen: I understand the questions that have been asked and have put the facts on the record this morning. There is no evidence to suggest that people are not surrendering their licences when they have been issued with 12 penalty points. In fact, the opposite is true.

Ms O. Mitchell: There is no evidence to suggest that they are surrendering their licences.

Mr. Cullen: I have such evidence to hand and can quote the numbers to Deputy Olivia Mitchell. I can supply her with precise details. I supplied the figures of the total number of people who had already served the disqualification notice, which is 34, but perhaps the Deputy missed them. A total of 13 people are currently disqualified, eight of whom have already surrendered their licences. Another seven people are going through the disqualification process. Nobody who has been notified or disqualified has failed to surrender his or her licence.

Ms O. Mitchell: Has this been carried out through the courts or the local authorities?

Mr. Cullen: According to the information I have received, they must surrender their licences to the local authority. I am dealing specifically with the penalty point issue.

The law in this regard is very robust. It is against the law to drive a vehicle without a driving licence. One can be disqualified for producing a false driving licence as it is against the law to do so. The penalties are severe.

From the information available, it would appear that this is not an issue. I have examined the matter with local authorities. We have significantly improved the administrative system. The national driver file automatically notifies the PULSE Garda system.

Ms O. Mitchell: When did that happen? That facility was not available last week.

Mr. Cullen: It arose from the comments made by Deputies Olivia Mitchell and Shortall some weeks ago regarding the notification——

Ms O. Mitchell: In an answer to a parliamentary question last week, the Minister said that the

national driver file would notify the Courts Service. Last week, I spoke with gardaí, who told me that the national driver file was not connected to the PULSE system.

Mr. Cullen: The Deputy raised the issue of how the national driver file wrote to individuals to tell them that they had X penalty points or had reached 12 points and were disqualified. The Deputy was correct in identifying that when this happened, notification did not go to the Garda. However, it is now the case that notification is given.

Ms O. Mitchell: Does it go by letter?

Mr. Cullen: Yes. The Garda enters it into the PULSE system.

Ms O. Mitchell: The Garda denies that has happened.

Mr. Cullen: Perhaps the Deputy should table a question to the Minister for Justice, Equality and Law Reform. All I can do is tell the Deputy about the arrangement.

Ms O. Mitchell: Okay.

Mr. Cullen: Deputies raised the issue of the smart card driving licence. As far as I am concerned, the sooner we can get it in place, the better. In fairness to previous Ministers who wanted to move on this process, only in recent weeks have we reached agreement at European level to move to a European smart card driving licence. Many of the large countries in Europe were against this proposal because the logistics and costs involved will be phenomenal. In euro terms, tens of millions or hundreds of millions will be spent because they do not have licensing systems such as Ireland's. They give licences for life and will need to recall 60 million or 70 million licences.

The specifications for the smart card's chip must be agreed. I am told that this process will take approximately 18 months at EU level. There is not much point in developing a chip for Ireland with a specification that could be different from the European standard. We can all agree that we should get a chip that is the same for everybody so that all the systems can talk to one another, as it were, and we do not need to replace chips later.

Ireland has always looked positively on the proposal to develop a smart card driving licence quickly. We are urgently waiting for the specifications to be agreed. As soon as Europe produces these, Ireland will immediately go to a smart card basis. As Deputies know, this could play a positive role in a range of issues, including second-by-second communications between information systems. We will be in the hands of Europe until this matter has been resolved. Ireland will adhere to the Europe-wide specifications.

It is appalling that something such as described by Deputy Crowe could happen to the individual referred to. It is probably an exception but is still unjustified. I am aware of cases in which people were given someone else's information and needed to defend themselves despite not being guilty. I hope——

Acting Chairman (Mr. McGinley): The Minister has exceeded his time.

Ms Shortall: Who will take responsibility for ensuring that licences are returned?

Mr. Cullen: The licensing authority in each area.

Ms Shortall: Is it not cumbersome to have different agencies and Departments involved?

Ms O. Mitchell: To say the least.

Ms Shortall: Would it not make sense for the RSA to take over responsibility for the national driver file?

Mr. Cullen: Can I reply?

Acting Chairman: The Minister's time has been exhausted and we have exceeded the time on this discussion by three or four minutes.

Ms Shortall: It is not practical for each local authority.

Mr. Cullen: I do not disagree with the Deputy. I faced this problem when I was the Minister for the Environment and Local Government but have the opposite problem as the Minister for Transport. The motor taxation system is linked to this matter. It is a part of local government's core funding, which is a difficulty when addressing this issue.

Ms O. Mitchell: The Minister said that we may eventually need a different system but we cannot afford to wait for Europe to make up its mind about a system that transcends all countries. We should computerise now. I do not believe that surrendering licences is a problem because, even if local authorities get back licences, must they notify the Garda? If they do not notify anyone, do they follow up the matter? The local authorities have no procedures in place. The system is not working and until I have evidence to the contrary, I will persist in this view. Every garda I speak to says the same thing. The driver licensing system is a shambles and causes significant problems for the Road Traffic Acts.

Mr. Cullen: While that is not unfair to me, it is not a fair reflection on the system. It would be wrong to send the message that the system is a shambles. There is no evidence to suggest such.

Ms O. Mitchell: The Minister should wait until the 31 penalty points kick in.

Mr. Cullen: We will judge the situation then.

Amendment put and declared lost.

Acting Chairman: Amendments Nos. 15, 21, 30 and 31 are related and will be discussed together.

Ms O. Mitchell: I move amendment No. 15:

In page 7, between lines 15 and 16, to insert the following:

5.—(1) The Authority shall have policy role in—

(a) making general road safety policy recommendations to the Minister,

(b) advising the Minister on any review of speed limits,

(c) advising local authorities on general road safety policy,

(d) liaising between any itself and any one or more of the following bodies:

(i) an Garda Síochána;

(ii) the National Roads Authority;

(iii) local authorities and municipal authorities;

(iv) the Department of Environment, Heritage and Local Government;

(v) the Department of Transport; or

(vi) such other bodies as the Minister may prescribe from time to time.

(2) The Authority shall have consultative and advisory roles in any review or reform of road categories, or in terms of their route letter and number.

This amendment relates to the policy role of the authority. While we know the authority will have a policy role, the legislation is so vague that it is necessary to insert the authority's core policy functions in the legislation in respect of, for example, making recommendations to the Minister, advising the Minister and liaising between the various bodies involved. Several bodies are mentioned in the Bill but there are others that would have an interest. It should be stated in the legislation that the AA, insurance companies and others must be consulted as part of the authority's ordinary work.

Amendment No. 30 calls for the authority to produce a five-year strategy statement, including targets and recommended actions for itself and other agencies with road safety remits. Amendment No. 31 calls for an annual review of the causes of road deaths and accidents, which is a basic policy role of considerable importance for the new authority. It would have implications for other agencies, such as the Garda, the Depart-

ment of the Environment, Heritage and Local Government and so on.

A topical issue raised previously is that the method of information collection tends to be geared towards prosecutions, which is important from the point of view of the Garda, but another interest transcends individual accidents, that is, the accumulation of information about accidents in general — what type of accidents occur, where they occur, the causes as far as they can be determined and the severity of the accidents. Other information would include toxicology reports, whether people died or were injured and whether there were prosecutions. This type of information is essential if we are to make the administration of the authority meaningful rather than whimsical.

On our much maligned junket to Australia, our committee discovered the extent to which that country was rigorous in ensuring every policy action was either evidence-based or the result of internationally accepted behavioural change mechanisms. Without so doing is to make policy in the dark. I have faith in the authority's new chief executive officer to seek established best practice policies that work.

In addition to introducing and recommending policy changes, the authority must ensure that changes are monitored to ensure they have their intended effect. It is most important that policy leads somewhere and achieves its intended purpose. It should not be based on a Sunday night pub chat, or learned from the media, but should be based on facts. The authority should become a powerhouse of knowledge that informs the Garda, policy and this House, in order that everyone will know that measures taken will have a purpose and an impact on saving lives and reducing the general rate of accidents.

Ms Shortall: Amendment No. 21 relates to the functions of the new authority. The Bill confers wide-ranging functions on the authority and they have a wide remit. My concern is to avoid the authority becoming bogged down by its different responsibilities. It has much work to do in the area of driver testing as neither the Minister nor his predecessor were able to complete or handle it.

Mr. Cullen: This was not for want of trying. In fairness to Deputy Shortall's party leader—

Ms Shortall: There are various ways of trying. While I do not apportion blame—

Mr. Cullen: Both parties commented on this matter over the weekend.

Ms Shortall: —this situation was allowed to develop because of inadequate staff and inadequate oversight of developments within the driver testing service. This outrageous situation—

Mr. Cullen: The Deputy should not tempt me into stating who was responsible for putting this system in place.

Ms Shortall: This outrageous situation was allowed to develop because people did not prioritise driver testing to ensure that drivers would be obliged to be trained and qualified before taking a car out on their own. It is ludicrous and scandalous that there are more than 400,000 unqualified drivers on the roads. No other European country allows inexperienced and unqualified people to drive on their own. If we are serious about tackling the issue of road safety, this matter must be tackled as a matter of urgency.

I hope that the new authority will be successful in dealing with this matter and while I accept it is a difficult situation, it must be tackled urgently. I am concerned that the authority's myriad areas of responsibility create the risk that it will lose sight of its primary responsibility, namely, to devise a road safety strategy and to ensure that such a strategy is delivered. Members do not want the authority to be a talking shop and thus far the indications from its chief executive and its newly-appointed chairman are that it will not be so. I hope this is the case and I wish both people well in their new roles.

However, Members know from experience that agencies can become bogged down with their day-to-day business. The purpose of this amendment is to ensure that the principal function of the new road safety authority is to devise a road safety strategy, set performance indicators and measure performance against them on an annual basis. Irrespective of anything else, this must be the primary focus because although the aspirations contained in both the present road safety strategy and its predecessor were worthy, we fell short in delivering on the targets set.

While I will not rehearse the points made in respect of the present and previous strategies, we simply do not measure up and do not perform as we should in respect of road safety. It is important that this legislation states that the primary function of the road safety authority is to set the strategy and ensure that we measure the performance of the various bodies and people who have a role to play in this regard on an annual basis. This is the only way to reduce the figures. We have not done so thus far. Questions about the present strategy have been kicked to touch continually, with statements to the effect that the end of the strategy has not yet been reached and that hopefully such targets will be achieved at its conclusion. The Minister is aware that in several respects, the targets will not be reached by the end of this year. In other areas, such as the information which the Garda is meant to keep in respect of serious accidents, no such information is kept. The Garda does not have the figures for last year or previous years. How can we meet targets without having figures? The focus must be kept on performance measured

against the road safety strategy. Hence, it is essential that it is made clear that this is the authority's primary function. I hope the Minister will support this amendment.

Mr. Eamon Ryan: I support the points made by Deputies Shortall and Olivia Mitchell. The final point made by Deputy Shortall is important. According to the Bill, the authority's functions include centrally managing the licensing system and, as a secondary responsibility, the information systems in respect of road safety, the public campaigns and so on. Section 7 of the Bill contains the concept of road safety programmes. Do such programmes constitute the road safety strategy? If so, in addition to conducting publicity campaigns or producing advisory notes, will this authority have the requisite authority, presumably with the Minister's agreement, to inform bodies such as the National Roads Authority or whatever, that they are obliged to amend their strategies to meet the criteria of our central strategy? There appears to be a lack of clarity as to the authority's functions. It has a road safety programme function as well as its original functions. I agree with Deputy Shortall's concluding comments. If this authority has the power to set the road safety strategy, this must be made clear publically and it must be provided with the powers required to enforce it.

Mr. Cullen: The answer to Deputy Eamon Ryan's last point on the authority's role is "Yes". Moreover, the road safety authority will represent Ireland in Europe and will deal with technical issues. Hence, I will assign the entire gamut and remit to it from an Irish and a European perspective, in order that it will lead the debate in setting standards, both nationally and internationally, and in trying to secure higher standards throughout the European Union. This is an extremely powerful role.

Section 7 of the Bill provides a clear legislative provision that ensures that the road safety authority has a lead role in the development of strategies and measures to advance the road safety agenda. Road safety comes under the remit of different Departments and agencies. In consideration of its extremely extensive remit, the road safety authority will be in a position to engage with all those contributory bodies to develop and monitor the delivery of a comprehensive road safety programme.

In the context of "programmes" the strategy forms part of that. However, the road safety authority wants greater responsibility than simply producing a strategy. It seeks responsibility for the entire gamut of programmes and everything within them. Hence, Deputy Eamon Ryan is correct to state that the strategy forms part of that matter.

The authority will play a major role in the development of future road strategies within that context and will submit this programme for

[Mr. Cullen.]

approval to the Minister of the day. It is envisaged that the programme will form the basis of the Government's road safety strategy. I also envisage that the road safety strategy will compile reports and will address policy recommendations across a range of road safety measures. I wish to return shortly to a point made by Deputy Olivia Mitchell in this respect. The authority will have a role in overseeing the implementation of the programme of the Government's road safety strategies and in that context it will regularly participate in the Cabinet sub-committee on road safety, in addition to all the other relevant statutory committees.

I suggest that it is unnecessary to make provision in the Bill that the authority should set performance indicators and measure performance against such indicators as this is implicit in its role. I do not know how it could set out a strategy if it did not set performance indicators. In addition, it must have service level agreements. Hence, this will operate both ways.

Ms Shortall: The Minister did this in the last two strategies.

Mr. Cullen: Yes, that has been done.

Ms Shortall: However, the Minister has failed to meet targets. Performance has not been measured.

Mr. Cullen: The public is openly measuring our performance, as are the Opposition and the media. Hence, performance measurement cannot be avoided. The issues are quite clear. People's perceptions of the success or otherwise of our performance is clear. I agree with some, if not all, of their points. It is becoming difficult to have no more than 300 deaths on our roads in 2006. Given the bad start to the year, that figure is becoming more unlikely.

I suggest including a prescriptive requirement in regard to the determination of annual targets which could have a negative influence on the pursuit of strategy objectives. In the past, all-consuming aspects have become a narrow focus whereby everything is geared towards achieving a figure, and one loses the whole context of what one is trying to do in a programme. Achievements appear to be all about statistics and smoke and mirrors. However, I agree with Deputies that the independent-minded people who have been appointed to the authority will not operate in that vein.

Deputy Mitchell raised an interesting point. It is vital to know what is happening on our roads. It is too simplistic to say someone crashed into a wall, someone was speeding or someone had drink taken. Other countries carry out a much more in-depth examination into the causes of accidents. The chairman of the new road safety authority raised this issue with me and said it is some-

thing he wants to pursue. There needs to be a holistic approach to this factual information. The chairman wants to examine what went on in the two or three hours before a person was killed. He wants to know what they were doing, for example whether they were in hospital or in a distressed state. If one has this information when managing a programme, one can fundamentally target it rather than just working on the basis of anecdotal evidence. The chairman said he wants to put resources into establishing these facts. For the first time, we have given all the statistical information to one body, rather than giving responsibility to three or four bodies. However, he wants to go much further. My attitude is that it is the road safety authority's call on a whole range of issues. Equally, he is very exercised about the whole driver testing aspect, as is the chief executive. This is a much bigger issue in terms of tackling the idea of people driving with some kind of a licence, going for a test on a provisional licence, failing it and then getting back in the car and driving off merrily. There is no doubt that how one gets a licence and what it entitles one to do merits a root and branch examination. The system is nowhere near the best of international standards. The chief executive and the chairman have said that how to tackle this is a core issue. They made it abundantly clear that they want to begin in that vein. In parallel with that, we must end the current driving test backlog. Everyone accepts the current system does not have the capacity to do so. I must seek outside assistance for a short period to resolve the issue. This may lead to examining more fundamentally the driving instruction system.

While not wanting to be prescriptive, the remit under sections 7 and 8 is very broad. The members of the authority can call in whoever they like because there will be no limitations on them. I understand why the Deputies have taken this approach. However, mine is a much broader approach and I will not be prescriptive. I believe on balance we have achieved the correct approach.

Ms Shortall: I fundamentally disagree with the Minister. While he refers to responsibility to do this, that and the other, including programmes, activity and so on, it is precisely because people have all these responsibilities that there is a need to keep a clear focus on a strategy. There is no reference to a strategy in the legislation. The Minister talks about programmes and the fact that the Minister may require them to produce a programme. The requirement needs to be much stronger than that. There needs to be a strategy. We have been working with strategies. Programmes are different from a strategy. There needs to be a national strategy on road safety. It should be the principal function of the authority, which should be spelt out clearly. The Minister has not given a reason for not accepting the amendment. He said he agrees in principle with

the sentiment in it. Why not state this specifically in the legislation because it is what we need to focus on? It should not be just at the whim of the Minister of the day to request programmes and so on, which is the case currently.

It is all very well to say we regard it as an important issue with which we are dealing. The reality is that if one looks back to 2003 and most of 2004, we did not have a road safety strategy, because the Minister was busy doing other things. Priority was not given to a strategy for road safety. It must become the primary function of the new authority. There is no point having a strategy unless the Minister puts in place a mechanism for measuring performance. We have been very weak on this aspect in the past. The Minister is saying, on the one hand, that he is giving power to the authority to collate all the information, build up the different data required and, on the other, he is saying he does not expect the authority to do anything in particular with the data. The data must be used to inform the strategy and performance indicators must be set to ensure everyone is doing their part, particularly the road safety authority and all the other agencies involved. It is a key part of what we understand to be the role of the new authority, so why not say so explicitly?

Ms O. Mitchell: One of the main points I made on Second Stage was that, while I welcome the authority and so on, I did not know what it would do because there was no clear indication of its role, function and so on. There was much about what the Minister may do in future. While he has indicated what is in his head, it may be different from what is in the legislation. The Minister's intent and what is in the legislation may be two different things. I hope the legislation will survive the Minister.

As Deputy Shortall said, the purpose of the legislation is to set up a mechanism whereby we will have a road safety strategy, based on firm information and so on. For the provision of any kind of programme to be at the discretion or whim of the Minister is not satisfactory.

Mr. Eamon Ryan: I agree with the Deputies because the strategy should be the central function and there should be programmes to implement it. The Minister appears to be saying the strategy is within the programmes as outlined in section 7. It would give a much stronger sense of direction, purpose and function to the authority if it was given the central function of setting out a road safety strategy, followed by programmes on how to implement it as set out in section 7.

Mr. Cullen: I do not disagree with much of what the Deputies said because it is already included in the Bill. However, while there appears to be a different approach on how to frame the Bill, we all know what we are talking

about. The function of the road safety authority has been made abundantly clear. The reason the programmes have been included is that I was strongly advised by the experts that strategy was too narrow a focus. Because I tried to meet the requirements and change to a much broader interpretation of programmes, I am being criticised for being too broad based.

I had a breakfast meeting with the chairman this morning. He knows the current strategy will end at the end of this year and that a new strategy must be in place as part of a much bigger programme for next year.

Ms Shortall: There was no strategy in 2003.

Mr. Cullen: There is no rocket science in this. I am telling you what he will do.

Ms Shortall: This cannot depend on individual theories. It must be in the legislation.

Mr. Cullen: I do not write into legislation everything someone will or will not do.

Ms Shortall: This is the principal matter.

Mr. Cullen: Does the Deputy want people sitting in their offices and asking what they will do on Monday, Tuesday and Wednesday?

Ms Shortall: The Minister should not belittle the argument we are making.

Mr. Cullen: I am surprised at the Deputy. She wants to limit what the authority can do while I want to expand what it can do. I will not limit its functions. I have given it the widest possible responsibilities. We have enunciated them on Committee Stage, in the House and in the public domain. In the way it is written, the Bill allows the authority members to do everything they might want to do. It is not for me, if they are independent, to say they must do it my way. It is for them to decide, and I have given the body the widest possible remit for the members to sit down as a board, with the chief executive, and decide for themselves on the priorities.

Amendment put and declared lost.

Acting Chairman: Amendment No. 16 is out of order as it involves a potential charge on the Revenue.

Amendment No. 16 not moved.

Acting Chairman: Amendments Nos. 17 and 18 are related may be discussed together.

Ms O. Mitchell: I move amendment No. 17:

In page 7, between lines 15 and 16, to insert the following:

[Ms O. Mitchell.]

5.—(1) The Authority shall have responsibility for the management and standards of driver testing in Ireland.

(2) The Authority shall put such structures in place as it deems necessary to ensure that the standard of driving in Ireland is maintained and improved.

(3) The Authority may put such pre-conditions in place as it deems necessary, for candidates who wish to take the driving test. Such pre-conditions may include, but are not limited to, a requirement that candidates undergo a prescribed number of driving lessons before being allowed to sit the driving test.

(4) In carrying out its functions under *subsection (2)*, the Authority shall review and update the driving test and driver theory test so that—

(a) each examination conforms to international best practice,

(b) the driver testing process reflects safe driving practices,

(c) each examination has regard to persons who—

(i) are hearing impaired,

(ii) do not speak Irish or English as defined by the Official Languages Act 2003,

(iii) have literacy difficulties, or, in the case of the driver theory test, difficulty operating a computer, or

(iv) have a physical disability,

and

(d) a detailed report of the results of the test, including all of the following:

(i) whether the candidate passed or failed the test;

(ii) where he or she made errors;

(iii) what areas the candidate could improve;

(iv) in the case of a candidate who has passed, what further actions he or she must take to obtain a licence; and

(v) in the case of a candidate who has failed, how he or she can reapply for the test, is made available to each candidate.

(5) On a regular basis, the Authority shall produce and update, a drivers' training manual, which shall contain—

(a) the Rules of the Road,

(b) advice on safe driving, and

(c) such other information as the Authority deems necessary,

and such drivers' training manual shall be subject to the provisions of section 10 of the Official Languages Act 2003.

This is another amendment which tries to clarify the functions of the authority, which, being so vague, have been entirely left to the discretion of the Minister. In many ways the legislation is enabling legislation, and does not clarify what it is meant to do. The idea of amendment No. 17 is to clarify the functions of the authority with regard to driver testing. To give anyone the responsibility for driver testing is to give him or her a poisoned chalice. I have made the point many times that it is a national scandal that the system has been allowed to deteriorate to the point where 140,000 people are awaiting tests and 400,000 people are driving on provisional licences. No banana republic has been as inefficient as we have been in producing a testing system for its drivers.

Clearly this cannot be allowed to go on for much longer. If we are to have a road safety strategy, fundamental to it is a system of proper instruction of new drivers, proper testing and licensing. For the few people who manage to get a test, the testing system is completely out of date, and hardly relevant to road conditions any longer. The Minister knows the system needs to be completely overhauled, based on best evidence and practice.

The Minister said it would be unfair to set up the new authority with the backlog of people awaiting tests. He said one could not have any kind of reasonable road safety strategy while up to 20% of the driving population is on provisional licences. However, we have now arrived at the situation whereby the legislation will be passed in this House tomorrow if not today, though it must also go to the Seanad. It is likely to be law within the next few weeks, yet there is no sign of any resolution to the problem.

It is an outrage that 100 people can hold the entire system to ransom. That is not acceptable. I made the point to the Minister during Committee Stage that if there is a clause in Sustaining Progress which allows this situation to persist, it must be changed. It is not about looking after the providers of services but must be about providing services. Those who get the services rather than those who give them must be stakeholders in the process and must be considered. The situation is undoubtedly a cause of more and more accidents and deaths on our roads. The view that neither the licensing system nor the testing system matters gives a message of official indifference. Accordingly the Road Safety Authority has no prospect of any success until we deal with that fundamental problem. As far as this legislation is concerned, I want the responsibility for the testing system given to the authority.

Amendment No. 18 also calls for the responsibility for the training and quality control of driving testers to be given to the authority. That area has not been touched for years and the authority should set in place a register. Testers should have to undergo regular quality control, testing and retraining, as decided by the authority. In the meantime, until the backlog is cleared, there is no prospect of this authority having any success.

Mr. Cullen: I do disagree largely with what Deputy Mitchell said about our driving tester system. Sadly, it is clearly not capable of delivering on the demands made on it. As Deputy Mitchell asked, what is this doing in the public sector in the first place? That might have been fine in the past but there are now major issues in terms of managing the situation in the future.

I will not begin to discuss the sort of work practices involved. The number of tests being delivered by each person is——

Ms O. Mitchell: It is diminishing.

Mr. Cullen: It is more than diminishing. The Deputy would be shocked at the average number of tests delivered. The system is quite untenable. In all my years in public life I have never seen anything as bad. The more one digs, the more one becomes appalled. Deputy Mitchell is correct in saying this is grossly unfair to the customers out there trying to get a test, and it is also having a major impact on road safety. I appreciate the level of unanimity in the political spectrum that the current situation is not sustainable, and that it is utterly wrong that one small group has used every system available for more than 12 months to block the delivery of a solution in terms of removing the backlog of people awaiting driving tests.

The driving tester service operates under the provisions of section 33 of the Road Traffic Act 1961 and in accordance with the regulations made under that Act. The driving test is also governed by requirements of EU directives — something we all forget — which stipulate the EU-wide manoeuvres to be carried out, which are also set down in regulations under section 42 of the Road Traffic Act 1961. As the regulatory and legislative framework of the driving test service is consigned within the road traffic Acts, it would not be appropriate to include the amendments in this Bill. I am however considering bringing amendments to this section and I am sure Deputy Mitchell will have tabled some amendments for the Road Traffic (Amendment) Bill which I will bring to the House shortly. We will deal with the issue under that Bill in the next few weeks.

Ms Shortall: I do not know why the Minister does not agree to specifying that role for the road safety authority, so that it would take responsibility for the entire area. It is all very well for the Minister to wring his hands now and say the

situation is disgraceful and indefensible. There is no doubt it is indefensible, but the situation in the driver testing section of the Minister's Department has been allowed to continue like that for several years, and to deteriorate. No serious effort was made by anyone to modernise it. At this point the Minister has the benefit of the consultants' report by Farrell Grant Sparks, which highlights the need to rationalise the number of testing centres. Given the size of the country it is crazy that there are so many centres, and in large part that has led to the crazy work practices, where so much time and money is spent on travelling and subsistence and so on. Is it the Minister's intention to introduce the reforms recommended in the Farrell Grant Sparks report? Responsibility for that can be spread over a number of different Ministers who were responsible during their terms of office and who are currently responsible for overseeing the operation of that service. Also the staff members involved have dug their heels in. All of this has led to young people not having a proper driver testing service. That is indefensible.

Is it the Minister's intention to implement all the recommendations in the consultants' report? Does he intend to move on it or does he envisage the new authority biting the bullet given that no progress has been made? Notwithstanding the problems of work practice, the Minister's assertion is that there is a sufficient number of testers, including the ten people being recruited. On the basis of commonsense it is difficult to make that assertion given the huge increase in car ownership and greater wealth leading to more people driving and the fact that there was an under provision of driver tests for many years. I do not know how the Minister can say the present number is adequate to meet the underlying demand for driving tests and that this is a hiccup that has just arisen and we need to clear the backlog. There is more than that involved. I do not know the basis for that assertion.

Would the bones of a resolution be in place in the event of a change in work practices, a rationalisation of the different centres and the number of driver testers being increased in line with the ongoing underlying demand given the increased population and a greater number of people driving? I am not sure whether giving all this work to an outside agency would work. The basic premise of what the Minister is saying may not be accurate in so far as I am not sure there is a sufficient supply of driver testers. Could not the huge backlog that has been allowed to develop be dealt with by temporary staff within the existing service, provided there were major changes in work practices?

Ms O. Mitchell: When the arbitration board ruled against his office, the Minister said he would speak to the unions. Has such a meeting taken place? The union leadership never anticipated that particular clause in Sustaining Progress

[Ms O. Mitchell.]

would have this impact and prevent the proper governance of the country. I do not believe the unions expected that or could stand over it themselves, nor could they stand over the payment of benchmarking to people who have performed so appallingly against the public interest. Has the Minister spoken to the unions? Apart from the fact that they never intended this to be the outcome, they must see that their own members want to take driving tests and that their own members are being injured and killed on the roads. It is in everybody's interest that this matter is resolved. Has the Minister spoken to the unions since the arbitration hearings?

Mr. Cullen: Deputy Shortall raised two issues. The immediate challenge of getting rid of the backlog is fundamental to doing anything on all the issues on which we have both enunciated. That issue has to be sorted out immediately. The road safety authority will be given responsibility to devise a new system, taking on board the good reports and recommendations available. If I got all the money in the morning and 100 people I could not put them into the system. The system itself would not allow it. There is a simple reason for that. For example, if somebody does not turn up at 10 a.m. for a test or telephones after half an hour, nothing happens. They all sit back and wait until somebody arrives whereas in modern systems that I have seen in other countries texting systems are in place. They have lists of people who are ready to take a test at short notice. In this way the system can continue to operate.

Ms Shortall: One needs technology to do that.

Mr. Cullen: Yes, and also personal commitment. Even within the existing system nobody can justify what is going on. That is a statement of fact. I do not think the Deputy or anybody else is trying to justify it.

Ms Shortall: It is not all the union's making.

Mr. Cullen: I am just setting out the position. The Road Safety Authority will be responsible for devising a solution.

Ms O. Mitchell: Did the Minister meet the unions?

Mr. Cullen: I met the leadership of the unions. In as straight and robust way as I could I made my position clear. I am somewhat disappointed I am not getting a positive response, given the urgency of the matter. So much is happening in the Department of Transport that I cannot recall if it was last week or the previous week that I met them. A reasonable amount of time has passed since I spoke with them. I have urged them to respond, given the issues involved and notwithstanding a technical result in terms of a judgment on a narrow piece of information. The arbitrator

was keen to point out they were not judging the issues and felt there was a real problem and a danger to road safety if the issue was not resolved. This is an opportunity to send a message again today. I am anxious to hear proposals which will include the shortest possible timeframe to remove the backlog.

Ms Shortall: What about the accuracy of existing numbers?

Mr. Cullen: If what was supposed to be done was done under the existing system there would not be a backlog. The figures are clear.

Ms O. Mitchell: I am unhappy with it but I have gone as far as I can at this stage.

Amendment put and declared lost.

Ms O. Mitchell: I move amendment No. 18:

In page 7, between lines 15 and 16, to insert the following:

5.—(1) In carrying out its functions as provided for by the Minister, in regulations, under *section 4* of this Act, the Authority shall assume responsibility for the training and quality control of driver testers.

(2) The Authority shall put in place such structures as it deems necessary to regulate driver testers and shall maintain a register of those who are qualified to conduct official driving tests.

(3) Driver testers shall be obliged to undergo regular quality control testing and retraining at such intervals as may be prescribed by the Authority.

Amendment put and declared lost.

Ms O. Mitchell: I move amendment No. 19:

In page 7, between lines 15 and 16, to insert the following:

5.—(1) The Authority shall, in the exercise of its functions as prescribed by *section 4(1)* of this Act, be responsible for setting training standards and ensuring quality control of driving instructors.

(2) Without prejudice to *subsection (3)* of this section, the Authority shall assume such functions in respect of driving instructors as are conferred on the Minister by, and in accordance with, the Road Traffic Acts 1961 to 2004.

(3) The Authority shall put in place such structures as it deems necessary to regulate driving instruction and driving schools, and shall maintain a register of those who are qualified to give certifiable driving lessons.

(4) Driving instructors shall be obliged to undergo regular quality control testing and retraining at such intervals as may be prescribed by the Authority.

This amendment similarly lays down in greater detail the functions of the authority. It seeks to delete “may” and insert “shall” in requiring that the authority would ensure quality control of driving instructors, would assume such functions in respect of driving instructors as are conferred on the Minister and would require them to undergo regular quality control testing and retraining at such intervals as may be prescribed by the authority. Like the Minister and other Deputies we have been inundated, over the years, with requests from driving instructors throughout the country who have participated in a Government-sponsored voluntary scheme. They have been left wondering about the future for that voluntary scheme into which they have put considerable effort. At least they have made some effort to regulate themselves. Clearly, I do not consider that self-regulation is the way to go, at least it must be validated in some way by the new authority. Their concerns that there should be absolute quality control and regulation of the sector is a valid point. I am anxious that the authority do this at an early stage. It is part of the broader area of instruction, testing and licensing. Perhaps the authority will, in time, introduce graduated licences and so forth. The standard of those providing instruction must be regulated and instructors must be aware of the standards applied in the new test. For these reasons, I seek to amend the Bill to require quality control for driving instructors.

Mr. Cullen: The Deputy and I appear to be at cross-purposes because the objective of the Bill is to introduce, for the first time, proper standards and regulation of driving instructors. This is the purpose for which the road safety authority will be established. The authority will be designated as an approved body to issue instruction certificates as envisaged in section 18 of the Road Traffic Act 1968, amended by section 19 of the Road Traffic Act 2002. In accordance with regulations made under these provisions, which will provide for all matters referred to in the proposed amendment other than the regulation of driving schools and the retraining of instructors, section 4(1) states that the road safety authority will have functions in regard to the registration of instructors which will be designated in regulations made under the Road Traffic Acts. This provision was drawn up following extensive discussions with instructors and we are now moving to regulate all training standards for driving instructors. The road safety authority will be an approved body which can issue instruction certificates for the purpose of regulating driving instructors.

As I indicated during discussion of amendment No. 6, the Road Traffic Acts do not provide

powers to regulate driving schools, an issue Deputy Shortall raised yesterday, as the provision in section 18 of the Road Traffic Act 1968, as amended by section 19 of the 2002 Act, is intended to regulate individuals while giving driving instructions. Instructors will be tested at regular intervals and removed from the register if found not to meet the required standard. They will not be given a certificate and left to their own devices but will be subject to constant monitoring. It will be a matter for instructors to take appropriate steps to ensure their standard of instruction is up to that required. On that basis, the amendment is not necessary.

Ms O. Mitchell: The amendment proposes to provide that the authority “shall” carry out specific functions as opposed to “may” exercise them at the whim of the Minister. It is vital that these key functions are set out definitively in the Bill.

Ms Shortall: I support the amendment because it is important that the Bill clearly specifies the functions of the new authority, although I accept the Minister’s undertaking to provide for this matter in the next road traffic Bill.

I wish to add to the point I made yesterday in respect of driving schools. In the United Kingdom it emerged that while individual driving instructors were licensed and regulated, driving schools were not so regulated. As a result, anyone could set up a driving school and no regulation would apply to such matters as accreditation, claims about pass rates and the types of vehicles and signage used. Another issue highlighted in the United Kingdom was the inability to ensure adequate standards and quality control applied to those driving schools which claimed to provide off-street training for HGV vehicles or buses.

The competence or otherwise of the driving instructor is not the only issue which arises in this regard. Research in the United Kingdom identified a series of other issues connected to driving schools, as a result of which action was taken to regulate and license driving schools and driving instructors. The failure of the Bill to provide for such regulation here is a missed opportunity. I do not know who is responsible for this failure but it indicates that someone is out of touch. The Minister claimed yesterday, for example, that most driving schools are one-person operations when this is patently not the case, at least in the Dublin area.

Various driving schools make all kinds of claims in advertisements about their competence and success rates.

Mr. Cullen: That is a slightly different issue which is covered by other legislation.

Ms Shortall: It is a practice that must be eliminated. Driving schools must be regulated by the road safety authority. Having missed an opportunity to provide for this in the Bill, I hope the

[Ms Shortall.]

Minister will do so at the earliest opportunity in other legislation.

Mr. Crowe: On the quality of driving instructors, one instructor informed me he was put under pressure to give lessons for ten hours per day despite being brain-dead after five or six hours.

Mr. Cullen: It is a pity he was not testing drivers as it may have achieved a better outcome.

Mr. Crowe: We all agree on the need for regulation given that the quality of instructors ranges from excellent to very poor. The inclusion of a requirement that the new authority “shall” rather than “may” carry out certain functions could be a way forward. From anecdotal evidence, driving instruction appears to be getting worse rather than better. Anyone can establish himself or herself as a driving instructor and, while I presume they need to have a full driving licence, I am not sure that this is checked.

Mr. Cullen: Deputies are *ad idem* on this issue. It is clear that the main issue is that anybody, regardless of whom they work for, must have a certificate of competence to give driving instruction. The Bill will address this by regulating and certifying all those who take learner drivers on to the road to learn to drive.

Ms Shortall: There is more to this issue than instructors.

Mr. Cullen: I will address that matter in a moment but first I will focus on the core issue, as highlighted by Deputy Crowe. The standards applied will be regulated and certified and those providing instruction will be certified and monitored. The question of who owns the company providing the tuition is a different issue. The issue before us is the competence of the individual providing driving tuition and whether he or she has achieved the required standard. Under the Bill, which goes much further than legislation in the United Kingdom, instructors will be required to meet standards. Whereas HGV instructors are not registered in Britain, they will be registered here, which is another step forward.

Driving schools providing driving instruction to learner drivers are not registered in the United Kingdom. It has, however, an approved register of driving instructors similar to the register the road safety authority will establish. On the training of instructors, Britain has a voluntary register — the official register of driving instructor training — of large driving schools which provide training for potential driving instructors. We will go much further because the legislation requires all instructors to be registered and to hold a certificate of competence.

The official register of driving instructor training, known as ORDIT, was compiled in the UK following discussions between the driving standards agency, DSA, and representatives from the driver training industry. It contains a list of establishments which, following inspection by the DSA, have satisfied inspection criteria under the voluntary scheme of minimum training standards. This Bill will go much further.

Ms Shortall: The position in the UK has changed. I will send the Minister more up-to-date information on legislation there.

Mr. Cullen: We will return to this issue, on which I am trying to get as much information as possible, in the road traffic Bill.

Ms O. Mitchell: I reiterate the importance of introducing statutory regulations to govern quality control of driving instructors. While the Minister believes Deputies are *ad idem* on this matter, nevertheless I would prefer if the word “shall” rather than “may” was included in the legislation.

Mr. Cullen: The Bill states that the authority “has” such functions in respect of certificates. As such, they are already vested in the authority.

Debate adjourned.

Sitting suspended at 1.30 p.m. and resumed at 2.30 p.m.

Ceisteanna — Questions (Resumed).

Priority Questions.

Child Abuse.

33. **Ms Enright** asked the Minister for Education and Science if she is satisfied with the response of her Department in respect of former victims of child abuse who have taken their cases for adjudication before the courts; and if she will make a statement on the matter. [13752/06]

Minister for Education and Science (Ms Hanafin): Litigation against my Department relating to child abuse arises in two contexts. The first relates to former residents of institutions who suffered abuse while in those institutions. Former residents have been entitled to make an application to the Residential Institutions Redress Board for an award in recognition of the abuse they suffered. A person can decide not to apply to the redress board or to reject an award made by the board and to pursue a claim before the courts.

The second area of litigation relates to day school cases where the Department may be named along with the patrons or boards of management of schools. In this context it should be

noted that the education system has long been structured on the basis that schools are run by local management in whom legal responsibility is vested and that with the exception of pay issues, the Department does not employ teachers.

Since 1 September 2005, all personal injury claims against the Minister for Education and Science, including those in respect of child abuse, have been delegated by the Government to the State Claims Agency, SCA. A consequence of this is that the SCA has responsibility for deciding whether cases should be contested or settled. In accordance with a service protocol agreed between the Department and the SCA, the agency informs my Department of relevant information and seeks its views. It is, however, the SCA rather than the Minister or Department which determines how these cases are conducted. In making those decisions, the SCA decides whether to dispute liability or the amount of damages, or both, on a case by case basis. My views, which are conveyed to the SCA, also have regard to the individual circumstances of the case.

Ms Enright: With regard to the most recent case, that of Louise O'Keeffe, has the Minister expressed a view to the State Claims Agency at this point and, if so, what was that view? How many cases are before the Department at present from the State Claims Agency on which the Minister's views are being sought? Does she have figures on the number of cases the Department of Education and Science is defending in respect of child abuse?

In the beginning of March the case of Connellan v St. Joseph's in Kilkenny was heard. The Department of Education and Science and other Departments were co-defendants. What is the Minister's policy on bringing a case to conclusion, trying to settle it early and admitting liability where liability is clear? The Department appears at present to have a policy of defending cases to the very end. I am not advocating that the Minister should give in on every case because obviously she has a duty to protect the taxpayer. However, there are cases where abuse certainly occurred, although the liability can be an issue in some of them. Like the Louise O'Keeffe case, the victims of Donal Dunne have not had the opportunity to go before the redress board. Can the Minister envisage a way of facilitating these people?

Ms Hanafin: The Louise O'Keeffe case is the subject of the next question. It is a particularly sad case in view of the suffering Louise experienced as a young child in her school. The legal advisers of the Department of Education and Science will meet the State Claims Agency this week about that case. The agency will subsequently meet Louise O'Keeffe's solicitors. I have indicated to the agency that this case should be treated sympathetically. The agency had

already indicated that it would deal with the case in a sensitive and measured way and the Taoiseach has indicated in the House that he would like it to be dealt with sympathetically.

The claimant lost the case in court and it is general policy that the costs are paid accordingly. It was pursued in this case so the courts could make a determination on it. Each case is dealt with separately and is determined on a case by case basis. The Department's legal advisers will meet the State Claims Agency which will then make its determination on how to proceed. However, I will ask the agency, before it proceeds to determine, to come back to the Department to seek our views on its suggested course of action on this case.

Different cases are being dealt with in different ways. The State Claims Agency has responsibility for determining whether cases should be contested or settled, having regard to the circumstances of each case. It deals with each case individually. What was interesting in the O'Keeffe case was that the High Court ruled that the school manager is responsible for the direct governance of the school. There was precedent for this in previous cases as well. A number of cases are ongoing in the courts at present but the number has been substantially reduced in recent years, largely because we have begun to make much greater provision in the special needs area. However, there are a number of cases before the courts.

The cases are treated separately. The Deputy referred to another case where the State did not contest liability but introduced rebuttal evidence when fresh allegations were made before the court. The State Claims Agency is considering an appeal in that case but has not yet determined what it will do. With regard to day school cases, how they are treated depends on whether the State has liability. The State was found liable for abuse in day schools in a particular case where seven cases of sex abuse occurred in a national school in the midlands in the early 1970s. That was because it was discovered late last year by the Department that officials had been aware of concerns at the time and that the person in question had been moved from one school to another. A settlement was reached apportioning particular amounts to the other bodies who were responsible.

Ms Enright: The courts have found that the board of management is the employer. We have not changed anything, since many of these incidents of abuse have occurred, in terms of the management of schools. Does the Minister intend to make any changes to ensure that this type of abuse cannot happen in future?

Ms Hanafin: Obviously we intend to ensure that every child is protected and that there are proper child protection policies in schools. The vetting procedures, which we will discuss later,

[Ms Hanafin.]

are in place in the schools. People should have due regard for the people who have unsupervised access to children, be they volunteers or employees, in the school setting. I do not intend to change the management structure of the schools but it is always important to ensure that boards of management are properly trained, aware of their legal obligations and keep child protection to the fore in all the policies they implement.

34. **Ms O'Sullivan** asked the Minister for Education and Science the State's intentions on seeking legal costs from a person (details supplied); and if she will make a statement on the matter. [13577/06]

Ms Hanafin: I sympathise greatly with Ms O'Keeffe for the suffering that she was put through by her primary school teacher in the 1970s. I have heard her speak in recent weeks and it is clear that she is still in a great deal of pain. There is no doubt that a great wrong that was done to her when she was just a little girl and that this naturally still hurts her deeply. However, while I have great sympathy on a personal level for the awful things that happened to her, the court has found that the State was not responsible for this.

The education system has long been structured on the basis that our schools are run by local management — in the form of the school manager as it was in the 1970s or, nowadays, the board of management — in whom legal responsibility is vested. The judge, therefore, found that the Department of Education and Science had no legal responsibility in this case. Indeed, the judge, in finding against Ms O'Keeffe, commented that had the proceedings been brought against the diocese, the action may well have had a more favourable outcome. This is very much in line with previous case law which supports the view that with the exception of pay issues, the Minister does not employ teachers. While I genuinely sympathise with Ms O'Keeffe for the suffering she endured, the court has found that the State was not liable for this.

The State has a responsibility to the taxpayer to fight cases where it knows it has a strong defence. In that context, it is also natural to seek an order for costs when it successfully defends a case. However, when it comes to pursuing costs, in cases such as this the State is anxious to balance the need to be responsible to the taxpayer with a strong desire to treat people like Ms O'Keeffe in a humane and sensitive manner. In this regard, Deputies will be aware that the State Claims Agency has stressed that it deals with each case individually and that its approach in this case will be measured and sensitive.

While the agency has responsibility for deciding on the issue of costs in this case, it will consult my Department before making a decision. I have

asked my Department to convey my view to the agency that the issue of costs should be dealt with sympathetically. Before a final decision on this matter can be taken by the State Claims Agency, it will have to engage with the solicitors for the plaintiff so that it can take full account of her circumstances. I understand arrangements for that process are being put into place.

Ms O'Sullivan: I have been told that the State Claims Agency will meet the legal representatives of Louise O'Keeffe on Friday. Can the Minister be more precise on the instructions or guidance she has given the agency with regard to treating her sympathetically? She is still extremely worried about what that meeting means and whether there is a danger she may lose her house and security for her children. Will the Minister be more specific on what "treating her sympathetically" means?

Can the Minister also tell us how soon Louise O'Keeffe will know the outcome of this process? Her concern is that Friday's meeting may be only the first of a number of meetings. She is anxious to know what will happen as soon as possible. She is distressed about the matter and wants closure on it.

Ms Hanafin: I understand that Ms O'Keeffe is distressed about it. Tomorrow, the State Claims Agency will meet the representatives from my Department and on Friday will meet Ms O'Keeffe's legal advisers and should be able to put forward a proposal then. I will suggest that the agency revert to my Department before implementing a decision in order to get our view on what the decision should be. I will ask my legal advisers to deal with the matter speedily and sympathetically. These are issues that happened long ago and while the State is not liable for what happened to Ms O'Keeffe, I do not want her to be under any further distress.

Ms O'Sullivan: The State Claims Agency has a duty in terms of the public purse, as does the Minister. The Minister also has a broader duty than the State Claims Agency in terms of dealing with the humanity of the issue, with the human person in this predicament. Does the Minister accept that she has a broader role than the State Claims Agency? I urge her to ensure that it is made clear to the agency that Louise O'Keeffe needs assurance that she will not have costs charged against her or taken from her.

Ms Hanafin: I reiterate that the Taoiseach made it clear in the House, the State Claims Agency made it clear and I am making it clear that we want the case dealt with sympathetically. At this stage, the best thing possible for Ms O'Keeffe is that it not be dragged out further. I welcome the fact that both meetings will take place this week. I would like to see a quick con-

clusion to the matter and I will put that view across to those involved.

Adult Education.

35. **Mr. Crowe** asked the Minister for Education and Science if she is satisfied that the fundamental elements of the White Paper on adult education, *Learning for Life*, published in 2000, have been realised. [13779/06]

Minister of State at the Department of Education and Science (Miss de Valera): The White Paper on adult education, *Learning for Life*, published in July 2000, addressed second chance and further education, community education, workplace education, higher education, support services, co-operation with the North and structures.

Provision in second chance and further education continues to expand in size and flexibility and one of its key priorities is adult literacy. Expenditure on adult literacy increased from €1 million in 1997, to €10.6 million in 2000 and in 2006 to more than €23 million. Literacy students have increased from 17,000 in 2000, to approximately 34,000 in 2006. The National Development Plan 2000-2006 anticipated that 110,000 people would participate in the adult literacy programme. This target has been exceeded.

The back to education initiative introduced in 2002 provides learners with a part-time option aimed at providing flexible learning opportunities for adults and has 7,000 part-time places. Annual expenditure on this is of the order of €16 million.

Such full time programmes as Youthreach, the vocational training opportunities scheme, post-leaving certificate courses and senior Traveller training catered for the needs of approximately 40,000 learners in 2005.

Expenditure on community education has increased from €1.3 million in 2000 to €9 million in 2006. In addition, 10% of the back to education initiative budget is allocated to the community education strand and 36 community education facilitators employed by VECs support a wide range of community groups.

In higher education the non-adjacent or higher rate of maintenance grant is payable in the case of all mature students who qualify either as a dependant or as an independent mature student.

The provision of guidance services has increased from €700,000 in 2000 to €5 million in 2006. The 35 adult education guidance initiatives provide information, advice and guidance to learners or potential learners who wish to become involved in adult literacy, VTOS and community education.

In 2003, the National Qualifications Authority of Ireland launched the national framework of qualifications with its ten-level grid of level indicators. This framework enables learners to access, transfer and progress along the full education spectrum.

Additional information not given on the floor of the House.

The Further Education and Training Awards Council, FETAC, and Higher Education and Training Awards Council, HETAC, make awards to learners on a large range of programmes offered by many different providers. To ensure confidence in the awards a quality assurance system has been established.

There is continuing co-operation between officials North and South on aspects of common interest, for example adult literacy.

The White Paper provided for the establishment of a national adult learning council which was established as an *ad hoc* council in 2002. However, concerns emerged that the functions envisaged for the council were too wide-ranging and were not sufficiently focused. A review of the council has been undertaken and its findings are under consideration within the Department.

Much progress has been made in addressing the programme set out in the White Paper and the Government is committed to building further on this progress.

Mr. Crowe: I thank the Minister for her lengthy reply. I accept there has been more investment in this area, but we are coming from a low base. Six years after the publication of the White Paper, we still await progress on some fundamental issues. The national adult learning council, NALC, was set up following a recommendation of the White Paper but for some reason was set aside. Does the Minister accept there is need for clear leadership in this sector? Does she propose to recall NALC? Many of its board members were not even interviewed prior to its disbandment.

With regard to the literacy programme, yesterday the deaf community launched a week of events on the Irish sign language. Literacy arose as an issue at the launch of one of yesterday's events, Signing on and Signing out, the report of which pointed out that in terms of the deaf community as a whole the majority of deaf adults have only the same literacy skills as an eight year old. Unfortunately, this is the base we come from. It was also pointed out that people do not make progress in terms of the leaving and junior certificate. These are difficulties for this sector of the community.

The OECD report indicated that 500,000 Irish adults score on the lowest literacy level. Does the Minister accept that we need a new literacy survey to get an accurate picture of the number of adults with literacy problems and of how effectively they are being dealt with?

Miss de Valera: I agree with the Deputy. The OECD survey carried out in 1997 was frightening in that it showed that 500,000 people here have only a basic level of literacy or less. That is the reason literacy was made a top priority not alone in the White Paper but also in Government and why we have seen the significant increase in

[Miss de Valera.]

moneys to deal with literacy levels, from €1 million in 1997 to €23 million this year.

The Deputy is right in saying that some marginalised groups need extra attention. I am well aware that groups such as non-nationals need particular assistance in this area because English is not their mother tongue. Specific emphasis has also been given to the question of literacy for the deaf community. I am well aware of the need to progress that agenda further.

It is also important to realise that there has been a tremendous take-up of the literacy programmes. People often feel inadequate because of their lack of literacy skills and we must give them the confidence to come forward and access the programmes that are available. The television and radio programmes have been the most effective in helping people with literacy problems. That is why we have had four RTE Read Write Now series, which have been particularly successful. The National Adult Literacy Agency, the Irish Vocational Education Association, the Broadcasting Commission of Ireland and RTE are working together to develop a multimedia approach to the literacy campaign, which will help everyone. Details on that will be announced shortly.

It is important to examine the question of workplace literacy. At the moment, more women than men take up literacy programmes. Perhaps one way of getting in touch with men who need assistance with regard to literacy is through the workplace. In that context, I am glad to say there is tremendous co-operation between the Department of Enterprise, Trade and Employment and my Department. I arranged for the National Adult Literacy Agency to meet officials from the Department of Enterprise Trade and Employment and on foot of that, we secured an extra €3 million of that Department's budget to deal with literacy in the workplace. A great deal has yet to be done but the work has begun. There is a literacy programme available to county council workers who work outdoors and some hospitals and trade unions have also begun literacy programmes.

There is still a great deal to do, however. The White Paper recognises that this is a problem as does the Government. That is why we have poured money into this approach to ensure that programmes are available and support is given to staff and tutors.

Educational Disadvantage.

36. **Ms Enright** asked the Minister for Education and Science the manner in which endemic educational disadvantage is being challenged by her Department; and if she will make a statement on the matter. [13753/06]

Ms Hanafin: A key focus of the Government's education policy is to prioritise investment in fav-

our of those most at risk and to optimise access, participation and outcomes at every level of the system for disadvantaged groups.

Almost €650 million is being provided in 2006 for a wide variety of measures to tackle educational disadvantage at all levels and for all ages, from pre-school through the formal school system, in the youth work sector and in second-chance education. Our interventions are guided by four key principles, those of early intervention, effective targeting, partnership and second-chance opportunities.

The new action plan for educational inclusion, the DEIS programme, which was launched last May, includes a commitment to pre-school education for children who will be attending the most disadvantaged primary schools. The programme also has a major focus on tackling literacy and numeracy problems as early as possible before they become ingrained. It is vital to intervene at an early point to stop children falling behind, and we are doing this.

Over the past 15 years, a number of different schemes to tackle educational disadvantage have been put in place by different Ministers. Approximately eight separate initiatives were introduced for primary schools, addressing a number of different aspects of educational disadvantage. These included schemes providing additional teaching posts and reduced class sizes, a scheme for improving home-school links, a scheme for encouraging better school completion rates and a pilot reading recovery programme. Some schools were participating in just one or two schemes, while others were participating in more.

I am determined to ensure that the most disadvantaged schools in the country benefit from every support available. Therefore, the schools that have been identified, through a process managed by the Educational Research Centre, for inclusion in the DEIS programme will get a comprehensive package of supports in line with their level of disadvantage.

Other schools that are benefiting from previous schemes will hold the extra supports that they are receiving for the 2006-07 school year and will be kept under review thereafter to ensure efficiency. The key is to ensure that schools get a level of support that is in line with the proportion of their student body from disadvantaged backgrounds and that extra investment is targeted at those who need it most. It is also vital to ensure that increased resources lead to better outcomes for children. To that end, the DEIS initiative includes a strong focus on planning and monitoring the success of the various supports.

Of course, the family has an enormous influence on whether any initiative is successful in enabling young people to make the most of the opportunities available to them. Schools have far more success with all children, but particularly with those from disadvantaged areas, when parents are supportive of, and involved in, their child's education. In this context, programmes

such as the home-school-community liaison scheme and family literacy projects are of immense value and that is why these will be a major part of the DEIS programme.

Additional information not given on the floor of the House.

Partnership between my Department and other Departments and agencies is extremely important and will also be a key feature of DEIS.

No matter how successful initiatives aimed at improving the outcomes for children from disadvantaged areas in our formal school system are, there will always be a need to provide second-chance opportunities. These are needed for those who did not get the benefit of a full education in the past and could benefit from adult literacy, workplace training and other education programmes for adults and for young people who might opt out of education altogether if it were not for initiatives such as Youthreach or FÁS apprenticeships. Hence, the Government focus on these sectors in recent years.

The Government has a multi-faceted strategy in place to tackle socio-economic disadvantage at every level of our education system. As well as education initiatives to tackle socio-economic disadvantage, special programmes are also in place to enable groups such as Travellers, people with special educational needs and those whose first language is not English to derive maximum benefit from our education system.

Ms Enright: I agree with the Minister that excellent work is being done through the home-school-community liaison scheme. The Minister referred to increased resources and judging outcomes, as well as the eight separate initiatives currently in place. In the review carried out by the Department of Education and Science, what evaluations were made of each of those initiatives? It is easy to see the outcome derived from providing an extra teacher but the evaluation of some of the other schemes might not be so easy. Obviously, we want to ensure we are putting the best possible initiatives in place in schools.

Under the new action plan, will further early start programmes be set up in the pre-school sector and will any of them be attached to the primary schools now included in the plan, particularly in the most disadvantaged areas? The Minister mentioned the youth work sector. Has she or the Minister of State, Deputy de Valera, considered putting Youthreach on a permanent footing? It is still a pilot programme, which is causing difficulties in terms of attracting new teachers and retaining current ones.

Ms Hanafin: The various measures introduced over the years have been evaluated separately. We all know of the success of the home-school-community liaison scheme. The reading recovery programme, which is operating in only a limited number of schools at the moment, is working

really well. That is why we aim to extend that under the new action plan. Indeed, the same is true of the mathematics programme. The school libraries that were introduced under previous initiatives and which will be extended under the DEIS programme, have been enormously successful. I visited the library in Larkin College, for example, which has opened up new opportunities for the students because of the interaction between them and the librarian.

The elements we have included as key to the current DEIS programme are there because we know they work. That also includes the family literacy schemes. Class size is obviously an issue which we are targeting. However, previous literacy reports have indicated that in areas where class sizes were reduced, literacy had not improved for children because of other family issues. That is why our report stresses that we are supporting the wider context, as well as what is happening within the classroom.

At the moment we are spending approximately €11 million on pre-school programmes, including the early start programme. Such pre-school programmes are aimed at areas of social disadvantage, some are available to Travellers, while others are provided for children with special needs. We recognise that early intervention is crucial in tackling educational disadvantage. I envisage extending the early start programme and will target the top 150. However, I do not want to duplicate the services of an already existing, top class child care service but to ensure there is an educational input to such a service. In that way, we are not just duplicating the care but providing education. My colleague, the Minister of State with responsibility for children, Deputy Brian Lenihan, will examine this issue but I envisage more early start programmes.

Approximately 3,000 people are attending Youthreach, which works well. I accept what the Deputy has said with regard to it being a pilot project. That also came up in the context of School Matters, the report on behaviour in schools. It is fulfilling a very useful role, as are a number of other bodies, both voluntary and State sponsored, which are on an *ad hoc* basis or are being supported and funded on a year-to-year basis. To ensure we have proper out-of-school provision, it is my intention to immediately conduct an audit of all available services to ascertain how they can be properly supported within an appropriate structure.

Ms Enright: The Minister referred to the early start initiative and to the Minister of State, Deputy Brian Lenihan. What communication is taking place between the Minister for Education and Science — perhaps the Minister of State is the appropriate person — and the Minister for Justice, Equality and Law Reform with regard to the new child care facilities being built around the country? The emphasis seems to be on child care. Is there an input from the Department of Edu-

[Ms Enright.]

cation and Science into the pre-school element of those facilities?

Ms Hanafin: The Deputy answered the question. It is the Minister of State at the Department of Education and Science with special responsibility for children, Deputy Brian Lenihan, who will be co-ordinating with us on child care and education provision. He is ideally suited to it as he is also attached to the Departments of Justice, Equality and Law Reform and Health and Children. With his own support structure in the newly enhanced Office of the Minister for Children, he will be the best person to co-ordinate that. It will be a direct role with the Department of Education and Science.

Schools Recognition.

37. **Ms O'Sullivan** asked the Minister for Education and Science when her Department will make a decision on the application of County Clare Vocational Educational Committee to become the patron of two primary schools in the county; her views on this new departure; and if she will make a statement on the matter. [13578/06]

Ms Hanafin: There is an established procedure under which any potential sponsors of a new school or a group seeking recognition under the Education Act for a school that is already operating can apply for recognition of the school concerned. If a school is granted recognition the person or body that requested recognition becomes the patron of the school as defined in the Education Act 1998. This means the recognition of the patron is an element of the recognition of the particular school and is not a stand-alone process.

Applications for recognition of two primary schools were received in January 2006 from County Clare Vocational Education Committee. In response the VEC was advised the applications did not comply with the established and published application procedure because it had not made an initial notification of intention to apply for recognition by 20 September 2005, the first key step under the procedures. My role in the procedure is to consider the report made to me by the new school advisory committee at the end of the process on all valid applications considered by it. It is, therefore, appropriate that I do not comment on any potential applications.

VECs have traditionally acted as patron in respect of post-primary school provision either on a stand-alone basis or as a partner in the State-initiated community and comprehensive sector. Any involvement in the primary sector would be a new departure.

I have not ruled out that there may be circumstances where the VEC system will have a role to play in primary education provision. I am con-

scious of the challenges that lie ahead in primary school provision, given the changing demographics and increasing cultural diversity in society.

Ms O'Sullivan: Will the Minister clarify that there is no problem in principle with a VEC becoming patron of a primary school? The two schools in County Clare in question wanted the patronage represented by the ethos of the VECs. I am sure the Minister of State, Deputy de Valera, is interested in this matter. Is the Minister open to new types of patronage for primary schools?

Deputy Burton's Dublin West constituency has a problem where more than 200 children will not have school places at junior infant level in September. Nobody appears to want to establish a school for these children. Does the Minister believe she has a role under the constitutional right to education and section 7 of the Education Act 1998 to ensure school places for those 200 children in question and others in similar situations?

Ms Hanafin: I am conscious of the increase in the population size and its cultural diversity. We need to have an approach that is adaptable to ensure primary school provision. Although the figure of 200 in the west Dublin area is overstated, I accept there is an issue in the area. The Minister of State, Deputy Brian Lenihan, is working on a resolution.

Whereas, we have a situation of having historical education providers, in recent years new providers have come forward such as Educate Together, Gaelscoileanna and the two Muslim schools. I will always aim to ensure school provision, the accommodation of difference and diversity and tolerance across the system. I am open to new methods of achieving this, not only in providing numbers but also patronage with proper structures and boards of management to ensure quality.

Ms O'Sullivan: Does the Minister have a problem with the principle of VECs becoming patrons of primary schools?

Ms Hanafin: Under the Education Act 1998, VECs are not precluded from doing so. Legally there is no difficulty and there is no problem with the principle.

Ms O'Sullivan: Will the Minister give an assurance that there will be school places for the 200 children in the west Dublin area in September?

Ms Hanafin: We are actively seeking a resolution to this problem. It is not a case of bad planning. Many apartments were built in the area in which, unusually, families of school-going children live. Normally, one would have anticipated that younger couples or individuals would live in

them. For various reasons, such as immigration, these apartments were populated by whole families with children who need school places.

Other Questions.

Stay Safe Programme.

38. **Mr. M. Higgins** asked the Minister for Education and Science her views on making the Stay Safe programme mandatory in schools in view of the strong support for this, including from the Catholic Bishops' Commission for Education; and if she will make a statement on the matter. [13500/06]

62. **Mr. Bruton** asked the Minister for Education and Science the number of schools here offering the Stay Safe programme; and if she will make a statement on the matter. [13339/06]

Ms Hanafin: I propose to take Questions Nos. 38 and 62 together.

The issue of child protection and ensuring all children in every primary school are aware of child protection issues is a high priority area for the Department of Education and Science. The Stay Safe programme is a personal safety programme for children. It is designed to give children the knowledge and necessary skills to help them deal with potentially abusive or threatening situations.

It is also recognised that the programme must cover those individuals closely involved with children on a daily basis, namely their parents, guardians and teachers. To this end, Stay Safe involves professional in-service courses for teachers and seminars on parent awareness at individual school level. This is in addition to the teaching of a personal safety skills programme to pupils.

The training of teachers, parents and boards of management in the Stay Safe programme and the development of guidelines and procedures for a school policy on child protection is provided by a network of 31 regionally-based teachers available to the programme on a part-time basis. The support supplements the assistance provided by the Department of Health and Children which maintains an administrative office for the programme.

An initial one-day in-service training seminar on the Stay Safe programme has been provided for all primary schools. Since the programme was introduced, 99.7% of primary schools have participated in the training. The Department does not have an accurate survey of each school implementing the Stay Safe programme. However, to ensure the most accurate up-to-date information about the implementation of the programme, a survey will shortly be sent to all primary schools. I will provide the results to the Deputies in due course.

It should be noted, however, that while the Stay Safe programme is not mandatory, the teaching of a personal safety programme to ensure child protection is now an integral element of the curricular subject of social, personal and health education, SPHE. This is one of the 11 subject areas of the revised primary curriculum, mandatory for all primary schools.

The introduction of SPHE as a subject on the revised primary school curriculum, combined with the implementation of the national child protection guidelines, Children First, gave an additional impetus to the Stay Safe programme. The combined impact of these developments has ensured child protection issues remain central to teaching and learning in our schools. It also ensures a high level of awareness and the necessary skills to address child protection issues is maintained in all schools.

Once the results of the Stay Safe programme's survey have been received and processed, the position on the implementation of the programme will be clearer and the question of whether it should become mandatory can then be addressed.

Ms O'Sullivan: As the SPHE is mandatory, will the Minister also consider making the Stay Safe programme mandatory? The Joint Committee on Education and Science had hearings on the issue. All the education partners, including patron and parent bodies, are in favour of ensuring all children are protected. Does the Minister not have a responsibility to ensure all children are fully protected? The Stay Safe programme is the best way to achieve this.

Ms Hanafin: The Stay Safe programme is one method of achieving that. Vetting of staff, proper procedures and policies in schools also add to child protection. There is an obligation on everyone involved in the education system to ensure that is the case. The reason I am waiting for the survey to be completed is that parents have the right for their children to opt out of the programme.

Ms O'Sullivan: That is the right of individual parents; they cannot make a whole class opt out.

Ms Hanafin: I agree. I want every child to have access to the programme. Having considered the programme for each of the different age groups, I cannot understand why parents would not want their child to be involved with the programme. I also cannot understand why teachers would not want to teach it. It is a well-focussed and targeted programme for children about themselves, their feelings and protecting themselves. It is very age specific and appropriate. All the major bodies have now said they want it to be implemented. Obviously, however, there are some schools or areas around the country where some groups — I think it is largely parents — are not happy with

[Ms Hanafin.]

it. I would like to see a situation where everybody would feel comfortable enough with the programme so that where it is introduced in a school every child would benefit from it. I will have a clear view of that as soon as I get the survey. If I can determine what the problems are, I will address them to ensure the programme is rolled out properly. If not, then I am open to making it mandatory.

Ms Enright: As both the Minister and Deputy O'Sullivan have said, child protection is the most important thing. The Stay Safe programme is only one way of achieving such protection but it is a vital part. The Minister also referred to staff vetting procedures as another method but we still do not have such vetting. It will be some time before it is made retrospective but new staff will be vetted from September. We must deal, however, with staff who are already in the education system, including volunteers, by introducing proper procedures and policies. We are starting the vetting system now but surely making the Stay Safe programme mandatory is a step that needs to be taken without delay. The Minister said she was open to the idea of making the programme mandatory but, prior to the survey, did she receive any responses from those schools as to the reasons why they are not implementing it? The Minister said it was mostly parents who were unhappy with the programme and that is the response I have received also. It is not acceptable, however, for one or two parents or a group of parents in any particular area to stop all the children in that area from getting a programme that is necessary.

Does the Minister have any idea of the time-scale for completion of the programme, with what I hope is a view to making it mandatory?

Ms Hanafin: The child protection guidelines are issued to all schools, and all boards of management are obliged to implement them. We have introduced training for school boards of management and teachers, so all the parties involved in schools are well aware of their duties and obligations in this regard. From information previously received, it would appear that there are some geographical areas where groups of parents have gone against the Stay Safe programme. Perhaps those parents have moved on and their children may now be in secondary school. I want to identify the issues involved and whether there is a major issue that needs to be addressed in the programme. I do not believe there is but people may be identifying one. The absence of real information is such that it makes the matter difficult for us to deal with.

We had a figure based on some sort of quantitative survey to which there was less than a 50% response. On that basis, it is hard to work out how many schools are implementing the programme. The CPS reckons that approximately

95% of schools are running the programme. It is intended that the survey will be carried out quickly and that responses will come back through the education centres so they can be followed up locally to obtain real information. Unless there is a very good reason why the programme should not be implemented in full, as soon as I receive the survey results I will be quite prepared to make the programme mandatory. Due to the nature of the programme and because there is an opt out clause, I would like to see a situation where it is offered in schools and where every child has the protection and benefit of that programme with the support of their parents and teachers.

Mr. Gogarty: I have a question concerning the survey findings. The Minister said there was a response rate of approximately 50% to the forms.

Ms Hanafin: That was the last survey.

Mr. Gogarty: In this particular survey, therefore, are people being contacted locally? I welcome the Minister's comments on the mandatory nature of the Stay Safe programme. Given that concerns were expressed in the past, when the results of the survey come back, will there be any possibility of modifying the programme should there still be opposition to it? Could it be modified in such a way as to get 95% support for it?

Ms Hanafin: If a particular issue concerning the programme needs to be addressed then well and good. To be honest, however, having examined the programme, I cannot see one. At the time it was introduced, scare-mongering comments were made by individuals, which worried parents to such an extent they felt they should pull out of it, without having realised what the programme was about to do. In recent years, everybody has become more enlightened about child protection. Perhaps these are unnecessary but deep-seated views, which started a number of years ago but might still exist. For one reason or another they have not been addressed but I wish to address them. I want every child to benefit from the Stay Safe programme and I wish to reassure people that there is nothing to be worried about.

Since it is a full-scale survey, as opposed to a sample one, it is my intention that the results will come back to us so they can be followed up locally.

Mr. F. McGrath: I agree with the Minister that the Stay Safe programme is excellent. Parents, teachers and the back-up team directly involved in it must be leading on the issue. I urge the Minister to maintain regular contact with parents' groups. If a minority of people have not been brought on board they should be because the bottom line is that the programme is sensible, safe and in the interests of child safety.

One issue that has not been touched on in today's debate is the safety of teachers when dealing with sensitive cases involving dysfunctional and often violent families. Does the Minister understand the serious risks some teachers face when dealing with child abuse cases? Threats have been made against teachers in such cases. Does the Minister have any practical proposals to make to boards of management and unions to protect teachers in their classrooms? A violent or dysfunctional parent may turn up at a school at 9.30 a.m. when a teacher is directly involved in assisting the social services. I had direct experience of such situations in my previous teaching career as violent, dysfunctional parents turned up when a child abuse case was being dealt with. Teachers were threatened and there were serious implications for them.

Does the Minister have any research details, statistics or other information on the amount of children who have been helped and saved since the introduction of the Stay Safe programme and SPHE, including the excellent work that is done in this respect with teachers and parents?

In dealing with parents' groups, I urge the Minister to use her clout and leadership to get a minority of parents on board who still have reservations about the Stay Safe programme. Even in the last year or two, the number of such parents has fallen dramatically. I would say it is approximately 1% at this stage.

An Leas-Cheann Comhairle: The Deputy ran over time on that question.

Mr. F. McGrath: I am sorry, a Leas-Cheann Comhairle.

Mr. Crowe: To get back to the timescale, is the Minister talking about three, six, nine or 12 months? Does she have a timescale in mind? I accept there is confusion and ignorance about the Stay Safe programme. However, I thought it was a positive step by the representatives of the bishops' commission who attended the Committee on Education and Science and supported the programme. As Deputy Finian McGrath said, there is a need for leadership on this matter. No one wants to compulsorily force parents to accept the programme but leadership is required in this respect. I think everyone accepts that this is the proper way forward for children.

Where do children go whose parents wish them to opt out of participation in the programme? Is the Department working on schemes to look after children at school who will not participate?

Ms Hanafin: As regards the points raised by Deputy Finian McGrath and Deputy Crowe, parents are central to this matter. The programme recognises that parents are the most important people in a child's life. It also recognises that a child who is upset is most likely to turn to its parents in the first instance. That is

why, before the programme is even introduced into a school, there are parents' meetings, including an introductory meeting explaining the whole programme. Even after that, parents have the right not to allow their children to participate in it. In the past, I suspect that because a large body of parents within a particular area or school were against the programme, rather than implementing the programme for a few children and not knowing what to do with the others, the school did not introduce the programme at all.

I am satisfied that when we get the final survey results we will find the programme is being introduced in the vast majority of cases. I accept what Deputy Crowe said — it is a welcome step that the bishops' commission has stated it would like to see the programme being implemented. Hopefully that will allay some of the fears people have about the programme. While such fears are genuinely unfounded, we must respect the rights of parents concerning a programme like this.

As Deputy Finian McGrath is aware, we never know how many children are saved or protected from situations by the Stay Safe programme. We only ever hear of the terrible stories of children who did not know how to protect themselves or where structures were not in place to protect them. I hope that as time goes on we will hear of fewer cases of children who are severely abused because they will know how to protect themselves and proper procedures will be in place. Equally, it is vitally important that every school has policies and procedures in place to protect their teachers as well as their children. That is a crucial issue for boards of management, who are responsible for recruiting, selecting and managing their schools on a day to day basis. They must ensure the principal and teachers in their schools are protected.

Pupil-Teacher Ratio.

39. **Mr. Sargent** asked the Minister for Education and Science the number of new teaching posts which will be created in 2006. [13450/06]

Ms Hanafin: It is anticipated that at least 500 additional teaching posts will be created in the coming school year, 2006-07. These extra posts will be as a result of both Government announcements of extra staff to reduce class size and to tackle disadvantage, and of our commitment to provide extra teachers as needed to support children with special needs and those for whom English is not their first language.

The Deputy will be aware that primary schools are staffed on the basis of a general rule that there is at least one classroom teacher for every 29 pupils in the school. Of course, schools with only one or two teachers have much lower staffing ratios than that, with two teachers for just 12 pupils in some cases. At the time of the 2006 Estimates, I announced that for the coming school year this will be reduced to 28 children per

[Ms Hanafin.]

classroom teacher and that for the 2007-08 school year it will be reduced to 27 children per classroom teacher.

The new and improved staffing schedule for the next school year issued to schools recently. The application of the new schedule, together with increases in enrolments at primary level, is expected to result in approximately 240 additional teaching posts for the coming school year. In addition, the terms of the current staffing arrangements for primary schools provide for extra posts, referred to as developing school posts, to be assigned to schools on the basis of projected enrolments for the following school year. These have also been allocated more generously this year. It is not possible to state with certainty the number of such posts which will be allocated for the coming school year. However, I estimate it will be approximately 150 posts.

Two other areas driven by need are teaching support for children with special needs and language support for students whose first language is not English at both primary and post-primary levels. The number of teachers in our schools working specifically with children with special needs has grown substantially in recent years. Approximately 5,000 teachers in our primary schools now work directly with children with special needs, including those requiring learning support, compared to 1,500 in 1998. The number of language support teachers at primary and post-primary level increased substantially to the tune of more than 100 extra posts annually in recent years. In the areas of support for children with special needs and those whose first language is not English it is difficult to estimate exactly how many extra teachers will be needed in the next school year.

Regarding support for children from disadvantaged areas, the Deputy is aware that last year I launched a new action plan for tackling disadvantage, DEIS, one aspect of which will be more staffing for the most disadvantaged schools. The plan provides for an extra 300 posts across the education system over the course of a five year period. Some of these are teaching posts and others are support staff. I expect that approximately 150 extra teaching posts will have been created in primary and post-primary schools by the end of the next school year under the DEIS plan. Taken together, next year will yet again see a considerable increase of approximately 500 extra teachers in the level of staffing in our schools.

Mr. Gogarty: Notwithstanding the huge developments that have taken place in additional teaching staff in our schools, will the Minister acknowledge it is still too little and too late? I spoke to the Minister exactly a year ago this month on the programme for Government commitment to reduce class sizes for pupils under nine years of age to less than 20. That will not be

implemented during the lifetime of this Government. I am sure the Minister acknowledges that.

Will the Minister concede that the OECD report on attracting, developing and retaining effective teachers called for an additional 1,600 primary teachers? How many of that 1,600 are included in the figure of 500 the Minister gave today? If we consider issues such as problems with school discipline, the report of the taskforce on student behaviour recommended that the five year old McGuinness report on the allocation of teachers in second-level schools be implemented. The second recommendation of that report is for an additional 1,200 teachers at second-level. Those figures amount to a total of 2,800 additional teachers. What proportion of the figure in terms of extra teachers this year, last year and the previous year comes from that 2,800? How much more must the Minister do and will she get it done within the remaining year of the Government's term?

Ms Hanafin: The system would not have the capacity to introduce more than 500 teachers next year. That is generally accepted by the education partners. Those 500 teachers will be placed across all of the Government's priorities, namely, disadvantage, special needs and the reduction of class size.

During the past number of years, 4,000 extra teachers entered the system through enrolments, population and, particularly, in the reduction of class sizes and special needs. I and my predecessors identified special needs and disadvantage as the major priorities for this Government. That is why we targeted it in the way we did and through measures such as the general allocation on special needs, which allowed for 660 extra teachers last year alone, ensured we had more teachers in classrooms and schools.

Regarding second-level, the Deputy referred to the taskforce on behaviour. It is clear one could have no behavioural problem in a class of 30 and have a serious behavioural problem in a class of ten. The number of students in a class does not reflect discipline, control, respect or the relationship between the teacher and the students. Extra posts have been created at second-level, particularly in special needs and guidance, which I targeted at junior levels and those making the transition from primary to second-level.

The teacher allocation at second-level is extremely generous and the pupil-teacher ratio has reduced in ten years to 13.4. There is a teacher for approximately every 13 second-level students. The reason it is that low is because it must cater for the wide curriculum. An Irish class might have 25 students but a Spanish class might only have five. In ensuring different levels, such as foundation, pass and higher level, and a broad curriculum are on offer, class sizes are different at second-level. However, the pupil-teacher ratio of 13.4 is extremely generous.

Ms Enright: In her response, the Minister mentioned having sufficient capacity for an extra 500 teachers. By capacity does the Minister mean space in which those teachers can operate?

Mr. Gogarty: Training places.

Ms Enright: Perhaps I am incorrect on that. What co-ordination is done between the section of her Department which deals with posts and that which deals with school buildings to ensure these teachers have classrooms?

The Minister will recall that in February we discussed non-national children in schools. Once a school has 28 such children they receive two teaching posts. However, even if more than 100 or 200 non-national children attend the school an extra post is not allocated unless at the Minister's discretion. Has any progress been made in dealing with that issue, which relates to teacher numbers?

Ms Hanafin: I was not discussing buildings, I was discussing the availability of teachers. Retirements, secondments and extra needs in the classrooms mean the issue is the availability of the number of teachers. An allocation of 500 extra teachers in one school year is extremely generous and will make a great difference to our schools. It is due to the reduction in class size and special needs, and is a more generous allocation because of the development of schools.

Regarding international children, a new issue which arose during the past few years is that 800 teachers in primary and secondary schools, with a breakdown of 600 to 200, do nothing else except teach English as a foreign language. That could not have been anticipated five years ago. I accept certain schools have a particular concentration of such children who make up a high percentage of the entire school population. Department officials have visited a number of these schools. We had meetings with the education partners and are in the process of working out a policy. The allocation of two, or even three, teachers is not sufficient in some schools.

The allocation of language support for two years is not sufficient for all children. We recognise wider cultural issues exist and that the idea of having supports for their families is equally important. These children receive language lessons in school and go home where English is not spoken, which does not help them to progress. I am actively working on this issue. That all adds to the number of teachers we need. It might have been much easier to assign these teachers to the under-nines if I had not had to deal with the special needs children, for whom 5,000 teachers provide learning support. I also target disadvantaged students, and assigned 800 teachers to deal specifically with language.

It is not possible to deal with everything at the same time and we must decide on the priorities. Special needs and disadvantage are the top priori-

ties on which we will continue to focus. At the same time we have made real progress on reduction of the class size in this year's schedule and next year's schedule.

Ms O'Sullivan: I congratulate the Minister on being named *Magill* Politician of the Year last night. She must be somewhat smarter than her colleagues. Were they fooling the people when they said in the agreed programme for Government that they would bring the class sizes down to European norms and the under-nines would be in classes with a ratio lower than 20:1? As soon as the Minister took office she said she could not do this and she has just told us that the capacity is for only 500 teachers in the year. The Minister is obviously the brightest and the best but what about her colleagues and their promise?

Mr. Gogarty: Is the Cabinet holding the Minister back?

Mr. F. McGrath: I too congratulate the Minister on the major award she received last night. I was nominated for heckler of the year but did not perform very well. However, I slept well last night.

We all welcome the 500 extra teachers into the system because they are urgently needed. How many will leave the system at the same time as those 500 are being introduced?

Will the order of the Minister's priorities this year again be disadvantage, disability and class size? Does the Minister know what percentage of the new graduate teachers coming into the classrooms next year will be male? It is important to retain the balance in Irish education and have male role models for the pupils.

Many schools, teachers and parents at clinics and advice centres complain that there is a major crisis for children with disabilities in second level education because the resources do not follow them into that level.

Does the Minister have any plans or constructive proposals on how to stop the drift from some schools which are losing many of their bright pupils? Some schools have become "ghettoised" as the most disadvantaged and poor children seem to end up in one school. We have lost the positive mix we had 20 or 30 years ago. It is dangerous for the future of society to have some elitist schools while others are "ghettoised".

Mr. Gogarty: I nominate Deputy Finian McGrath for the brevity award.

Ms Hanafin: I thank Deputy O'Sullivan for her kind comments on my prestigious award.

Ms O'Sullivan: I intended them sincerely.

Ms Hanafin: Any award winner is only as good as those marking her. We are enjoying a shared, reflected glory in the Chamber today.

[Ms Hanafin.]

If we did not make a priority of special needs and disadvantage we would have much smaller class sizes at junior level. Is anybody in this Chamber or elsewhere going to tell me that special needs and disadvantage should not be a major priority?

Mr. Gogarty: They need additional funding.

Ms Hanafin: I know the thoughts of each person here on that issue. I invested in those two areas first because they are top priorities for me and the Government. I have made a commitment this year and for next year on class size and look forward, when I am re-elected, *le cúnamh Dé*, to being able to do even more about this problem. I am nothing if not up front and honest about it. Schools will recognise exactly what the priorities are and why.

A new priority emerged with international students because it is not possible to have thousands of pupils in our schools who do not speak English. We had to assign teachers to them as well. The 500 teachers are extra, there will be others over and above that number to replace those who will retire etc.

It is a serious problem for the profession that sufficient men are not attracted to teaching because children need role models of both genders. It would be a negative development for the teaching profession and schools to be completely feminised. All male teachers in medicine or engineering would not be acceptable. That is why we are actively running the men as teachers and educators, MATE, campaign to attract men into teaching. It appears that although there is a drop in the numbers applying for teacher training this year there is an increase in the number of men applying.

I hope we can all take a positive approach to teaching and that career guidance teachers and parents will recommend it as a profession. At present parents and career guidance counsellors tell the good female students that teaching would be a lovely job for them but suggest that the good male students do something else. Teaching is not portrayed as having the same status for men as for women. As a society we must deal with that problem.

In response to Deputy Finian McGrath's question about people moving between areas to change school, some schools cherry-pick their students on the basis of special needs and background. They do this within the confines of their own enrolment policies by saying, particularly to the special needs pupils, that the school down the road can deal better with them. This is a sly, underhand way of dealing with the inclusive school society we should have. I have addressed this at each of the conferences I have attended and will do so again at the conferences held over the Easter holidays.

State Examinations.

40. **Mr. English** asked the Minister for Education and Science the failure rate in science at junior certificate level; and if she will make a statement on the matter. [13317/06]

Ms Hanafin: Since 1975 each candidate who takes the junior certificate examination, the intermediate certificate prior to 1992, has been awarded a certificate showing the grades obtained in each subject in the range A through to NG, with no reference to failure, pass or honours. In this way no student is labelled a failure but is given due recognition for his or her achievements in each examination taken.

In the 2005 examination the proportion of school-based candidates obtaining grade E or less was 6.9%. The corresponding figure for candidates taking the ordinary level paper was 4.9%. While variations in these figures are to be expected from year to year, the 2005 results are broadly in line with the corresponding figures for previous years.

I am aware of the important role played by the sciences in a modern education system. Significant progress is being made in regard to curricular reform and in-service support for science at primary and post-primary levels. Science was introduced as a key component in the revised primary school curriculum in 1999 and it has been implemented in all schools since September 2003.

A revised junior certificate syllabus was introduced in September 2003, for first examination in 2006. This syllabus, with its hands-on investigative approach and new emphasis on scientific processes, will be particularly instrumental in encouraging more pupils to continue science in senior cycle, especially as the completion of 30 mandatory experiments will be a requirement for all students. Revised syllabi have been implemented for leaving certificate biology, physics and chemistry.

The introduction of curricular change in the sciences has been supported by comprehensive in-career development programmes for teachers. Additional equipment grants have been provided to schools, and laboratories continue to be refurbished as part of the ongoing schools building programme. A total of €16 million was invested in resources and laboratories in 2004 to support the implementation of the revised junior certificate science syllabus.

My Department is fully committed to strengthening the quality of science teaching and learning, promoting increased scientific literacy and encouraging more students to choose science subjects. Progress in these areas is a vitally important part of our national strategy to support competitiveness and employment. My Department's work in supporting and promoting science will continue to be progressed and enhanced, as resources permit, in collaboration and consul-

tation with the Department of Enterprise, Trade and Employment, with Forfás and with industry.

Ms Enright: I share the Minister's view that nobody wants to see people labelled as failures but we must face the reality about the science subjects. The rate has been more or less consistent in recent years but the record is still bad. I am concerned also about the uptake in the subject when students progress to the leaving certificate programme.

The new junior certificate science syllabus is good and will, I hope, make the subject more interesting for students. We will be able to judge the success of the new syllabus following the junior certificate examinations in June 2006. I understand that the mistakes to which I referred are found in the guidebook given to teachers. The Department was informed of these mistakes some time ago but the mistakes have not been rectified, even though students will sit the examinations in June. These mistakes are becoming apparent in the teaching of practicals because they are present in the guidebook used by teachers. I do not know if this serious matter has been brought to the attention of the Minister.

Ms Hanafin: While we are concerned about failure rates in any subject, the failure rates in science are no worse than those found in other subjects, particularly where students might be taking a subject at the wrong level. While the failure rate in higher level junior certificate science is 6.9%, the failure rate in higher level junior certificate history, a popular subject which is taken by virtually everyone, is 6.4%. The failure rate in ordinary level junior certificate science is 4.9%, but the failure rate in business studies is 6.5% and the failure rate in French is 11.7%. Obviously there will be failure rates in different subjects. The failure rate in science is no worse than those of other subjects but I hope that the new syllabus, with its practical element and experiments, will bring about better outcomes.

Ms Enright: The failure rate in leaving certificate science is worse comparatively.

Ms Hanafin: I am concerned about the take-up of science subjects at leaving certificate level. Despite the fact that we have invested quite heavily in resources, such as the summer work scheme, under which a number of schools will upgrade their science laboratories, there is a drop in the take-up of science subjects at leaving certificate from the healthy levels found at junior certificate level. The drop in the take-up of science subjects at third level is even more significant. Our economy urgently needs people to continue with science through to third level and postgraduate level.

There has been a slight improvement in participation rates in science subjects in the leaving certificate in recent years. In 2005, 14.7% of students

studied physics, which represents an increase on the 2002 figure, 13.6% of students studied chemistry, which represents an increase on previous levels, and 46.9% of students studied biology, which represents an increase of over 3.5% on the previous year. We appear, therefore, to have halted the decline in the take-up of science subjects but it is important that we encourage more students to study them.

I have read about difficulties people were experiencing with the science syllabus, which support teams in the Department are trying to resolve.

Ms Enright: Will the problems be addressed before the examinations in June? If there are any mistakes in the practicals, the students can only be judged on what they have been taught as opposed to what they should have been taught. This issue must be addressed before they sit the examinations.

Ms Hanafin: I will ensure that whatever measures need to be taken within the Department to identify problems are taken.

Adjournment Debate Matters.

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Walsh — to discuss the question of the provision of interim accommodation by the Office of Public Works at Clonakilty, County Cork; (2) Deputy Costello — the need for the Minister for Justice, Equality and Law Reform to ensure that all security firms are licensed and that a statutory code governs the delivery of large sums of money; (3) Deputy Ferris — the need to discuss the future of drift salmon fishermen; (4) Deputy Boyle — that the Minister respond to the reported criticisms of residents of an accommodation centre, details supplied, in Cork; (5) Deputy Neville — the inadequate capital funding under equal opportunities child care programme to four groups in County Limerick; (6) Deputy Healy — the need for the Minister to increase significantly Garda manning levels in south Tipperary; (7) Deputy Finian McGrath — a debate on the need for a public inquiry into the Stardust fire tragedy; (8) Deputy Deenihan — the need to provide funding for essential remedial, structural, operational and safety work at Fenit Harbour, County Kerry; (9) Deputy Burton — the situation facing families in Dublin 15 whose children have been refused a primary school place for next September; (10) Deputy Bruton — that the Minister give approval to the establishment of a new school operating the applied behaviour analysis for Dublin's north side; (11) Deputy Cowley — that the Minister explain why a school, details supplied, is to lose the equivalent of two teachers owing to the withdrawal of fund-

[An Leas-Cheann Comhairle.]

ing; and (12) Deputy McGinley — the need to upgrade cancer treatment facilities in the north west, with particular emphasis on radiotherapy treatment.

The matters raised by Deputies McGinley, Walsh, Burton and Bruton have been selected for discussion.

Estimates for Public Services 2006: Message from Select Committee.

An Leas-Cheann Comhairle: The Select Committee on Finance and the Public Service has completed its consideration of Vote 10 for the year ending 31 December 2006.

Private Notice Questions.

Road Safety.

An Leas-Cheann Comhairle: I will call on the Deputies who tabled questions to the Ministers for Transport and Education and Science in the order in which they submitted their questions to my office.

Ms O. Mitchell asked the Minister for Education and Science if she will make a statement on the standards required of privately hired school buses, if she will ensure a full investigation into the cause of Tuesday's accident and if she will publish the details of such investigations, acknowledging the fact that reports into the recent school bus crash in Navan in May 2005 have not been published.

Ms O'Sullivan asked the Minister for Education and Science the latest information regarding the circumstances of a crash yesterday involving a school bus near Clara, County Offaly, in which one boy died and many others were injured; the investigation which will be held into the circumstances of the crash; and if she will make a statement on the matter.

Ms Shortall asked the Minister for Education and Science the investigation which is planned into the circumstances of a crash yesterday involving a school bus near Clara, County Offaly, in which one boy died and many others were injured; if a review of safety standards on school buses is planned in view of this crash; when it will be expected that all school buses will be equipped with seat belts; and if she will make a statement on the matter.

Mr. Eamon Ryan asked the Minister for Education and Science the arrangements which have been put in place to improve passenger safety on school bus services in view of the incident in May 2005 and a further fatal crash yesterday involving a school bus.

Ms O'Sullivan asked the Minister for Transport the latest information regarding the circumstances of a crash yesterday involving a school bus near Clara, County Offaly, in which one boy died and many others were injured; the investigation which will be held into the circumstances of the crash; and if he will make a statement on the matter.

Ms Shortall asked the Minister for Transport the investigation which is planned into the circumstances of a crash yesterday involving a school bus near Clara, County Offaly, in which one boy died and many others were injured; if a review of safety standards on school buses is planned in view of this crash; when it will be expected that all school buses will be equipped with seat belts; and if he will make a statement on the matter.

Mr. Eamon Ryan asked the Minister for Transport the arrangements which have been put in place to improve passenger safety on school bus services in view of the incident in May 2005 and a further fatal crash yesterday involving a school bus.

Ms O. Mitchell asked the Minister for Transport if he will make a statement on the standards required of privately hired school buses; if he will ensure a full investigation into the cause of Tuesday's accident; and if he will publish the details of such investigations, acknowledging the fact that reports into the recent school bus crash in Navan in May 2005 have not been published.

Ms Enright asked the Minister for Transport if he will make a full statement on the tragic bus accident in County Offaly yesterday; the measures which are being taken to investigate the full circumstances surrounding this accident; the actions which are being taken and progress made in improving bus safety for all schoolgoing children; and if safety standards on buses operating outside the school transport scheme but which carry children to school will be enhanced.

Mr. Crowe asked the Minister for Transport if he will make a statement on the actions he plans to take, in view of yesterday's tragic school bus accident, to ensure the improvement of road safety in respect of school buses.

Ms O'Sullivan asked the Minister for Transport to make a full statement on yesterday's bus crash and, specifically, the issue of privately contracted school buses; and to convey our sympathies to the White family and the children who were directly involved in the accident.

Minister for Transport (Mr. Cullen): I propose to take all the questions together.

I extend my sincere sympathy to Michael and Martina White on the tragic death of their only

son, Michael, in yesterday's bus accident. I also offer my sympathy to Ciara on the loss of her brother. Our priority in the immediate aftermath of this tragic accident is to look after and support the bereaved family, the injured and traumatised children and their families. My colleagues, the Minister for Education and Science, Deputy Hanafin, and the Minister for Finance, Deputy Cowen, visited the families to offer their condolences and support. Counselling services have been made available for the families and the school children. Of those injured, I am pleased to say that almost all have been discharged from hospital.

I commend the emergency services for the speedy manner in which they responded to yesterday's accident. The caring and professional manner in which all the services carried out their difficult jobs is greatly appreciated by all of us and I thank them.

The Garda Síochána is investigating fully the circumstances surrounding this tragic event to establish the causes, contributory or otherwise. The primary immediate investigative role in respect of road accidents is vested in the Garda Síochána under the Road Traffic Acts. Priority in such an investigation must be given to the determination of the causes of road accidents, including, where appropriate, road construction or surface standards and, in particular, whether a breach of the road traffic laws contributed to the occurrence. The Garda Síochána is the body empowered to make such a determination and launch criminal proceedings against any person it considers should be accused of the commission of an offence. Any follow-up action arising from these investigations is done through the Office of the Director of Public Prosecutions. The House will, therefore, appreciate that it would be inappropriate of me to comment further on the matter at this stage.

Concerning the Kentstown bus accident last year, investigations have been undertaken by the Health and Safety Authority, Bus Éireann and the Garda Síochána. I do not have the reports from those investigations and am aware that proceedings are currently before the courts. I would not wish to say anything that might prejudice these or other proceedings that may be taken. I hope the House understands my position.

Yesterday's tragic accident less than 12 months after the Kentstown school bus accident understandably puts the issue of bus safety under the spotlight. The Government fully appreciates the concerns of parents and the public about the safety of buses used by children. I would like to outline the arrangements in place to ensure that buses using the roads are safe. An extensive range of requirements must be satisfied to use a bus in a public place, with the vehicle, the driver and the operator each subject to regulation. In the case of the vehicle, it must meet the requirements specified in a series of regulations relating

to the construction, equipment and use of vehicles.

Safety standards applied under these regulations relate to, among others, brakes, steering, tyres, suspension, lighting, doors, emergency exits, access to exits and maximum passenger accommodation. Regulations made last December extended the requirement for speed limiters to be fitted to every bus first registered since October 2001. Single deck buses are subject to maximum speed limits of 80 km/h, with double deck buses subject to a maximum speed limit of 65 km/h. Buses over one year old are subject to annual inspections to determine their road worthiness. I understand that the bus involved in yesterday's accident was the subject of a successful road worthiness test in September 2005.

The issue of school bus safety has been prominent in recent years, particularly so since the Kentstown bus accident last May. Before that accident, the Department of Education and Science had been working on proposals for phasing out the three for two concession on school buses. Following that accident, the Government set up a working group comprising representatives of the Departments of Education and Science, Transport and Finance and Bus Éireann to progress measures to enhance school bus safety.

In July 2005, following recommendations from the working group, the Minister for Education and Science, Deputy Hanafin, and the Minister of State at the Department of Education and Science, Deputy de Valera, announced a package of measures to enhance the safety of school transport operations. The measures included the phasing out of three for two seating on post-primary services by the end of December 2005 and on primary services by the end of December 2006, the acquisition of additional buses by Bus Éireann, the hiring of additional private vehicles to meet the consequential capacity shortfall, the immediate fitting of seat belts on the Bus Éireann school bus fleet and setting a target date of December 2006 for private buses in the scheme to be fitted with approved seat belts.

The decision on the three for two seating concession recognised that, under Directive 2003/20, this concession would no longer be permitted on buses fitted with safety belts after May 2008. As the House knows, the deadline has been brought forward to the end of 2006 for school buses contracted by Bus Éireann. Obviously, Directive 2003/20 also requires safety belts to be used where they are fitted. Therefore, the effect of Directive 2003/20 will be to make the wearing of seat belts on buses, including school buses, mandatory where they are fitted. At this stage, one for one seating is in place on all but 31 of the 2,500 post-primary services. Additional capacity has been created by hiring an extra 225 vehicles from private contractors and the acquisition of additional buses by Bus Éireann.

[Mr. Cullen.]

The regulatory framework governing safety belts is handled at European level and is addressed through requirements targeted at the vehicles and their occupants. The technical standards for the fitment of safety belts in new vehicles are set down in a number of EU-type approval directives. With regard to buses, these standards are currently obligatory for small minibuses only. Following the adoption of a number of directives by the Council of Ministers and the European Parliament last September, the existing technical standards for the fitment of safety belts in motor vehicles will be mandatory for all new buses entering into service from 20 October 2007. The only exception is for buses used on stage-stop urban services, for example, Dublin Bus services. These EU directives do not require the retrofitting of seat belts.

While small minibuses are currently the only buses required by law to have safety belts fitted, larger buses are not precluded from being fitted with safety belts to the EU-type approval standard at manufacturing stage. There is clear evidence of this in the many new buses that have entered the market with safety belts. In recent years, a significant number of large buses entering into service have been fitted with safety belts. Directive 2003/20, to which I referred, relates to the requirement to wear safety belts once they are fitted. It also provides that passengers of buses must be advised that seat belt wearing is compulsory. This can be done by a number of different means — announcement by the driver or conductor, audio-visual means, signs, pictograms etc.

The feasibility of retrofitting safety belts in existing school buses was considered by the working group, which consulted on the matter with national experts in a number of EU countries as well as with the European Commission. In considering a retrofit programme in existing school buses, it was the view that any retrofit specification would need to be as consistent as practicable with the EU standards for new vehicles. In general terms, these standards provide for the fitment of three-point belts in exposed seats and either three-point or lap belts in other seats. On the basis of observed international practice and the EU standards referred to above, the working group was of the view that lap belts, with associated safety measures, were the most appropriate for installation in a retrofit situation in school buses. The associated safety measures include, for example, the use of energy absorbing material on the backs and tops of seats. The view of the working group on this matter informed the decision of the Government that all vehicles used in the school transport scheme will be equipped with safety belts by December 2006.

Bus Éireann has commenced retrofitting seat belts on its school bus fleet and work is progressing well. Bus Éireann's retrofit contractor has developed specifications for its 17 types of

school bus and 100 of its approximately 650 school buses have already been fitted with seat belts. A total of 20 buses per week are being retrofitted at present and work is expected to be completed later this year. There are approximately 2,500 private contractors' vehicles in the school transport scheme, including taxis. The representative organisations of these contractors have been advised of Department of Transport requirements and discussions have commenced on how to best implement the seat belt installation by the target date.

The question arises following yesterday's accident as to whether we should go further and require the retrofitting of seat belts to all buses, apart from those on urban services, such as Dublin Bus. I believe we are making good progress on retrofitting buses within the State system but I will now examine how we might go further and set up a mandatory standard for all buses used, in particular, for carrying children. I am advised by my officials that this raises a number of significant issues for the industry in terms of phasing out existing buses and I have asked for a full report on the matter.

The bus operator involved in yesterday's accident is licensed by my Department with a road passenger transport operator's licence, issued in 2003.

This entitles him to carry for hire and reward for public or private hire. While one bus is registered on the licence, it is not the vehicle involved in yesterday's accident. The vehicle involved in the accident is registered for road tax purposes in the name of the road transport manager of the operation but the operator has not applied to my Department to have it registered on his operator's licence. This is a matter to be followed up by the Garda in the course of its investigation and my Department will co-operate in that regard. Before a vehicle can be registered on the licence as an authorised vehicle, my Department requires the sight of a current PSV certificate or roadworthiness certificate.

The Garda inquiry into yesterday's incident is the most appropriate and comprehensive way to find answers to the questions raised.

An Leas-Cheann Comhairle: I will call on Deputies to ask their supplementary questions in the order in which they submitted their principal questions. I remind the House that this is a facility for questions and is not a debate.

Ms O'Sullivan: I thank the Minister for his answer. Is it intended to simplify the process and co-ordinate it better? At present the process encompasses the PSV licence, the check by the Department of the Environment, Heritage and Local Government check and the Department of Transport licence. Moreover, the Department of Education and Science is also directly involved in respect of school buses. In that context, does the

Government intend to ensure that privately hired buses will be considered in the same light as buses run directly by the Department of Education and Science through the school bus system, either through Bus Éireann or through hiring private buses? The bus in question was hired by parents or the school rather than directly by the Department of Education and Science. Will the Minister, in conjunction with his colleagues, introduce a system that will ensure that all buses in which children travel to school will be covered by the same safety regulations which apply in the present programme for school buses, in which buses are directly hired, either through Bus Éireann or through private operators?

Is there a problem in respect of EU law regarding fitting seat belts on privately hired buses? It has been suggested there may be a difficulty with regard to fitting seat belts on privately hired buses. Is that the case?

Is the retrofitting programme proceeding according to the timeframe provided with specific reference to the school bus programme? Will the Government speed up the process of acquiring new buses? I acknowledge that much progress was made after the crash in County Meath last year and that definite timeframes and plans were set out. In light of this tragic crash, will the Government speed up the process of acquiring new buses which already possess appropriate safety features and which will be newer than many buses in use at present, either in the school bus fleet or in private buses used to bring children to school?

Mr. Cullen: It is important to understand that the authorities involved in issuing licences have specific responsibilities in so doing. Moreover, they co-operate closely in this respect. The Garda Síochána and the testing authorities are responsible for roadworthiness. As far as this bus was concerned, I am happy to state that this was done properly. Before a bus can be taxed, its owner must present a valid roadworthiness certificate to the motor tax authorities, which removes any possibilities of anything going amiss in that regard. In addition, before a vehicle can be put on the road with a passenger transport operator's licence, the owner must produce a certificate of roadworthiness.

As for the issue to which I have alluded — I was clear in this respect yesterday — my view is that all buses that carry children for whatever reason should be fitted with safety belts. Such buses are not necessarily hired by schools and may be used to carry school or club teams and for all sorts of things. Such buses are not used exclusively for carrying children and operate for all purposes. Effectively, the question is whether we should consider retrofitting the country's entire fleet. I have asked my officials to examine that issue. As a starting point, we can and should insist or strongly advise parents, clubs or whoever hires such buses through private hire, that they

should insist on getting a bus which has already been fitted with safety belts. As the year progresses, many additional buses with such features will become available, because thousands of buses used in the school bus system come from the private sector and are used for myriad purposes. Hence, capacity will be made available in the immediate future and everyone should be alerted to this.

A number of issues have been raised for the industry. A decision to retrofit all buses would probably remove many buses from the system because the costs involved in trying to retrofit would be extremely substantial. That is my instinctive reaction, although I wish to be more clear in that regard. Some of the myriad types of buses will not lend themselves to the retrofitting of safety belts. This has already become an issue with the buses with which my colleagues, the Minister for Education and Science, Deputy Hanafin, and the Minister of State at the Department of Education and Science, Deputy de Valera, have been involved through the school transport system. Already, it has been necessary to agree 21 different standards to cater for 21 different types of vehicles. However, we managed to set an extremely high standard that works in each case.

As for the EU issues, my understanding is, barring further advice, that we must notify and get agreement from all the other European member states and the European Commission to retrofit all coaches. While one might not expect an objection, there are some free trade issues, in that within the European Union, no member state can impose a measure that could prevent equal competition from another bus company wishing to operate there. While these are the issues, I hope they are not insurmountable and that good sense will prevail. All member states should take this path.

I understand that at previous discussions at European Union level which took place before I took responsibility for this Department, this issue was discussed. The outcome of the ministerial meetings and deliberations was that all new vehicles should be so fitted. It was decided that it would be impractical to retrofit all the vehicles used for a variety of reasons.

The retrofitting programme is on schedule and I have gone through it in some detail. My colleague, the Minister of State at the Department of Education and Science, Deputy de Valera spoke clearly and at length in this regard yesterday.

Ms Shortall: At the outset, on my behalf and on behalf of the Labour Party, I extend our sympathies to the family of Michael White and to the families of all those who were injured and traumatised in this tragedy. I was interested in the Minister's statements on "Prime Time" last night in respect of the licensing regime for coaches used for school runs. This is the second school bus-

[Ms Shortall.]

related tragedy within a year and the various reports on the Meath tragedy have not yet been published. Arising from those reports, have lessons been learned within the Department of Transport in respect of the licensing regime and the testing for roadworthiness? Has the Minister seen those reports, or have any steps been taken to improve these two specific areas?

As for the Minister's comments last night and today, to the effect that the driver of the vehicle in question was not licensed to carry out the service which he provided—

Mr. Cullen: That is not correct.

Ms Shortall: Have I misquoted the Minister?

Mr. Cullen: Slightly. I must be precise and I stated this in a precise fashion.

Ms Shortall: I apologise for misquoting the Minister. For clarification, the driver was licensed—

Mr. Cullen: He had an operator's licence from my Department.

Ms Shortall: For another vehicle.

Mr. Cullen: For clarity, as this is an important issue, the vehicle registered on his licence is not the vehicle that was involved in the accident. The vehicle that was involved in the accident was not registered on the operator's licence.

Ms Shortall: Very well.

Mr. Cullen: This is a technical issue and I do not want to build it into a more extraordinary matter. There could be legitimate reasons, in terms of contractual arrangements with other companies, which may overcome this issue. I do not know. Obviously, this will form part of the investigation. However, I need to get clarity in that respect. I am not in a position to resolve this.

Ms Shortall: Is the Minister confirming that the vehicle in question was not registered under anyone's licence?

Mr. Cullen: It was not registered under this operator's licence.

Ms Shortall: It was not registered under this person's operator's licence. I am concerned that the legislation covering the area of registration is outdated. Can the Minister confirm that the 1932 Act has not been updated? The penalties involved would not act as a deterrent. A penalty of €70 for contravening the Act highlights the need to update the legislation urgently.

Is the Minister aware whether the back wheels of the vehicle involved came off during or after the crash? Can he provide specific information on

when the roadworthiness test was carried out and how often such vehicles must undergo a roadworthiness test?

Mr. Cullen: I have not seen any report from the previous accident last year. The matter is with the Director of Public Prosecutions, out of which many issues arise. I made clear to the House that I cannot comment on that matter.

The 1932 Act is being redrafted. Over the past 15 years, the Act has been referred to by almost every political party in the House. I am determined to introduce a new Bill this year to replace the 1932 Act. However, just because it is an old Act does not mean it is a bad one. There can be many good provisions in an Act regardless of its age. There may be issues around the scale of fines. The Deputy is correct that the deterrents need to be greater. A new Act is required to regulate the bus industry so that the licensing system can operate more efficiently. However, the existing system is legally based, robust and must be observed.

In regard to the crash, I do not have information on what happened, nor would I expect to be given such information because it is a matter for the Garda Síochána. I must leave it to the Garda to determine what happened because many issues will arise in the investigation and it is best placed to make that judgment. From our perspective, it would be of no value for me to guess what may or may not have happened. No one will know what happened until the full investigation is completed.

Mr. Eamon Ryan: On behalf of the Green Party, I extend our deepest sympathy and condolences to the White family and to all the other families involved in the accident.

The report published in 1999 by the Joint Committee on Education and Science stated that a number of operators were providing services to schools outside the current school scheme and that Department of the Environment, Heritage and Local Government regulations governing the licensing of the buses came into play there. It stated that the strict safety standards set down by the Department of Education and Science did not govern these operators. The report recommended that the current safety standards of the school transport scheme should be extended to these private services and that to commence this, these operators should seek a licence from the Department of Education and Science to transport schoolchildren.

The Minister appears to be saying that the vehicle involved in the accident was registered for roadworthiness with the Department of the Environment, Heritage and Local Government, the operator had a PSV licence with the Department of Transport but it was not licensed under the school transport scheme which is operated by the Department of Education and Science. If that is the case, is it intended to centralise manage-

ment of the school transport system in the one Department?

On the use of seat belts, the Minister said that his Department commenced discussions with the private operators on how best to implement the safety aspects of seat belts. In response to a question by my colleague, Deputy Gogarty, on 15 February, the Minister for Education and Science said it was anticipated that the Department of Transport would issue guidelines shortly on the fitting and standards of seat belts required for private contractors' vehicles. When can we expect such standards to be published? Will this provide time to have all buses fitted with seat belts by the end of 2006? If seat belts become mandatory, should we consider using three-way harness seat belts rather than the lap belt because it would provide greater protection? It appears the lap belt can result in some abdominal injuries in certain bus accidents.

Mr. Cullen: On the last point, my colleagues in the House have been involved in an enormous amount of work in this regard. The decision we made is based on EU standards and expert advice. I set this out in the note I made available to Members.

In the interests of clarity, this vehicle was not part of the school transport system. It is important to discern the difference between the two issues. The school transport system under the Department of Education and Science is operated through Bus Éireann which subcontracts a number of private hire companies. These are designated and operated within that system. This particular bus is in the private hire category. Anyone anywhere could hire the bus privately for a particular function, which was the case in this instance. The vehicle involved passed its roadworthiness test in 2005. These vehicles are subject to an annual roadworthiness test. This was carried out and completed properly.

In reply to Deputy Shortall, the services in question were not licensed under the Road Transport Act 1932 because it was a private hire arrangement. The legislation governing an operator's licence is derived from EU law. The 1932 Act deals with licensing for journeys etc. As this was a private hire arrangement, it was not licensed under the 1932 Act.

Mr. Eamon Ryan: I have a brief question.

An Ceann Comhairle: I will call the Deputies briefly at the end of this round. I call Deputy Olivia Mitchell.

Ms Shortall: What is the licensing arrangement if it is not governed by our national legislation?

Mr. Cullen: The Road Transport Act 1932 governs occasional or scheduled services. This is not the case in this instance. As it is just a private hire arrangement, it does not form part of the licens-

ing scheme whereby a bus which is licensed to travel from Cork to Dublin regularly is considered a daily schedule.

Ms Shortall: What legislation governs this aspect?

An Ceann Comhairle: We cannot have a debate between the Deputy and the Minister as there are other Deputies offering. I call Deputy Olivia Mitchell.

Mr. Cullen: I spoke about the legislation earlier.

Ms O. Mitchell: I want to return to the application of different standards in respect of seat belts and the tests to which buses are subjected. The Minister was quoted in the newspapers last night as saying that it would be against EU law to require private buses to be retro-fitted with seat belts. Is that correct?

Mr. Cullen: I said there were issues of free trade, of which I gave an example earlier. I clarified the issue further when I said that we would be required to notify every country within the EU that we were taking this step and they would have to agree that we could do so.

Ms O. Mitchell: It appears to be a strange rule. This is being applied to buses which are part of the school transport system, whether they are privately owned or State-owned. It appears to be the function of the bus rather than who is footing the bill that is the critical issue. After all, they are both carrying schoolchildren. Even though these children may not be part of the school transport system, they are being transported to school and it is not their fault they are not part of the school transport system. It was ironic that on the night before the accident, the parents resolved at a board meeting yet again to request that the children would be admitted into the school transport system.

Taking that a step further, if there is a problem about seeking the retro-fitting of seat belts, surely there cannot be a problem about making it a requirement that children transported in buses should have a seat. That is a basic safety requirement to which the EU could not have any objection. We could move towards that immediately. I know it is not the ultimate protection and gives no guarantee of protection, but it is much better than having children standing loose in buses.

My second question relates to the different standards of tests which apply to publicly and privately owned buses, or private hire buses to distinguish them from those hired by CIE, whether by Bus Átha Cliath or Bus Éireann. I understand CIE does most of its own testing and that despite there being manuals and so on available to designate exactly what should be tested, the testing system does not seem to be nearly as onerous as

[Ms O. Mitchell.]

the NCT, for example, to which all private cars are subjected and which seems to allow no margin for error. However, we have seen in the test for buses that there is margin for error. The bus involved in the accident in Meath passed its test despite the air brakes not being turned on.

The Minister said the report on the Meath accident was not published because of the prosecution requirement. Prosecutions are important but much more important in terms of what emerges from reports should be the lessons to be learned. Are we to learn no lessons until prosecutions take place and court cases are finished, which could take years? Leaving aside the apportioning of blame, if we had some sort of report, would it not be possible that we would have generated a debate of some sort on the roadworthiness test applied to these buses? We are talking of a 17 year old bus and while I do not want to draw conclusions about the back axle falling off, a 17 year old bus is an old one.

Arising from the problem that the bus was not licensed or that it was not registered on the operator's licence, from what I read in the newspapers this bus was newly bought by the owner, possibly during the summer, and it passed its roadworthiness test before September. Where did the bus come from? There is much anecdotal information that many buses and cars are being imported from other countries because they failed the tests there. I do not know if this is the case regarding the bus we are speaking of but it is an issue we need to examine if such buses are to be used for private hire.

Does the Minister agree that this second accident highlights again how ludicrous is the rule about the school transport system which precludes parents from having choice of school, even among their immediate localities, and forces them into a situation where they must hire private buses? Will the Minister for Education and Science, Deputy Hanafin, say if any of the children being carried on the bus involved in yesterday's accident were former concessionary pupils who lost places on the official school transport system last September?

Mr. Cullen: It is worth repeating what has been said by my colleagues, namely, that in the school transport system we will have a seat per child, with a seat belt, by December of this year.

Ms O. Mitchell: I am talking of buses not in the school transport system. Surely it is permitted to require that children have a seat if they are being transported to school.

Mr. Cullen: No. I will not over-complicate the matter. The Department of Education and Science is a contracting authority. As such, it is permitted to set the standards of vehicles which it requires to deliver a particular service for it. Long before last year's accident, much work was

being done to move on from three seats for two pupils and to investigate the safety belt issue. In fairness to the Department, it was already well down the road on the issue.

Ms O. Mitchell: Is the Minister telling me he can require me to wear a safety belt in my car but cannot require a schoolchild to have a seat?

Mr. Cullen: No, I am not. We are not here to be argumentative on the issue. I am saying what the law is. There is EU law governing this and I am subject to it just as the Deputy is. I am giving her the sequence. As it stands, the school bus system is operated and contracted through the Department of Education and Science, and Bus Éireann and the subcontracted private bus operators are being obliged by the Department to have every bus in the fleet fitted with safety belts. That is well under way and it answers another question the Deputy raised, namely, why we are all waiting around and doing nothing because we have not seen the reports. We are not. We have speeded up the process. The Department officials have engaged with Europe and various countries on a range of issues, and have not been waiting for any report.

The other issues in the report are a matter for the courts. I will not speculate on them, nor would the Deputy expect me to do so. With regard to any bus outside the school system, Deputy Olivia Mitchell asked why I cannot, overnight, say that every bus must be retrofitted with safety belts. The point is that some of those buses may, some of the time, be used to carry schoolchildren. All buses, no matter who contracts them, should have safety belts for the transport of young children, whether involved in clubs or schools, and I want to move in that direction.

In reality, we will probably have to look at the entire fleet of buses if they want to be involved in the myriad opportunities in which CIE is involved. To do that, I must notify the European Commission of such a move and the Commission must notify all member states. They then have three months to consider whether to agree to it. As I said yesterday, there are issues of free movement of goods and trade within the European Union and one cannot set a standard or make an imposition in one country which can affect the movement of people from another country to do business with a standard not being an EU-wide standard. Is that understandable to the Deputy?

Ms O. Mitchell: The Minister should not patronise me. I understand the EU connection but that has nothing to do with whether the Minister has the right to say children should not be standing on buses in Ireland. They are not going to Europe.

Mr. Cullen: I was doing my best to explain the reasons to the Deputy.

Ms O. Mitchell: The Minister should not patronise me.

Mr. Cullen: I am not patronising the Deputy. Why would the Deputy start a row with me on a very important issue? The Deputy asked me a question. Can I, here in the House, or tomorrow morning if I feel like it, say that every bus must have safety belts? The answer is "No".

Ms O. Mitchell: I am not talking of safety belts. I asked about children standing in buses.

An Ceann Comhairle: I ask the Deputy to resume her seat. Her colleague, Deputy Enright, is entitled to her opportunity to speak.

Mr. Cullen: Buses are licensed to carry a certain number of people. If possible, I would like to get to the point where all buses have safety belts when carrying schoolchildren or any children anywhere. That is what I am dealing with.

Ms Enright: I join the Minister in commending the emergency services on the work they did yesterday. When I visited the hospital in Tullamore just after lunch yesterday, it was amazing to see, a few short hours after such a terrible accident, how effectively matters were being dealt with in extraordinarily difficult circumstances. On the question of who licenses the buses, which is what Deputy Olivia Mitchell was asking, that is done from Ireland. They are licensed to carry a certain number of pupils. I do not know how many children were on the bus yesterday. If a bus is licensed to carry X number of pupils, surely carrying more than that number would be in breach of the licence. I am curious as to what testing is done. In the school transportation system we always take into account the fact there are sports bags and school bags. Is account taken of that in terms of the number of students who can travel on these private buses and what is the storage capacity on such buses?

Can the Minister give an assurance that his Department's manual is fully implemented by local authorities in terms of the inspection of vehicles? Is he satisfied this is done in the same manner in each county? Does he envisage any difficulties? What I cannot get to the bottom of is how we can tolerate a difference in buses carrying children, whether to school, a hurling match or whatever. I accept the points being made by the Minister in regard to free trade. Certainly in County Offaly and, perhaps, in County Laois I have never seen a company from Poland, Portugal or wherever coming in to operate a bus to bingo or a bus to school. It is very much a localised service. From a competition perspective, the only competition is internal because it is not a particularly profitable business.

The Minister said he feels strongly that the rule that applies to the school bus fleet should apply

to the private bus fleet also. Will the Minister immediately take this to the next level, that is, the EU, with a view to its implementation. In the interim can we have a system where any bus carrying children would be subject to the same rigorous inspections as in the school transportation system? I take the point that those buses that may be used to transport children could be used at night for other purposes. From a child's safety perspective our first priority should be to ensure the buses are safe when carrying children and that seat belts are put in place for use by children. There is no legislation requiring that seat belts be in place for adults on buses.

I ask the Minister to immediately seek to have directive 2003/20 implemented for all vehicles carrying children. How rigorous is the annual inspection carried out in September? While we do not know all the details of yesterday's accident, are buses inspected for rust and, if found, would it mean a bus was not roadworthy? That is an important point which seems to have come to light yesterday. Will the investigation include an examination of the condition of the road, which was an issue at Kentstown and in the accident yesterday? While the Minister has said there will be a Garda investigation will there also be a Department of Transport investigation? I note the Minister is nodding "No". Does that mean the Garda will investigate every aspect of the accident, including the testing? The Minister's Department has a responsibility to ensure the testing standard is rigorous. The Garda can investigate that in terms of what happened in Clara yesterday but it is not in a position to check the rigours of testing nationally. After the accident at Kentstown our concentration was very much on the school transportation service and perhaps the private bus issue did not occur to anybody. I do not want to come back here next year after, perhaps, another tragedy looking at other areas we neglected because we did not look at the whole issue.

Mr. Cullen: Obviously the Garda is responsible for the enforcement of all traffic law and that includes every vehicles on our roads. There is a test on the structure, rust, chassis, brakes, suspension, glazing and so on. Everything comes into the test and the standard of testing is quite rigorous. All I was trying to explain to the House was the legal procedure I have to go through if we want to proceed in that direction. That is all I have given to the House and I am minded to do that. We all have to understand there are huge implications for the bus industry if we do this and their would be huge capacity implications immediately if every bus was put off the road. The EU decided not to go down this road for a myriad of reasons. We should not forget that all new buses coming on the market from next year must have safety belts.

Ms Enright: On the point the Minister is making—

An Ceann Comhairle: The Minister to reply without interruption.

Ms Enright: It is on the point he is making. When buses are going on the road it is never the brand new shiny bus that is used to transport children. The older ones are always used. If we have to wait it might be for a long time. The bus involved in yesterday's accident was 17 years old. We could have to wait 15 years before that comes into effect.

Mr. Cullen: The Deputy makes the point for me. I am simply saying my preference is that any bus used to carry children for whatever reason should have safety belts on it. We are all agreed on that. I laid out for the House what procedures I have to go through under EU law to get to that point. I point out that there are huge operational implications for the industry if we do this. I am minded to do it but I know the outcome will be to put all the small bus operators out of business. That is the reason the EU did not go down the road of retrofitting all the vehicles in Europe. It is as simple as that. I am minded to find a methodology for those who have a requirement for a coach to transport children to ensure they have a coach with safety belts fitted. By the end of this year not only a huge portion of the fleet in Bus Éireann but a huge portion of the fleet in the private sector, albeit contracted for specific work, will be on hire for a range of other work. I say to clubs, parents, groups and everybody that if they are hiring a coach for the movement of children they should stipulate they want a coach with safety belts. By the end of this year there will be a large pool of those coach fleets available.

Ms Shortall: A fleet that is properly licensed.

Mr. Cullen: Of course.

Ms Shortall: Under what regulation will it be licensed?

An Ceann Comhairle: Allow the Minister to reply without interruption.

Mr. Cullen: The operator's licence stems from the Roads Act 1999.

Ms Shortall: Who monitors it?

An Ceann Comhairle: Deputy, I would prefer if the Minister did not answer questions by way of interruption. We have spent almost an hour on this question.

Mr. Crowe: I extend my sympathy to the White family, to those who were injured and traumatised and to their families, friends and the com-

munity at large. While I have a number of questions I will try not to go over the ground covered by other Deputies. Do we have a problem in regard to the use of older school buses? Is the Minister concerned about the 2,500 private operators? Is there a problem in this area? My understanding is that there is a problem with some of the school buses in that they do not have safety belts. Is there a need to move from older buses to newer buses? The Minister referred to a working group in regard to the Kentstown school bus accident and measures to enhance bus safety. I note that different groups are involved, including the Department of Finance. We had a problem with old cars on the roads and the scrappage scheme was introduced. Perhaps that is one way of dealing with the problem. Such a scheme, specifically for school buses, would help bring them into this century rather than the last century. Could VRT on buses be abolished? Simple measures would eliminate and get those old buses off the road. The Minister referred to safety inspections of brakes, gears, tyres and so on. While I am aware annual inspections take place, how often do checks take place between inspections, whether by the Health and Safety Authority or other agencies, to determine whether safety measures are working?

Will the Minister expand on the statement that the Department will examine how it will proceed in establishing mandatory standards for all buses? His request that existing buses be phased out ties in with my earlier question on the possibility of removing from the roads many older buses? It is not a case of a shortage of money and, with political will, these older buses can be taken off the roads.

Mr. Cullen: We should be careful in what we say because the implication of some comments is that buses of a certain age are unsafe. That is untrue here and throughout the world. All buses, old and new, must meet the same rigorous standards to get a roadworthiness certificate.

Mr. Crowe: Buses not fitted with seat belts are unsafe.

Mr. Cullen: One cannot assume that because a bus is old, *ergo* it is unsafe. We all want a younger fleet of public buses and Bus Éireann and the Department are achieving this by acquiring new buses and relatively new second-hand buses of no more than three or four years of age. The key question is whether we have good and rigorous safety and testing standards which deliver. The evidence to date is that this is the case. The number of school bus crashes, notwithstanding two terrible crashes in the past 12 months, is low by any international measure and school bus standards are high. My Department will take all necessary measures to improve the system. As the Deputy indicated, there is political support for

the investment being made by the Department of Education and Science and the measures my Department will take to regulate this sector.

Written Answers follow Adjournment Debate.

Road Safety Authority Bill 2004: Report Stage (Resumed) and Final Stage.

Debate resumed on amendment No. 19:

In page 7, between lines 15 and 16, to insert the following:

5.—(1) The Authority shall, in the exercise of its functions as prescribed by *section 4(1)* of this Act, be responsible for setting training standards and ensuring quality control of driving instructors.

(2) Without prejudice to *subsection (3)* of this section, the Authority shall assume such functions in respect of driving instructors as are conferred on the Minister by, and in accordance with, the Road Traffic Acts 1961 to 2004.

(3) The Authority shall put in place such structures as it deems necessary to regulate driving instruction and driving schools, and shall maintain a register of those who are qualified to give certifiable driving lessons.

(4) Driving instructors shall be obliged to undergo regular quality control testing and retraining at such intervals as may be prescribed by the Authority.

—(Deputy Olivia Mitchell).

Amendment put and declared lost.

Ms O. Mitchell: I move amendment No. 20:

In page 7, between lines 15 and 16, to insert the following:

5.—(1) On the establishment day, the Authority shall assume all responsibility for driver licensing, including, but not limited to—

(a) issuing and re-issuing of licences, including duplicate and replacement licences and requests for changes of address,

(b) imposition of endorsements and penalty points,

(c) revocation of licences, and

(d) shape, design, ergonomics and colour of licences.

(2) As soon as is practicable after the establishment day, the Authority shall move to introduce a physical driving licence format—

(a) that is practicable,

(b) that is more easily portable,

(c) that is in line with international best practice, and

(d) which retains driver information electronically.

(3) The Authority shall have jurisdiction to modify and/or vary restrictions on categories of licence holder, whether provisional or otherwise.

As the House discussed this amendment at length this morning in the context of electronic licences, I do not propose to discuss it in great detail. Its purpose is to provide that the national safety authority assume all responsibility for driver licensing, including such matters as the shape and design of driver licences. I am anxious to ensure the system is streamlined and a single body is given responsibility for driver licensing. It is ludicrous and one of the reasons for many of our road safety problems that this responsibility, like transport matters generally, is dispersed over many agencies. It is not good governance that local authorities and the Departments of the Environment, Heritage and Local Government, Transport and Justice, Equality and Law Reform have different roles in this area. The amendment proposes to streamline the system.

Minister for Transport (Mr. Cullen): We already discussed this issue on which I do not disagree with the Deputy. As I explained, however, there are a range of reasons for the manner in which the vehicle file is used and the complexities involved. If we move to a new licensing regime, including the introduction of a smart card type licence, central distribution will be necessary. Should such circumstances arise, they may provide an opportunity to make the change proposed by the Deputy. The matter would, if necessary, be resolved in road traffic legislation rather than in this Bill. I agree it would be logical to vest this responsibility with the road safety authority.

Amendment put and declared lost.

Ms Shortall: I move amendment No. 21:

In page 8, between lines 26 and 27, to insert the following:

“(2) It is a principal function of the Authority to devise a road safety strategy, set performance indicators for the implementation of such strategy and measure performance against such indicators.”

Amendment put and declared lost.

Mr. Cullen: I move amendment No. 22:

In page 9, line 27, to delete “in” and substitute “in the”.

[Mr. Cullen.]

The purpose of the amendment is to correct a grammatical error.

Amendment agreed to.

Mr. Cullen: I move amendment No. 23:

In page 9, to delete lines 49 and 50.

Amendment agreed to.

Amendment No. 24 not moved.

An Ceann Comhairle: Amendments Nos. 25, 26 and 27 are related and may be discussed together.

Ms Shortall: I move amendment No. 25:

In page 11, line 12, after “members” to insert the following:

“and the Minister shall ensure that not less than 40 per cent of the members shall be men and not less than 40 per cent shall be women”.

During our discussion of this amendment on Committee Stage I asked the Minister to give legislative effect to a commitment to ensure gender balance on the boards of State agencies. Recent figures show a certain amount of slippage in this regard, particularly in transport where women are under-represented on the boards of departmental agencies. I reiterate my appeal to the Minister to give a clear commitment, rather than an aspiration, to ensure gender balance on the board of the new road safety authority.

With regard to amendment No. 27 on the appointment of board members, on Committee Stage I expressed concern about the long-standing practice by various Ministers of appointing their cronies to State boards. I indicated that while I had no difficulty with the appointment of individuals of the same political persuasion as Ministers, I was concerned that, too often, the cronies appointed have no expertise. I do not mind which party a person belongs to provided he or she has specific expertise to offer an organisation.

The Minister appeared to suggest that common sense would be required but the legislation does not stipulate that appointees must have relevant expertise. The amendment merely provides that the Minister specify the experience and competence of each board member on his or her appointment. This is not too much ask as it puts a brake on the practice of appointing constituency buddies and so forth. The amendment attempts to set a basic standard in requiring that the Minister specify, in two or three lines, the reasons an appointee is suitable for the position and what is his or her particular expertise, competence or

experience in the relevant area. This is a reasonable proposal which will result in higher standards and more relevant expertise or experience on the part of members of State boards.

Mr. Crowe: I do not have a problem with the appointment of Mr. Gay Byrne. I do not know much about the man aside from seeing him on television. I was impressed with his comment that if the Government was not willing to listen, he would resign. These appointments should be advertised and people should be selected for the position on the basis of their credentials and in an open and transparent manner.

There have been difficulties with, and questions about, appointments that have been made over the years. People talk about cronyism on various boards. There was a problem, for example, when Michael Smurfit was appointed head of Telecom Éireann. His credentials were that he had made money in the private sector. However, a difficulty arose regarding the sale of a site in Ballsbridge and eventually he resigned from the body. That is an example of a person who holds a particular job being put to do another job and a conflict arises. In many cases we do not know if there is a conflict of interest for the people appointed to these positions.

This position was not advertised; the appointment was just made. Mr. Byrne spoke of his experience and his age. He started driving when he was 14 years old but I do not know what experience he has chairing meetings or if he has a knowledge of finance. I am aware he had difficulties with finance over the years. Does he know how to bring leadership to this area?

Giving Ministers the power to appoint people to high positions in a non-transparent manner is open to abuse. There have been instances where people who have been appointed to boards have not attended board meetings. They are cronies of various Ministers and nobody monitors their attendance and so forth. The process should be open and transparent. As far as possible, these appointments should be open to men and women. There should be gender balance. There might have been some changes in recent years but it has been a slow process.

Mr. Byrne also spoke about the state of the country's roads, bends, blackspots and so forth and said that investment should be made there. Mr. Byrne has potential. He is well connected with the media and so forth but if he does not get the necessary respect and investment, he will go the same route as Mr. Eddie Shaw. My amendment refers to appointees having proven experience rather than wide experience. The Minister will probably describe it as pedantic but there is a gap in the provision. The credentials of the appointees and the reasons for their selection should be made known to the public.

These are important positions. Issues such as health, safety and road safety are important to the public. The House has just concluded a different debate about young people dying on our roads. It is vital that the process of making these appointments is open and that the appointments have credibility. The way it is being done at present detracts from the candidates who are put forward, which is unfortunate.

Mr. Cullen: With regard to amendment No. 25, under section 5.3 of Sustaining Progress, the Government has outlined its commitment to greater female representation on State boards. Gender balance on State boards will be reviewed with a view to establishing how best to secure a minimum of 40% representation on such boards. I support the Government's commitment to securing greater female representation on State boards and I suspect my track record in this regard is probably one of the best. My recent appointment of Professor Margaret O'Mahony is indicative of that. I try to appoint good people. While I do not like the idea that because one is a man or a woman one is entitled to something, I accept the view that appointments should be well balanced. It brings different perspectives to different issues and I have tried to achieve that. However, it would be inappropriate in the context of the legislative process to specify the gender composition of a board.

With regard to amendments Nos. 26 and 27, I am satisfied that the existing provision in the Bill, which specifies the experience and competence required for a member of the board, is sufficiently detailed and specific to ensure that only persons with the relevant experience or competence are appointed to the board, without the need to specify such requirements in further detail.

Ms Shortall: My amendment was tabled prior to the appointment of Mr. Gay Byrne and does not imply a lack of confidence, lest the wrong impression was given. I have already said publicly that the choice was a good one by the Minister. His very high profile is exactly what the Road Safety Authority needs.

This amendment relates to members of the board generally. It is not an onerous requirement that in the appointment of the members — I understand the Minister is discussing suitable candidates with the chairman — the Minister should set out why he chose the people concerned. Members of the public who pay for these State agencies are entitled to that. We want good people appointed. We do not mind what constituency or party they are from but we want to know what competence and experience they have to qualify them for the important job they are being asked to do. I do not know why the Minister is running away from that or what difficulty there is with it. It is only good practice and should apply

in the case of appointments to any State agency. Will the Minister reconsider?

Mr. Crowe: Mr. Byrne admitted at his first press conference that he had no expertise in this field. I wish him well in his new employment and I sincerely hope he is successful.
5 o'clock While I tabled the amendment in the context of this Bill, all these appointments should be advertised, people should apply for the jobs and they should be selected on their merit, expertise and suitability for the appointment. That is not being done at present.

Amendment, by leave, withdrawn.

Mr. Crowe: I move amendment No. 26:

In page 11, lines 13 and 14, to delete "in the opinion of the Minister has wide" and substitute "has proven".

Question, "That the words proposed to be deleted stand", put and declared carried.

Amendment declared lost.

Ms Shortall: I move amendment No. 27:

In page 11, line 14, after "competence" to insert the following:

"(which experience and competence shall be specified by the Minister in the case of each such person prior to the person's appointment)".

Amendment put and declared lost.

Mr. Cullen: I move amendment No. 28:

In page 15, to delete lines 1 to 4.

This amendment was proposed by Deputy Shortall on Committee Stage and on further consideration I decided to accept it. The effect of the amendment is to remove the restriction on the chief executive officer commenting on or criticising Government policy while giving evidence to committees of the Dáil. We should all be big enough not to restrict people in that regard. I have no difficulty with that.

Amendment agreed to.

Ms Shortall: I move amendment No. 29:

In page 19, between lines 29 and 30, to insert the following:

"(6) A record of a disclosure under this section or under section 22 or 23 shall be made available in a register which shall be opened to public inspection during office hours."

This relates to disclosure of interests by members of the board of the RSA. I propose that a record

[Ms Shortall.]

of a disclosure under section 22 or 23 be made available in a register which would be open to the public for inspection during office hours. A spirit of openness and transparency should apply to office holders in this area. Given the likely composition of the board, it is important that no conflict of interest exist. Members are required to disclose any conflict of interest under existing legislation and a record should be kept of these disclosures and be open to the public for inspection.

Mr. Cullen: Under section 26(5) the road safety authority will be designated under the Freedom of Information Act 1997. Section 6(1) of that Act provides for access to records. It states:

Subject to the provisions of this Act, every person has a right to and shall, on a request therefor, be offered access to any record held by a public body and the right so conferred is referred to in this Act as the right of access.

As access to information as envisaged in the amendment already exists, I ask the Deputy to withdraw her amendment.

Amendment, by leave, withdrawn.

Ms O. Mitchell: I move amendment No. 30:

In page 23, between lines 9 and 10, to insert the following:

30.—(1) The Authority shall produce a 5 year road safety strategy statement, in consultation with the Minister, and having regard to national policy on road building and road safety detailing—

- (a) action that the Authority intends to take,
- (b) annual targets to be achieved,
- (c) international comparisons, and
- (d) recommended actions for other state agencies.

(2) Statements produced under *subsection (1)* shall, in the first instance, be sent to the Minister, and the Minister shall cause copies of such statements to be laid before each House of the Oireachtas within 1 month of their being made available to him or her.

Amendment put and declared lost.

Ms O. Mitchell: I move amendment No. 31:

In page 23, between lines 9 and 10, to insert the following:

30.—(1) As soon as may be after the end of each calendar year, but not later than 3 months thereafter, the Authority shall make a review of road safety in the preceding cal-

endar year, to include performance against the annual targets set for the Authority.

(2) The Authority shall make the review available to the Minister prior to publication and the Minister may, at his or her discretion, add comment and/or data to the Review, but may not subtract from it.

(3) The Minister shall cause copies of such road safety review to be laid before each House of the Oireachtas not later than 1 month after the Authority makes the review available to him or her under *subsection (2)*.

Amendment put and declared lost.

Amendments Nos. 32 and 33 not moved.

Bill, as amended, received for final consideration.

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

Minister for Transport (Mr. Cullen): I thank my colleagues for their support and for the great effort they put into the Bill. I hope I have gone some way to meeting the requirements expressed by amendments. We hope this Bill will be a substantive contribution to road safety.

I appreciate the interest shown by the Members and thank them for their warm encouragement to the chairman of the new road safety authority. He feels it is genuine and is well set to begin his work in the non-political way I wanted. I have no doubt he will do that. My experience in the short time I have interacted with him is that he brings tremendous professionalism and commitment to his work and shows determination to achieve results. I appreciate the comments from Members. I also thank my officials for their help and attention to detail in working on this Bill.

Ms O. Mitchell: I thank the Minister for his courtesy during this debate. I also thank his staff for all their work in drafting the Bill. It was a long time in gestation and changed its manifestation during that period. We are united in hoping it achieves what it sets out to do. We often pass legislation in this House unconscious of its future impact, but we are all aware of the potential impact this Bill can have on saving lives and improving road safety generally. I hope that will be the outcome of our efforts.

Ms Shortall: I thank the Minister and his officials for the work put into this legislation. The Bill provides the basis for an important new State agency we all welcome. I hope the legislation will be passed speedily in the Seanad and implemented quickly. We have got off to a good start with the appointment of a new chief executive in whom we all have confidence and with the inspired choice of chairman. I wish them and the

staff well. I hope the new authority is up and running on a statutory basis as soon as possible.

Mr. Crowe: I wish the incoming staff of the new road safety authority well. During the week we reached a tragic milestone of 100 deaths on our roads. I hope this Bill will enhance safety on our roads. I wish all those involved in implementing the Bill luck. One can hope the work put into passing the legislation will enhance road safety and bring about a better environment with fewer deaths and tragic accidents.

Question put and agreed to.

Employment Permits Bill 2005: Order for Report Stage.

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): I move: "That Report Stage be taken now."

Question put and agreed to.

Employment Permits Bill 2005: Report Stage.

An Leas-Cheann Comhairle: Amendments Nos. 1 to 7, inclusive, 9 to 15, inclusive, 29 to 33, inclusive, 35 to 37, inclusive, 39 to 44, inclusive, 46 to 57, inclusive, 102 to 109, inclusive, 111 to 124, inclusive, 127, 128, 132 to 139, inclusive, 151 to 156, inclusive, 158 to 161, inclusive, 163 to 170, inclusive, 174, 175, 178 to 181, inclusive, 184 to 201, inclusive, 203, 204, 207 to 214, inclusive, and 220 to 222, inclusive, are related and will be discussed together.

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): I move amendment No. 1:

In page 5, line 6, to delete "NON-NATIONALS" and substitute "FOREIGN NATIONALS".

This arises from the debate on Committee Stage on the use of the term "non-national". Prior to 1999, the term "alien" was used consistently in immigration legislation and it continues to be used in a number of countries. In some countries the term used is non-citizen. There are a number of terms in use generally. In moving this amendment I accept the points made by Deputies Howlin, Hogan and Morgan. We have decided that "foreign national" is the appropriate term and the 2003 Act is also hereby amended to say that "foreign national" means a non-national within the meaning of the Immigration Act 1999 which defines it as a person who is not a citizen of the State.

Mr. Howlin: I welcome the Minister's amendment. A number of alternatives were put forward such as foreign national, non-Irish national and non-EEA national. The Minister has agreed that

to deprive people of nationality by simply calling them non-nationals was an unacceptable position. I welcome the Minister's amendment.

Mr. Morgan: I submitted an amendment with regard to a non-EEA national. I hope the Minister accepts that the term "non-EEA national" describes more accurately the person to whom the Bill will apply because people within the EEA area will clearly not require work permits. Therefore, that would be the more relevant amendment.

Amendment No. 18 proposes to delete, in page 6, line 17, the definition which "has the meaning assigned to it by the Act of 2003" and proposes the insertion of, "means a person who is not a citizen of a member state of the EEA". The Minister of State has not tabled an amendment which would effect the definition in the 2003 Act. As it stands, if the Minister's amendment is carried, that Act would be inaccurate, if not meaningless, because it defines non-national but does not provide a definition of a foreign national. I ask the Minister of State to address the question of whether an amendment is required to deal with that description.

Mr. Hogan: I am very pleased that these amendments have been accepted and that the Minister of State has put them down in his name. The Minister for Enterprise, Trade and Employment, Deputy Martin, had a serious problem with this matter on Committee Stage. Non-national is a derogatory term, but the Minister, Deputy Martin, had no understanding of that a number of weeks ago. I was quite embarrassed on Committee Stage, having put down all these amendments, to sense that the Minister was not in favour of turning. However, I am delighted that the Minister of State, who is far more broad-minded, has accepted them. Due to the harsh response I received on Committee Stage, I did not feel it appropriate to table the amendments on Report Stage, but I am glad that my colleague, Deputy Howlin, has provided the terminology that is more appropriate to the Bill.

Mr. Killeen: I assure Deputy Hogan that the Minister, Deputy Martin, is entirely on board in accepting this terminology and the point was strongly made by Deputies Hogan, Howlin, Morgan and others. I dealt with the specific point raised by Deputy Morgan in my statement, in that the 2003 Act is also hereby amended to state that "foreign national" means a non-national within the meaning of the Immigration Act 1999, which defines it as a person who is not a citizen of the State. Due to the fact that those two Acts are impacted upon, the non-EEA national would be the less appropriate amendment in these circumstances. That is why we opted for the term "foreign nationals". Language, its usage and sub-text meaning changes and that has to be reflected in legislation in so far as is possible.

Mr. Hogan: I welcome the U-turn.

Amendment agreed to.

Amendments Nos. 2 and 3 not moved.

Mr. Killeen: I move amendment No. 4:

In page 5, lines 16 and 17, to delete “NON-NATIONALS” and substitute “FOREIGN NATIONALS”.

Amendment agreed to.

Amendment No. 5 not moved.

Mr. Killeen: I move amendment No. 6:

In page 5, line 18, to delete “NON-NATIONALS” and substitute “FOREIGN NATIONALS”.

Amendment agreed to.

Amendment No. 7 not moved.

Mr. Killeen: I move amendment No. 8:

In page 5, line 23, to delete “, unless the context otherwise requires”.

I am advised by the parliamentary counsel that this wording is no longer necessary and, accordingly, I propose to delete it.

Mr. Howlin: Why was the Minister of State called first? This is my amendment and his name was merely added to it. I alerted the Minister for Enterprise, Trade and Employment on Committee Stage that my advice on such matters is seldom wrong and that the phrase is redundant, following the Interpretation Act 2005. I am glad he now agrees with my analysis.

Mr. Killeen: I should have acknowledged that Deputy Howlin brought this to our attention.

Amendment agreed to.

Mr. Killeen: I move amendment No. 9:

In page 5, line 26, to delete ““application by a non-national”” and substitute “ “application by a foreign national” ”.

Amendment agreed to.

Amendment No. 10 not moved.

Mr. Killeen: I move amendment No. 11:

In page 5, line 35, to delete “non-national” and substitute “foreign national”.

Amendment agreed to.

Amendment No. 12 not moved.

Mr. Killeen: I move amendment No. 13:

In page 6, line 2, to delete “a non-national, for the time being employs a non-national” and substitute the following:

“a foreign national, for the time being employs a foreign national”.

Amendment agreed to.

Amendments Nos. 14 and 15 not moved.

An Leas-Cheann Comhairle: Amendments Nos. 16, 101 and 141 are related and may be discussed together, by leave of the House.

Mr. Morgan: I move amendment No. 16:

In page 6, between lines 7 and 8, to insert the following:

““family“ means spouse, partner (opposite or same sex) and children of a permit holder;”.

This amendment inserts a definition of the family to facilitate the inclusion of amendment No. 101, which inserts a new section on the entitlements of a permit holder. Migrant workers make an enormously valuable contribution to our economy. In facilitating a position where family members can join permit holders it is vital that we view such permit holders as more than just a cog in the wheel of an economy. We must see them in the round and recognise the contribution they make. In doing so, we must recognise the needs of individuals to have their families with them. That is the essence of these amendments.

It is important and crucial that permit holders have the same rights and entitlements as members of the host society. Why would they not have the same rights, given that they are playing an equally important role in this economy and society? Central to this issue is the entitlement to the same tax and social benefits which the host community enjoys.

If this amendment is not accepted, the consequence will be that migrant workers may face years of separation from their families, in particular their partners and children, and no Irish person wants to see that happening. It was inflicted on us for long enough, for economic reasons. Family members, often the head of the household as it was termed then, had to go abroad to Britain, the United States or elsewhere and families had to endure years of separation. That is not the humane way of dealing with the issue.

I urge the Minister of State to accept my amendments and the inclusion of a new section on the entitlements of work permit holders. That would move us towards a more humane system of dealing with permit holders.

Mr. Killeen: This issue was also raised on Committee Stage and it was pointed out then that the

matter falls under the responsibility of the Minister for Justice, Equality and Law Reform. However, a commitment was given to state the up-to-date position on Report Stage with regard to current family reunification arrangements.

The Government decided in December 2005 to introduce a new scheme for the admission of family members of work permit holders and working visa or work authorisation holders. For this purpose, family is as defined in the Constitution. The Minister for Justice, Equality and Law Reform, who has responsibility for family reunification, announced details of these new arrangements recently.

The family members of work permit holders may be brought into Ireland immediately if the permit holders are from non-visa-required countries. If they are from visa-required countries and their work permit is renewed, their family members can be brought to Ireland after one year or in the case of some highly skilled categories of workers, after three months. Family members can come to Ireland immediately if the work permit holders' income is above the family income supplement eligibility threshold, which is approximately €24,000 per annum, or after three years if the work permit holder is earning less than the supplement level but is in continuing full-time employment. Family members of work permit holders who come to Ireland under these arrangements have access to employment in all sectors, with a labour market test, and the permit is granted free of charge. This allows dependants to contribute towards the financial sustainability of their families.

Family members of persons on working visas or work authorisations may be brought to Ireland after three months and permission to remain is granted for the same period as that for the worker. Under the new arrangements to be implemented after this Bill is passed, green card holders will be permitted to bring their families to Ireland immediately.

Amendment No. 101 deals with family reunification and naturalisation as well as tax and social welfare benefits. These latter issues are covered by legislation in the relevant areas, which it would not be appropriate to address in this Bill.

Mr. Howlin: This issue was discussed on Committee Stage and the Minister of State said it was a matter for the Minister for Justice, Equality and Law Reform. The issue has caused huge anxieties and problems in the past. I acknowledge that there is no simple solution but we have not done well to date on it. I am not sure that the regulations to which the Minister of State referred and which are now in force meet all the requirements.

Two categories have been created, with one category of green card holders being allowed to have family members brought into the State immediately. The other category of non-green card holders will not have that automatic right of entitlement, particularly those from countries

whose nationals require visas to enter this jurisdiction.

All Members have experiences of family members of foreign workers, even those coming on visits to Ireland, being denied visitor and resident visas, even on a short-term basis. If we are to laud the contribution that foreign nationals make to our economy, it is important that they are genuinely welcomed to work in Ireland. A more flexible arrangement is needed to allow for family members to reside for periods to visit and not have an impenetrable barrier put in their way. I commend Deputy Morgan for facilitating the raising of this issue on Report Stage.

Mr. Morgan: There is the prospect of some movement on this issue. However, it is most unfortunate that it falls to the Minister for Justice, Equality and Law Reform. Members know his past public pronouncements on how inequality is good for society. He is certainly living up to these because this is a gross inequality and involves a two-tier permit system. There will be those who come to the country on the higher permit who earn in excess of €50,000 per annum. They will be able to bring their families to the country after several months, while those in the other category will be obliged to wait. How can that be reasonable or fair?

If people are coming to Ireland to perform an economic function, why can they not be treated the same? Is the Minister for Justice, Equality and Law Reform and his officials responsible for seeking to implement this two-tier permit system? I hope the provision did not emanate from the Department of Enterprise, Trade and Employment, particularly as the general thrust of the Bill is sound. This is a fundamental flaw and I am disappointed that it cannot be dealt with now. I am also disappointed that it cannot be resolved to ensure fair play for those people whose contribution will contribute towards our pensions and who will increase capacity within the economy.

Mr. Killeen: All Members are aware of examples of the failure to reunite families and the enormous difficulties created as a result. The scheme introduced by the Minister for Justice, Equality and Law Reform last December brings clarity to the issue and represents a considerable improvement. The issue will be reviewed again in the immigration and residence Bill. That is the appropriate vehicle to deal with this particular aspect of the issue. In so far as the matter can be dealt with at this stage, I have outlined the proposals contained in the Employment Permits Bill. The difficulties, of which Members are aware from past experience, are being gradually addressed.

Mr. Morgan: Will the Minister of State address the issue of people's entitlement to the same tax and social benefits?

An Leas-Cheann Comhairle: The Minister of State has already spoken twice on the amendment. As we are on Report Stage, he is not entitled to speak again in respect of it.

Amendment put and declared lost.

Mr. Killeen: I move amendment No. 17:

In page 6, line 17, to delete ““non-national”” and substitute ““foreign national””.

Amendment agreed to.

Amendment No. 18 not moved.

Mr. Killeen: I move amendment No. 19:

In page 6, line 18, to delete ““non-national concerned”” and substitute ““foreign national concerned””.

Amendment agreed to.

Amendment No. 20 not moved.

Mr. Killeen: I move amendment No. 21:

In page 7, line 8, to delete “non-national” and substitute “foreign national”.

Amendment agreed to.

Amendment No. 22 not moved.

Mr. Killeen: I move amendment No. 23:

In page 7, line 16, to delete “non-national’s” and substitute “foreign national’s”.

Amendment agreed to.

Amendment No. 24 not moved.

Mr. Killeen: I move amendment No. 25:

In page 7, line 23, to delete “non-national” and substitute “foreign national”.

Amendment agreed to.

Amendment No. 26 not moved.

An Leas-Cheann Comhairle: As amendment Nos. 27 and 28 are related, they can be discussed together.

Mr. Killeen: I move amendment No. 27:

In page 7, line 27, to delete ““first person”” and substitute ““first person””.

I am proposing these technical amendments on the advice of the Parliamentary Counsel. I doubt Members will have found the difference to the two, as presented. The inverted commas used were facing upwards rather than down.

Amendment agreed to.

Mr. Killeen: I move amendment No. 28:

In page 7, line 28, to delete ““second person”” and substitute ““second person””.

Amendment agreed to.

Mr. Killeen: I move amendment No. 29:

In page 7, line 46, to delete “a non-national or non-nationals employed in the State” and substitute the following:

“a foreign national or foreign nationals employed in the State”.

Amendment agreed to.

Amendment No. 30 not moved.

Mr. Killeen: I move amendment No. 31:

In page 8, lines 1 and 2, to delete “that non-national or each of those non-nationals” and substitute the following:

“that foreign national or each of those foreign nationals”.

Amendment agreed to.

Amendments Nos. 32 and 33 not moved.

Mr. Howlin: I move amendment No. 34:

In page 8, line 4, after “force” to insert the following:

“, provided that where the second person is a registered employment agency this subsection shall impose obligations on the first mentioned person only to the extent prescribed”.

On Committee Stage, the Minister of State undertook to reconsider this amendment dealing with employment agencies. I hope he has been able to further reflect on that debate and is now minded to accept the amendment.

Mr. Killeen: This important point was raised by Deputy Howlin on Committee Stage but it is covered in the Bill. Deputy Howlin was concerned that an employment agency may be an applicant for a work permit. This, however, does not arise because section 1(2) and (3) expressly prohibit an employment agency from applying for an employment permit in respect of a person who would be employed to provide a service or perform work for a third party. Under the provision, if an employment agency has found an employee to work for a particular employer, it is only the employer or the employee who may apply for an employment permit.

Amendment, by leave, withdrawn.

Mr. Killeen: I move amendment No. 35:

In page 8, to delete lines 5 to 10 and substitute the following:

“3.—Section 2 of the Act of 2003 is further amended—

(a) in subsection (3)—

(i) by inserting, after “subsection (1) or (2)”, “or fails to take the steps specified in subsection (2B)”, and

(ii) by inserting, in paragraph (b), after “subsection (2)”, “or a failure to take the steps specified in subsection (2B)”,

and

(b) in subsection (10), by substituting “foreign national“ for “non-national”.”.

Amendment agreed to.

Mr. Killeen: I move amendment No. 36:

In page 8, line 12, to delete “non-national” and substitute “foreign national”.

Amendment agreed to.

Amendment No. 37 not moved.

Mr. Howlin: I move amendment No. 38:

In page 8, to delete line 14.

This amendment was debated on Committee Stage. The intention behind it is to limit an application for a work permit to the employee and to exclude the employer. On Committee Stage, the Minister acknowledged that the Bill’s general thrust will be to ensure the work permit will be the property of the employee. In the past, some people were in bonded servitude to an employer who often threatened individuals who refused to comply with unreasonable demands with the withdrawal of accommodation or deportation. Unfortunately, I have personal experience of dealing with such individuals and with rogue employers of that kind. To resolve this problem, the right to make an application for a work permit should rest with the employee only and should not be made by the employer. The Minister of State made a coherent argument on the matter on Committee Stage. It is not that what I suggested is not right, but that it would be unreasonable to exclude entirely any circumstances where an employer might be the applicant. I wonder if there has been further consideration of this matter because I am still minded to push my own amendment which shifts the balance properly in protecting workers’ rights. It is a view that is shared by the Irish Congress of Trade Unions. From practical experience, I believe it would strengthen the protection

of workers and lessen the prospect of exploitation.

Mr. Morgan: This amendment seeks to deal with the issue of bonded labour, which is fundamental as far as my party is concerned. It is a problem at the core of the Bill wherein the permit holder is tied to one employer, even where that employer is exploitative. Unfortunately, it also exposes a two-tier system again because clearly the other category of permit holder is not bonded in this way and is not thus restricted. I acknowledge that there has been an improvement in that at least now the permit holder is supposed to get a copy of the permit. Unfortunately, however, it does not go far enough and that is why this amendment is extremely important.

Mr. Killeen: I certainly understand the background against which Deputies Howlin and Morgan have argued these points. I am not disposed to accepting the amendment, however, because in practical terms it is much easier — and more likely to be successful — to have the employer advertise the job, find the employee and make the application. The safeguard provided addresses their concerns in that the permit is granted to the employee. Therefore, the employee’s level of control is far beyond what is currently the case and which gave rise to the concerns expressed by those Deputies and many others. In practical terms, it would be difficult to operate the system if an employee had to be the applicant. That is the principal reason we have a sufficient safeguard. We have provided for an application to be made for the permit in a sensible manner.

Mr. Howlin: I am not convinced there is an argument in terms of advertising or searching for the job. There is no reason the employer could not still do all of that — place an advertisement, seek an interview system and so on. After the appointment, however, when it comes to the application for a work permit, the idea is that it should be the purview of the employee. It does not impact on the advertising, interviewing and appointment procedure but it is the next phase that I have in mind. I accept that the new regime envisaged in the Bill is an improvement on the old system whereby an employee might never see the work permit. The threat of expulsion from accommodation or from the State was real and it happened in some cases.

I am not convinced by the Minister of State’s arguments. It would be a better mechanism if the application, holding and transfer of the work permit resided with the individual employee. Unfortunately, if one allows an either/or strategy, it will be a matter for the employer who will then have leverage over people who are unfamiliar with the law and workers’ rights. They may not be members of a trade union and may not be properly briefed so, therefore, they will continue to be

[Mr. Howlin.]

exploited in future in ways of which we have seen real and practical examples in the past.

Mr. Morgan: Some of the points I wished to raise have been covered by Deputy Howlin so I will not repeat them. Any worker should be entitled to apply for and hold an employment permit. That does not take away from advertising and other issues that do not arise in this respect. The advertising and recruitment process can still occur, after which the worker can apply for a permit. It should be as straightforward as that. I am somewhat concerned by the conservatism in refusing to accept this amendment. I am trying to locate where that conservatism is based but I suspect it does not emanate from the Minister of State himself. Either way, it is unfortunate and unnecessary.

Mr. Killeen: Ultimately, the judgment I am making concerns what the most efficient system is. There is a considerable amount of paperwork involved in making an application for a work permit and clearly there are huge advantages for the Department in knowing who the employer is and having that paperwork in as well as the employee's. On balance it seems more sensible and more workable in the vast majority of cases if the employer would be charged with making the application but that the work permit would be issued to the employee. That addresses the major concerns that have come to our notice in recent times. The only good thing to have emerged from recent scandals in this respect is that workers who are foreign nationals have become aware of their rights and are much more likely to join a trade union or take whatever other action is needed.

Mr. Howlin: Senator Brendan Daly is one.

Mr. Killeen: They are much more responsive as well.

Question, "That the words proposed to be deleted stand", put and declared carried.

Amendment declared lost.

Mr. Killeen: I move amendment No. 39:

In page 8, line 14, to delete "non-national" and substitute "foreign national".

Amendment agreed to.

Amendment No. 40 not moved.

Mr. Killeen: I move amendment No. 41:

In page 8, line 15, to delete "non-national" and substitute "foreign national".

Amendment agreed to.

Amendment No. 42 not moved.

Mr. Killeen: I move amendment No. 43:

In page 8, line 20, to delete "non-national" and substitute "foreign national".

Amendment agreed to.

Amendment No. 44 not moved.

An Leas-Cheann Comhairle: Amendments Nos. 58, 59, 62, 63 and 90 are related to amendment No. 45 and all may be discussed together.

Mr. Hogan: I move amendment No. 45:

In page 8, to delete lines 21 to 25.

These amendments seek to deal with the restrictions the Minister of State is putting on work permits. While sections 3 to 6, inclusive, cover the application either by a prospective employer or a non-national for an employment permit, if an employer is applying he must show the offer of employment with all the terms and conditions of employment under section 5(1)(a). If a non-national is applying he or she must merely show the offer of employment under section 6(f). It is not specifically stated, however, what should be contained in the offer of employment. I am advised that this could be overcome by adopting the provisions of section 3 of the Terms of Employment Information Act 1994.

Section 8 provides that where the employer applies for a permit the period shall be for 12 months or less. Where the prospective non-national employee applies it shall be for a two-year period or for a longer period as provided for under section 13. This might be putting an unnecessary administrative burden on employers who have to apply on a number of occasions. As I discussed on Committee Stage, the amendments seek to tidy up the provisions whereby an unnecessary administrative burden would be placed on those applying for such permits.

Mr. Killeen: The impact of accepting any of these amendments would ultimately be to change the system which is being applied under this legislation. As the Minister has proposed, the work permit application is made on a vacancy-based system. The import of what Deputy Hogan has said would change that, to some extent, towards being a quota-based or points-based system. It would thus lose the major attraction it has for us in view of our experience — that when we know who the employer is, where the employment is and what specific employee is contracted to that job, we have a much better opportunity of following up on any complaints or difficulties that might arise. That is why we have gone for this option.

Amendment, by leave, withdrawn.

Mr. Killeen: I move amendment No. 46:

In page 8, line 21, to delete “non-national” and substitute “foreign national”.

Amendment agreed to.

Amendment No. 47 not moved.

Mr. Killeen: I move amendment No. 48:

In page 8, line 26, to delete “non-national” and substitute “foreign national”.

Amendment agreed to.

Amendment No. 49 not moved.

Mr. Killeen: I move amendment No. 50:

In page 8, line 28, to delete “non-national” and substitute “foreign national”.

Amendment agreed to.

Amendment No. 51 not moved.

Mr. Killeen: I move amendment No. 52:

In page 8, line 35, to delete “non-national” and substitute “foreign national”.

Amendment agreed to.

Amendment No. 53 not moved.

Mr. Killeen: I move amendment No. 54:

In page 8, line 38, to delete “non-national” and substitute “foreign national”.

Amendment agreed to.

Amendment No. 55 not moved.

Mr. Killeen: I move amendment No. 56:

In page 8, line 42, to delete “non-national” and substitute “foreign national”.

Amendment agreed to.

Amendment No. 57 not moved.

Mr. Howlin: Could all of these amendments be dealt with in one fell swoop?

Amendments Nos. 58 and 59 not moved.

Mr. Killeen: I move amendment No. 60:

In page 9, line 11, to delete “non-national” and substitute “foreign national”.

Amendment agreed to.

Amendments Nos. 61 to 63, inclusive, not moved.

Mr. Killeen: I move amendment No. 64:

In page 9, line 17, to delete “non-national” and substitute “foreign national”.

Amendment agreed to.

Amendment No. 65 not moved.

An Leas-Cheann Comhairle: Amendments Nos. 66 and 71 will be discussed together.

Mr. Hogan: I move amendment No. 66:

In page 9, between lines 30 and 31, to insert the following:

“(2) In respect of answers, by a foreign national in an application for an employment permit, given in *paragraph (f)(i)* of this section, nothing shall automatically disqualify an applicant from gaining an employment in and of itself, but may be taken into account when his or her application is being considered.”.

In the interests of speed and brevity I ask the Minister of State to state what he thinks of those amendments before I decide whether I will take action as they were already discussed on Committee Stage.

Mr. Killeen: The powers available to the Minister under section 12(1)(c) to refuse to grant an employment permit for breaches of employment permit legislation or the employment protection enactments in Schedule 1 are discretionary and not mandatory. That is the concern Deputy Hogan had. If breaches occur and such breaches are not serious or of a technical nature, they would not automatically disqualify the applicant from being granted an employment permit. Section 12(1)(c) refers to conviction of an offence, which would not be likely to occur in the case of inadvertent or minor breaches.

Mr. Hogan: In light of the Minister of State’s assurance that the ministerial role is discretionary I am satisfied to withdraw the amendment.

Amendment, by leave, withdrawn.

Mr. Killeen: I move amendment No. 67:

In page 9, line 31, to delete “non-national” and substitute “foreign national”.

Amendment agreed to.

Amendment No. 68 not moved.

Mr. Killeen: I move amendment No. 69:

In page 9, line 33, to delete “non-national’s” and substitute “foreign national’s”.

Amendment agreed to.

Amendments Nos. 70 and 71 not moved.

Mr. Howlin: I move amendment No. 72:

In page 10, between lines 17 and 18, to insert the following:

“(2) An employment permit shall, as far as practicable, be issued in, or accompanied by a translation in, the language of the employee.”.

We discussed this on Committee Stage. I am sorry not to see the Minister's name appended to mine on this amendment. He undertook to consider it between Committee and Report Stages. It would make it a requirement that employment permits shall “as far as practicable, be issued in, or accompanied by a translation in, the language of the employee”. I thought that was a reasonable requirement. Even the census is going out in 11 languages. The saver clause “as far as practicable” meant it would not be overly burdensome but would be an extremely strong safeguard against exploitation and a reasonable undertaking for the State. I take it from the absence of the Minister's co-sponsorship of the amendment that his consideration has not been positive. I wait in hope and expectation on the Minister of State's pronouncement.

Mr. Killeen: As was undertaken on Committee Stage, what Deputy Howlin proposed was considered, and a number of issues arise notwithstanding as he correctly states the phrase “as far as practicable” is included in his amendment. One of the concerns was that should matters of law arise to be determined by the courts, the issue of language would be central to the outcome.

There is also difficulty in that many countries have more than one language, so the language may not be determined from the nationality. When we examined the number of applicants, a considerable number are from countries where English is a spoken language in any event, such as the Philippines, India and South Africa. We do not want to provide translation for some and not for others. On balance, having come from the position of considering it a good idea, it does not seem sensible to provide for it in the legislation. It would be desirable that translations be made available. It does not seem appropriate that it be included as a provision of the legislation.

Mr. Howlin: I am disappointed the Minister of State believes that. The notion it might lead to confusion in subsequent litigation is a poor reason for not making good law. We should not look over our shoulders at the courts when we establish law. The idea behind it is to provide clarity to an individual coming here to work on the conditions in a language he or she understands. That is a reasonable expectation and not a great burden to place on this society.

Regarding the confusion that might arise because some countries have more than one language, one could simply ask the applicant to specify which language they wish to use from a list of those available in a practical way. A minor dialect of an obscure language would not be available and it would not be expected. I do not want to take up time if the Minister of State has closed his mind to it. However, providing for language varieties in official documentation would be an incremental positive step in dealing with a multi-cultural Ireland and its changing ethnicity.

Amendment, by leave, withdrawn.

Mr. Killeen: I move amendment No. 73:

In page 10, lines 20 and 21, to delete “non-national” and substitute “foreign national”.

Amendment agreed to.

Amendment No. 74 not moved.

Mr. Killeen: I move amendment No. 75:

In page 10, line 25, to delete “non-national” and substitute “foreign national”.

Amendment agreed to.

Amendment No. 76 not moved.

Mr. Killeen: I move amendment No. 77:

In page 10, line 27, to delete “non-national” and substitute “foreign national”.

Amendment agreed to.

Amendment No. 78 not moved.

Mr. Killeen: I move amendment No. 79:

In page 10, line 30, to delete “non-national” and substitute “foreign national”.

Amendment agreed to.

Amendment No. 80 not moved.

An Leas-Cheann Comhairle: Amendments Nos. 81, 125, 145 and 215 are related and will be discussed together.

Mr. Hogan: I move amendment No. 81:

In page 10, between lines 36 and 37, to insert the following:

“(6) Where—

(a) the provisions of the Protection of Employees (Fixed-Term Work) Act 2003 become applicable in respect of a foreign national employment permit holder, or

(b) where a foreign national employment permit holder becomes entitled to a contract of indefinite duration, nothing in this Act shall be used to—

(i) deny that employee his or her rights in law,

(ii) deny that employee the renewal of his or her employment permit, if such a denial would interfere with his or her rights in law,

(iii) deny him or her permanency of employment as provided for in section 5 of the Protection of Employees (Fixed-Term Work) Act 2003, or

(iv) afford him or her any lesser protection under employment protection legislation that is afforded to an EU or EEA national.”.

As I pointed out on Committee Stage, the one interesting feature of the provisions I outline here is that the provisions of the Protection of Employees (Fixed-Term Work) Act 2003 may become applicable as a permit-holder may be employed on a fixed-term contract. After four years, the employee permit-holder may become entitled to a contract of indefinite duration. Employers will probably not apply for renewal of the work permit of a mere permit-holder and it could be open to abuse.

It would be extremely difficult for people on work permits to be classified as employees and come under the definition of permanent employment, even though they may have contributed to the employment concern for four or more years. Such foreign nationals are at a disadvantage even if they complete a number of years' service. Implicitly it appears foreign nationals do not have the same right to security of employment under employment protection legislation as EU and EEA nationals. For that reason, I put down the amendment to include the changes necessary to provide security of employment or permanent employment status to people who worked for a significant number of years under existing Irish legislation.

Mr. Killeen: As I explained on Committee Stage, the provisions of the Redundancy Payment Acts and the Protection of Employees (Fixed-Term Work) Act are not applicable in this area.

Mr. Howlin: Sorry, will the Minister repeat that?

Mr. Killeen: They are not applicable in this area. Specifically, regarding amendment No. 81, the arrangement is that workers are allowed to enter and remain in the State for a period no longer than the temporary period specified in the employment permit. That means amendment No. 81 could not be accepted. I cannot accept amendments Nos. 125 and 145 because the mechanism

and process of the legislation they refer to are inappropriate for employment permits appeals, for which arrangements have been set out in sections 13 and 17 of the Bill. Neither the rights commissioners nor the Labour Court have any function in the determination of matters relating to immigration. It would be inappropriate to accept the amendments for that reason.

Mr. Hogan: The Bill seems to set up a special system for adjudication of work permits, although tried and tested State machinery for industrial relations already exists. Why not use one of those systems rather than create a new model? If the Minister of State wants to use a system internal to the Department, why not use one of those provided under the Redundancy Payments Acts 1967 to 2003, with deciding officers, a right of appeal to the Employment Appeals Tribunal and a further appeal on a point of law to the High Court, as exists under the current system? This would prevent unnecessary duplication and expense to the State.

Section 12 provides for a review by the Minister but such a system could lead to numerous judicial reviews or applications which could be costly to the State and any parties to the application. If the Minister of State does not want to use the current structure, he could consider using the adjudication process that exists under the 2003 Act. This involves an initial reference to the rights commissioner followed by an appeal to the Labour Court before going to the High Court on a point of law, which can be quite expensive for all parties. What is the Minister of State's reason for not using a system that has been tried and tested and that works reasonably well?

Mr. Killeen: There are two different points at issue here. First, immigration arrangements are a matter for the Department of Justice, Equality and Law Reform and do not fall within the remit of my Department.

On Committee Stage, the point was strongly made that the functions of employment appeals bodies such as the Labour Relations Commission are specific and could not be related to a review of a decision by the Minister to refuse to grant a permit. Whatever argument might be made for having a mechanism in place, it would be most unhelpful to refer the appeal system to the LRC, for example, which deals with quite different issues. The appeal mechanism is provided for in the Bill.

Amendment put and declared lost.

Mr. Killeen: I move amendment No. 82:

In page 10, line 39, to delete “non-national” and substitute “foreign national”.

Amendment agreed to.

Amendment No. 83 not moved.

Mr. Killeen: I move amendment No. 84:

In page 10, line 41, to delete “non-national” and substitute “foreign national”.

Amendment agreed to.

Amendment No. 85 not moved.

Mr. Killeen: I move amendment No. 86:

In page 10, line 42, to delete “non-national” and substitute “foreign national”.

Amendment agreed to.

Amendment No. 87 not moved.

Mr. Killeen: I move amendment No. 88:

In page 11, line 2, to delete “non-national” and substitute “foreign national”.

Amendment agreed to.

Amendment Nos. 89 and 90 not moved.

Mr. Killeen: I move amendment No. 91:

In page 11, line 8, to delete “non-national” and substitute “foreign national”.

Amendment agreed to.

Amendment No. 92 not moved.

Mr. Killeen: I move amendment No. 93:

In page 11, line 9, to delete “non-national” and substitute “foreign national”.

Amendment agreed to.

Amendment No. 94 not moved.

Mr. Hogan: I move amendment No. 95:

In page 11, to delete lines 11 to 15 and substitute the following:

“(c) a statement—

(i) of the requirement under the National Minimum Wage Act 2000 that the foreign national concerned be paid at least the national minimum hourly rate of pay by his or her employer and the effect of *subsections (1), (3) and (4) of section 22*, or

(ii) where better terms and conditions of employment in an employment regulation order or registered employment agreement are in effect, of what the applicable terms and conditions of employment for the foreign national are; and”.

The wording under section 8(2)(c) provides a statement of the requirement under the National

Minimum Wage Act 2000 that the foreign nationals concerned should be paid the national minimum hourly rate. I tabled this amendment because the terminology in the Bill could be seen to be restrictive.

There are various registered employment agreements and employment regulation orders under the Industrial Relations Acts that provide greater protection for employees. I hope the Minister of State will consider the amendment, which would provide clarity and remove some of the restrictions in the current arrangement.

Mr. Killeen: I cannot accept the amendment because it would not be feasible to include provision for each type of employment where the applicable terms and conditions are under the relevant employment regulations orders and registered employment agreements. There are 18 employment regulation orders and 45 registered employment agreements, each of which may cover different employment types.

Section 12(1)(j), however, specifically provides that an employment permit application may be refused if the proposed pay is less than the standard remuneration for the working week, which is defined in section 12(6) as being the national minimum wage or the pay set out in the applicable employment regulation order or registered employment agreements. In other words, an employment permit application will be refused if the proposed pay is less than the national minimum wage or the applicable registered employment agreement or employment regulation order. In addition, as section 9 states that the permit must include a statement of the remuneration payable, the employee will know what he or she should be paid.

Amendment, by leave, withdrawn.

Mr. Killeen: I move amendment No. 96:

In page 11, line 12, to delete “non-national” and substitute “foreign national”.

Amendment agreed to.

Amendment No. 97 not moved.

Mr. Killeen: I move amendment No. 98:

In page 11, lines 17 and 18, to delete “non-national” and substitute “foreign national”.

Amendment agreed to.

Amendment No. 99 not moved.

Debate adjourned.

Sellafield: Statements.

Minister for the Environment, Heritage and Local Government (Mr. Roche): I wish to share

time with the Minister for Foreign Affairs, Deputy Dermot Ahern.

I welcome the fact that this debate is taking place this evening and I am grateful for the opportunity to respond in detail to last week's developments and reiterate current and ongoing Government policy in this area.

The Government is committed to the safe closure of Sellafield and will continue to use every legal, diplomatic and political means at its disposal to progress that objective. It is pressing the European Commission to step up its game in terms of holding the operators of Sellafield to account. Regardless of the privatisation of any element of the British nuclear apparatus, this Government will continue to hold the UK Government responsible for the operations of Sellafield and the health and safety of the Irish people and environment.

Last Thursday, the UK's Nuclear Decommissioning Authority, NDA, published a new strategy document outlining how the United Kingdom proposes to tackle the clean-up of its historic nuclear facilities including those at Sellafield. The decision by the UK Government to approve the sale of the separate but linked, British Nuclear Group was made in the context of this strategy.

That decision raises concerns about accountability, transparency and the risk of compromising safety in the pursuit of profit in a privatised entity. The UK authorities have confirmed to my office that the privatisation of the British Nuclear Group does not alter the fact that the site and the operations undertaken there remain the responsibility and in the ownership of the UK Government through the NDA.

The Irish Government will continue to hold the UK Government accountable and responsible for the continuing safe operation of the Sellafield complex. While the UK Government may have a sovereign right to manage its affairs to best serve its interests, we also have sovereign rights and responsibilities to ensure that the health, environment and safety of our citizens are not adversely impacted by any decisions taken by the UK.

The NDA is a non-departmental public body established by the UK Government in April of last year. The UK Government mandated the authority to ensure that 20 civil public sector nuclear sites in the UK, including Sellafield, were decommissioned and cleaned up safely, securely, cost-effectively and in ways that protect the environment.

Mr. O'Dowd: Would it be possible to see a copy of the Minister's speech?

Mr. Roche: I will organise for the Deputy to receive one. I am not sure if that is usually done when statements are being taken.

Mr. O'Dowd: That is fine. Other people received copies and I do not see why I should not have one.

Mr. Roche: While the establishment of the NDA was portrayed in some quarters as a new dawn for nuclear clean-up in the United Kingdom, particularly at Sellafield, we in Ireland have been down the road before when other new dawns have proved false.

As with so much else, the devil is in the detail in so far as the NDA is concerned. The Irish Government considers that this authority is fundamentally compromised by the fact that it continues to engage in commercial mixed oxide fuel manufacturing and the continued operation of the reprocessing plants, THORP and magnox at Sellafield.

These operations continue to generate additional waste and radioactive discharges into the Irish Sea. The recent leak at THORP, which caused 83,000 litres of highly radioactive material — a swimming pool full — to leak into a secondary containment area, was the latest and most serious example of the long-standing poor operational safety record at Sellafield. The worst aspect of this incident was the revelation that management was complacent and ignored very clear warning signals that something was wrong. This and the fact that the leak occurred speak volumes.

I have availed of the extensive consultation process in place between the United Kingdom and Ireland to convey all of the concerns of the Irish Government on the mandate and operation of the NDA. I reiterated these concerns at my meeting with the chairman and the chief executive of the Nuclear Decommissioning Authority in Dublin last November. Our principal concerns relate to the assignment of responsibility for commercial reprocessing and related operations to a body responsible for nuclear clean-up and decommissioning, reliance on income from reprocessing operations by the authority to fund clean-up operations, the failure of the Nuclear Decommissioning Authority to engage with the principle of waste minimisation, our wish that the THORP and MAGNOX reprocessing plants be shut down and the commissioning of the MOX plant discontinued, ensuring that the decommissioning of nuclear facilities does not result in radioactive discharges to the environment, particularly the Irish Sea, and ensuring the contracting out of various decommissioning and clean-up projects on a competitive basis do not compromise safety.

The Nuclear Decommissioning Authority is currently engaged in a review of issues posed by the shutdown of the THORP plant. The issues raised by the current shutdown at the THORP plant represent a real benchmark for the Nuclear Decommissioning Authority and, ultimately, the UK Government in respect of their stated objective of decommissioning and clean up.

6 o'clock

[Mr. Roche.]

Members will be aware of the Government's policies in this area, as set out in An Agreed Programme for Government. The Government regards the continued existence of Sellafield as an unacceptable threat to Ireland and believes it should be closed. We will continue to use every diplomatic and legal route available towards achieving the safe, orderly and efficient closure of the plant.

In so far as the legal route is concerned, the Government's international legal proceedings against the UK under the United Nations Convention on the Law of the Sea in respect of the Sellafield MOX plant were suspended in 2003 pending resolution of jurisdictional issues in the dispute raised by the European Commission. These issues are the subject of proceedings by the European Commission against Ireland before the European Court of Justice.

The Advocate General's opinion, which was issued in the case on 18 January last, considers that the ECJ has jurisdiction in respect of the dispute between Ireland and the UK. While this opinion favours the case made by the Commission, it will be a matter for the Court to issue the final judgment, which is expected later in the year. The final outcome should clarify international and community law in respect of the protection of the marine environment and other issues. When this case is completed, the Irish Government will expect the Commission to act robustly in respect of the operation of the Sellafield plant, which has not been the case to date.

The Government has also been very proactive on the diplomatic front, not only in the UK, but also in Europe. The House will recall that last October I met with UK Secretary of State at the Department of Trade and Industry, Mr. Alan Johnson MP, to *inter alia* convey Ireland's serious concerns about the THORP incident the previous April. I also conveyed in the strongest possible terms the view of this Government that reprocessing at Sellafield is unwelcome, uneconomic and environmentally untenable, compromises safety and should be brought to an end.

Earlier this year in Brussels, I met the EU Commissioner for Energy, Andris Piebalgs, to articulate clearly the Government's view that we expect the Commission to exercise its competence robustly in respect of the continued operations at Sellafield. In so doing, I specifically mentioned the THORP leak and the B30 storage pond and left the Commissioner in no doubt as to the depth of Ireland's concerns in respect of these issues. Subsequently, the Commission issued a formal warning to the UK regarding accounting and reporting procedures currently in place at Sellafield. This action by the Commission represents a step in the right direction but I am determined on behalf of the Government to ensure that where the Commission claims competence, it actively exercises it.

My officials and scientific experts from the Radiological Protection Institute of Ireland continue to meet with their UK counterparts on a regular basis during which Ireland's concerns regarding operations at Sellafield are raised. My policy is to use the consultation processes to articulate the views of the Irish Government in respect of nuclear issues and to ensure Ireland's interests are represented and protected. The current consultation document on future UK energy requirements is no exception in this regard. The Government is determined through my Department and the Radiological Protection Institute of Ireland to fully engage in this consultation process. The current legal and diplomatic initiative by the Government in respect of Sellafield has resulted in increasing recognition by the UK Government and its agencies of the priority accorded to the issue of Sellafield by the Irish Government.

Some progress has been made. We now have unprecedented levels of co-operation and coordination between our two countries. Welcome as that is, however, a significant difference — indeed an unbridgeable gap — remains in our perspectives on nuclear issues in general and Sellafield in particular.

I conclude by reassuring the House that the policy of this Government in respect of Sellafield remains clear and unambiguous and that we will continue to pursue all legal, political and diplomatic options to secure its safe and early closure. I will assign my remaining time to my colleague, the Minister for Foreign Affairs, Deputy Dermot Ahern, who has a long-standing and deep interest in this issue.

Minister for Foreign Affairs (Mr. D. Ahern): I thank the Minister for the Environment, Heritage and Local Government for assigning his remaining time to me. The issue of Sellafield unites this House like no other. Our common stance is crystal clear. Sellafield is an unacceptable threat which should be closed forthwith in a safe and orderly manner. We have pressed this policy through every diplomatic, political and, where necessary, legal route available and will continue to do so.

In advancing this policy, we reflect the overwhelming views of the Irish people. Indeed, our proximity to Sellafield has helped shape a strong and consistent anti-nuclear policy within successive Governments. I want to make it clear to the House that this State will not be forced to go nuclear. Recent reports do nothing to alter our stance. The basis of our policy is stronger than ever and the reasons behind this policy are worth reaffirming.

Windscale, Three Mile Island and Chernobyl remain powerful testimony of the destructive potential of nuclear power. Likewise, Sellafield remains a real and present danger to life on this island. The point not often advanced by the nuclear lobby today is that the proven reserve

uranium fuel stock in the world today will last for only 50 years, which is approximately the same order of time as for proven oil reserves. In the event of more countries opting for nuclear power, these supplies will diminish faster. Nuclear power is not the unlimited energy supply its supporters claim it is and is simply not economically competitive compared to gas-fired generation. This fact is increasingly clear when one builds in the cost of long-term storage and plant decommissioning. Capital, operational and maintenance costs of nuclear plants are three times that of a conventional plant. Under its current configuration, our electricity supply system is not suitable for nuclear power. Typical nuclear plants, which supply over a gigawatt of electricity, are too large for the Irish system. Even the smallest modern generation III nuclear plant would destabilise the system by delivering too much inflexible base load.

Our opposition to Sellafield and to nuclear power in Ireland have clear and logical foundations. This opposition to nuclear power is shared on both sides of the Border. At the recent meeting of the British Irish Intergovernmental Conference in London, I stressed our opposition to the construction of any new nuclear plants in the North. This point has been publicly acknowledged by my colleague, the Secretary of State for Northern Ireland, Mr. Peter Hain, MP, who recently stated that:

There will be no support in the island of Ireland for building a nuclear power station, the Irish government set its face implacably against that and I don't think there would be any support in the North.

Therefore, the anti-nuclear policy of this House, the Government and the Irish people is clear and steadfast. There is no question of developing a nuclear plant in Ireland. Indeed, the "use of nuclear fission for the generation of electricity" is banned here, under the Electricity Regulation Act 1999 and will remain banned.

Some politicians have mischievously asserted that the absence of a specific anti-nuclear provision in the Strategic Infrastructure Bill signals a pro-nuclear shift in Government policy. This is not true. Nuclear power is already banned so there is no need to re-ban it.

In the same fashion, child labour and the death penalty are banned and are, therefore, not re-banned in every labour law or criminal justice Bill that comes before the House. This level of point-scoring exemplifies the need for a grown-up discussion on this issue. We are all clearly united behind the anti-nuclear policy of successive Governments, including this Government.

Mr. Cuffe: Tell that to Forfás.

Mr. D. Ahern: However, this non-nuclear status brings with it an onus to provide alternative, secure, reliable and competitive energy sup-

plies for families, workers and industry. This is because energy supply must meet energy demand and failure to meet that demand means unemployment, a flight of capital and profound effects on our economy.

It is not sufficient for politicians to loudly proclaim anti-nuclear credentials but then oppose gas pipelines, pylons and interconnectors, as the Deputy who attempted to interrupt me has done. Being anti-nuclear means advancing genuine non-nuclear alternatives.

Mr. Cuffe: When did the Green Party oppose interconnectors?

Mr. D. Ahern: Alternatives are needed which can deliver for Ireland now, rather than at some unspecified future date.

An Ceann Comhairle: The Deputy interrupted the Minister, who only has a small amount of time in which to contribute.

Mr. D. Ahern: Will the Deputy have some manners and allow me to continue?

Mr. Cuffe: The Minister has accused me of something I have not done. He should not accuse the Green Party.

Mr. D. Ahern: The Government is anti-nuclear and is providing alternatives.

Mr. Cuffe: I expect some security.

Mr. D. Ahern: Others claim to be non-nuclear but offer no alternatives, which is untenable.

Mr. O'Dowd: I welcome the Labour Party's proposal to have a debate on this matter. In preparation for the debate, I carried out some research. I read in *The Whitehaven News* and in a press release from Cumbrians Opposed to a Radioactive Environment, CORE, that, on a bank holiday weekend in the United Kingdom last year, a shipment of plutonium MOX fuel was transported through the Irish Sea to Cherbourg. Did the Minister for the Environment, Heritage and Local Government know about this shipment? Was he informed about it?

Mr. Roche: If the Deputy wants to submit a parliamentary question, I will give him a comprehensive reply.

Mr. O'Dowd: I would like the Minister to answer the question. If he is not able to answer now, that is fine.

Mr. Roche: We are making statements.

Mr. O'Dowd: Did the Minister know about the shipment? If so, why did he not make a public statement? When a previous shipment of MOX fuel was returned from Japan, a national debate

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took place. The Minister for Foreign Affairs was serving as Minister for Communications, Marine and Natural Resources at that time and he instructed the Naval Service and Air Corps to watch every element of the transportation, about which he expressed his deep and public concern. I can find no record of the Minister for the Environment, Heritage and Local Government commenting on that transportation of MOX fuel. In the interests of transparency and openness, did the Minister know about the shipment? If so, why did he not comment on it? If he did not know about the shipment, why was that the case?

At the core of this issue—

Mr. Roche: The Deputy has asked me to answer a number of specific questions but I understood that we were here to make statements. If the Deputy wishes to ask a particular query, I will provide an answer if he tables it in the form of a parliamentary question.

An Ceann Comhairle: I understand that the Minister has five minutes at the end of this debate to answer any questions asked. The Deputy is quite in order in asking his questions.

Mr. O'Dowd: I thank the Ceann Comhairle. It is important that, when we discuss transparency and openness—

Mr. Roche: The Deputy asked for a specific answer.

An Ceann Comhairle: The Deputy is in order. I will not allow interruptions.

Mr. Roche: I wanted to draw the Ceann Comhairle's attention to the matter.

An Ceann Comhairle: The Minister is entitled to answer the Deputy's questions at the conclusion of the debate.

Mr. O'Dowd: It is critical that the record of the Minister's knowledge of this shipment while he has been in office is made available to those on this side of the House. In the interests of the Freedom of Information Act 1997, which is intended to provide the public with access to information, it is incomprehensible that the Department of the Environment, Heritage and Local Government, due to the way it believes the law has been framed as a result of changes made by the Minister to legislation, refused to give me more than 80 of the 120 documents it holds in respect of the most recent serious incident at Sellafield, that is, the leak at the reprocessing plant. This is a matter of concern because, as the Minister for Foreign Affairs said, Deputies have always agreed on the issue. However, Members on this side of the House do not possess all the facts. I need those facts to make a judgment as to whether the Minister for the Environment, Heri-

tage and Local Government is doing his job effectively in respect of this issue. I await his answers with interest.

The issue for Deputies is whether we agree with the British Government's announcement on the privatisation of the operation of all nuclear sites in the United Kingdom. This means that the British Nuclear Group — basically British Nuclear Fuels Limited, which has managed the process for a number of years — will compete with others who may or may not have better track records. The difference between BNG and the other groups is that it is a wholly-owned British Government authority and, therefore, there is, as much as there can be, a direct line responsibility for the ownership of and actions and transparency on the Sellafield site and elsewhere. Like the Minister, those on this side of the House are vehemently opposed to the privatisation of those sites. The key issue is that investment might be based on profit motives and not safety.

I read the British Government's information with interest and spoke with a number of its officials in Ireland but, while I respect the integrity of their positions, which they hold firmly and honestly, it is unacceptable to Fine Gael and the House that the process will continue. One of the marks of the relationship between Britain and Ireland in recent years has been the closeness of our views, particularly on Northern Ireland, and the ways in which we have moved forward. The old Irish view of Britain as an imperialist nation is long gone and we have a constructive and excellent relationship with the British Government at all times. It is fundamental to this relationship that the British Government should take on board our serious and deep concerns about what it is proposing, particularly in respect of the Sellafield site.

We are not confident that those involved in private enterprise will always put safety at the top of their list, have the relevant expertise at their disposal or be prepared to take the most expensive route rather than, from their perspective, taking that which might be most effective from the point of view of their incomes and balance sheets. What has happened to date at Sellafield has been unacceptable and there has been appalling neglect, particularly in terms of safety. A number of serious incidents have occurred but, thank God, a serious accident has not yet occurred there and I hope one never will. It is essential for Ireland that the British Government should adopt a hands-on approach to and take ownership of these issues.

My brother, Michael O'Dowd, who acts as chairman of a British-Irish anti-nuclear local authorities group, received a commitment from Mr. Peter Hain that the British Government does not intend to build a nuclear power station in Northern Ireland. I welcome this commitment.

The debate has moved on. In recent days, the representatives of Forfás published a report that, with the exception of its proposals on nuclear

energy, was excellent. It is a short report of approximately 27 pages and is worth reading. It has many sound and solid sections. Arising from the report, I listened to a representative of Amárach Consulting make the case for a nuclear industry in Wylfa on “Morning Ireland” this morning.

Mr. Cuffe: It is Wylfa.

Mr. O’Dowd: I apologise. I hope there will never be a Wylfa here. This morning, it was proposed that Ireland lease that plant, which would remain open for many years. I wish to put on the record what Mr. Bull, a representative of British Nuclear Fuels Limited, recently said at the Welsh Affairs Committee in the United Kingdom.

Mr. Stagg: Was he speaking bull?

Mr. O’Dowd: The Assembly Government indicated that it wants to extend the life of the Wylfa plant and Mr. Bull was asked how easy it would be in practice. Mr. Bull, who I believe—

Mr. Stagg: He was not speaking bull.

Mr. O’Dowd: —just in case people think I do not, stated:

In practice there are a lot of considerations to be weighed into that decision. The first point is to restate it is not a decision for us to make; it is a decision for the Nuclear Decommissioning Authority as the owner of the station. It is not simply a question of taking a decision about the station in isolation. Wylfa is the last of a series of magnox power stations. All of the fuel for those stations has been manufactured at the Springfield site in Preston. They are just in the process now of making the last fuel for Wylfa. They just recently cast the last billet of uranium which is to go into making the final fuel for Wylfa to dispose of by 2010.

Probably the more significant consideration relates to the fate of the fuel once it comes out of the reactor. The consideration there is that there is only one facility for reprocessing that fuel. That is the magnox reprocessing facility at Sellafield. Under the terms of our commitment to the OSPAR agreement we have to end marine discharges from the Sellafield site by 2020 so the closure date for that reprocessing facility is set in 2012.

It is not simply a question of looking at could we run the reactor for another five years as a decision to be made in isolation. How we would manage the future fate of the fuel post-2010 and whether there is any potential at all for extending the life of the reprocessing facility whilst still meeting our OSPAR obligations for 2020 is a major challenge. Our understanding is that the NDA do not consider it realistic to extend the life of Wylfa beyond 2010.

This is important in the context of the national debate that has begun on this issue. I welcome this debate and it is important to have it. There is no case to be made for Ireland to take over or lease the plant to which I refer, as was recommended this morning on the national airwaves. Moreover, other issues have arisen in respect of the plant. For example, some years ago an issue arose regarding its reactor core and I understand that it was closed for some time in order for the situation to be assessed.

Members should nail this issue here and now. Whatever arguments are made — everyone is entitled to make them — Members must carry out research and rebut such arguments in favour of the facts. This plant must close because the reprocessing of the fuel cannot continue beyond the year 2012.

There is, however, an important debate in which all must engage. Government policy has failed, particularly in respect of energy supply and the use of alternative energy. The Government has not been sufficiently aggressive in its examination of or response to our energy problem. I refer, in particular, to the development of alternative energy resources such as biofuels. While I do not know what fuel the Minister’s State car uses, perhaps it is time for him to convert to a model such as a Prius. He could also start taking the train or even consider walking.

Mr. Roche: The car is already on order. The Deputy should not worry. I will give him a ride in it some day because it will be the only time he will be in a position to travel in it.

Mr. O’Dowd: I am delighted that the Minister has taken this step. It is right and proper that he has done so.

Mr. Roche: There is a delay in receiving such cars.

Mr. O’Dowd: Every State car, bus and other form of transport should use renewable energy or biofuels. That is the only way forward. We should also be more aggressive in pursuing this option in the context of our agricultural policy. Many acres of land have been set aside or will never be used in the context of our current agricultural practices. This could change and many more people could work in agriculture if we were to develop crops that are suitable for the production of biodiesel and so on. If the Minister proposed to the Cabinet that a proportion of biofuel should be introduced into existing diesel and petrol engines, it would make a significant difference to our carbon emissions and would be of significant assistance to the development of crops which would be suitable for conversion.

In summary, everyone agrees that we neither want nor accept the privatisation of the British nuclear industry. I understand that it will cost in the order of €100 billion to decommission the

[Mr. O'Dowd.]

United Kingdom's nuclear legacy. While the British Government's views may be genuine, we do not accept them and this privatisation is unacceptable to Members. Despite serious and significant problems, particularly in respect of the operation of Sellafield, Members still feel that the nuclear industry should remain in public hands and that no private companies should work there. It should be operated as it is at present, with all its faults and failings.

Finally, I want the Minister to state on the record whether he knew of the MOX transport to which I referred earlier. If so, why did he not make a statement in that regard? We must be clear and must have complete transparency and openness as to what the Government is doing and what it has been told, as well as with whom it has been in communication. The Freedom of Information Act was amended by the Government, which has removed transparency and openness. Members have been deprived of clarity and the entire truth as to what the Minister is or is not doing. I am greatly concerned that I might be informed that providing me with information on some of these matters would threaten the State's security. This is utter and absolute rubbish. Events in Sellafield threaten the security of our citizens. If Members do not know the full story or all the facts and if the Minister hides behind the Freedom of Information Act, as amended, he deserves to be absolutely condemned for his lack of transparency and openness.

Mr. Stagg: I welcome the fact that the Minister for the Environment, Heritage and Local Government has come before the House and that the Minister for Foreign Affairs also addressed this issue. I thank the Minister for agreeing to my request to hold this timely debate. I did not seek the debate to criticise the Minister or the Government on the issue of nuclear safety, although there is plenty of room to do so. I sought the debate so this House could unite with the Government and the Minister in presenting the strongest possible case to the British authorities in the face of a greatly increased threat to our people.

I also sought the debate at this time in order that the Taoiseach, who will meet the British Prime Minister tomorrow, would be armed with the united support of our national Parliament when he raises the issue with Mr Blair. I call on the Taoiseach to make full use of his oft-quoted special relationship and friendship with Mr. Blair to impress on him and his Government the strong feelings of the Irish people and their representatives in their sovereign Parliament regarding the dangers that arise from the operation of the Sellafield complex in nearby Cumbria, as well as their fears of the increased dangers arising from the privatisation of this project. The Taoiseach must demand that his friend, Mr. Blair, will begin the process of dismantling, clearing and removing the

entire Sellafield complex. He must insist that the consequent dangers and the fears of Irish people are not further exacerbated by the privatisation of any part of this process. The Taoiseach must make it clear to Mr Blair that until Sellafield is removed, it will remain a permanent bone of contention between our otherwise friendly countries. He must stress that tensions between the countries will be heightened by any privatisation of the operation at Sellafield.

I wish to remind the House and the Irish people of the nature and reality of Sellafield. It is a colossal nuclear junkyard where waste from around the world is collected and processed. This process entails a constant dripping of pollution into the Irish Sea and the atmosphere by radioactive pollutants. It was originally built as a military plant to process nuclear waste for the by-product plutonium, which is the raw material for atomic bombs. The plant, which was then called Windscale, and its operation were shrouded in secrecy up to and following the disastrous fire in 1957. That part of the complex remains severely polluted with radioactive material, is still sealed off and may have to remain so forever. There has been a long record of lesser accidents and radioactive releases at the plant and practically all have been handled with deceit and have been covered up by the British authorities.

Reprocessing at Sellafield results in the production of a residual highly radioactive liquid waste. This is stored in 21 massive tanks that are located above ground. The material in question is highly volatile and must be continually cooled to prevent it from overheating and exploding. These tanks are the greatest single threat to the Irish people. If one was to explode, it would be equivalent to 100 Chernobyls. If they all exploded in a chain reaction, the effect or result would be incalculable. I will return to this point later. The British authorities have agreed to vitrify this liquid, that is, turn it into a form of glass, so that it can be stored safely. They have miserably failed to do so and their vitrification plant barely keeps up with the new production of waste.

I will remind Members of what radioactive material does to the human body. Radioactive material destroys human flesh and bones. In large doses, it causes radioactive sickness and death results awfully, but mercifully quickly, in one day to three months. In lesser doses, it does not kill quickly but causes a variety of cancers that lead to a slow and lingering death. For those who become contaminated by radioactive fallout and who survive, the future will be grim. Future generations will be born with a variety of malformations and disabilities. Members who do not believe me should consider the health statistics for Hiroshima and Nagasaki, where 1 million men, women and children were vaporised, or for Chernobyl.

I stated earlier that the 21 tanks of highly active liquid waste at Sellafield are the greatest single threat to Ireland and its people. These tanks are

above ground and require constant cooling to prevent them from exploding. They are highly vulnerable to mismanagement, of which there has been much at Sellafield. They are also vulnerable to attacks by terrorists or to other sabotage. After the attacks of 11 September 2001 in the United States, it is even more important to remove this potential and lethal target.

Studies have been carried out by independent, internationally recognised scientists as to the potential effect of an explosion of one or all of these tanks and their deadly payloads. The effects would be catastrophic and that reality must be spelt out again and again. If one or more of these tanks were to explode, a colossal cloud of radioactive material would rise over Cumbria, less than 100 miles from Dublin and the east coast of Ireland. It would drift at the speed of the prevailing wind away from the site, and there is a 30% chance that it would drift directly towards Dublin. As it moves, the cloud would spread out to cover a wider and wider area. The slower the wind, the wider the spread. Nuclear fallout would kill or contaminate people in the immediate vicinity of the site. It would contaminate the sea and all in and on it as it progressed. Dublin would be hit five to 12 hours after the disaster struck Cumbria. It would be virtually impossible to escape contamination. Hundreds of thousands would be immediately affected. Some would die quickly and many thousands would die a slow and lingering death. The deadly cloud of radioactivity would continue across Ireland, carried by the wind, whether north, south or west. Who knows? Ballyunion or Ballyshannon would be as vulnerable as Ballymun. It would lay a lethal trail of death for people, including men, women and children, rich and poor. It would contaminate the earth, grass, towns, hillsides, valleys and rivers. No animal would be safe.

The deadly radioactive contamination would last for thousands of years. In the case of one variety, it would remain active and deadly for 250,000 years. For the survivors of the disaster, which can be avoided if we force the closure of Sellafield, there would be a grim future. Irish agriculture would be devastated. Our produce would not be fit for human consumption for centuries. Europe's greatest agricultural nation would be reduced to a wasteland. Irish tourism would be destroyed. Apart from the occasional United Nations nuclear inspection team, no one in their right mind would come near our shores. In short, our economy would collapse and there would be a mass exodus from this island. All the iodine tablets, nationwide leaflets and shelters provided by Deputy Jacob would make no difference.

We are now being told that nuclear energy is necessary for civilisation to survive by those who refuse to invest in alternative and renewable sources of energy. The murderous power of nuclear energy was laid bare for everyone to see when the American air force dropped two

nuclear bombs on the Japanese cities of Hiroshima and Nagasaki. As I said earlier, more than 1 million innocent men, women and children were vaporised by these two bombs. The military industrial complex that drove the development of the nuclear technology boomed in the following years. Along with weapons' development, nuclear power stations were foisted on the world by industry and compliant governments. The lies and deception that characterised the operation of Sellafield were an integral part of the nuclear industry from day one. They claimed throughout the 1950s and 1960s that clean free energy was on the horizon. We now have a proliferation of nuclear power stations which produce neither free nor clean produce. These stations produce waste, which can neither be stored safely nor neutralised. It is waste with which science cannot deal.

The current promoters of nuclear power must have thought we had forgotten their lies and that the deadly nuclear accidents at Three Mile Island, Windscale and Chernobyl had faded from our memories. Sellafield is our legacy from this corrupt and disgraced industry. Now the British Government wants to privatise the operation and decontamination of its nuclear waste. As has been said already, the cost at Sellafield and other sites in the UK is estimated at €100 billion. These are rich pickings.

I want to register my strong objection to such a move. It was bad enough dealing with British Nuclear Fuels which was Government-controlled, but to hand over this sensitive and potentially lethal task to a for-profit-only private sector operator, which will cut corners to make profit, is something the Government and our people cannot afford to consider. Such a move will increase the possibility of the type of disaster I described earlier. I also call on the British Labour Party to speak out against this hostile action against Ireland by its government. At our weekend conference, I availed of the opportunity to meet and speak to the British Labour Party General Secretary and impressed strongly on him the strong feelings of the Irish people on this subject. Even the British Tories, who invented privatisation, have come out against this move by Mr. Blair. Their spokesman, Mr. Alan Duncan, said that to dump 50 years of dubious waste on the private sector, with none of the guarantees that only Government can offer, needs serious public debate before going ahead. Likewise, the GMB and Amicus trade unions condemned the proposal on the basis that safety would be compromised. I offer the Minister and the Taoiseach the support of the Labour Party in their efforts to stop this dangerous decision going ahead. We will be watching carefully how they use this mandate from Dáil Éireann.

The Sellafield complex is an obnoxious industrial dinosaur that poses a serious and ongoing threat to the lives and well-being of Irish people and future generations. Its closure and removal

[Mr. Stagg.]

must be a top priority for every Irish Government. I ask why would mankind promote such a Doomsday?

Mr. Cuffe: I wish to share time with Deputies Finian McGrath, Gregory and Morgan.

During the past half an hour, we heard much bluster from the Government side of the House. It is more like a stuck record than anything else. I think I saw some dust being blown off the speeches made by both Ministers. We have heard it all before. I sense a real air of complacency coming from the Government side. We have heard the assurances and the diplomatic niceties. While this is all very well, I do not believe the Government is doing enough to close the nuclear industry across the water. The Minister is also failing to promote renewable energy sources in Ireland. While he is saying, "No new nukes", Forfás is saying we should make an offer for a second-hand nuclear power station in Wales. The Minister is also saying he is doing what he can but, to the best of my knowledge, he has not travelled to Sellafield, looked these people in the eye and told them to close it. When my colleague, Deputy O'Dowd, and I travelled to Sellafield, the Minister criticised us for doing so. It is about time the Minister got real and said directly to the nuclear industry in the UK that it is time to close that deadly and dangerous industry.

The Minister's worst offence is that, year after year, he and his colleagues sign up and pay a small fortune to the nuclear industry through our contributions to the EURATOM Treaty. It is time for these contributions to end. The EURATOM Treaty is about promoting the nuclear industry and guaranteeing a steady supply of nuclear fuel to the industry. To the best of my knowledge, the Minister has not raised our concerns about that treaty. Did he use Ireland's Presidency of the European Union to make changes to the treaties?

Mr. Roche: Yes.

Mr. Cuffe: The Minister did not do so. He is tacitly supporting and funding the nuclear industry. It is time he made a move to withdraw from the EURATOM Treaty. As the treaty is approaching its 50th anniversary, it is an appropriate time for Ireland to withdraw from the treaty or, if we are not withdrawing from it, it is time to make substantial changes. Unlike other treaties, the Government has not proposed changes to these treaties. The Minister should work with his colleagues and the Minister for Foreign Affairs to stop the development and promotion of the nuclear industry. As we approach its 50th anniversary, it is time for the Minister to do something about it.

Nuclear energy is still as wrong as it was 50 years ago. Nuclear energy is not renewable because there is a limited supply of this material.

Where does the waste go? We know from Britain that a permanent repository for it has still not been found. If the Minister or I were in business and did not do what we intended to do with our waste, we would be laughed at. However, year after year, the nuclear industry continues to operate in this way.

It is not long since the disaster at Chernobyl, an event the UN described it as the most serious environmental disaster that has occurred in western Europe. Chernobyl could happen again and we need the Minister to try to stop the nuclear industry from replicating left, right and centre. Nuclear reactors are vulnerable to terrorist attacks and I know from my visit to Sellafield that they are as vulnerable now as they were in the past. Without giving away any trade secrets, I am seriously concerned about the vulnerability of the nuclear industry. It is not the answer and I do not hear the Minister saying strongly enough that we do not want it.

I do not believe that the Irish people want nuclear power. If the Minister conducts any kind of an opinion poll, he will discover that the vast majority of the people do not want it. All those years ago at Carnsore Point they said that we should not take the nuclear route.

The nuclear industry affects Ireland. The Minister need only talk to his colleagues at the Radiological Institute of Ireland to discover that, 25 years later, we are still measuring the legacy of the Chernobyl nuclear explosion. As Adi Roche and her colleagues in the Chernobyl project can attest, the environmental, social and economic cost will haunt people, not just those in the former Soviet states but elsewhere around the world, forever.

The nuclear industry in the UK has debts of €100 billion. That would buy a great number of windmills. I call on the Minister to make the first move towards withdrawing from the EURATOM Treaty and clearly stating that we want renewables and not the nuclear industry to be the future for energy in Europe.

Mr. F. McGrath: I thank the Ceann Comhairle for the opportunity to contribute to this important debate on Sellafield. I speak as a northside Dublin Deputy with major concerns about Sellafield and about nuclear power in general. Most of our citizens have major health and safety concerns about the Sellafield plant, which I have opposed from the outset. I do not do so lightly and I base my belief on the international experience of accidents, deaths and the threat to the planet from nuclear power stations. I also base my opposition on the international scandal of nuclear weapons and their major threat to international peace. I do not support the brass-neck politics of Britain and the US, states which lecture other nations, most recently Iran, about nuclear power and which possess the real weapons of mass destruction. They are wrong, immoral and a disgrace to the international com-

munity. We need disarmament now. These weapons of death should not be allowed to continue in existence. They are a major waste of the financial resources needed to end poverty, famine and starvation.

I urge all Deputies to support this common sense approach and I urge this country, as an independent and neutral State, to use its clout at the United Nations and within the European Union to end nuclear power and weapons once and for all. It is a form of terrorism that should be targeted on the international stage.

Sellafield and all nuclear power stations are a threat to the human race. Plans to privatise the €56 billion clean-up of Britain's aging nuclear sites will, according to one of the most senior figures in Britain's own nuclear industry, cause serious accidents. Brian Watson, former director of the UK's largest nuclear site at Sellafield in Cumbria, has accused British Government Ministers of pursuing an erroneous dogma that can only result in costly mistakes.

Prime Minister Tony Blair is preparing to launch his long-awaited review this week, which is widely expected to introduce a new programme of nuclear power stations and which is set to provoke bitter arguments. The introduction of competitive tendering for decommissioning of nuclear plants to begin later this year could be disastrous. I fear that the loss of control could be similar to that relating to Railtrack, the private rail company which collapsed in 2001. Competition is likely to lead to incidents of a serious nature due to "short-termism" and a lack of experience and knowledge. If people get it wrong at Sellafield, there will be no going back. Brian Watson worked at the Sellafield plant for more than 30 years and was site director from 1999 until he retired in July 2004. He made his comments in response to the strategy being proposed by the British Government's Nuclear Decommissioning Authority. At Sellafield, there are 21 tanks which each contain 1,500 cu. m., of high-level liquid waste that requires continual cooling. There are seven different cooling systems in place. The tanks contain 2,400 kg of caesium-137.

I urge all Deputies to challenge Sellafield. We owe it to our constituents, the citizens of this State.

Mr. Gregory: I also welcome the opportunity to again focus attention on the widespread concern in Ireland regarding Sellafield, which continues to be the greatest single environmental threat facing the Irish people.

The history of Sellafield has been one of cover-ups, accidents and incidents, an absence of proper accountability, PR propaganda rather than genuine transparency and even the falsification of safety records. All that was when full responsibility rested with a state-owned body with a degree of political accountability. With the plan to sell off the British nuclear clean-up business dominated by Sellafield's THORP plant, an oper-

ation that increases its nuclear dangers almost by the day, there is now even more concern that the private sector will, as it always does, maximise its profits at the expense of safety measures. Such measures have never had the degree of priority they deserve, particularly in light of the potentially catastrophic implications of a major accident for the Irish people.

I doubt whether we will ever know the full truth about incidents that have already happened at Sellafield or whether we will ever be told the full extent of the risks of a major accident occurring in the future. While I recognise the necessity of the Taoiseach raising this matter tomorrow with the British Prime Minister, I cannot see Mr. Blair doing anything other than offering a dose of his usual lip service.

The privatisation of the nuclear waste business to enable British Nuclear Fuels to construct more modern nuclear power stations places this country in increasing danger of a potential catastrophe over which we will have no control. The only acceptable solution is to close Sellafield.

Mr. Morgan: The Sellafield nuclear reprocessing plant has long posed a serious threat to the health of the Irish people. There has been a long-running campaign for the closure of this notorious plant, the safety record of which is particularly appalling. There has been a litany of accidents, leaks, inaccurate records, missing material, and many court appearances and convictions. The decision of the British Government to sell off and privatise Sellafield is a cause of major concern and alarm to the Irish people, in particular those living on the east coast. Sellafield must not be sold to private interests. The implications of such a move are far-reaching and terrifying. It is difficult to believe that the British Government would even consider such a move. The running and decommissioning of a nuclear power station cannot be dealt with by private interests that are driven by profit-making motives. The cost-cutting which would undoubtedly result from privatisation would have repercussions for the health and safety of the public in Ireland and Britain.

Public accountability with regard to Sellafield is bad. The plant has a notorious record in terms of accidents and the failure to keep accurate records. We should be prepared for a highly dangerous decline in accountability if this reckless privatisation is permitted to proceed.

I wish to deal with the Government's softening attitude on the use of nuclear power. The inclusion in the Forfás report published yesterday that consideration should be given to the development of nuclear energy in Ireland as a more long-term solution to the energy crisis is deeply worrying. Nuclear power will never be acceptable to the Irish people. The Government must make clear its stance on the issue. There must be no equivocation in respect of this matter. The Minister must reject giving nuclear power

[Mr. Morgan.]

any consideration whatsoever. For many years, we have been warning of the dangers of over-dependency on oil. The failure to make the transition from the use of fossil fuels towards renewable energy, including wind, wave, solar power, has been highlighted by environmental groups, by those seeking to develop renewable energy and technologies and by parties including that which I represent.

The Government has consistently dragged its feet. Only now, years after other states, is it granting householders, seeking to install solar panels, geothermal heating systems and wood pellet stoves coming on stream. As a result of the Government's failure, since coming to office in 1997, to act to develop renewable energy and energy saving technologies, we are informed that there is an energy crisis. It reminds me of the problem in accident and emergency units where, after nine years in power, the Government is beginning to realise that there is a crisis.

We will be told that the energy crisis must be treated as a national emergency in order to advance the pro-nuclear agenda. We will be told we must do things that we might not do in different circumstances and that we have no choice but to turn to nuclear power. The ground is already being prepared. The kite is clearly being flown in respect of nuclear power.

The comments contained in the Forfás report came only a short time after the Government refused to join Austria and Germany in opposing nuclear power at the recent European Council. Why was that the case? The Government's support for the European Council's call for a new generation of nuclear power was a highly significant indicator of its changing position in regard to such power. This support is totally inconsistent with the long-standing demand for the closure of Sellafield.

When the Government published the Planning and Development (Strategic Infrastructure) Bill 2006, Sinn Féin highlighted its concern that the proposed legislation included any infrastructural developments to be fast-tracked, such as an industrial installation for the production of electricity, steam or hot water with a heat output of 300 MW or more. We asked if a nuclear power station could be fast-tracked under this provision. That question is more pertinent than ever.

The Irish people are overwhelmingly opposed to nuclear power. The potential cost of nuclear power in terms of the destruction of human life and of the environment is a price the Irish people have made clear they are unwilling to pay.

Mr. Durkan: Perhaps I could have a couple of minutes in which to contribute.

An Ceann Comhairle: The order of the House is that there are 15 minutes for the Fine Gael Party, 15 minutes for the Labour Party, 15 minutes for the Technical Group and that the

Minister is to be called upon to make a statement in reply which will not exceed five minutes.

Mr. Morgan: Deputy Durkan is above and beyond all of those to whom the Ceann Comhairle refers.

Mr. Durkan: I support the views expressed by the other speakers on this side of the House on the issue under discussion and I emphasise the need, at a time when the entire energy issue is at a crossroads and when alternatives are being sought, to have due regard for health and safety, sustainability and renewability. If those issues are kept to the fore, there would be less need for certain interests to emphasise reliance on nuclear energy. I will not rehearse the comments of previous speakers regarding the safety of Sellafield. Every knows the position in that regard.

I recently read articles in some newspapers to the effect that nuclear energy is a natural option, that it is quite safe and that nobody has ever died from it. Each of the articles was rubbish. I am sure the Minister read them. They contained the most extraordinary affirmations from people who were supposed to be scientifically inclined. They attempted to say that the nuclear energy is fine and that it is stable. It is not stable and the technology is not available to make it stable. Other European countries rely on it as a power source only because they have alternative back-ups and they are in a position to marry the two. We need to rely on a different marriage between renewables and what we have at present and to move towards those that are likely to give us a cleaner environment.

Minister for the Environment, Heritage and Local Government (Mr. Roche): I thank Deputy Durkan for his contribution and congratulate him on his effective use of the time available. I agree with him that if the answer to the question was nuclear, it must be a very foolish question. I am reminded of a placard held up by a young school-girl in Navan during the course of an election campaign a number of years ago which read, "If the answer was Fine Gael, it must have been a very foolish question." I agree with the Deputy that nuclear power is not an option. As Deputy Stagg said in his fine contribution, the reality is that there has been a complete distortion in this debate. There is an attempt to write out the major issues of health and safety issues, not just in this generation but going forward for several generations.

I recently made the point, although I was obviously not listened to by Deputy Cuffe, following a meeting with the British Secretary of State, that we regard ourselves as stakeholders. If a fraction of the money which must now be wasted cleaning up the mess that obtains in this industry had been invested in research in clean burn coal technologies, Britain would have the secure energy it is seeking. It is not our responsi-

bility to advise Britain with regard to its energy policy. Later this year we will see a close to zero emission coal-electricity generating station operating in the United States, the research for which cost less than \$1 billion. When one compares that with the clean-up cost of £100 million, to which a further £9 million was added last week, one sees the perversity of this proposition.

A number of Deputies referred to the Forfás report that was published yesterday. It suggests that Ireland needs to develop a national strategy to prepare for the challenge of peak oil. Few of us with disagree with that. The report urges the adoption of proactive measures, including the possibility of developing nuclear energy. That is where we would depart from the Forfás report. To answer Deputy Morgan's question is no. Under the terms of section 18(6) of the Electricity Regulation Act 1999, the use of nuclear energy for the generation of electricity in Ireland is specifically, statutorily forbidden. We do not need to continually forbid it: as the Minister for Foreign Affairs pointed out, it is sufficient to forbid things once. Under the terms of the energy policy review currently under way, the nuclear option is specifically excluded. The option is, therefore, doubly excluded.

With regard to the specific question raised by Deputy Morgan, let me put his mind at ease because I would not like him to have a sleepless night. Neither I nor any other member of the Government would agree with the proposition put forward in the Forfás report. The Deputy referred specifically to a mythological event at the recent European Council meeting and Deputy Cuffe challenged me in that regard. Let me put the record straight in both cases. The Taoiseach has already made the position clear that, of course, we would support any action from a member state. Deputy Cuffe should know, because it was well reported at the time, that, as a member of the Convention on the Future of Europe, I strongly supported, on behalf of Ireland, the Austrian proposition. That is a matter of record. I not only did that openly in the course of the convention, I also did it as the leader of the Friends of the Community Method Group.

Deputy O'Dowd raised two questions, one of which related to an FOI request. As the Deputy is aware, the operation of the Freedom of Information Act is a matter of law, a law in which the party of which the Deputy is a member had some—

Mr. O'Dowd: The Minister changed the law.

Mr. Roche: Not in this regard. International relations and government to government relations and government to government messages were excluded from the Deputy's original draft and from every subsequent draft under the Freedom of Information Act. If the Deputy has any doubts about that, I refer him to the Act.

Mr. O'Dowd: I do not accept that.

Mr. Roche: The salient point is that if the Deputy believes the decision of the information officer in the Department of the Environment, Heritage and Local Government was wrong, he could have made an appeal to the Information Commissioner but he did not do so. If the Deputy was genuinely interested in the issue — I do not doubt his sincerity—

Mr. O'Dowd: Will the Minister answer the question?

Mr. Roche: If the Deputy was genuinely interested in the issue rather than in hollow grandstanding, he would have asked the Information Commission to explain the position.

An Ceann Comhairle: The time allotted to the Minister has concluded.

Mr. Roche: The Deputy also raised the question of communications regarding shipments. As he is well aware, government to government advice is never the subject of—

Mr. O'Dowd: Was the Minister aware of the shipment?

Mr. Roche: There was an indication to the Government that—

Mr. O'Dowd: Did the Minister know about the shipment?

Mr. Roche: If the Deputy wants me to answer, he should show good manners, courtesy and forbearance. Advice received by the Government from another government is never made the issue of an advanced exchange. This was the case in this particular instance. When Government advice was given, it was not disseminated further.

Mr. O'Dowd: Did the Minister draft a press release on the issue and then fail to issue it?

Mr. Roche: Did I draft a press release and not issue it? No. I will check the matter for the Deputy. On the other point the Deputy—

Mr. O'Dowd: According to my information, the Minister did draft and fail to release a press release.

Mr. Roche: I do not know from where the Deputy obtains his information.

Mr. O'Dowd: The Minister would be surprised.

Mr. Roche: As the Deputy says, he would be very surprised if I suppressed any press release.

Mr. O'Dowd: The Minister did not issue the relevant press release because he was afraid to do so. He knew about the shipment throughout.

Private Members' Business.

Residential Tenancies (Amendment) Bill 2006: Second Stage (Resumed).

The following motion was moved by Deputy O'Dowd on Tuesday, 4 April 2006:

That the Bill be now read a Second Time.

Debate resumed on amendment No. 1:

To delete "now" and to add at the end of the motion "this day nine months".

—(Minister for the Environment, Heritage and Local Government).

Mr. Durkan: I will take advantage of the absence of a Member on the Government side offering to speak. I support the Bill introduced by my colleague, Deputy O'Dowd, and empathise with the sentiments expressed by other speakers. This is an opportune time to debate the imposition on overburdened householders of another payment over and above the other forms of taxation they must bear. People must now borrow four or five times their income to secure a mortgage loan, with payments accounting for most of their income. They hope, therefore, that the housing market will not collapse.

Tenants and householders face countless financial impositions, which continue to increase in cost and frequency. In my time in the House I have never encountered a case such as one I came across a few days ago when I was informed that within two weeks of moving into a house, a tenant of a local authority was informed that he must pay a massive sum of money. The main priority for those who need a home is to be able to move into a house and afford the rent. This has changed, however, because tenants are being flogged to the post by the imposition of development charges.

Mr. Stagg: They amount to as much as €20 per week.

Mr. Durkan: In addition to development charges, they must pay maintenance charges to companies established allegedly for the purpose of maintaining estates. These charges will be extracted from tenants regardless of ability to pay. It is timely therefore that Deputies have an opportunity to register their displeasure at this development.

Most Deputies have been members of local authorities, an experience which places us in a good position to—

Acting Chairman (Mr. O'Shea): As the Government speakers have arrived, I ask the Deputy to give way.

Mr. Durkan: I am pleased to accommodate the Chair. Now that the Government speakers have arrived in force and Ministers have poured into the House from all angles as they rush to the rescue of unfortunate tenants whom they have smitten hip and thigh for the past five years, I ask that the Government set out its excuses for what it has done to tenants in recent years.

Mr. O'Dowd: Deputies Tony Dempsey, Callanan and Devins should not have to read the same script three times.

Acting Chairman: I thank Deputy Durkan for his co-operation in keeping the debate going and giving way.

Mr. T. Dempsey: According to my watch, I should have been on time but perhaps Wexford and Dáil time are different. I wish to share time with Deputies Callanan, Wilkinson, Devins, Glennon, Kirk and Carthy.

Tá áthas orm labhairt ar rud chomh tábhachtach agus atá an Bille seo agus the amendments to it atá curtha ag an Aire. The Government is conscious of the new lifestyles evident around the country. In the past, people tended to live in semi-detached, detached and terraced houses. However, due to the success of the Celtic tiger and the return to our shores of 600,000 people in recent years, apartment complexes have become sprung up all over the country. With so many people living under one roof, it is almost inevitable that attendant management problems will arise in such complexes.

The problems I have encountered in my constituency frequently relate to poor standards of maintenance, high and escalating charges — sometimes in excess of inflation and imposed without reference to those who are meant to be managed, namely, the dwellers — and delays by developers in handing over control of the management companies to residents of the apartment complex, which leaves them in limbo. The most prevalent problem is associated with the maintenance of and responsibility for the infrastructure of the apartment complex. While these problems are inevitable, it is essential that the response and resolution is well-balanced, diligently thought out and prudently put in place.

I am pleased to support the Minister's amendment because the Government has proven it is conscious of the problems which arise in this area. Given that the Law Reform Commission is examining the matter, it would be premature to introduce measures that may conflict with its findings. It is important to await the commission's report, which should be submitted to Government by the Departments of Justice, Equality and Law Reform and the Environment, Heritage and Local Government, as to do otherwise would not be prudent. While the Fine Gael Party Bill is timely in that it has resulted in a debate on this issue, its response would be inappropriate.

Mr. Callanan: Although I agree with the premise of the Bill, as the Minister for the Environment, Heritage and Local Government indicated, it would not be helpful to place an additional responsibility on the Private Residential Tenancies Board because its work in securing rights for tenants has only recently commenced. Further responsibilities would distract from its main role, which is vital for tenants. I am concerned about estate service management fees because they offer a cop-out for local authorities and some of them have abused this. Local authorities have used them as an excuse not to take over estates that they should have taken over some time previously.

In Ballinasloe, an estate called Hawthorn has not been taken over by the town council. One of the excuses was that the estate would have to be brought under a management company despite the fact that the first phase in the estate is already in the charge of the council. When the Minister wrote to all local authorities changing this ruling, the council back-tracked. However, this estate is still not under the council and grass cutting has become a problem. Most of the delays are due to the council stating that the construction company had to fulfil certain criteria.

It is now time to push for a new penalty on both the builders and local authorities. Every estate after five years should automatically be taken into charge by a local council. Any builder who has failed to reach the criteria set down by the local council prior to the taking in charge of the estate should be put on a national register of offending builders. All builders on this offenders list should, in any future developments, have to pay a 50% levy in addition to the local authority's normal levy rate. Alternatively, builders should have to pay a bond for estate takeovers which is reimbursed when the councils take the estates in charge and are content with their standard.

The value of property is high and to retain that value the maintenance of common areas and greens around the properties, whether they are apartments or houses, is vital. One of the biggest issues facing local authorities is the cost of maintaining estates. We must examine the financing of local authorities and what provision can be made to help councils to provide for these matters.

I disagree with housing estates being run by management companies as it negates the responsibility of the local authority and loses for politics one of its great sounding boards, the residents' association. The interaction between council members, politicians and residents' associations keeps our feet firmly on the ground and keeps politics in touch with local issues. The other area of grave concern is that if a management company is paid to look after a new estate for a new community, it could kill the volunteerism that previously bound communities together.

Although I am not a fan of apartments and apartment living, I understand they are necessary in the development of higher density urban living. Many countries in Europe and elsewhere have high quality apartment living and have good rules in place for the management of buildings. However, some countries have introduced a tax incentive for the cost of management fees. I propose the introduction of a tax break on management fees for owner-occupiers. Investors already can offset these costs against income tax. I support the amendment put forward by the Minister, Deputy Roche.

Mr. Wilkinson: I welcome the opportunity to speak on this amendment. I agree with the Minister's proposal that consideration of the Bill be adjourned for nine months. This is a serious business and we must do it correctly. There are endless problems in estates due to their management, planning problems and so forth.

There are problems with apartment complex management. Reported problems tend to be about poor standard of maintenance, high charges, sharp increases in charges, delays by developers in transferring control of management companies to apartment owners, management companies being given responsibility for infrastructure that developers and, subsequently, local authorities should maintain and companies ceasing to function because of a failure to comply with requirements of company law or inability to meet financial obligations. Responsibility for these deficiencies seems to arise from a variety of sources, especially the practices of managing agents and developers, apartment owners not participating in running the management companies, problems with company law requirements and aspects of conveyancing practice, and inappropriate planning conditions in some cases. This shows the major problem that exists and how necessary it is to get all the required information before decisions are made.

It is easy to see, without access to the figures, the vast number of houses that have been built in this country over the past ten years. Ireland has the highest rate of home ownership in Europe. It is probably a result of the historical fact that owning one's home was a necessity. Everybody has a historical perspective on this. People who did not own their homes or half owned them were evicted in tough times. That left a legacy. Irish people are proud and are anxious to own their own home. That is a good thing.

What is being done to tackle the problems? The regulation of management agents is to be dealt with by the new national property services regulation authority being established by the Minister for Justice, Equality and Law Reform. Provisions have been proposed by the Law Reform Commission for changes to relevant Companies Acts. A review is being carried out by

[Mr. Wilkinson.]

the company law review group under the aegis of the Department of Enterprise, Trade and Employment.

It is simply fantastic what has happened with housing in this country. The Government has successfully promoted a range of measures to boost the supply of housing, to modernise and develop the private rented sector and to provide a range of well targeted schemes to meet the needs of those who cannot afford accommodation in the private sector. Over the past ten years approximately 100,000 apartments have been built. There have been record levels of housing output and a new record of almost 81,000 house completions was achieved in 2005, almost 2.5 times the 1996 level. This shows the Government's tremendous commitment to trying to provide homes for everybody.

Homelessness in some areas is a major problem but our population is increasing at a fast rate. In fact, in 15 years there will be 1 million more people in this country. I support the Minister's proposal to postpone consideration of this Bill for another nine months. He is correct to do so to ensure he has all relevant information before a decision is made.

Dr. Devins: I am delighted to speak on the Residential Tenancies (Amendment) Bill. I welcome the fact that Fine Gael has brought the Bill forward but I agree with the Minister that the Second Stage consideration should be postponed for nine months. I accept that Fine Gael is in a hurry, and not just about this Bill.

Mr. O'Dowd: The Deputy was not even here on time.

Dr. Devins: However, a little reflection on current legislation and proposals by the Law Reform Commission and the Minister for Justice, Equality and Law Reform will identify issues that must be explored before legislation in this complex area should be passed. The issue of management companies has come to the fore in the recent past. While there are parts of Dublin that have had this problem for some time, it would be inappropriate to rush legislation through the House before the Law Reform Commission and the Minister have had an opportunity to present their report. Rushed legislation makes bad law. More appropriate legislation will emerge when the deliberations of the Law Reform Commission are available.

Legislation on management companies is needed. One of the great changes in Ireland in the recent past has been the great increase in the number of apartment complexes. In the past, apartments were called "flats" but we appear to have succumbed to using the American terminology.

While this development has been fairly recent here, other countries have had people living in apartment complexes for some time. There is an obvious need to have some structure in place so common areas such as gardens, roofs, exterior of buildings or whatever are managed in a fair and equitable way. How this need is met is the challenge. Management companies can supply the answer, but many pitfalls and dangers may be present in badly run companies. Time does not permit me to discuss these perils in detail.

The bottom line is the need for vigilance on the part of apartment owners. Buying an apartment, whether on one's own or with somebody else, can be daunting. The need for a management company with its associated costs, is often the last thing on the mind of the purchaser. However, in the following years, how the management company works will be of immense importance to him or her.

When a management company works well in an open and transparent manner, the occupants of the apartment complex are happy and content. The way to anticipate and deal with potential problems is through regular communication from the company to its members, the holding of open meetings, especially AGMs, and the involvement of all in the affairs of the company. On the other hand, secrecy, failure to communicate with members in an open way and unhealthy relationships between developers and some management companies all contribute to a breakdown in trust and subsequent difficulties for the apartment owners.

Legislation is needed, but the Minister is right to await the Law Reform Commission proposals and those of his colleague, the Minister for Justice, Equality and Law Reform, with regard to a national property services regulatory authority, before he publishes his legislation. I urge both the Minister and the Law Reform Commission to publish their proposals as soon as possible so the current vacuum can be filled. I fully support the Minister's amendment.

Mr. Glennon: I welcome the opportunity to speak on this motion and welcome Deputy O'Dowd's initiative, which befits the recently crowned Deputy of the year.

Mr. O'Dowd: Thank you. Will the Deputy canvass for me?

Mr. Glennon: I congratulate him on the award, but lest he gets any ideas, I remind him that he is still on the wrong side of the House.

Mr. O'Dowd: We are on our way over there.

Mr. Glennon: The Deputy has been on his way a long time and is still on the way.

I am delighted to have the opportunity to support the Minister's amendment to this motion.

The amendment is the essence of common sense. This is a highly complex issue. We need only remember the history we learned in primary and secondary school which gave us a good grasp of the historical difficulties here with regard to land law to understand the essence of the difficulty presented in this case. The Law Reform Commission, as requested by Government, has been given the specific task of reviewing the law in this area, in particular this sector.

I speak from a position of some experience in that management companies have in recent years become quite prevalent in Dublin North, particularly in the towns undergoing rapid population explosion. We have many problems with regard to development in our towns and villages. While many of the developments under construction appear to be of a reasonably appropriate structural standard, thanks to the requirements of statutes in that regard, the emergence of the issue of management companies is quite new and is seen by many people — I have some sympathy with their view — as no more than a developers' scam for a lucrative ongoing flow of income into the distant future.

Based on the manner in which management companies operate in many instances, the term "mismanagement companies" would be more appropriate. There appears to be total disinterest by most and in some cases a mischievous approach to the management of estates with a view to forcing the issue on tenants to deal with a buy-out of the management company. The issue lends itself to unscrupulous behaviour on the part of developers. This behaviour is targeted at a vulnerable sector of the population. Unfortunately, the people who have walked into these arrangements with management companies are at their most financially stretched limit at the time.

I support the Minister's amendment and repeat what he said last night:

The whole area of property management is complex, involving a number of different dimensions and issues, including the role of developers, managing agents and their relationships; the role and responsibilities of management companies; the role of the new property services regulatory agency; practical issues such as the standard of maintenance, level of and increases in management charges; the application of conveyancing law and practice in this area; issues relating to the operation of owner-controlled management companies and requirements of company law in that context; and linkage, in some cases, between planning conditions and provisions relating to management companies in purchase contracts.

He said he was less than happy with the way some local authorities have operated in this area and went on to state he was less than happy with the way certain elements of the legal profession

operated in the area. For those reasons, I strenuously support the Minister's amendment.

Mr. Kirk: I thank the Chair for the opportunity to contribute to this debate which affords us the chance to focus on the area of housing and multi-unit apartments. Anybody who has been in the political arena over the past ten or 12 years will have noticed the significant change in housing provision generally, whether with regard to standards or the expectations of those building, purchasing or renting.

Recently I looked over some statistics for my local authority area of Louth County Council. Twelve or 14 years ago if the planning office received 400 planning applications, it would have been doing well. Last year, it received in the region of 1,800 to 1,900 planning applications. The increase has been consistently on an upward trend over recent years. This is a graphic illustration of what is happening around the country.

County Louth is in the Dublin-Belfast corridor and as a result has seen a phenomenal change in population. CSO figures from the mid-1950s show there were fewer than 70,000 people in the county. The 2002 census showed there were 102,000 and I am sure that figure will have increased when we get the result of the forthcoming census.

This Bill was brought forward by a constituency colleague, Deputy O'Dowd. In many ways, it identifies an area in which there has been very significant change. In the past ten years, almost 100,000 multi-unit apartments have been built, whether for purchase or private rental. They are now part and parcel of our housing accommodation provision. Inevitably, the issue of the management of these multi-unit apartments comes sharply into focus.

When one looks at existing legislation it is obvious that significant legislation has been brought forward by the Government but clearly the development and evolution of a satisfactory template for the management of such units is an ongoing process. The Minister is being quite prudent in his approach to this general area by asking the Law Reform Commission to examine legislation that covers conveyancing, company law, management agents and so forth. These are all elements of the issues that arise for those who have bought units in multi-unit blocks. One must remember that the management of such units is important because the assets in which individuals have invested could be blighted by unsatisfactory management, interference by the developer or by mismanagement, as referred to by Deputy Glennon earlier.

With regard to mixed tenant developments where privately-owned units are side by side with local authority units, it is important that section 14 of the Housing (Miscellaneous Provisions) Act of 2002 is respected and adhered to in such cir-

[Mr. Kirk.]

cumstances because the potential for a breakdown of working relationships is obvious.

The Minister's approach towards this legislation is wise and prudent. Let us take our time and ensure that the ultimate template that will be applied in these circumstances is based on practical experience. We must remember that multi-unit apartments are a relatively new phenomenon in Ireland. Consequently, the experience garnered and the application of that experience to new regulatory structures will be vitally important going forward.

Mr. Carty: I welcome the opportunity to support the Minister's amendment. I thank Deputy O'Dowd for proposing the Bill. I know that one of his best advisers is a neighbour of mine and a Mayo man.

Mr. O'Dowd: Mr. Eamon O'Boyle, a good man.

Mr. Carty: I am delighted that Deputy Glennon mentioned the land law, which was introduced in my county by the great Mr. Michael Davitt.

Management companies are necessary to deal with the management and maintenance of apartment complexes because of the extent of shared or communal elements involved. Every householder must meet the cost of routine maintenance, repairs and refurbishment from time to time, as well as insurance and some level of security.

This does not affect my county as of yet but with the enormous level of development under this Government, the day will come when there will be large blocks of apartments in Mayo and I look forward to that day.

Mr. J. Breen: I do not.

Mr. Carty: I am aware that Deputy Breen is a little jealous, looking up at the north-west coast.

In the case of apartment complexes, management companies must make financial provision for the maintenance of corridors, lifts, roofs and so forth. These costs must be provided for through fees paid by owners of the units. Obviously, management fees should be reasonable but must also be sufficient to provide against possible future costs. There have been instances of management charges being increased substantially when costs arose because insufficient provision was made.

As members of management committees, it is primarily the responsibility of owners of units to see to it that the company is run properly, the standard of maintenance and management is satisfactory and that charges are reasonable and adequate. In particular, it is in the interest of owners to ensure that any agents hired by their

company provide a proper level of service and do not charge excessive fees.

While the management company system is generally essential in the context of apartment complexes, they may also be required for developments containing a mixture of houses and apartments. The Planning Act 2000 allows the planning authorities to attach conditions to planning permission, including conditions regarding the setting up of management companies. It is a matter for the planning authorities to use these powers appropriately.

I thank the Minister of State for his attendance tonight. I know he takes these matters deeply to heart.

Ms C. Murphy: I wish to share my time with Deputies Joe Higgins, Breen, Connolly, Cuffe and Ferris.

While this Bill deals exclusively with apartments, clearly there is also a problem with traditional housing developments. It appears that the Minister is not calling the shots on this issue. The County and City Managers' Association is calling the shots and we should be clear about that. We need to ask where this policy stemmed from because it is easy to figure out who the beneficiaries are.

When I raised the matter in September, I provided the Minister with background documentation detailing what was happening. I had telephoned six or seven local authorities to determine if the problem is widespread and I believe it is. I did that to prove a problem existed. We have a right to know the policies of the various local authorities on this matter. The Minister has that information because he wrote to the local authorities in that regard and he must publish the results so that we can see who is making the running on this matter.

Last week the "Gerry Ryan Show" covered the topic and I was contacted by the programme researchers for some background information. I was told a spokesperson for Fingal County Council said the council introduced the policy relating to management companies because it could not afford to take housing estates in charge.

I was in the public gallery last week when the Kildare County Manager put down a marker about taking on maintenance obligations for a large number of additional estates, with significant deficiencies in some. He said it will cost dearly and hard decisions will have to be made. There is no need to read between the lines. Local authorities are taking the Minister on with regard to this issue. They are side-stepping their responsibilities, despite the fact that the Minister said he would not allow that to happen. Resources are an issue, particularly in areas that are developing rapidly and councils are at breaking point. The Government cannot continue to ignore that.

I am also appalled by the advice given by some solicitors to prospective buyers. I sent the Minister a copy of a letter that a solicitor sent to a client who was buying a house and who was paying him for his services. That letter was simply a pack of lies.

Deputy Joe Higgins and I hosted a public meeting about management companies last Saturday. We heard first-hand from the attendants of pending court actions, fees ranging up to €3,000 per annum and so forth. We know about the scams with apartments where the developer holds on to the last unit or creates more shares in the company than there are units. This has been going on for too long.

While I accept this Bill is deficient, it is the only legislation before us at the moment. Action should be taken immediately. The Minister should meet the City and County Managers' Association, the Law Society, the Office of Corporate Enforcement and the Construction Industry Federation. They are all part of the problem and could be part of the solution. The more complicated scams are, and these scams are complicated, the easier it is to get away with them and real people are paying the price.

Mr. J. Higgins: Management companies in apartments must be regulated. However, this is only half a Bill because it is confined to apartments but the problem is also critical in housing estates. Since Deputy Catherine Murphy and I raised this matter last Autumn it has, thankfully, been opened up to public discussion. Management companies are being foisted on young people purchasing their first home. In turn, management fees are extorted from them, for what? Is it for public services, public open spaces, public lighting, public liability insurance? These are the services the developer will have to sustain before he hands over to the local authorities and then which the local authorities will provide. It is a huge scam by developers, saving themselves a fortune on the shoulders of those who made them a massive profit by purchasing houses in the first place. It is privatisation of local services done in an underhand and sneaking way by local authorities following on from the developers and is a new local tax on home owners.

Fine Gael must be clear on where it stands on this issue. I stand for the abolition of management fees in housing estates and a return to the maintenance of public services. However, the Government and its backbenchers comment on the situation as if they were not in power. The Minister for the Environment, Heritage and Local Government says it is wrong and such charges should not be foisted on residents. He claims local authorities should take over the estates. He is the Minister. Why does he not issue an edict to the local authorities to stop planning conditions by councils and liquidate those com-

panies that already exist where the residents want out?

In Castlecurragh estate we have a ridiculous situation where Fingal County Council built 700 social and affordable homes. Some 400 homeowners boycotted the estate management charge. The council then informed the residents that the management company is suspending services to the estate. Ridiculously the council is the management company's board of directors. I call on the Minister to contact Fingal County Council to resolve the matter at Castlecurragh.

Mr. J. Breen: Legislation to regulate management companies of apartment complexes was long-promised under the programme for Government. Residents of such complexes have sought protection under proposed legislation for years but have been met with long delays and one postponement after another.

The Residential Tenancies (Amendment) Bill highlights the weak leadership of the Government in this matter. It took an Opposition party to comprehensively address the shortfalls in the area. The Bill seeks to give home and apartment owners a level playing field. I welcome the extension of the powers of the Private Residential Tenancies Board and the introduction of a code of practice for property management agencies. The same areas that need to be addressed arise repeatedly in apartment complexes. Chief among these is the lack of maintenance of apartment complexes while management companies charge excessive index-linked management fees with no provision for a sinking fund to cover the costs of future renovation works.

The Bill's one weakness is that it states such sinking fund provision may or may not be included. I call for the mandatory provision for such sinking funds. Young people who cannot afford to buy a house and have been failed by the inaction of the Government on the affordable housing scheme are driven to purchase apartments. Everything must be done to protect their future asset base in this regard.

Another weakness is the lack of a clause precluding management agencies from collecting full maintenance fees in the first year until all work is completed in a development. I prefer to see stronger legislation in favour of the purchaser to protect those who are often trying to take their first step on the property ladder. The Bill should not offer any protection to those whom the Government always represents: greedy developers, construction companies and umbrella companies which squeeze every last cent from those bearing more than their fair share of the financial burden.

Mr. J. Higgins: Hear, hear.

Mr. J. Breen: It is time for the Government to show, however late, that it cares for those made

[Mr. J. Breen.]

vulnerable by weak legislation. Heavy financial penalties must be introduced for those who fail to meet the other requirements of the Bill. It might show the Government is serious about this long-awaited legislation. It is time for the Government to get serious and take action on the promised affordable housing scheme.

Mr. Connolly: The Residential Tenancies (Amendment) Bill aims to provide a regulatory framework for property management companies and management agencies. Apartment and home management companies have proliferated in recent years and have radically altered the implications of home ownership. It is becoming an additional payment burden alongside the mortgage repayments for new home owners. Often, it is a substantial amount which young home owners cannot afford.

These companies generally accept responsibility for common areas such as gardens, open areas, lifts, etc. Often, it can be two years into a tenure before it is realised work is not being done and contracts are not being maintained. For many new homeowners it is often too late. At that stage the management company does not care as it has received its fees. Management companies often do not file returns to the Companies Registration Office. There can be a charge against the estate management company which has a knock-on effect when people try to sell their homes.

It can also have a negative knock-on effect on the price of the property. When a starter-apartment owner attempts to sell on the property, the value may have dropped because the area it is located in is not maintained. Most first-time buyers will start off with an apartment. Nationally approximately 40% of building applications are for apartments while it is 70% in Dublin. It is a new way of life which we have been used to seeing in Canada and America. Problems will emerge down the road on this issue if it is not addressed soon.

I know of one situation where the ESB was owed €45,000 by an estate management company. The ESB would have been within its power to switch off the electricity supply. It left the homeowners in an awful situation. Legislation is urgently needed in the area. I compliment the Members who introduced the Bill.

Mr. Cuffe: It is always good to see the Fine Gael Party make sound and decent proposals that Members on each side of the House are agreed upon. I compliment the party on its worthy proposal that the PRTB should be given additional powers. There are two other means that could be used to achieve better results in the private rented sector. Much clearer housing guidelines are needed. The residential density guidelines are being revised and could be used to give a much

clearer model on how to build decent housing in the 21st century. Considering the standard of housing, the bar is very low and must be pulled up. In assessing planning applications, the advice notes to planning authorities should be taken into consideration. Again, they are under revision as the current ones date from 20 years ago. I hope the guidelines will give clarity to the conditions that planners will put on planning decisions.

The enormous bias is in favour of development when design and quality standards need to be raised. Much junk is being built, especially in the apartment sector. They are not up to scratch and the planning authorities are not holding the line. There is an onus on the Minister to improve matters in this regard. There are many cheaply built and expensively sold dwellings. A large gap exists between the visions in the property pages of the national newspapers and the reality. Members will be aware of this from the complaints they receive about noise insulation, dampness and poorly finished estates and apartments. We need to grasp that point and ensure that standards are higher. There is a sea of mediocrity in design that will build up problems in years to come.

Building regulations are not being enforced and I do not think the Minister knows what is going on in that respect. When I asked him how many prosecutions had been brought against developers, all he could tell me was that three years ago 88 cases were taken but he had no details of what parts of the building regulations had been infringed. Did they concern accessibility issues for people with disabilities or were fire or hygiene regulations infringed? The Minister did not have the relevant statistics. There is a real lacuna there because neither the Minister of State, Deputy Noel Ahern — I am glad he is with us — nor the senior Minister knows where the problems arise. They might relate to thermal comfort, accessibility or hygiene but we do not know. Unless we get to the root of those problems we will not make much progress in confronting such issues. Tenants raise these issues with their management companies which, as Fine Gael has pointed out, are sometimes not sufficiently representative of tenants' interests. Much needs to be done in this regard.

The Private Residential Tenancies Board should be given a mandate to examine the wide range of issues a tenant requires, whether that includes thermal comfort, accessibility, heat, light or other issues. Currently, all they do is tick the box when one registers with them. They simply put down on paper the fact that a landlord has registered but that does not go far enough. The State should have a strong, ongoing role to ensure that tenants are living in, and owners are providing, decent accommodation. That is not happening at the moment. There is a lot of mediocrity and a failure to enforce the building

regulations properly. The Bill is heading in the right direction and we in the Green Party support it.

Mr. Morgan: I welcome the opportunity to discuss the urgent necessity for regulation of housing management companies. Many Members of the House have been highlighting this issue for some time. If apartment living is to become a viable option for the future, people need to be assured that the management companies of apartment complexes will be accountable and that owners of such complexes will be protected against extortionate management fees. My party advocates rent control and believes that fees for the management of apartment complexes should be subject to control. Currently, such management companies can do what they like both in terms of fees and the delivery of services. Home owners are at their mercy. The issue of a sinking fund has been mentioned, which must be addressed as it is likely to become a significant problem in the years ahead as these complexes age and common areas need refurbishment.

It is necessary to regulate the management of apartment complexes in the same way as in the private rented sector. I am not convinced, however, that they should come under the remit of the same regulator. This issue is somewhat different. Perhaps a sister regulatory body, based on the PRTB model, would be more appropriate. It would require more substantive legislation than this Bill. It would need to set out in greater detail the responsibilities of management companies. As regards the proposal before us, I am concerned that extending the remit of the PRTB in this way would distract it from its primary role of protecting tenants in the private rented sector.

Another concern is that the PRTB is unable to cope with its current responsibilities. If anything on the lines of the Fine Gael proposal were to go ahead, substantial resources would have to be provided to cope with the additional responsibilities.

The Minister should fast-track legislation to regulate housing management companies. We cannot continue to wait on the Law Reform Commission working group's consideration of the law on the management of apartment complexes and other multi-unit developments before taking action. Increasing numbers of people are being affected by the absence of a regulatory regime in respect of these companies.

I also wish to address the problem of the increasing prevalence of management companies as an alternative to taking in charge housing developments by local authorities. This is causing serious difficulties for the householders affected and the Government is failing to tackle the problem. Whatever need there is for management companies in apartment complexes, there is no necessity for them in housing estates which

should be taken into charge by local authorities. The householders affected pay taxes in the same way as the rest of us and deserve the same services from their local authorities.

In the past, the Minister claimed that section 180 of the Planning and Development Act is sufficient to deal with the growing problems but this is clearly not so. The problems are persisting and householders seeking to have their estates taken in charge continue to be frustrated. This matter needs to be dealt with without further delay. I hope this evening's debate will cause the Minister to think again and act immediately.

Mr. McCormack: I propose to share time with Deputy Pat Breen.

It was necessary for Fine Gael to introduce this Bill as, quite obviously, the Government has no intention of introducing such legislation. In its 2002 programme for Government, the Government indicated it would introduce such legislation but four years later nothing has happened. Is the Government again afraid of offending developers and management companies, which in most cases are the same people? I acknowledge that this matter applies to housing estates as well as to apartment complexes. In my experience, developers appoint the management companies sometimes with the same directors. On 22 November 2005, I raised this matter by tabling Parliamentary Question No. 585 and in his reply the Minister for the Environment, Heritage and Local Government, Deputy Roche, stated:

Once housing developments are taken in charge, it is the local authority's responsibility to maintain public infrastructure such as roads, footpaths, sewers, water mains and public lighting. The existence of a management company should not override the legal obligation on developers to complete estates, and, where required by the planning permission, to maintain estates until they are taken in charge. Section 34 of the Planning and Development Act 2000 introduced a number of provisions designed to ensure that all housing estates were finished as soon as possible, maintained to a satisfactory standard for the benefit of the people living in them and taken in charge by local authorities. In addition, section 34 recognised the common practice of establishing management companies, control of which is transferred to the owners of the housing units, to maintain or manage residential developments.

In practice, however, that is not the case. It is not what happens because, first, management companies are not in control of house owners. When one purchases a house, a condition in the planning application is that a management company be established. The developer sets up the management company so the purchaser of the house has no say in it whatsoever at that stage.

[Mr. McCormack.]

I raised the matter of management charges in housing estates with the Minister, Deputy Roche, some time ago and he said he would make it clear to local authorities that where a housing estate is satisfactorily completed and an application is made to take that estate in charge, the local authority should do so. My experience has been quite different. I wrote to the director of services at Galway City Council on 14 February and again on 28 February concerning the Roscaoin estate in the Roscam area of Galway city. While I received an acknowledgement to my letter, I never got an answer to my question. I queried the matter again today with Galway City Council and I am informed that where it was a condition in the planning permission that there should be a managing company, the estate might not be taken in charge by the local authority. Will the Minister of State clarify whether that is the position?

Following my inquiries to Galway City Council's planning section, I was told it can insert, and still is inserting, conditions in planning application grants that management companies be established. In November, however, the Minister assured me that he would put a stop to that. Obviously he has not done it in the case of Galway city or anywhere else. He will refer to the commission he established but it has not reported back.

Developers establish management companies but the house purchaser is not aware of it. It is not included in advertisements for the house or the auctioneer's literature. The purchaser becomes aware of it when he or she signs the contract and it is pointed out that it is subject to management fees. Often the commitment is already made at that stage. Perhaps the previous house the purchaser either rented or owned has been disposed of and he or she has no option but to go ahead with the purchase.

The purchaser is not told he or she has purchased what is a burden for life in some cases. It will continue for life unless it is eliminated and local authorities take over estates.

8 o'clock My local authority does not indicate to me it has any intention of taking over estates with management companies. The burden of the charge is on the householder for life, without control over what it may cost each year. There is no justification for the trend developing in Galway city and county whereby large housing estates are not taken in charge by the city or county council but the responsibility is taken over by management companies, which pass it on to the house purchaser.

In many apartment developments in Galway, the charge is €1,200 per year and in many private semi-detached estates the charge is €450 increasing to €520 in some cases this year. On east side of Galway city, including Doughiska and Roscam, approximately 1,150 houses are now under management companies with an average charge of

almost €500 per year. That amounts to more than €500,000 in management charges. Where does that money go? How much goes into the administration of the management company? The policy of this Government is that no matter what charge is added in stealth tax, whether it is VAT or development charges, it is all passed on to the buyer of the house. This Government has added approximately 50% of the cost to a first-time buyer of a house. All these stealth taxes put an unacceptable burden on the purchasers of new houses.

Development charges last year amounted to €400 million, an increase from a total of €57 million in 1997. In Galway city up to €10 million was collected in development charges, unrelated to management companies. This is paid by the householder in addition to management company charges. The Government directly collects that money. Some people resist paying management charges. However, it only adds to the burden on their houses. If, in five or ten years time, that person wants to move or his or her job changes, that burden will have to be cleared before the house can be sold. There is no way out of this.

It is time the Private Residential Tenancies Board had the power to investigate management charges and the management companies being established. The householder is trapped after moving into a new estate. He or she cannot move for the foreseeable future. If it becomes the norm, as it has in Galway where I have most experience, that management charges are included as a condition on most planning applications granted, the only person who will pay in the long run is the house purchaser and that should not be the case.

Mr. P. Breen: I commend my colleagues, Deputies O'Dowd and McCormack, for tabling this Bill.

The Government's failure in recent years to protect home owners who opt, or are forced, to buy apartments following the explosion in house price inflation in recent years is shameful. The rise in apartment accommodation is partly driven by the fact the traditional house is outside the reach of many thousands of people. Apartments can offer advantages in terms of central locations and can often be an attractive option for single people or couples without children.

In every town and city, not least in my constituency of Clare, the rise of apartments as a form of private dwelling has been a phenomenon of the last decade in particular. This growth is welcome in most cases. Ennis, the chief town, has seen a huge growth in the provision of accommodation as have other towns such as Kilrush, Kilkee, Lahinch, Ennistymon, and Tulla. I recently drove through many new housing estates in our second largest town, Shannon, with a local councillor and was astonished to see the amount of houses being built. Almost every month, a housing estate goes

up in Shannon. There is a shortage of new houses for young people in Shannon and pressure is on Clare County Council to zone more land to accommodate it. From speaking with builders I know young people queue up to buy houses because of the shortage of accommodation.

In valuing this growth, we must regulate it and this is what this Government has failed to do. The Residential Tenancies Bill is narrow in scope, in seeking to regulate the management of apartments, which now make up one in five of every dwelling built in Ireland and house approximately 210,000 people.

Most of these people, particularly if they are single, are mortgaged to the hilt and often find themselves at the mercy of unregulated management fees, to which my colleague Deputy McCormack referred in his contribution. Many purchasers fail to factor in properly the annual management fees to their mortgage costs. Fees of a few thousand a year essentially increase the monthly mortgage repayment by 20%, 30% or 40%.

Last night I looked up the websites of Dublin auctioneers. I was astonished to see the shocking cost of management fees on these properties. It must be reviewed and I am delighted the issue has been raised. Apartment owners can find themselves at the mercy of these fees and it is fair to say apartment dwellers have been left without proper State protection against these management companies and agents.

Builders or management companies often evade their responsibility to maintain the property, whether it is failing to clean stairwells, keep lifts operational, provide a proper refuse service or maintain the structure itself. When problems arise, all too quickly it becomes apparent that these management companies hold most of the good cards. By simply doing nothing, issues can drag on indefinitely, making life a misery for the owners of these apartments.

Fine Gael proposes this Bill to establish a code of practice for apartment management which would make up for the imbalance in regulation in this area. This imbalance is all too obvious when we compare ourselves with our EU partners who, by and large, have more experience in this area. By widening the role of the Private Residential Tenancies Board and allowing it to become the regulator in this area, apartment residents would be protected by a three-year set management fee after a complex has been built. They would also have the certainty that fees would not be fully payable until all services were provided. They could pay into a special fund to provide for major refurbishment of common areas as the need arises.

Essentially, this is consumer protection legislation which would also provide for full information for owners or occupiers of apartments who often find they must organise themselves col-

lectively to engage with negligent management companies. Empowering the Private Residential Tenancies Board would enable us to provide such regulation as the imposition of a one-year probationary period so if apartment owners decide to change management company, they would not be locked into a multi-year contract as a condition of signing on the new company.

The Minister might acknowledge the failure of his Government over the past nine years in contributing to the badly-planned sprawl that makes up much of the greater urban areas. If we are to go down the route of high density housing in our urban areas, we must tighten up the regulation in areas such as Dublin. I thank the House for providing me with the opportunity to deal with some aspects of the Bill. I would like more time to speak on it. I urge the Minister of State and the Government to support Fine Gael, this Bill and the provisions required to rectify this problem.

Minister of State at the Department of the Environment, Heritage and Local Government

(Mr. N. Ahern): I thank the Deputies who contributed to the debate. I understand many of the points raised, which are those we come across as public representatives. I share the concerns but I do not agree with the approach taken. The Bill is concerned with regulating managing agents. Provision for this will be made in legislation by the Minister for Justice, Equality and Law Reform as he will establish a new properties services regulatory authority. I am surprised that Fine Gael did not seem to know that.

Mr. McCormack: When is it due?

Mr. N. Ahern: I am not sure that Fine Gael is fully behind its proposal to make the Private Residential Tenancies Board responsible for regulating managing agents. It was not set up for that purpose. While the proposed Bill contains some interesting points, it would not deal with a range of issues that give rise to problems with apartment complex management.

It is right to focus on managing agents because they seem to be a major source of difficulty and the source of many of the complaints we hear, especially in respect of levels of fees, quality of service and accountability. This Private Member's Bill addresses almost exclusively the regulation of property management agencies, which is only one strand of the complex issue.

I welcome the announcement last year of the new national property services regulatory authority to regulate these operations. This authority, established by the Minister for Justice, Equality and Law Reform on foot of the report from the auctioneering and estate agency review group will have the function of licensing, regulating and dealing with complaints about property management service providers or agents. A serious gap

[Mr. N. Ahern.]

in the Bill is its failure to deal with several of the problems that need to be addressed, particularly those connected with conveyancing and company law.

It has been claimed in the debate that nothing has been done since the motion before Christmas, which is unfair because a great deal of work is taking place. Such hollow cheap shots have no basis in fact. The Department of Justice, Equality and Law Reform is drawing up legislation to establish the national property services regulatory authority and provide for its regulatory regime, including the regulation of managing agents.

My Department has put a great deal of effort into providing detailed and comprehensive input into the Law Reform Commission's study. Negative comments from Deputy McCormack and others to the effect that we should not wait for the Law Reform Commission seem rather stupid. It is important on a matter that is new to all of us, and to society, to have a wide-ranging consultation process. That is the best way to ensure that the different views on this matter are clarified and addressed. If the Department simply put forward its own views, the Opposition would criticise it for not giving other people the opportunity to put their points of view.

In taking the rare step of proposing a deferral on this Second Stage rather than voting it down, the Government acknowledges that the Bill appears to be well intentioned and has some merit, even if its approach is flawed. We are signalling our commitment to ensuring that effective action is taken on the different aspects of this matter.

The Law Reform Commission report is due in the summer. Many of us know some of the actions that need to be undertaken after that but we want to engage in the public consultation process and move forward on an agreed basis. Legislation will then be introduced but it will be more wide-ranging than the Bill before us. This Bill gives us the opportunity to debate the issue but it is very narrow and does not strike at many of the real problems in this issue.

Mr. Crawford: I wish to share time with Deputies Ring and Durkan.

I thank Deputy O'Dowd for putting forward this important Bill. The Minister of State says the legislation is flawed but none of us in this House is perfect. Even Bills that have undergone scrutiny have turned out to be less than perfect. It is an effort, as the Minister of State admitted, to initiate a discussion on this major problem.

Until recently, apartment management companies would not have been considered a major issue in a constituency such as mine, Cavan-Monaghan. That situation is changing with the exorbitant price of housing and different family structures.

It is important if one lives in an apartment that there is a clear regulatory understanding of who is responsible for the overall maintenance of the building and its general cleanliness, etc. Apartment living has recently become a way of life for many people, allowing cheaper access to the property ladder for many young people. In 2002 almost 9% of all households were in apartments. Apartments feature largely too in sectors such as student accommodation.

There are serious problems in apartment complexes throughout the country and many residents seem to be, or feel, powerless. These problems relate to common areas and the failure of builders or management agents to maintain them while charging high management fees that increase annually without any consultation.

People living in houses are also burdened with management companies and fees and this issue perhaps should be included in the Bill. Many young people, in their eagerness to get onto the property ladder, do not realise the additional costs for which they are liable and these costs often create serious financial problems. It is important that these management fees be payable over a period and there must be a clause that if the agreed services are not provided, the payments will stop.

Some builders demand the first year's payments before handing over the keys to the new owners although the area is often a building site with few services finished. The law should allow owners to withhold a portion of the fees until all services are available. The quality of the build is very important at any time but more so today than ever given the extraordinary prices of apartments and houses.

Quality control is another issue. While this example is not relevant to this Bill, it makes a point. There is a local authority affordable housing unit in Ballybay, County Monaghan. One year on there is an unbelievable and unacceptable scale of problems. These include falling ceilings — the ceiling in one house fell down, electric wiring posing dangers, cracks in walls, faulty fitting of windows and doors and serious difficulties with landscaping and surrounding areas. It is unfair that contractors who are incapable of doing a proper job should be allowed to take on contracts.

Under EU law such builders would have a case against local authorities if they were not given the contracts because they tendered lowest price. While this issue does not form part of this Bill, it should be considered in respect of all housing estates. We must ensure that laws exist to protect the owners.

Mr. N. Ahern: Is that a local authority housing estate?

Mr. Crawford: Yes, it is scandalous.

Mr. Ring: I am glad that Fine Gael proposed this Bill and the Government has accepted it with its own amendment, which is fine. I agree with it because there are several problems in apartment complexes, especially where builders and developers pass the management of apartments to the householders although they have made a fortune out of the development.

The Government makes 50% of the take in respect of every apartment sold and the first-time buyer is caught by the greedy builders who cannot get enough money for their buildings and control the market on the basis of the land they have for apartments and houses. Builders pay levies to local authorities which are then passed on to the unfortunate person who buys the house. Residents of apartment blocks and private estates also face management charges. I have personal experience of this. After I moved into a development consisting of five houses, residents were forced to set up a management company and pay its management charges through their solicitors. This is fine if one has minor problems, but what happens if one is faced with a major water leak or problem with sewage or roads? The unfortunate residents are then forced to pay more money to the management company after giving a considerable amount of money to builders and paying charges to the local authority, while the local authority wipes its hands of the problem.

What do local authorities do with all the money they collect? I understand that my own local authority has collected €19 million in levies. I have yet to discover where this money has gone as I have never seen as many potholes in the roads and as many footpaths left unfinished and there is no lighting in housing estates. The local authority is doing no work but is still collecting money from people. I believe it boils down to benchmarking. Money is collected to pay benchmarking pay awards to staff.

An increasing number of people live in apartments, not by choice but because they cannot afford to buy a house. They must start with apartments. It is terrible to witness young couples being forced to live in apartments for many years with no facilities for them or their children before they can attempt to buy a house which will allow them some space to raise their families. This is a sad scenario. It is sad that the Government and the Minister of State, in spite of all the revenue the Government has collected over recent years, have done nothing significant to help young couples enter the housing market.

Mr. Durkan: Hear, hear.

Mr. Ring: I expected to see such a measure in the last budget. I thought the Government would abolish some taxes.

Mr. N. Ahern: Deputy Ring should read about what the Government is doing.

Mr. Durkan: Fantasy.

Mr. Ring: It is no wonder there is a hole in the tent at the Galway Races which all these builders wish to put their big heads through to give their large cheques to Fianna Fáil because they are making so much money. They cannot even put it into offshore bank accounts because aeroplanes are not capable of carrying it. It is time to stabilise the housing market, give young couples a chance and take on the builders. Management companies are set up in apartments and small developments, the builder washes his hands and takes the money and it is again left to young couples and people starting out in life to pick up the tab. These people must pay the builder and the local authority. They must pay refuse collection charges and will soon be forced to pay for their water because the Government has arranged matters in such a way that we will be forced to pay for every glass of water.

It is time that the Minister of State and the Government did something about the housing market in this country. I am tired of hearing the stories of young people who do not want the local authority to do anything for them. They want to do it themselves but they are being excluded from the market by greedy builders and investors. These builders are taking over this country because they support the correct political parties. However, this state of affairs will change shortly.

Mr. Durkan: On behalf of my colleague, Deputy O'Dowd, I thank all those who contributed to the debate. I do not often thank the Government but I thank it for accepting this Bill. That it accepted this Private Member's Bill is indicative of the fact that even it recognises there is a need to do something about the ever increasing burden of charges and fees placed on the heads of the unfortunate new generation attempting to buy a house.

The Minister of State and I have exchanged views on this matter, not always amicably. I make no apology for raising this subject again. I am appalled when I, like everyone else present, including Government Deputies, meet young people in my clinics who, having struggled to buy an apartment or house to get onto the first rung of the property ladder, find themselves burdened with a refuse bill and discover that a management agency has come on board to extract more money from them. In addition, they must repay their mortgages. The situation is incredible and I do not know whether Deputies on the Government side of the House have fully assessed the impact and likely impact in the future of this burden on young couples.

One of the most significant problems now facing young couples in relationships is the financial burden imposed on them. This burden is so great that it can cause disputes in the early stages of

[Mr. Durkan.]

the relationship. In many cases, the relationships of young couples living in rented accommodation break up before they even obtain a permanent home owing to the enormous burden of financial responsibility imposed on them. Both men and women must work and do overtime if they are to have a chance of holding on to whatever property they have managed to obtain.

A case concerning rented property was brought to my attention last week. It involved a private development with a portion of affordable housing under Part V of the Planning and Development Act. These were local authority houses in the middle of a private estate. I will not discuss the quality of the houses because the Minister of State is aware of my views on this subject. I believe people should be given ample space and that they need to be able to provide for their families in the future. We have had a tradition of doing so in this country. However, our apartments and general accommodation are getting smaller.

It is embarrassing how few houses are available for families. In most cases we have nothing to offer these families. This is certainly the case in my local authority. The degree to which people are capable of meeting all the financial requirements of the property, irrespective of whether it is rented or owned, is such that if they fall sick or are forced to visit the doctor or be off work for a week, the entire burden closes in on them. It is quite common for a relationship to break up in its early stages simply because of the mounting financial burden of bills and charges.

Ireland is supposed to be one of the wealthiest countries in the world. We are told by the Government that we are doing better than any other country in the world, that we have money to burn and that the country is awash with money, yet this particular group of people are herded into a corner and kept there. Their chances of breaking out of this corner are slim to non-existent.

I will not delay the House other than to say that our society should be able to provide the new generation with ready access to a house, flat or apartment. If members of this generation want to improve themselves and move on, which all people wish to do, they should be facilitated in doing so. People always want to buy their homes. Ireland has a built-in tradition of home purchase. Several Ministers have argued that arrangements are different in other countries. I accept that this is true but we have our own traditions, to which we are entitled.

I hope that by accepting Deputy O'Dowd's Bill, the Government has now recognised that the mounting financial burden on householders has got out of hand and must be tackled. I hope it is. According to the Minister of State, the Department of Justice, Equality and Law Reform is responsible for drawing up regulations.

Mr. N. Ahern: For management agencies.

Mr. Durkan: I do not wish to be disrespectful but people should not hold their breath. If it takes as long for the Department to draw up these regulations as it has taken for it to draw up other legislation in which it has been involved over the past four or five years, some people who hope to have the financial burden of management agencies alleviated could be waiting a long time.

I thank the Minister of State for accepting the Bill but I hope it is not a ruse to get by in the next general election. I hope it is in indication of meaningful intent by the Government to recognise that the burden placed on people by virtue of these extraordinary charges is such that it must be dealt with. I congratulate the Government if this is its intention. Otherwise, we must wait and see.

Amendment put and agreed to.

Motion, as amended, agreed to.

Adjournment Debate.

Cancer Screening Programme.

Mr. McGinley: I thank the Chair for affording me the opportunity once again to raise this important matter. The most important element in the successful treatment of cancer is early diagnosis. Unfortunately, early diagnosis and standards of treatment seem to depend on geographical location. Since 2000, BreastCheck screening has been available only in parts of the country. If one is aged 50 years or over and lives in Dublin or the eastern region, BreastCheck is automatically available. I am sure this programme has saved the lives of many women who are fortunate to be living in these areas. We all know and accept what a tragedy it can be for a family to have a member, particularly a mother, diagnosed with breast or cervical cancer, especially when it is at an advanced stage. Late diagnosis means more radical and severe treatment, often with limited success.

It is unbelievable that six years after its introduction, BreastCheck cancer screening is confined to so few counties. As usual, the west and the north west in particular is well and truly out of the loop. According to the latest information, places such as County Donegal cannot expect to benefit from a screening programme until 2008 at the earliest. This is completely unacceptable. Letterkenny General Hospital caters for a population of almost 140,000. In County Donegal, the country's most peripheral county, there are 50 new breast cancer cases, 70 new bowel cancer cases and 80 new prostate cancer cases annually. The medical board of Letterkenny General

Hospital has taken the unprecedented decision that in the absence of an agreed permanent resolution to the issue of breast cancer services, no support services will be provided for new patients referred with systematic breast disease from 1 June next. Furthermore, all breast health clinics including review services will cease from 1 September. This is a serious development and illustrates the sheer frustration of the medical personnel attached to the hospital.

The new inpatient oncology unit in the hospital, which has been lying idle, will be used to increase medical capacity to address the current overcrowding crisis in the hospital, which is a daily occurrence. A total of 17 people were on trolleys in the hospital today. While any move that gets patients who are currently on trolleys into beds must be welcomed, it must be recognised that this is not the solution to the hospital's long-term problem or the improvement of cancer services in Donegal.

There are three main priorities in addressing the cancer treatment needs of County Donegal. It is absolutely essential to appoint a permanent breast surgeon for Letterkenny General Hospital, to ensure the roll out of BreastCheck and the designation of Letterkenny General Hospital as a satellite radiotherapy unit. In a shocking indictment of the health service, it has emerged that the absence of a radiation oncologist at Letterkenny General Hospital is resulting in unnecessary mastectomies in some cases and dangerous and lengthy delays in the treatment of certain cancers in others.

A group of medical professionals in the county maintain that many patients, in particular those receiving palliative care, are refusing radiation treatment because of the exhausting travel involved — anything up to 6 hours at a time to Dublin. Being a regular visitor to St. Luke's Hospital in Dublin, the number of Donegal patients journeying there for radiotherapy never ceases to amaze me. They are far removed from their families and natural environments for the duration of their treatment, which can often last up to seven or eight weeks. While many try to go home for the weekend, the Minister of State can imagine what a harrowing ordeal that long journey must be with their strength and resistance sapped by the severity of radiation treatment.

While I welcome plans to establish radiotherapy units in Limerick, Galway or even Waterford, these will be of no benefit to the north west. It is no easier to travel from west County Donegal or Malin Head to Galway than it is to Dublin. I am publicly calling for the provision of a radiotherapy unit in the north west, preferably in County Donegal, to serve the needs of cancer patients in that region. I am also calling for the appointment of a radiation oncologist, a permanent breast surgeon and a second bowel surgeon in Letterkenny General Hospital. If this does not

happen, it is likely that the existing service, which caters for a population of almost 140,000 people, will diminish and ultimately disappear. There is a genuine fear among medical staff in the hospital that cancer services will disappear by a process of natural attrition rather than an act of commission. For example, if a permanent breast surgeon is not appointed, breast cancer services will go.

I am also suggesting that the Tánaiste should visit Letterkenny General Hospital to witness how inadequate and critical the situation is, not alone in the area of cancer treatment, but also the daily crisis throughout the hospital mainly due to inadequate accident and emergency facilities and a critical shortage of beds. Having been in charge of her Department for over a year, she is due a visit.

Minister of State at the Department of Health and Children (Mr. B. Lenihan): Cuirim fáilte leis an rún seo ar Athló an Teach in ainm an Teachta McGinley, a bhaineann le forbairt na seirbhísí seo i dTír Chonaill. Thug an Teachta cuireadh don Tánaiste chun cuairt a dhéanamh ar an ospidéal sin.

Mr. McGinley: Beidh fáilte roimpi.

Mr. B. Lenihan: Tá a fhios agam ach tá fáilte roimpi in a lán áiteanna in Éireann sa lá atá inniu ann.

Mr. McGinley: Tá an t-ádh léi.

Mr. B. Lenihan: Since 1997, cumulative funding totalling more than €47 million has been allocated to the Health Service Executive north west-ern area for the development of appropriate treatment and care services for persons with cancer. Cancer services in the north west are provided in Letterkenny General Hospital and Sligo General Hospital. In the former, cancer services are provided by a team of consultants comprising four consultant surgeons, one consultant medical oncologist, one consultant haematologist, one palliative care consultant, three consultant pathologists, six consultant radiologists, two senior pharmacists who specialise in oncology drugs preparation, a range of specialist nursing staff and one consultant radiotherapist three days per month.

An 11-bed oncology ward was recently completed, which is supported by an oncology day case area, breast care suite and clean air pharmaceutical preparation room.

A formal multidisciplinary breast care team meets and reviews all breast patients each week. Other teams meet to discuss cases as required.

Sligo General Hospital has a dedicated inpatient oncology unit, comprising 15 beds. The hospital also has a dedicated day services unit, with an oncology day services area comprising eight beds. A consultant haematologist was

[Mr. B. Lenihan.]

appointed in 2004. In addition, the hospital manufactures its own cytotoxic oncology drugs in a state-of-the-art clean room facility. The hospital has a full range of diagnostic tools including a CAT scan and a magnetic resonance imaging, MRI facility.

The HSE north western area has a regional consultant in palliative medicine, with a second post recently approved by Comhairle na nOspidéal. This second post will cover Sligo, Leitrim and south Donegal while the existing consultant in palliative medicine will cover Donegal.

Last year, the Tánaiste announced the Government's approval for a national network for radiation oncology services to be put in place by 2011, which will commence in 2008. The network will deliver a substantial increase in current radiation oncology capacity by providing additional capacity to the equivalent of 23 linear accelerators nationally. The network will consist of four large centres in Dublin, Cork and Galway and two integrated satellite centres in Waterford and Limerick, conditional on their adherence to certain quality assurance measures.

Patients in the north west are currently being referred for radiation oncology treatment to the radiation oncology department at University College Hospital, Galway and to St. Luke's Hospital, Dublin. A consultant radiation oncologist from St. Luke's Hospital, Dublin visits Letterkenny General Hospital three times per month as part of the multidisciplinary care of cancer patients. A consultant radiation oncologist with significant sessional commitments to Sligo General Hospital has recently been appointed to University College Hospital, Galway, which also provides radiation oncology services to patients in the north west, mainly to Sligo, Leitrim and south Donegal.

The Government considers that in the short term, the best option in terms of improving geographic access for patients in the north west is to facilitate access for those patients to radiation oncology services as part of North-South co-operation on cancer. The Tánaiste has agreed with the Minister for Health for Northern Ireland, Mr. Shaun Woodward, MP, that the new Belfast cancer centre will treat patients from Donegal. The option for people in Donegal, to attend for radiotherapy treatment at either Galway or Dublin will continue to be available.

In respect of the Belfast development, a number of discussions have taken place at official level involving both Departments, most recently on 20 February. Both Departments have requested the co-operation and working together initiative, CAWT, to ensure the timely and effective delivery of the ministerial agreement. There is a considerable political, departmental and service commitment to delivering on this agreement. It is important that this initiative succeeds

as it will support further co-operation in health care, including cancer care. To ensure effective delivery, it is essential to have the support of medical consultants, patients and representative groups locally. I know how passionately the people of Donegal feel about this issue. The Tánaiste has worked extremely hard in this regard.

As for furthering the consideration of a satellite in the north west, the first priority is to deliver access for cancer patients in the north west to Belfast City Hospital as early as possible and thereafter to build on positive working relationships to deliver on this commitment. The issue of a satellite centre in the north west will continue to be furthered as a joint initiative involving bilateral discussions at departmental and political levels.

BreastCheck is preparing for the expansion of its screening programme for women aged 50 to 64 years in the south and west. Some €28 million in capital funding has been made available to provide static screening units and five mobile units. Screening for the western region will be provided at the static unit in Galway and by two mobile units. There is a screening population of 58,000 women in the west, including 10,500 in County Donegal.

The Tánaiste recently met representatives of BreastCheck. They are fully aware of her wish to have the programme rolled out nationally as quickly as possible. For this to happen, essential elements of the roll-out must be in place, including adequate staffing, effective training and quality assurance programmes. Additional funding has been made available this year for early recruitment and training of staff.

While there are a number of other matters with which I wish to deal, my time is short. In respect of breast disease services, the Department has been advised by the Health Service Executive that agreement in principle has been reached between Letterkenny General Hospital and Altnagelvin Hospital on a model of co-operation in the provision of breast cancer services.

In addition, my colleagues, the Minister of State at the Department of Transport, Deputy Gallagher, the Minister for Agriculture and Food, Deputy Coughlan, as well as Deputies McDaid and Keaveney have met the Tánaiste recently to further these issues.

An Leas-Cheann Comhairle: I call on Deputy Walsh. He has five minutes.

Mr. McGinley: We expect progress shortly.

Mr. B. Lenihan: It was not a bad report.

An Leas-Cheann Comhairle: I call Deputy Walsh.

Mr. McGinley: There is no radiology service north of a line from Dublin to Galway.

An Leas-Cheann Comhairle: Order, please.

Mr. McGinley: It is not on.

An Leas-Cheann Comhairle: I call on Deputy Walsh.

Decentralisation Programme.

Mr. Walsh: While the sideshow goes on, I wonder whether it will be possible for me to pursue my Adjournment matter. I am extremely pleased that the Minister of State at the Department of Finance, Deputy Parlon, has come before the House to take this item because I do not agree with the idea of a package deal, whereby a Minister or Minister of State takes two, three or four Adjournment matters. I like to see the Minister who is responsible for a particular matter taking the matter in question.

Mr. McGinley: And so say all of us.

Mr. Walsh: When this takes place, it is good for the Chamber, the House and for democracy.

Ms Burton: That was the sweet part of the speech.

Mr. Walsh: Exactly. In 2003, the Minister for Finance made a major announcement on decentralisation, part of which was a commitment to decentralise a major portion of the Department of Communications, Marine and Natural Resources, as well as Bord Iascaigh Mhara, to west Cork.

Mr. McGinley: Surely the Deputy did not believe that.

Mr. Walsh: In the meantime, arrangements were put in place for those civil and public servants who wished to be decentralised to avail of the opportunity through the central applications facility, CAF. Naturally, as this related to west Cork, a large number of people wished to avail of this facility.

Ms Burton: There was a rush.

Mr. Walsh: More than 200 did so and the scheme was over-subscribed. Since then, the people involved have contacted me and, presumably, other public representatives, to know when they will be facilitated with office accommodation in Clonakilty, in west Cork. The Office of Public Works was charged with the responsibility for providing office space and it has identified a site in Clonakilty. However, after three years, no successful tender has been awarded for the task of

building a facility to date. As the Minister of State is aware, the process of securing planning permission, construction and fitting out can take approximately two years. Hence, this will result in a five year waiting time for the people involved, some of whom have children attending schools and who wish to make appropriate arrangements. I have made the case that interim facilities or arrangements should be made for the people who have already volunteered. Naturally, some are originally from the locality.

Hence I want to hear the Minister of State's views as to what those people who have volunteered to take up employment in west Cork can look forward to. In other words, when will office accommodation be made available for them?

Minister of State at the Department of Finance

(Mr. Parlon): I am delighted to be in the House this evening to answer this question. I was quite annoyed to hear of the Deputy's response during the Adjournment debate on 29 March because it is quite normal, depending on circumstances, for different Ministers to take Adjournment debates in the House. For example, while I understand that the Minister of State at the Department of Health and Children, Deputy Brian Lenihan, intends to take the next two matters, I am unsure whether he is responsible for them. There was a late sitting on 29 March and I had an important personal appointment to fulfil. While I do not object to this issue being raised, I have read the Deputy's comments and note that he spoke of my appalling disrespect to the House and to the Leas-Cheann Comhairle. I reject this. There was no disrespect. I could not be present. I discussed the matter with the Ceann Comhairle the following morning and he stated that it was quite normal and that he did not see any difficulty with the practice. Furthermore, my appalling—

Mr. Walsh: The Minister of State had been in the Chamber a few minutes previously. I thought then and still think that it was appalling for the Minister of State to walk out in front of me, leaving me in the Chamber without answering my question.

Mr. Parlon: The Minister of State at the Department of Health and Children, Deputy Tim O'Malley, was in the Chamber with a full Government response to the Deputy's question.

Mr. Walsh: Deputy Tim O'Malley is not the Minister of State with responsibility for the Office of Public Works.

Mr. Parlon: I know that. This is a response on behalf of the Government.

Mr. Walsh: Deputy Parlon is the Minister of State with responsibility for the Office of Public Works.

Mr. Parlon: Furthermore, you spoke of my appalling lack of interest in this project. You of all people should be most aware that Clonakilty has advanced further than most projects because of my input and that of the Office of Public Works.

An Leas-Cheann Comhairle: The Minister of State should address his remarks through the Chair.

Mr. Parlon: As for resolving some of the issues that arose, most issues with the Department of Communications, Marine and Natural Resources were dealt with directly, as were some issues with Bord Iascaigh Mhara, BIM.

As for the response, a total of 184 jobs have been earmarked for Clonakilty under the Government's decentralisation programme, with 91 from the Department of Communications, Marine and Natural Resources and 93 from BIM. The Office of Public Works has purchased a three-acre site in the town and tenders have been invited for the design and construction of the new permanent offices. The tenders were due back to my office on 31 March. We have to allow a certain period for tenders as we are obliged to be totally transparent in all our dealings. The successful tenderer will lodge a planning application later this year and construction should commence in early 2007, assuming the planning process is not delayed.

Given the high level of interest from civil servants to relocate to Clonakilty, the Department of Communications, Marine and Natural Resources has asked the OPW to source temporary offices to accommodate an advance party of staff until the permanent building is completed. The Public Appointments Service has indicated that a total of 176 expressions of interest from across the public service have been received for the posts in Clonakilty, 140 for the Department and 36 for the BIM positions. Following an extensive search for temporary office space in the town, the OPW has identified offices in the Clonakilty area that can accommodate up to 50 staff immediately and further suitable office space that could be acquired later in the year for an additional 50 to 60 staff.

The Department of Communications, Marine and Natural Resources has indicated its approval for the identified temporary accommodation and the proposal has been considered by the decentralisation group. The matter has been referred to the Department of Finance for sanction to acquire the space. This evening I checked with senior officials in the Department, who said the Minister has not yet given his sanction. They expect he will but that is a matter for the Minister.

When the business case for the interim accommodation has been evaluated and agreed by the

Department of Finance, the OPW will proceed with the negotiations to lease the required space.

School Accommodation.

Ms Burton: Hundreds of children in Dublin 15 have no school place for this coming September and the reason is simple. Thousands of houses have been built in the Littlepace and Castleknock areas in the past five years but no provision has been made for school places for all the new families moving into the area.

Now we face another Groundhog Day, another round of crisis meetings to secure places for around 200 children who could not be accommodated in the first round of offers.

I want to take a positive approach in addressing this crisis as I am interested only in resolving this issue for once and for all. Next year's parents cannot be put through the same distress and upset that parents have experienced recently, year on year, in Dublin 15, indeed for the full tenure of this Government, nine years. There is a clear and pressing need to commit to a full new primary school in the Ongar-Littlepace area over and above the two schools already established, to complete the permanent buildings for the Castaheaney Educate Together primary school currently based in prefabs and facing another year in them, to build an extra primary school in Castleknock and to provide a new secondary school in the Castaheaney-Clonee area to cater for families in houses built ten years ago in the area.

To resolve this crisis I am calling for a round table conference of all school principals with county council and education officials. It is not good enough to have a conference with selected principals from the Minister of State's office in Marlborough Street. That does not impress me, particularly when the people in Tullamore cannot give answers.

I am also calling for a proper assessment of needs for the next five to ten years in line with expected new housing and the immediate purchase of sites for the new schools that will be required in Castaheaney. The Minister of State should tell us now how many sites and which sites have been acquired. I have received replies from the Minister for the past four years and she is still shilly-shallying about acquiring the sites.

Last year a quick-fix solution was found when the Minister was faced with a full-scale revolt from parents and the whole community. This year, in response to my recent parliamentary questions, the Minister acknowledged the extent of the crisis, referring yesterday to "the unabating increase in demand for pupil places" in Dublin 15. The poor woman sounds surprised. Extending existing schools, while welcome, is not enough. The Minister plans for Dublin West to have many primary schools of 1,000 pupils. With class sizes among the highest in the country, at more than

30 pupils, this is a shamefully inadequate response from a rich Government. We need more schools, particularly as new communities of 2,000 plus houses and apartments are being regularly built and more are planned. The interests of developers and their land deals cannot come before the interests of our children.

Judging by yesterday's reply, the Minister unfortunately continues to keep her head in the sand. Planning for these new schools has to start today. Our children want school places but they also need a quality education in permanent buildings with reasonable class sizes, not the vision of endless prefabs and over-full classrooms, which seems to represent what Fianna Fáil and the Progressive Democrats consider good enough for Dublin 15. Unless this is provided, the Government will continue to fail the new communities in Clonee, Littlepace, Ongar, Hansfield, Diswellstown, Luttrellstown, Tyrellstown and the many other growth areas in Dublin 15.

We have been blessed in Dublin 15 with a remarkable range of teachers, school principals and managers. Only they have been able to keep the show on the road, with dedicated parents. I have many expectations from the Minister for Education and Science, Deputy Hanafin, in her approach to education, but she has not delivered for Dublin 15.

Minister of State at the Department of Education and Science (Mr. B. Lenihan): I thank the Deputy for raising this matter. It is an important subject and I share the concerns Deputy Burton has outlined to the House about the proper development of primary education in the area.

The Minister is conscious that the Dublin 15 area as a whole is one of the most rapidly developing areas in the country and that as a result there has been a marked increase in the demand for primary school places. I am conscious of that demand too and I assure the Deputy I have worked unceasingly in that regard with the planning unit in Tullamore and with the school principals, teachers and parents in the area. I join in the tribute the Deputy paid to them. They have gone a long way towards meeting the accommodation difficulties which the Deputy outlined to the House. To date, however, there has not been a Groundhog Day in Dublin West because the Minister, her officials, the school principals and parents have worked together to find solutions. That is what we must do this year too. I appreciate that Deputy Burton is committed to finding solutions in this area too.

The Department of Education and Science has taken a number of measures to increase the capacity of existing schools in the area concerned with the development of new schools to meet this growing demand. All building projects arising from these interventions are awarded a band one priority rating under the Department's prioritisation

criteria for large-scale building projects to ensure they are delivered as expeditiously as possible. The allocation of financial resources is not the issue in the provision of primary education in Dublin 15.

Ms Burton: Has the Department bought the sites?

Mr. B. Lenihan: I will deal with sites shortly. In the Littlepace-Castaheaney area a new school building has recently been completed at Mary Mother of Hope national school and an additional project is under way with a target delivery date of September 2007. In addition, a 32-classroom campus is planned for a school site in Ongar. Under the arrangement between the Department and Fingal County Council the site at Ongar has been secured and transferred to the council. That happened last week. The project will provide a permanent accommodation solution for Castaheaney Educate Together national school. It also has a target completion date of September 2007. This area is also served by the Sacred Heart national school in Huntstown where an extension project to provide a 32-classroom school is nearing completion.

The Deputy also referred to the Tyrellstown area. Tyrellstown Educate Together was opened some weeks ago and planning to provide permanent accommodation is at an advanced stage in the area. In the Diswellstown area, St. Patrick's national school has recently moved into a new 24-classroom school. This will facilitate an annual three-stream intake. However, as an exceptional matter the board of management is considering taking a fourth stream of junior infants this year. In addition to this, the Department is in discussions with St. Mochta's national School regarding the possibility of expanding it to cater for an annual four-stream intake. As the Deputy is aware, the school currently has an intake of three junior infant classes. An extension to cater for this development will also attract a band one priority rating.

Other developments in the Dublin 15 area include the planned expansion of St. Brigid's national school in Castleknock and extensions to

St. Brigid's boys and girls national schools, Blanchardstown. Extensive reference was made by the Deputy to semi-permanent accommodation. The build at the site at Ongar of additional classroom capacity will be permanent accommodation and will not involve the use of semi-permanent accommodation. Due to the level of demand emanating from the Dublin 15 area, the need to make further provision at primary level in addition to that outlined is being kept under continuous review by the Department of Education and Science. Certainly any proposals the Deputy may wish to make in this regard will be entertained at the Department.

9 o'clock

[Mr. B. Lenihan.]

I am confident the measures outlined will assist in alleviating the immediate demand for pupil places in the area. In regard to the various points referred to by the Deputy I wish to deal with the question of permanent buildings for Castaheany Educate Together primary school. The allocation made by the Minister, and announced by the Minister in January, provided the necessary resources and the site has been acquired. The priority must be to establish this school as rapidly as possible. Likewise the extension of a further 16 classrooms of permanent accommodation at Mary Mother of Hope school must take place as quickly as possible. In regard to acquisition of sites the Minister has entered into an arrangement with Fingal County Council to identify sites for new primary schools in the area.

Ms Burton: The sites are all identified in the plans by the councillors. They are all zoned.

Mr. B. Lenihan: They are not zoned for schools. They are identified in the development plan.

Ms Burton: They are reserved sites.

Mr. B. Lenihan: They are reserved in the development plan but they are not zoned for schools as such. The Deputy is well aware of that given the amounts of money that have to be expended on acquiring them. On the issue of site acquisition I pay tribute to the work being done by the officials at Fingal County Council who are liaising with the Department in identifying and acquiring sites for schools. An amount of work has gone into the identification and acquisition of a site for a secondary school in the Castaheany area, to which the Deputy referred.

Ms Burton: That was identified eight years ago and reserved in the planning around 1996.

Mr. B. Lenihan: We are not talking about planning wish lists dreamed up by councillors.

Ms Burton: These are area action plans.

Mr. B. Lenihan: We are talking about the practical decisions that have to be taken to build these schools.

Ms Burton: The money.

Mr. B. Lenihan: To date in Dublin 15 the money has been allocated. Accommodation has been provided year on year in difficult circumstances. The Minister and I are committed to continuing to do that and will deliver that.

Ms Burton: This is about the relationship between Fianna Fáil and the builders.

Mr. B. Lenihan: The Deputy should refrain from that sort of comment. I am elected to represent all the people. I do not represent a particular section and I resent that comment on the floor of the House.

Ms Burton: It does not take nine years to get a school site.

Mr. B. Lenihan: The accommodation needs will be addressed this year. A serious question the Deputy has raised is the need for additional school provision in the area. The Deputy must be aware that no patron tendered for any additional school in the last school application process last September. If necessary, the Minister will take all necessary steps to address the school needs of this area.

Mr. Bruton: I thank the Ceann Comhairle for the opportunity to raise this important issue. This matter concerns the provision of applied behavioural analysis schools for children on the northside with autistic spectrum disorders. The northside has a serious shortage of places for such children. There is one school in Kilbarrack, the only one on the northside. It has 30 places for which there is a waiting list of 48. ACORN, the school concerned, has offered 12 places but already 31 children are waiting for those places. It is the virtually uniform and strong belief of parents of children with autistic spectrum disorders that applied behavioural analysis is the preferred way to deal with children. They have provided an excellent document in support of this application which I hope the Minister of State has an opportunity to examine. It describes the particular disabilities of children with autism and the particular relevance of the applied behavioural approach to their needs. It goes on to cite international opinion which shows there is a consensus that the applied behavioural analysis is the most successful educational intervention. In the US that system is the automatic preference. The New York State Department of Health states: "Based upon strong scientific evidence, it is recommended that principles of applied behavioural analysis and behavioural intervention strategies be included as an important element of any intervention programme for young children with autism".

It is clear there is a strong desire among parents of children with autism that this is the best way for their children. There are many who are extremely passionate about this model. I am sure the Minister of State has had representations on the matter. It is extraordinary that our Department, despite having committed itself to the Education Disability Act which provides that the needs of the child must be paramount, continues to resist providing the applied behavioural analysis approach and to persist with the system that provides much less personal support to these children. There is a genuine fear that this is about

economics and that the reason the Minister of State is not willing to commit to it is that by the standard approach it is a ratio of six children to one teacher, plus two special needs assistants while the applied behavioural analysis system is a one to one approach. There is no doubt it is more resource intensive. The Minister of State needs to respond not only to this crisis where there are 78 children waiting on the northside but also in the national context to recognise this system has an appropriate place. This application was first made nine months ago. It has been with the new special education council in Trim and is going to the National Educational Psychological Service for yet another loop. Instead of making parents go through loop after loop we need to recognise this is a core requirement. It is clear that children at a certain part of the spectrum who have severe difficulties need this system. There is a need to move forward and we need a proper policy statement.

I was alarmed to see among the correspondence I received that the Minister for Education and Science has consistently refused to meet Irish Autism Action, the national umbrella organisation for promoting this form of education. Scales need to fall from the eyes of the people within the Department of Education and Science who need to recognise this is not only the wish of parents but also internationally proven to be a preferred approach. If the Minister of State does not have a positive response I hope he will convey the strength of feeling of parents to the Minister.

Mr. B. Lenihan: I thank Deputy Bruton for raising this issue. It is an area in which I have taken a big interest as a Deputy and as a Minister of State. I agree this model deserves fair evaluation and consideration by the Minister. The one school in Kilbarrack was opened some years ago. The demand for this school is substantial. Like the Deputy I have the honour of representing the northside of the city and am well aware of the issues raised. The special facility operates the applied behavioural analysis method of teaching children with autism. I have met some of the groups involved and referred to by the Deputy. I understand the application is known as the ACORN proposal.

The Minister is most anxious that all children, including children with autistic spectrum disorders, receive an education appropriate to their needs. It is in recognition of this that the Department of Education and Science provides the following facilities for the education of children with autism: 159 special classes for children with autism, attached to special and mainstream schools; 15 pre-school classes; five special classes for children with Asperger's syndrome; and 12 stand alone facilities providing an ABA specific methodology.

Many of the children being proposed for the unit in question are in existing autism specific

provision. The ABA method is one of a range of approaches to the education of children with autism. The approach is based on understanding a set of behaviours, breaking down the components of the tasks involved in learning and the application of consequences to either reduce-weaken or increase-strengthen a particular behaviour or set of behaviours.

Based on a detailed assessment of a child's current skills, numerous systematic instructional sequences are presented to the child. The child's response to each component of each task is closely monitored. Positive reinforcement is used. Progress is closely monitored through recording the child's reaction on each trial throughout the day. The results of each trial are recorded on detailed graphs and these form the basis of decisions as to when to move on to new tasks.

The past few years have seen the promotion of the ABA method in certain sectors as the most effective approach to the education of children with autism. Some parents believe the ABA method alone can effectively address their children's needs. Expert opinion varies on the success of the ABA approach. The view of the Department is that while the ABA method has a role to play, especially for younger children, it is not the only approach and is not necessarily appropriate for all children with autism. There is also concern that exclusive adherence to the ABA method to the exclusion of all other models is unduly one dimensional and not in the best interests of the overall long-term development of children.

The role of ABA was considered in detail by the task force on autism which concluded that ABA, in common with a range of other models, has a valuable contribution to make. The task force's view was that ABA and a range of other models should all be available within an eclectic approach where the precise model or models used and the extent of their use at any give time should be dictated by the professionally assessed and evolving needs of each individual child.

While the Department's preferred approach is to provide appropriate provision based on an eclectic model and delivered through the recognised primary and post-primary school network, it will continue, in conjunction with the National Council for Special Education, to consider applications which may be received for the establishment of further stand-alone facilities. The involvement of the NCSE also takes account of the role and responsibility of that organisation in identifying suitable educational placements for children with special needs. In examining all current and future applications for ABA specific units, the involvement of the NCSE, through its relevant special educational needs organisers, will enable the Department of Education and Science to consider the need for stand-alone units on a fully informed basis.

This participation will enable the Minister's officials to establish what provision, if any, is in place for the relevant children; where a child is

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not currently placed in any provision, to identify appropriate provision in that area, if it exists; to explore the potential of establishing new school-based provision; and at the end of this process to report back to the Department on the outcome of that process and provide an update on the position regarding each child.

The Department is considering a report from the National Council for Special Education on the application in question. Input has been requested from both the National Educational Psychological Service and the Department's inspectorate.

Mr. Bruton: It is nine months since an application was made for 12 places, for which 78 children are waiting. Surely the Department can act with greater urgency.

Mr. B. Lenihan: The information received is being considered and Department officials will revert to the relevant agencies if further information is required. The officials will notify all relevant parties when a decision on the application has been made.

The Dáil adjourned at 9.15 p.m. until 10.30 a.m. on Thursday, 6 April 2006.

Written Answers.

The following are questions tabled by Members for written response and the ministerial replies received from the Departments [unrevised].

Questions Nos. 1 to 12, inclusive, answered orally.

Questions Nos. 13 to 32, inclusive, resubmitted.

Questions Nos. 33 to 40, inclusive, answered orally.

Third Level Fees.

41. **Ms McManus** asked the Minister for Education and Science her views on whether the abolition of tuition fees has been a positive factor in the significant increase in participation across all socio-economic groups in higher education; and if she will make a statement on the matter. [13509/06]

Minister for Education and Science (Ms Hanafin): The most recent national survey of new entrants to higher education was published in March 2006 and is based on a study of new entrants to higher education in 2004. The report shows that participation in higher education increased from 44% in 1998 to 54% in 2004. This finding reflects a trend of increasing participation in higher education throughout the 1990s and 1980s. For example, the participation rate was 36% in 1992; 25% in 1986; and 20% in 1980.

Like the previous HEA studies of participation in higher education, the 2004 study is a descriptive study of participation in higher education. It does not attempt to formulate recommendations for future policy or attribute findings to prior policy interventions. It is not possible to draw any definitive conclusions regarding the impact of free fees on participation levels on the basis of this study. For example, substantial increases in participation have been achieved in the lower socio-economic groups, where entrants would not have been liable for fee payments prior to the abolition of tuition fees on the basis that they would qualify for student support. In the same context, the level of progress in participation rates among the non-manual socio-economic group, who would have been expected to benefit much more significantly from the abolition of tuition fees, has been disappointing.

Broadening access to further and higher education is one of the Government's major policy priorities. As the Deputy will be aware the Government made a €42 million package available in 2003 which involved substantial increases in grant levels while extending the income thresholds and linking the amount of the "top-up" grant to the maximum personal rate of unemploy-

ment assistance. The impact of this initiative resulted in an increase in the number of grant-holders from 51,000 in 2002-03 to over 56,000 in 2003-04 and an increase in the number of "top-up" grant holders to over 11,500. The number of students now benefiting from the "top-up" grant is now over 12,500. This Government has also dramatically increased the funding for third level access initiatives from just €0.5 million in 1997 to nearly €38 million in 1997.

In this context, it is very welcome to note that participation in higher education increased significantly among the lower socio-economic groups between 1998 and 2004. The semi-skilled and unskilled socio-economic group increased their participation rate from 0.23% in 1998 to between 0.33% and 0.40% while the skilled manual group increased from 0.32% in 1998 to between 0.50% and 0.60%. These are significant improvements and show evidence of a trend of improved equity of access to higher education, although there remains obvious room for improvement.

As I have already mentioned, participation among the non-manual socio-economic group is an issue of concern having remained low between 1998 and 2004. Further research is required to better understand the reasons for low higher education participation among this group, and I am asking the Higher Education Authority to further examine the issues involved, including the impact of the free fees initiative on this group.

The very welcome overall increases in participation are part of a longer-term trend that reflects a number of factors including increased student demand for higher education. Individuals are increasingly recognising the benefits that arise from a higher education. These benefits come in the form of personal development and enhanced life opportunities.

The Government's commitment to enabling greater participation in higher education is evident from the doubling of funding for the sector since 1997, the major expansion of third level places which have grown by more than 30,000 over that time, the development of alternative pathways into higher education, improvements to the student support system, the introduction of the "top up" grant and the establishment of the National Office for Equity of Access to Higher Education in the HEA.

As the Deputy will be aware, we also placed a major priority on programmes aimed at encouraging more young people to finish school so that higher education can be an option for them. We will continue to prioritise this area going forward.

Adult Education.

42. **Mr. M. Higgins** asked the Minister for Education and Science the proposed timeframe for implementing the recommendations of the McIver report which has been accepted in principle by the Government; if she will make pro-

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vision to commence the implementation in 2006; and if she will make a statement on the matter. [13501/06]

79. **Mr. Gormley** asked the Minister for Education and Science the aspects of the McIver report which she will implement in the coming 12 months. [13446/06]

83. **Mr. Naughten** asked the Minister for Education and Science if it is envisaged to implement any of the McIver report recommendations before the end of 2006; and if she will make a statement on the matter. [13324/06]

Minister of State at the Department of Education and Science (Miss de Valera): I propose to take Questions Nos. 42, 79 and 83 together.

Government commitment to the PLC sector, by reference to the resources applied in teachers' pay, non-pay running costs, student support and certification costs, is very significant.

We have increased the number of PLC places by 60% since 1996-97. Indeed, the number of PLC places approved for 2005-06 is up by more than 1,600 on the 2004-05 level. The number of approved places in the sector now stands at 30,188.

We also extended the provision of maintenance grants to PLC students with effect from September 1998. The PLC maintenance grant scheme operates on the same basis as in higher education. There were nearly 8,000 PLC grant holders in 2005 and they received some €23 million in direct support. Tuition fees for PLC courses are also waived.

PLC students are included in the calculation of non-pay budgets issued to schools in respect of running costs. A supplementary non-pay grant towards running costs specifically for PLC schools is also payable. This amounted to €5.5 million in 2005.

Other developments funded by my Department of direct benefit to the PLC sector include the provision of national certification under the Further Education and Training Awards Council and the development of progression links with higher education in the institutes of technology.

The McIver report contains 21 over-arching recommendations, incorporating 91 sub-recommendations. It has been estimated, in consultation with management and staff interests, that the recommendations for staffing would involve at a minimum the creation of at least 800 new posts at a cost of over €48 million. This level of additional provision cannot be considered in isolation from other areas of education.

In their consideration of the needs of the PLC sector into the future my officials have been examining, *inter alia*, the non-teaching educational tasks particular to PLC teachers, the demands on the management side and the chal-

lenges presented by the variation in size of the 200 plus PLC providers.

The McIver report also featured in recent discussions my officials had with representatives of the Irish Vocational Education Association.

I expect to be in a position shortly to give detailed consideration to the nature and extent of my response to the McIver recommendations as well as the issues which the management and union sides must also address. When I have arrived at decisions in that regard it will be necessary for my officials to have further discussions with the management and union sides. The timing and extent of implementation will depend on the outcome of those discussions.

Departmental Staff.

43. **Mr. P. McGrath** asked the Minister for Education and Science the position within her Department with regard to the implementation of circulars (details supplied); and if she will make a statement on the matter. [13356/06]

111. **Mr. Timmins** asked the Minister for Education and Science the reason for her Department's non-implementation of a circular (details supplied); and if she will make a statement on the matter. [13360/06]

150. **Mr. Kehoe** asked the Minister for Education and Science the position within her Department with regard to the implementation of a circular (details supplied); and if she will make a statement on the matter. [13358/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 43, 111 and 150 together.

The position with regard to the granting of bonus marks for proficiency in Irish and English across the Civil Service is that such marks are awarded to eligible candidates applying for inter-departmental competitions. In the case of internal competitions, Departments and offices have discretion as regards the granting of bonus marks for proficiency in both languages.

Until June 2005, my Department was one of a number of Departments and offices that did not apply bonus marks for proficiency in both Irish and English in internal competitions. This reflected the long-standing practice in my Department to agree in advance with the relevant staff representative associations, the basis for internal promotion competitions and the wording of relevant office notices inviting applications from eligible candidates. As there were no agreements in place until June 2005, with any of the internal staff representative associations in relation to the application of bonus marks for proficiency in both Irish and English, these marks were not awarded in internal competitions. This practice was transparent in that relevant internal

office notices contained no reference to the application of bonus marks.

This application of bonus marks in internal promotion competitions was raised by my Department's personnel division with relevant staff representative associations in early 2005. Following consideration of the issue, confirmation was received in June 2005 that internal staff representative associations have agreed to the application of bonus marks in future internal promotion competitions. Since then, all internal competitions have included provision for the award of bonus marks for proficiency in Irish and English.

Special Educational Needs.

44. **Ms C. Murphy** asked the Minister for Education and Science the measures that she has taken to ensure the delivery of the extension of the school year through the month of July in the case of all special facilities catering for children with autism as indicated (details supplied); and if she will make a statement on the matter. [13392/06]

Minister for Education and Science (Ms Hanafin): My Department's support package for the July education programme is available to all special schools and mainstream primary schools with special classes catering for children with autism who choose to extend their education services through the month of July. The Department also provides for a July programme for pupils with a severe-profound general learning disability. The package includes special nationally agreed rates of remuneration for teachers and special needs assistants involved in the July programme. Participating schools also receive a special rate of capitation funding in respect of pupils participating in the programme. Funding is also available to facilitate the provision of school transport and escort services for the children. All relevant schools were advised of the detailed funding arrangements applicable to the July education programme when the service was introduced in July 2001.

All relevant schools are encouraged to participate in this initiative in the interest of the children in question. If schools are not participating in the July education programme, home tuition is offered as an alternative for the pupils who would normally attend such schools.

My Department is currently considering proposals to extend the July programme service to post-primary schools catering for pupils with autism. In this regard, the development of appropriate support measures to facilitate post-primary schools in participating in this programme is being examined by my Department.

Residential Institutions Redress Scheme.

45. **Ms Shortall** asked the Minister for Education and Science the number of applications

received by the Residential Institutions Redress Board; the number of payments made; and the amount of the payments; and if she will make a statement on the matter. [13518/06]

Minister for Education and Science (Ms Hanafin): The Residential Institutions Redress Board was established under statute in 2002 to provide financial redress to victims of child abuse in residential institutions in order to assist them in their recovery and enhance the quality of the remainder of their lives. The board is independent in the performance of its functions.

The board received 14,809 applications by 15 December 2005, the closing date for receipt of applications. At the end of March 2006, the board had made 5,096 awards totalling €378 million. The average award to date is €74,000 and awards have varied between zero and €300,000.

The final cost of the redress scheme must be viewed in the context of the Government apology to the victims of abuse and its desire to put in place a system to enable victims to get redress without having to go before the courts. In any event, very substantial costs would have been incurred if no such scheme had been established and if cases had been processed in the normal manner through the courts, though this would have placed far more pressure on the victims.

Disruptive Students.

46. **Mr. Deasy** asked the Minister for Education and Science the steps she will take to simplify or streamline the appeals process set out as part of section 29 of the Education Act 1998; and if she will make a statement on the matter. [13354/06]

Minister for Education and Science (Ms Hanafin): School Matters, the final report of the task force on student behaviour in second level schools, recommended that my Department revisit section 29 of the Education Act 1998 with a view to amending it in ways that are more protective of all the school community. It also recommends that the timeframe involved in these appeals be looked at.

The task force also drew attention to the submission by the National Educational Welfare Board which stated: "The advent of the appeals system has been positive for schools. It has prompted schools to re-examine and review their policies, and to ensure, as far as possible, that policies and procedures are balanced, fair, and transparent". That submission went on to say that "the Board would not favour any weakening of the legal access to redress under Section 29 of the Education Act (1998)".

In 2003 and 2004, appeals against expulsion and suspension resulted in schools decisions being upheld by a ratio of 2 to 1. In 2005 this rose to a ratio of 4 to 1 in favour of the schools. This clearly supports the NEWB view, on the ground, that as a result of the appeals system, schools are

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increasingly strengthening their policies and procedures to ensure that decisions in this area are balanced fair and transparent.

My intention is to ensure that the fairness underlying the section 29 system be maintained while also ensuring that the legislation protects the right of the whole school community and that the timeframes for appeals are reasonable.

In launching the report on 14 March, I indicated a package of measures to tackle student behaviour issues, including a review existing legislation in order to take account of the task force recommendations. I am committed to bringing forward amending legislation in this area as soon as this review is complete.

School Staffing.

47. **Mr. Rabbitte** asked the Minister for Education and Science the progress which has been made on the vetting of all school staff to prevent child abuse; and if she will make a statement on the matter. [13516/06]

66. **Mr. G. Murphy** asked the Minister for Education and Science if all school boards of management will be vetted when the expansion of the central vetting unit is completed; and if she will make a statement on the matter. [13345/06]

147. **Mr. Crawford** asked the Minister for Education and Science when all teachers and other school staff will be vetted; and if she will make a statement on the matter. [13349/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 47, 66 and 147 together.

Ensuring the protection, health and welfare of children is a key concern for the Government, parents, agencies that work with children and society generally and I assure the Deputy that the Government is determined to do all that we can to keep our children and vulnerable adults safe.

In the education sector, vetting is currently available in respect of prospective employees of children in detention schools as well as special needs assistants, SNAs, and bus escorts to children with special needs. My colleague, the Minister of State with responsibility for children, Deputy Brian Lenihan, announced a doubling of the number of staff employed in the Garda central vetting unit, which has been relocated to Thurles under the Government's decentralisation programme, to ensure they can handle a greater volume of requests from employers. The provision of additional staff resources will enable the Garda Síochána's vetting services to be extended to all persons working with children and vulnerable adults. This will include teachers, caretakers, bus drivers and others working with children, whether on a full-time or part-time basis.

As a first step in the expansion of services provided by the vetting unit, it is proposed that new staff employed in the 2006-07 school year will be vetted. In the case of new teachers, vetting will form part of the process of the registration by the newly established Teaching Council. The council will be responsible for submitting the applications to the vetting unit. In the case of non-teaching staff, it will be the responsibility of the relevant school authorities, including vocational education committees where appropriate, to submit the applications.

My Department is engaged in discussions with the relevant interests — school management authorities, unions, the Teaching Council and the vetting unit — on the procedures and processes which will apply in relation to the vetting of persons in the education sector. Guidelines for school authorities are being prepared and will be issued shortly.

The issue of vetting of members of boards of management raises the wider issue of vetting of people who volunteer in the education sector. In my view, the determining factor in deciding whether or not such persons should be vetted is the extent to which they have unsupervised access to children or vulnerable adults. As the expansion of service provided by the Garda vetting unit is rolled out, I envisage that any board of management members who may have unsupervised access to children would be included in this category.

Early School Leavers.

48. **Mr. Howlin** asked the Minister for Education and Science her response to the survey of 2002-03 school leavers carried out by the ESRI which indicated that the percentage of those who left without qualifications and were jobless a year later has increased by 13% in two years and that the overall percentage of those who were jobless after a year increased from 11% in 1999 to 21% in 2004; and if she will make a statement on the matter. [13476/06]

Minister for Education and Science (Ms Hanafin): Given the clear link between leaving the system without formal qualifications and continued socio-economic disadvantage in adult life, the Government is determined to do all that is possible to ensure that children and young people get the opportunities and supports they need to enable them to complete their education and secure their future economic and personal well being. Against the background of our continuing economic success, our increasingly well educated population, with 40% of 25 to 34 year olds having a third level qualification, the second highest in the EU, and inward migration, those who leave school early without adequate qualifications face serious difficulties and challenges.

This is why we are providing almost €650 million for educational inclusion programmes in

2006 across all levels of education. This includes additional funding for the implementation of measures under the DEIS action plan at pre-school, primary and second level, and additional funding of €7 million for further education programmes.

We are determined not only to encourage more young people to complete their full second level education but also to improve the educational opportunities available to those who have left school early.

My Department has adopted a broad-based approach to tackling early school leaving. We established the National Educational Welfare Board, NEWB, to monitor attendance and help to get young people back to school. We have widened the range of curricula available to students by promoting the junior certificate schools programme, the leaving certificate vocational programme, and the leaving certificate applied programme in addition to the traditional junior and leaving certificate curricula.

We have also put preventative measures in place such as the school completion programme and the home school community liaison scheme, HSCL. Under the school completion programme children at risk of early school leaving are targeted for a variety of extra supports, educational and non-educational, during and outside of school time — all aimed at encouraging them to stay in school. The home school community liaison scheme helps to get parents involved in their children's education, which as we all know is a crucial component of convincing young people of the value of education. Under the new action plan for tackling disadvantage, DEIS, that I launched last year, more schools will benefit from both of these important programmes.

In relation to second chance educational opportunities for young people who left school early, this Government has shown a sustained commitment to providing greater opportunities in the adult and further education sectors. Many such young people take up places in Youthreach centres, while others pursue options such as FÁS apprenticeships. Indeed, CSO figures indicate that the number of persons aged 20 to 24 that had attained at least a leaving certificate or equivalent level of education or training increased between 1999 and 2004. This growth reflects the increasing numbers of students now participating in second chance further education and training programmes. In fact, the level of educational attainment of Irish young people is ahead of the EU average on that measure. While I agree with the Deputy, therefore, that young people who leave school early can face serious difficulties in finding employment, I assure him that we have greatly intensified our efforts in recent years both to keep more young people in school and to provide increased educational opportunities for those who left school early. I will continue to prioritise further progress in this area.

Education Welfare Service.

49. **Mr. Crawford** asked the Minister for Education and Science the funding allocated to the National Educational Welfare Board for 2006; and if she will make a statement on the matter. [13348/06]

57. **Ms Lynch** asked the Minister for Education and Science if she will provide the necessary resources to the National Educational Welfare Board in order that they can carry out their statutory duty under the Education Welfare Act 2000; and if she will make a statement on the matter. [13503/06]

60. **Mr. Allen** asked the Minister for Education and Science the distribution of education welfare officers on a county basis; and if she will make a statement on the matter. [13346/06]

68. **Mr. Hogan** asked the Minister for Education and Science the number of education welfare officers employed by the National Educational Welfare Board; and if she will make a statement on the matter. [13350/06]

Minister of State at the Department of Education and Science (Mr. B. Lenihan): I propose to take Questions Nos. 49, 57, 60 and 68 together.

The National Educational Welfare Board was established under the Education (Welfare) Act, 2000 as the single national body with responsibility for school attendance. The Act provides a comprehensive framework promoting regular school attendance and tackling the problems of absenteeism and early school leaving. The general functions of the board are to ensure that each child attends a recognised school or otherwise receives a certain minimum education.

The budget allocated to the NEWB for 2006 is €8.15 million, which represents an increase of nearly 11% on the 2005 expenditure and 25% on 2004.

To discharge its responsibilities, the board is developing a nationwide service on a continuing basis that is accessible to schools, parents-guardians and others concerned with the welfare of young people. For this purpose, educational welfare officers, EWOs, have been appointed and deployed throughout the country to provide a welfare-focused service to support regular school attendance and discharge the board's functions locally.

The total authorised staffing complement of the board is 94 comprising 16 HQ and support staff, five regional managers, 12 senior educational welfare officers and 61 educational welfare officers. In deploying its service staff, the National Educational Welfare Board has prioritised the provision of services to the most disadvantaged areas and most at-risk groups. Five regional teams are in place with bases in Dublin, Cork, Limerick, Galway and Waterford and staff have been deployed in areas of greatest disadvan-

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tage and in areas designated under the Government's RAPID programme providing an intensive full level of service. For all remaining areas the NEWB deploy their staff on a regional basis providing various levels of service.

Towns which have an educational welfare officer allocated to them include Dundalk, Drogheda, Navan, Athlone, Carlow, Kilkenny, Wexford, Bray, Clonmel, Tralee, Ennis, Sligo, Naas, Castlebar, Longford, Tuam, Tullamore, Letterkenny and Portlaoise. In addition, the board will follow up on urgent cases nationally where children are not currently receiving an education. Since September 2005 every county in Ireland is served by an educational welfare service.

Within the education sector, in addition to the NEWB personnel, some 490 staff are deployed in education disadvantage programmes whose work involves a school attendance element. My Department is anxious to ensure that the maximum benefit is derived from these substantial personnel resources. Consequently, work is ongoing to develop appropriate protocols for integrated working between the different services involved.

I will be keeping the issue of the NEWB's staffing under review in the light of the rollout of services and in the context of Government policy on public service numbers.

Youth Services.

50. **Mr. McCormack** asked the Minister for Education and Science the funding allocated towards youth work for 2006; and if she will make a statement on the matter. [13331/06]

Minister of State at the Department of Education and Science (Miss de Valera): I am pleased to inform the Deputy that the total budgetary provision for youth work purposes within my Department amounts to €47.037 million in 2006, an increase of almost 15% on the 2005 allocation.

In addition to meeting existing funding commitments for long-established schemes, the following priority areas will be supported in 2006: a structure for the resourcing of VECs to carry out their functions under the terms of the Youth Work Act 2001 has been agreed, in principle, between my Department and the Irish Vocational Education Association, and I propose to approve a number of additional youth officer posts to vocational education committees in this regard; a selection and interview process has been undertaken by the Public Appointments Service for an assessor of youth work. The Public Appointments Service is currently finalising various details and procedures relating to the appointment. Funding for the post will be provided in 2006; work on the National Youth Work Development Plan 2003-2007 will continue in 2006 on a number of fronts, with funding as appropriate. Initiatives include

the following: A process for the Garda vetting of new youth work staff and volunteers which will come into effect from the third quarter of 2006 is being agreed between my Department, youth work organisations and the central Garda vetting unit. The national youth work development unit is being established on a pilot basis within the National University of Ireland, Maynooth. A development fund was established in 2005 to assist youth organisations in preparing themselves for the implementation of the Youth Work Act 2001. Thirty national and major regional youth organisations received once-off grants totalling €300,000 in 2005. Funding will be available for further organisational development in 2006 and I am awaiting the advice of the National Youth Work Advisory Committee in this regard.

Funding will continue in 2006 to meet ongoing commitments in relation to the many schemes supported by my Department, including the youth services grant scheme, special projects for youth, youth information centres and the local youth club grant scheme.

An additional 24 projects were mainstreamed in 2006 under the young people's facilities and services fund which aims, through the provision of services, to divert 'at risk' young people in disadvantaged areas from the dangers of substance misuse. An additional €1.191 million has been provided for this purpose, bringing total funding for these projects to over €8 million in 2006.

Also available in 2006 is a €2 million once-off allocation from the dormant accounts fund. This tranche of funding will focus on small capital grants for the provision of equipment and improvements to facilities for local youth clubs. This scheme will complement my Department's local youth club grant scheme which is administered through a number of vocational educational committees.

As Minister I am delighted to have secured this additional funding for the youth work sector and this substantial increase is further evidence of the Government's commitment to the young people of Ireland. It recognises the value of youth work as a non-formal educational and developmental intervention which can enhance the personal and social development of young people and can be a significant force in combating social exclusion. I am particularly pleased with the scale of these additional funds as they provide my Department with the means to progress a number of very important policy issues as well as the ongoing support of youth work provision by voluntary youth organisations and youth clubs locally.

Teaching Qualifications.

51. **Mr. S. Ryan** asked the Minister for Education and Science if a recognised teaching qualification is a prerequisite to registration under section 31 of the Teaching Council Act 2001; and

if she will make a statement on the matter.
[13522/06]

Minister for Education and Science (Ms Hanafin): Section 31 of the Teaching Council Act 2001 and 2006 provides for the registration of all those employed as a teacher, or those entitled to be employed as a teacher, on establishment day of the council, which, as the Deputy is aware, was on 28 March last. The legislation also provides that all of these people will be automatically registered for a period of one year after establishment day until their registration comes up for renewal on 28 March of 2007.

The Teaching Council Act 2001 and 2006 is not prescriptive on the issue of specific qualifications required for teaching. However, it should be noted that elsewhere in the legislation, the term ‘teacher’ is defined as someone who “before the establishment day has achieved the qualifications required by the Minister for employment as a teacher in a recognised school”.

It should also be noted that under the terms of the legislation, the council has the power to make regulations covering, *inter alia*, the conditions for admission to the register which may include qualifications and teaching experience, among other matters. I understand that, building on the work of the Registration Council and of the Department in regard to the registration of teachers, significant work has already been undertaken by the council on the regulations which should be completed shortly. The regulations will set out the requirements for registration as a teacher.

The regulations will initially cover applications from two groups: (i) newly qualified teachers who wish to commence teaching in the 2006-07 school year and who are currently in our colleges of education; and (ii) applications from persons qualified from outside Ireland. In addition, and most importantly, the regulations will cover the renewal of the registrations of all those who were deemed to have been registered on establishment day for the one-year period from 28 March 2006 to 28 March 2007.

In order to secure the registration of all teachers currently within the system, as envisaged by section 31, the council is currently examining information on individual teachers which has been provided to the council by my Department and, where relevant, VECs around the country. It is intended that the council will, in the near future, write to each teacher requesting confirmation of all data received from my Department and the VECs, including their qualifications. It is important to check the accuracy of this information as it will constitute part of the register which the council is charged with maintaining under the legislation.

I understand, however, that the council is mindful of those who, although not holding full qualifications, have in certain areas of the country provided services where no qualified teacher

could be found. I am informed that the council will consider these small numbers of unqualified people having regard to its desire to maintain high standards in an all-graduate profession while also having regard to issues of natural justice and fairness. It is expected that the council will resolve this issue over the next 12 months in time for the renewal of registrations on 28 March of 2007.

Medical Education.

52. **Caoimhghín Ó Caoláin** asked the Minister for Education and Science the measures she will introduce to allow students from low income backgrounds avail of the increased number of places in view of her announced reform of medical education and training; and if she will make a statement on the matter. [8467/06]

113. **Dr. Twomey** asked the Minister for Education and Science if the cap on undergraduate medical places could be increased by 50 places immediately and the proposed funding for 40 new undergraduate places used for the displaced non-EU medical students when she makes the funding available; and if she will make a statement on the matter. [8343/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 52 and 113 together.

On 1 February 2006 the Tánaiste and I published the report of the Fottrell Working Group on Undergraduate Medical Education and Training. In addition, the Tánaiste published the report of the Postgraduate Medical Education and Training Group. These reports represent the most significant review of medical education and training ever undertaken in Ireland and are aimed at responding to the needs of a changing health system and ensuring that medical education in Ireland is sufficiently resourced and developed to maintain our reputation for producing quality doctors into the future.

Specifically in relation to medical education, I am increasing the annual number of undergraduate places for Irish and EU students from 305 to 485. I am introducing a separate graduate entry stream which will provide 240 additional places per annum. These increases, which will be phased in over a five year period, will increase the annual number of medical places from 305 to 725. At undergraduate level an additional 70 places will be provided this autumn, with a further 40 places being provided in 2007 and a further 35 places in each of 2008 and 2009. The Higher Education Authority has begun consultations with the existing medical schools on the provision of the additional undergraduate places. This will be achieved by replacing existing non-EU places and making compensatory payments to the medical schools.

[Ms Hanafin.]

The provision of a graduate entry stream is an important development in reducing pressures on aspiring medical students who until now have effectively had one chance of entry, based on their leaving certificate performance. The high points pressures associated with this has had a negative knock-on impact on the senior cycle school experience for many of these. Graduate entry, which will be open to graduates of all disciplines, will allow students to make a decision to enter medicine at a more mature age and should result in a more diverse range of entrants into the profession.

The Higher Education Authority is establishing an expert group to develop a standardised test that, drawing on best international practice, will evaluate aptitude and suitability for entry to the graduate programme. This selection test will be in place for 2007.

In the interests of alleviating the enormous pressures of the high CAO points requirements, the Fottrell report recommended that leaving certificate results should no longer be the sole selection criterion for undergraduate entry. It proposes that all students with 450 leaving certificate points be considered for selection on the basis of a separate aptitude test. I am a keen supporter of the fairness and objectivity of the points system but I recognise that the pressures on students wishing to study medicine to achieve an almost perfect leaving certificate are excessive and unnecessary. For that reason, I am anxious to explore the detailed options around a dual selection process.

There is a need, however, to ensure that the revised system will adequately reward strong academic performance, provide an appropriate evaluation of aptitude and suitability for a career in medicine and retain public confidence in its objectivity and fairness.

The HEA expert group will be expected to bring forward more detailed proposals on the proposed new undergraduate selection system, devise an appropriate second selection test for use at undergraduate level and advise on the logistics of its administration. The expert group is to report to me by summer 2006 in order to allow a clear signal of any proposed changes to be given to the cohort of students entering the senior cycle in 2006. To allow adequate notice to students, the new entry procedures for undergraduate medical education will not be introduced any sooner than September 2008.

I have allocated an additional €4 million in 2006 to commence investment in curriculum improvements, clinical training and the provision of additional places this year.

In regard to the issue of student support, the Deputy will be aware that all students entering, through the traditional routes, the increased number of undergraduate places will be entitled to apply for funding for the existing student support schemes.

School Discipline.

53. **Mr. Kenny** asked the Minister for Education and Science the number of behaviour support teams which will be established; the location of each team; the number of schools that each team will work with; the timescale for the establishment of each team; and if she will make a statement on the matter. [13318/06]

Minister for Education and Science (Ms Hanafin): At the launch of the report *School Matters*, I announced that I would be establishing a national behaviour support team which would be based regionally. The team will be divided into four groups. A group will be assigned to different parts of the country. The exact locations where these groups or core teams will be based will be decided shortly.

The new behaviour support team's role will range from diagnosis of school problems to assistance with remediation. It is expected that this team will be in place in the next school year and will be working with up to 50 schools nationally. It is not possible to indicate at this stage the geographical distribution of these schools. The team will work with schools that are experiencing significant discipline problems.

The team will be staffed by experienced practitioners from across the education sector, including additional psychologists dedicated to this area. I want the best people, with real on the ground experience and the capacity to work collaboratively with those schools experiencing significant discipline problems, working in this area.

I also intend putting a procedure in place that will facilitate schools in getting access and support from the behaviour support team. The first step in this process is for a school itself to acknowledge the existence of a serious discipline problem. I should emphasise that this is not about labelling schools that may have a discipline problem but rather supporting them and the teachers in the school to identify and tackle the discipline issues they have to deal with on a daily basis.

The behaviour support team will become intensively involved in a school over a period of time to help that school bring about a real and sustained improvement in student behaviour.

Posts in the behaviour support team will be advertised for in the next few weeks and the team will begin its work as soon as the successful candidates are in a position to take up duty.

Higher Education Grants.

54. **Mr. Gilmore** asked the Minister for Education and Science if she intends to proceed with centralising the operation of the means test for third level grants to an appropriate Department; and if she will make a statement on the matter. [13496/06]

158. **Mr. Gilmore** asked the Minister for Education and Science her response to claims from

the Irish Congress of Trade Unions that there is a lack of public trust in the existing student support grant schemes; when she intends to introduce the legislation to reform the scheme; and if she will make a statement on the matter. [13497/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 54 and 158 together.

The Deputy will be aware that in accordance with the commitment in An Agreed Programme for Government I plan to introduce a single unified scheme of maintenance grants for students in higher education. This will provide for a more coherent administration system which will facilitate consistency of application and improved client accessibility and ensure the timely delivery of grants to those who need them most.

As I mentioned previously, my Department has been engaged in substantial consultations with the key stakeholders in order to map the most logical and effective arrangements for the future structure and administration of the student support schemes. These discussions have substantially clarified the positions of the stakeholders in relation to the future administration possibilities for student support and their possible role therein. I expect to be in a position shortly to determine the best strategy, having regard to the many and complex issues involved, to give effect to the programme for Government commitment to the payment of the maintenance grants through a unified and flexible payment scheme. Whatever new arrangements are eventually decided upon will, as I have previously indicated, be provided for in new statutory arrangements through a student support Bill.

I expect to be in a position to seek Government approval in the near future for the drafting of the Bill.

Residential Institutions Redress Scheme.

55. **Mr. Sherlock** asked the Minister for Education and Science her views on concerns expressed by a number of survivors' groups, including the Aislinn Centre, One in Four and Irish SOCA, regarding the operation of the Residential Institutions Redress Board in relation to the way in which survivors are treated in their contacts with the board; if she will ensure that these concerns are addressed; and if she will make a statement on the matter. [13524/06]

Minister for Education and Science (Ms Hanafin): The Residential Institutions Redress Board was established under statute in 2002 to provide financial redress to victims of child abuse in residential institutions in order to assist them in their recovery and enhance the quality of the remainder of their lives. The board is independent in the performance of its functions.

The redress board provides an alternative to victims having to pursue traumatic civil court

cases in order to obtain compensation for their injuries. The provisions of the Act allow the board to make awards based on a generally lower threshold of proof than is required in taking a case through the courts.

An applicant is expected to provide proof of identity, that he or she was resident in an institution, that he or she was injured while so resident and that the injury is consistent with any allegation of abuse that is alleged to have occurred while so resident. Awards are determined by the board having regard to the severity of the abuse and the severity of physical and psychological injury and loss of opportunity resulting from the abuse. An applicant may accept or reject an award or may submit the award for review to the review committee. In the event that the applicant is not satisfied with the outcome of this process, they can reject an offer and commence proceedings in the courts.

In as far as it can, the board conducts its business with as much informality as possible. In order to assess the appropriate level of award for each case the board must be in a position to examine the evidence before it and to ask questions where necessary. This can be distressing for some applicants. In order that persons may be supported through the redress process, an applicant may have either a friend or family member accompany them to the board's offices and, while it is not normally possible for them to attend the hearing itself, they may wait for the applicant at the board's offices and be immediately available to them following the hearing. The board will, if requested prior to the hearing, make a counsellor available to support the applicant. Applicants are entitled to legal representation at hearings, the costs of which are met by the board, and most applicants avail of this facility.

While the Deputy has referred to some survivor groups having expressed concerns regarding the operation of the board, I am aware that the board itself and officials in my Department have also been contacted by applicants who wanted to express their gratitude for the manner and sensitivity in which their cases were dealt with by the board. I am also aware that the board has taken account of views expressed in relation to its operations. Officials from the redress board have met with survivor groups on a number of occasions and, where possible, have accepted suggestions made in relation to administrative arrangements and procedures.

The vast majority of applicants have accepted the awards offered by the board and out of over 5,000 awards made to date, only five awards have been rejected. I believe the redress scheme is working effectively and sensitively in the interests of survivors and that the board is delivering on its mandate.

School Curriculum.

56. **Ms O'Sullivan** asked the Minister for Edu-

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Education and Science if funding will be provided for the introduction of driver education in schools through the transition year programme in view of recent research by the Irish Driver Education Association which showed that 98% of parents are in favour of such programmes. [13469/06]

Minister for Education and Science (Ms Hanafin): The question of introducing a road safety and driver education syllabus into schools has been examined by the National Council for Curriculum and Assessment, NCCA, on foot of a report from a task group set up in 2000 and which included representatives of the Department of Education and Science, the Department of the Environment, Heritage and Local Government, the National Safety Council, the Garda Síochána, the Irish Insurance Federation, the Society of the Irish Motor Industry, Rosary College Crumlin, the CCEA Northern Ireland and the NCCA. The NCCA also commissioned a study on driver education in post-primary schools from Dr. Ray Fuller of Trinity College Dublin.

The NCCA, whose role is to advise the Minister for Education and Science on curriculum and assessment issues, recommended that road safety be addressed within the context of social, personal and health education, SPHE, and that driver education, and specifically learning to drive for pupils aged 17, should not become part of the school curriculum. The NCCA noted that this concurred with the practice in other jurisdictions.

At the start of the 2001-02 school year the National Safety Council, with assistance from my Department, distributed copies of *Staying Alive* — a road safety resource for transition year and the senior cycle — to all second level schools. This pack contained a wide range of learning opportunities and activities on topics such as personal responsibility and decision-making, environmental issues and risks and rules for road users. A CD-ROM with additional material downloaded from the Internet was included in the pack along with copies of the Rules of the Road. In the preparation of the *Staying Alive* resources material, views were sought from a range of organisations with interests in the promotion of road safety. Prior to its issue to second level schools, the material was piloted in 20 schools and the response from teachers in those schools was very positive.

A new high level Government road safety group of which I am a member has met and the role of education in addressing road safety will be discussed in this forum.

Question No. 57 answered with Question No. 49.

Special Educational Needs.

58. **Ms Lynch** asked the Minister for Education and Science if her attention has been drawn to

the fact that in some cases the professional judgment of educational psychologists is being over-ruled in the determination of the support given to children with special learning needs in schools; if she will ensure that budgetary constraints on SENOs do not determine if a child is assigned appropriate support; and if she will make a statement on the matter. [13504/06]

Minister for Education and Science (Ms Hanafin): I am pleased that the Deputy has given me the opportunity to confirm this Government's commitment to ensuring that children with special educational needs, SEN, will receive the supports they require to enable them to participate fully in the education system.

The Deputy will be aware that the National Council for Special Education, NCSE, through the local special educational needs organiser, SENO, is responsible for processing applications from schools for special needs supports such as resource teaching hours and special needs assistant, SNA, support for children with low-incidence SEN on the basis of applications in respect of individual pupils. The teaching and SNA support allocated are intended to enable schools to meet the needs of pupils as outlined in psychological and other reports.

In allocating additional teaching and SNA supports for individual pupils, the SENOs examine what teaching and other resources are available to these pupils within their school. The SENO also operates within the parameters of my Department's criteria for the allocation of such resources. This criteria is set out in my Department's circulars having regard to the recommendations of the Report of the Special Education Review Committee, 1993, also known as the SERC report.

Primary schools are also supported by means of a general allocation which provides additional teaching support to enable schools to cater for pupils with high incidence special educational needs, such as dyslexia, and those with low attainments. The system was constructed so that allocations would be based on certain pupil numbers, taking into account the differing needs of the most disadvantaged schools and the evidence that boys have greater difficulties than girls in this regard.

Second level schools continue to be supported by the allocation of additional teaching hours for each pupil enrolled who is assessed as having a special educational need. SNA support is allocated, as appropriate, to all schools where there are confirmed assessed care needs in respect of students.

Once a school has been advised of its general allocation and the SENO has allocated hours and SNA support, if appropriate, in respect of pupils with low-incidence SEN, it is a matter for the school authority to recruit the relevant staff.

Whole School Evaluations.

59. **Mr. McCormack** asked the Minister for Education and Science the number of whole school evaluations completed at primary level to date in 2006; the projected number to be completed over the course of 2006; and if she will make a statement on the matter. [13330/06]

Minister for Education and Science (Ms Hanafin): In the first three months of this year, the inspectorate of my Department has issued 62 whole school evaluation, WSE, reports on primary schools. The majority of these reports follow WSE inspections conducted towards the end of 2005.

In 2006 the inspectorate has planned to conduct a total of 273 whole school evaluations in primary and post-primary schools; 216 of these WSEs will be in primary schools.

As the Deputy will be aware, I have recently put in place arrangements for the publication of school inspection reports that arise from the general inspection programme for schools. The new provision in relation to public access to certain types of inspection reports, including WSE reports, applies to inspections commenced after 6 February 2006.

At primary level, 39 whole school evaluations from the 2006 programme of inspections were commenced before 6 February and will, therefore, be issued to the individual schools only. The new regulations will apply to 177 WSEs at primary level in 2006, and reports on all of these schools will be published on the Department's website. It is anticipated that up to 32 primary WSE reports will be published before the end of June this year.

The regulations on publication will apply to 48 post-primary WSEs in 2006 and six of these WSE reports are planned for publication before the end of June.

WSE contributes to school improvement through identifying, evaluating, affirming and supporting good practice in schools. Soon after the in-school evaluation activity of a WSE has been concluded the inspection team meets with the staff of the school and with the full board of management to present the findings and recommendations of the WSE. Approximately five weeks after the last day of inspection a written report is made available to the principal and chairperson of the school for factual verification. The finalised WSE report is issued to the school three weeks later and the school is invited to prepare a response to the report through the board of management.

The provision for a school response to the WSE report is new and I believe it provides an excellent opportunity for schools to reflect on their strengths and to identify the practical steps the school will take in addressing any areas for improvement. I hope that schools will avail of this

opportunity to have a school perspective included as an appendix to the published WSE report.

I am confident that the initiatives I have taken in consultation with the education partners on the publication of inspection reports will be beneficial to teachers and schools, welcomed by parents and the wider public and a valuable support in the quality assurance of our education system.

Question No. 60 answered with Question No. 49.

School Curriculum.

61. **Mr. Deenihan** asked the Minister for Education and Science when the revised syllabus for leaving certificate art will be introduced; and if she will make a statement on the matter. [13184/06]

Minister for Education and Science (Ms Hanafin): The National Council for Curriculum and Assessment, NCCA, has prepared a revised syllabus for leaving certificate art.

Implementation of this syllabus will require very significant funding in terms of the resources and facilities required by schools to deliver the syllabus, and also in terms of the professional development needs of teachers, and is therefore being looked at in a well-considered way.

Question No. 62 answered with Question No. 38.

Educational Disadvantage.

63. **Mr. O'Shea** asked the Minister for Education and Science her views on the cases made by a number of schools that have not been invited to participate in the DEIS scheme that they should be included due to the fact that they believe they fulfil the criteria; and if she will make a statement on the matter. [13475/06]

Minister for Education and Science (Ms Hanafin): DEIS, delivering equality of opportunity in schools, the new action plan for educational inclusion, provides for a standardised system for identifying levels of disadvantage and a new integrated school support programme, SSP. The school support programme will bring together, and build upon, a number of existing interventions in schools with a concentrated level of disadvantage.

The process of identifying primary and second level schools for participation in the new school support programme under DEIS has been completed. This process was managed by the Educational Research Centre, ERC, on behalf of my Department and supported by quality assurance work co-ordinated through the Department's regional offices and the inspectorate.

As a result of the identification process, 840 schools have been invited to participate in the

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new school support programme. These comprise 640 primary schools — 320 urban-town schools and 320 rural schools — and 200 second level schools. Letters of invitation were issued to all 840 schools in late February with a request to complete and return an acceptance form by 10 March 2006. The finalised list of schools participating in SSP will be published on my Department's website shortly.

Schools not selected to participate in the school support programme but receiving additional resources under pre-existing schemes and programmes for addressing concentrated disadvantage will retain these supports for 2006-07. The efficacy of these supports will be kept under review. As well as the provision being made under the new school support programme for schools with a concentrated level of disadvantage, financial support will be provided for other primary schools where the level of disadvantage is more dispersed. This support will be based on the results of the new identification process and the arrangements which will apply in this regard will be notified to schools early in the autumn.

A review process has been put in place for primary and second level schools that did not qualify for participation in the school support programme and that regard themselves as having a level of disadvantage which is of a scale sufficient to warrant their inclusion in the programme. The closing date for receipt of review applications was Friday, 31 March 2006.

The review process will operate under the direction of an independent person, charged with ensuring that all relevant identification processes and procedures were properly followed in the case of schools applying for a review. The process of appointing this person is being finalised at present and I will be making an announcement on the matter shortly. It is intended that the review process will be completed by the end of the current school year.

Whole School Evaluations.

64. **Mr. Noonan** asked the Minister for Education and Science when it is envisaged that the first whole school evaluation report will be published; and if she will make a statement on the matter. [13328/06]

Minister for Education and Science (Ms Hanafin): During the summer of 2005 I announced that the Department of Education and Science would publish inspection reports arising from the general programme of school inspections. I believed that the publication of future school inspection reports would go a significant way to addressing the real needs of parents, students, teachers and others for better information on schools. I stated that inspectors' reports can identify when schools and teachers are working to optimum effect and where

improvements are needed. The reports provide fair and penetrating analysis of the strengths and weaknesses of schools in a way that can provide a real indication of school quality. They provide valuable information for the schools' boards and teachers, and for current and prospective parents.

I requested that the inspectorate conduct oral and written consultations with the education partners in autumn 2005 on determining how best to make school inspection reports more generally available. Twenty-one organisations participated and the consultations were completed in January 2006. Written guidelines were subsequently produced on the publication of inspection reports. I laid the Education Act 1998 (Publication of Inspection Reports on Schools and Centres for Education) Regulations Act before the Houses of the Oireachtas on 31 January 2006.

All reports arising from WSE inspections commenced on or after 6 February 2006 will be subject to publication. Reports arising from inspections commenced prior to that date will not be published by the Department. The procedures provide that the school authorities will have an opportunity to verify the facts in the report — period of ten school days — and the school will have a right of response to the reports; 20 school days is allowed for this process. It is intended that both the inspection report and the school response, where this is provided by the school's board of management, will be published simultaneously.

A timeframe of 14 weeks in the case of a whole school evaluation report is allowed from the time when the in-school activity is completed and the report is placed on the Department's website. If a school appeals a report the process will take longer.

Reports on 99 whole school evaluations conducted in primary and post-primary schools in the first half of 2006 will be published. Given the 14 week timeframe for the publication of these reports it is expected that six WSE reports at post-primary level should be published by the end of June and up to 32 WSE reports at primary level by the same time. As the timeframe for the publication of subject inspections is two weeks shorter it is expected that a number of subject inspections will be the first reports published and this should occur earlier in June.

Physical Education Facilities.

65. **Mr. Bruton** asked the Minister for Education and Science the number of primary schools with access to dedicated sporting facilities; and if she will make a statement on the matter. [13338/06]

146. **Ms O. Mitchell** asked the Minister for Education and Science the number of secondary schools with access to a dedicated sporting facility; and if she will make a statement on the matter. [13337/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 65 and 146 together.

The information is not readily available in the format requested by the Deputy. I assure the Deputy, however, that my Department fully recognises the crucial role of physical exercise within the school environment and continues to respond to the need to improve sporting facilities and in particular, indoor facilities. As a consequence of increased levels of funding for school accommodation, which this Government has provided since taking up office, major capital projects at both primary and second level schools require the provision of adequate sporting facilities, providing that the site is of sufficient size or where a new school on a greenfield site is being built. This extends to the provision of both PE halls-GP areas and the provision of hard play areas and where site conditions allow playing pitches.

A comprehensive equipment schedule is included in the funding package for such facilities, ranging from table tennis sets to netball and indoor soccer equipment.

Regarding specific sports equipment grants, my Department has provided in excess of €5.5 million in grant aid to primary schools specifically for this purpose to enable them to provide coaching or mentoring in connection with physical education or to purchase resource materials associated with the provision of physical education. In addition, all primary schools receive an annual minor works grant from my Department and it is open to these school management authorities to use this devolved grant for the purchase of physical education equipment provided it is not required for more urgent works. My Department also considers applications for additional grant aid for such equipment where schools can demonstrate that the minor works grant funding is insufficient for this purpose.

The position in relation to PE facilities in primary schools generally is that the PE curriculum has been designed on the basis that facilities in schools may vary. Many primary schools have a general purpose room and practically all schools have outdoor play areas which are used for teaching different aspects of the physical education programme. In addition, many schools use adjacent local facilities, including public parks, playing fields and swimming pools.

Applications for the provision of PE or sports facilities in existing schools are considered in the context of all other applications on hand for capital investment, for example, applications for new schools; refurbishment projects; extensions; new sites; remediation programmes and so on. This will be done in the context of available resources and the published criteria for prioritising school building projects.

Question No. 66 answered with Question No. 47.

Multi-Denominational Schools.

67. **Dr. Upton** asked the Minister for Education and Science if she will report progress on commitments made to Educate Together; and if she will make a statement on the matter. [13521/06]

Minister for Education and Science (Ms Hanafin): As I indicated in my statement on the publication of the Estimates for 2006, extra funding is being made available to the primary school management bodies. I am pleased to inform the Deputy that the funding being provided to Educate Together is being increased to €120,000. This represents an almost threefold increase over the level of the grant allocation for this body under the 2005 Estimates provision.

In making its case for funding to me, Educate Together also raised the issue for support for newly establishing schools. To support such schools I am introducing a new grant of €10,000 payable in two instalments of €5,000 for the boards of management of newly establishing schools in respect of training of the boards of management and staff in their initial years. Schools established in the 2004-05 school year and which are now in their second year of operation will receive €5,000 as a training grant for boards of management. Those established in the current school year will qualify for both instalments of the grant. The new grant is in addition to the existing start-up grant of €6,348.69 which has been available to all new primary schools which began operating from 1 September 2000.

As a further measure to assist new schools I will be authorising the earlier appointment of principal teachers in these schools to assist in the establishment phase. Discussions on the arrangements to apply for the implementation of this initiative are ongoing between my Department and the relevant interests.

As the Deputy is aware, I asked officials, in relation to Educate Together's ethical education programme, to establish a working group to explore with Educate Together and the colleges of education the best means of ensuring that training in this area can be provided to students studying to become primary school teachers.

I am pleased to inform the Deputy that my officials have contacted the Conference of Heads of Irish Colleges of Education, CHoICE, to progress the matter and a meeting has been arranged with them to, among other things, formally establish this working group. This meeting will take place over the coming weeks. The colleges are well aware of the issues surrounding Educate Together's ethical education programme and they have indicated their willingness to assist the work of the group. In addition, my officials are due to meet with the chief executive officer of Educate Together over the coming weeks to progress the matter.

My Department has supported the establishment of a significant number of new multi-

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denominational schools in recent years. Of the 24 new schools granted provisional recognition in the past three years alone, 12 are multi-denominational.

To underpin the establishment of new schools, my Department has made a number of changes in recent years which have assisted patron bodies in the provision of accommodation. One of these changes, which was strongly welcomed by the patron body for multi-denominational schools, was the abolition of the local contribution to the building costs for state-owned school buildings, which had cost up to €63,000 per school. Other innovations include the development of the design and build model to provide permanent accommodation much faster — such as in the case of the new multi-denominational school in Griffeen Valley, Lucan which was designed and built in less than 13 months.

Standard-generic designs have also been developed by the building unit of my Department for eight and 16-classroom schools. It is expected that use of these designs, wherever possible, will yield a substantial savings in terms of design team fees as well as reducing the time taken to bring new school projects to completion.

Many multi-denominational primary schools are established in areas of rapidly expanding population growth. School building projects in these areas are assigned a band 1 rating under the published prioritisation criteria for large scale building projects. This is the highest band rating possible which results in the delivery of permanent accommodation in the shortest timeframe achievable. Pending the delivery of new school buildings, my Department contributes 95% towards the cost of rental of temporary accommodation for schools with permanent recognition. The local contribution for a school in such circumstances is capped at €3,175 per annum.

I am satisfied that the range of measures now being introduced, including the almost threefold increase in their grant, provides a comprehensive response to the request made for additional support for Educate Together and its schools.

Question No. 68 answered with Question No. 49.

Telecommunications Services.

69. **Ms B. Moynihan-Cronin** asked the Minister for Education and Science if she will strengthen the capacity of schools to effectively use broadband and information technology by providing software appropriate to the syllabi taught in schools and training for teachers; and if she will make a statement on the matter. [13508/06]

Minister for Education and Science (Ms Hanafin): The major focus for my Department under the ICT in schools programme at present is the roll-out of broadband connectivity to all recognised schools. This project is being under-

taken in partnership with industry, following the establishment of a three year €18 million joint Government and IBEC-TIF, Telecommunications and Internet Federation, Fund to fund local connectivity at school level. The broadband connectivity is being provided via a schools national broadband network, supported by HEAnet, in order to provide managed Internet access, e-mail, security controls and content filtering. A broadband support service is being managed by the National Centre for Technology in Education, NCTE, to assist schools with advice and information relating to the roll-out and ongoing use of their broadband connectivity within the schools network. The overall costs of the schools broadband access programme, including the initial set-up and ongoing costs over the three years, are in the region of €30 million.

The schools broadband access programme builds on the investment by my Department in grant aiding schools to develop their internal networks. Since December 2004, over 3,700 schools have received grants to develop their networking facilities at a cost of some €20 million. The development of internal networking facilities in schools is critical to supporting schools' full exploitation of the potential offered by broadband connectivity and the efficient use of computer software.

A range of supports have been put in place by the NCTE including a comprehensive teacher professional development programme, the provision of on-line teaching resources, the support and dissemination of innovative practice and the provision of technical advice. An ICT advisory service, incorporating 21 ICT advisers operating from the full-time education centres, provides advice and assistance directly to school in their catchment areas.

Specifically, in relation to teacher professional development, the NCTE arranges for the provision of some 10,000 training places annually, in the main through the regional education centres. Courses are designed to meet the specific needs of teachers in their use of ICT. A range of courses, including technical courses, subject specific courses, and Internet, web design and digital media courses, are provided.

High quality digital content is essential to ensuring effective use of ICT in the classroom. In this context, the Scoilnet portal has been developed to provide a focal point of reference and a resource for teachers, students and parents. This portal site provides significant amounts of curriculum-relevant content linking to over 6,000 websites, the content of which is aligned directly to curricular and subject areas. Work is ongoing, in collaboration with teachers, in building relevant indigenous content on the site, much of it in partnership with other agencies such as RTE and subject teachers' associations. The following weblinks were launched during 2005: www.fis.ie, www.scoilnet.ie/lookathistory, www.iamanartist.ie and www.scoilnet.ie/french. These resources build

on existing resources such as www.scoilnet.ie/geography, www.scispy.ie, www.scienceunleashed.ie, www.scoilnet.ie/hist and www.teachnet.ie. The NCTE is working with the European Schoolnet, EUN, to implement a technological infrastructure to allow Irish schools to share access to a wide range of on-line educational databases located around Europe. An important aspect of this process is the development of an application profile for Irish curricular content to facilitate meta-tagging of content to international standards. The NCTE is collaborating with the NCCA in this regard. The NCTE is also considering the acquisition of a range of on-line reference libraries.

The NCCA is currently developing an ICT framework to provide a structured approach to ICT in the curriculum and assessment for teachers of students during compulsory education. The framework will identify key learning experiences with ICT which all students should achieve by the end of the compulsory education. The Deputy will also be aware that the new leaving certificate syllabi in technology and design and graphics are coming on stream with effect from the 2007-08 school year.

My Department is currently examining the future priorities for the ICT in schools programme. This work is being complemented by a census of ICT infrastructure which was undertaken by the NCTE and is currently being finalised and by an evaluation of the impact of ICT on teaching and learning which my Department's inspectorate is currently conducting.

Telecommunications Services.

70. **Mr. G. Mitchell** asked the Minister for Education and Science the number of primary schools with broadband access; and if she will make a statement on the matter. [13335/06]

Minister for Education and Science (Ms Hanafin): My Department is currently engaged in the roll-out of broadband Internet connectivity to all recognised primary and post-primary schools. This project is being undertaken in partnership with industry, following the establishment of a three year €18 million joint Government and IBEC-TIF, Telecommunications and Internet Federation, Fund. Following a competitive public procurement process, contracts were finalised with a number of service providers for the provision of local broadband access to 3,925 schools at both primary and post-primary level. A further 75 schools' broadband connectivity was being advanced separately under two pilot projects. Of the overall total of 4,000 schools, some 3,272 are primary schools.

As of last Friday, 31 March, 2,855 primary schools had their basic connectivity service installed and 2,647 of these had their router installed, either separately or as part of the basic connectivity service. It is expected that vast

majority of the difficulties encountered in the remaining 419 schools, either as a result of the failure of the initial technology selected or having regard to other local issues, will be addressed over the coming weeks.

School Staffing.

71. **Mr. Allen** asked the Minister for Education and Science when the legislation to establish a register of persons considered unsafe to work with children will be published; and if she will make a statement on the matter. [13347/06]

Minister for Education and Science (Ms Hanafin): The Departments of Health and Children and Education and Science are in discussion regarding the establishment of a pre-employment consultancy service, similar to that in operation in the UK. Work on the preparation of a general scheme of a Bill is dependent upon the outcome of these discussions, legal advice on the complex issues involved and the deliberations of the implementation group on vetting.

Educational Disadvantage.

72. **Mr. J. O'Keeffe** asked the Minister for Education and Science the number of places available nationally on the Early Start programme; and if she will make a statement on the matter. [13341/06]

128. **Mr. Connaughton** asked the Minister for Education and Science the locations at which the Early Start programme is available; and if she will make a statement on the matter. [13333/06]

149. **Mr. Coveney** asked the Minister for Education and Science if there are planned expansions to the Early Start programme; and if she will make a statement on the matter. [13343/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 72, 128 and 149 together.

The Early Start pre-school project was established in 40 primary schools in designated areas of urban disadvantage in Dublin, Cork, Limerick, Waterford, Galway, Drogheda and Dundalk during 1994 and 1995. There are 1,680 places in these centres.

Targeted early childhood education provision is a key element of the school support programme, SSP, under the new action plan for educational inclusion DEIS, delivering equality of opportunity in schools, which provides for a standardised system for identifying levels of disadvantage and a new integrated school support programme, SSP. The process of identifying primary and second level schools for participation in the new school support programme has been completed.

As a result of the identification process, 840 schools have been invited to participate in the

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new programme. These comprise 640 primary schools — 320 urban-town schools and 320 rural schools — and 200 second level schools. Letters of invitation were issued to all 840 schools in late February with a request to complete and return an acceptance form by 10 March 2006.

The objective in relation to early childhood education is to concentrate actions on those children aged from three up to school enrolment, who will subsequently attend the 180 urban-town primary schools serving the most disadvantaged communities. The extension of early education supports to other areas served by primary schools participating in the SSP will be considered after this objective has been achieved.

In December 2005, the Office of the Minister for Children was established to maximise the co-ordination of policies for children and young people and will have a range of functions previously under the Departments of Health and Children; Justice, Equality and Law Reform; and Education and Science. A new early years education policy unit has been established within my Department and will be co-located with the Office of the Minister for Children. This unit will oversee the preparation of plans for phased implementation of the early childhood education dimension of DEIS in the targeted school communities, starting in the next school year, and this will be pursued within an overall strategic policy framework developed by the Office of the Minister for Children.

Early School Leavers.

73. **Mr. Howlin** asked the Minister for Education and Science the system which is in place to track the approximately 1,000 children who do not transfer from primary to post-primary school each year; the way in which she proposes to address the needs of these children; and if she will make a statement on the matter. [13502/06]

Minister for Education and Science (Ms Hanafin): There is no up to date research on the number of children who do not transfer from primary to post-primary education on an annual basis.

My Department is currently planning the development of a primary pupils database, which will facilitate the collation of much more accurate and comprehensive data on transfer rates in the future. Together with the current post-primary pupil database, this will allow much improved tracking of where children go after primary school.

Measures designed to improve school completion include the establishment of the National Educational Welfare Board in 2002 with a remit to monitor school attendance and tackle the problems of absenteeism and early school leaving, which includes the transfer of pupils from primary to post-primary.

Working with parents to promote school attendance is an important part of the work of the home school community liaison scheme, HSCL, and in addition to this, a key component of the school completion programme, SCP, is developing strong links between primary and post-primary schools in disadvantaged areas.

The school support programme under DEIS, delivering equality of opportunity in schools, the new action plan for educational inclusion, will bring together and build upon a number of existing interventions in schools with a concentrated level of disadvantage. The new action plan is being introduced on a phased basis, starting during the current school year. It will involve an additional annual investment of €40 million on full implementation.

The process of identifying primary and second level schools for participation in the new school support programme has been completed. As a result of the identification process, 840 schools have been invited to participate in the new programme. These comprise 640 primary schools — 320 urban-town schools and 320 rural schools — and 200 second level schools.

Schools receiving additional resources under pre-existing schemes and programmes for addressing concentrated disadvantage and will retain these supports for 2006-07. The efficacy of these supports will be kept under review. As well as the provision being made under the new school support programme for schools with a concentrated level of disadvantage, financial support will be provided for other primary schools where the level of disadvantage is more dispersed. This support will be based on the results of the new identification process and the arrangements which will apply in this regard will be notified to schools early in the autumn.

The key principle of early intervention, to identify and help children at risk of leaving school early, is a major component of DEIS, with a continuing emphasis being placed on the development of effective transfer programmes for pupils making the transition to second level, by building on the existing work of the HSCL scheme and the school completion programme in this area. Initiatives such as familiarisation days and week-long transfer programmes for new entrants to second level have been shown to have very positive results in helping children to make a smooth transition to their new school and I am anxious that a strengthening of such programmes be prioritised under the new action plan. The additional guidance counselling provision, being made available for second level schools having the highest concentrations of disadvantage, will also assist in this regard.

Schools Building Projects.

74. **Dr. Twomey** asked the Minister for Education and Science when the PPP schools announced in 2005 will be offered to market; the

number of bundles these schools will be offered in; when it is expected to award contracts in each case; and if she will make a statement on the matter. [13362/06]

Minister for Education and Science (Ms Hanafin): Twenty-three new post-primary schools and four primary schools will be delivered under my Department's new public private partnership programme, PPP.

While the National Development Finance Agency, NDFA, has responsibility for the procurement of the projects, timing and the grouping of projects into bundles will be determined by my Department in consultation the NDFA.

The first project bundle consists of St. Mary's CBS and Scoil Chríost Rí, Portlaoise, St. Rynagh's Community College, Banagher and Gallen Community School, Ferbane. Work on this project bundle is ongoing in my Department and as I previously stated will be offered to the market in the middle of this year. I will be announcing further project bundles during the year.

School Curriculum.

75. **Mr. Penrose** asked the Minister for Education and Science the progress which is being made in changing the emphasis from the written to the spoken language in the teaching of Irish in schools here; and if she will make a statement on the matter. [13511/06]

Minister for Education and Science (Ms Hanafin): Significant changes have taken place in the teaching of Irish in recent years. Following revisions, the curricula in Irish are all now based on internationally recognised language learning principles that have been identified and developed through research work under the auspices of the Council of Europe and other international bodies. In line with these principles, the curricula place a particular emphasis on oral language competency.

For primary schools, the distinguishing features of the curriculum which was launched in 1999 include its strong emphasis on the spoken language and its relevance to the everyday lives and interests of pupils. To support its introduction, all teachers have received in-service training which was delivered by the primary curriculum support programme, PCSP, over a four year period. Teachers in schools where Irish is the medium of instruction participated in two day-long seminars and those in all other schools attended three such seminars. A total of 3,500 seminars was delivered and approximately 21,000 teachers participated. To complement this work, regional curriculum support service advisers, *cuiditheoirí*, who are based in local education centres are available to visit schools and to provide advice on all aspects of the Irish curriculum, including the development of oracy. In addition, all primary teachers have engaged in school-based planning days

which focused specifically on the implementation of the curriculum in Irish.

The syllabuses for Irish at post-primary level are also built on the communicative approach. They expect an integrated approach to the development of the four language skills — speaking, listening, reading and writing — and they include a range of topics recommended as means of practising the language in real communicative situations.

A revised literature course for leaving certificate Irish was introduced in September 2004 for first examination in 2006. This has been widely welcomed as it allows literature to be taught using modern communicative approaches that appeal to young people. The revised course is accompanied by comprehensive guidelines for teachers and the development of further materials in digital format to complement these guidelines is well advanced.

As the Deputy knows, a course on communicating in Irish, *Gaeilge Chumarsáideach*, is already part of the programme for leaving certificate applied students.

The NCCA is currently carrying out a review of the junior certificate Irish syllabuses to address issues relating to overlap and overload. It is also reviewing the leaving certificate syllabuses for Irish as a first step in advancing its proposals for senior cycle reform. In the context of carrying out this work, I have made a specific request to the NCCA to focus particularly on how students' oral fluency in Irish might be strengthened.

We need to continue working towards improvements in the area of spoken Irish and I support an increase in the 25% weighting currently given to the oral Irish component in the leaving certificate examinations as one way of achieving this.

Educational Disadvantage.

76. **Mr. Sargent** asked the Minister for Education and Science if she will report on the implementation of the DEIS programme nationwide. [13451/06]

Minister for Education and Science (Ms Hanafin): DEIS, delivering equality of opportunity in schools, the new action plan for educational inclusion, which I launched last May, provides for a standardised system for identifying levels of disadvantage and a new integrated school support programme, SSP. The school support programme will bring together, and build upon, a number of existing interventions in schools with a concentrated level of disadvantage. The new action plan is being introduced on a phased basis, starting during the current school year. It will involve an additional annual investment of €40 million on full implementation. In addition, supports will continue to be provided for schools where the level of disadvantage is more dispersed.

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The process of identifying primary and second level schools for participation in the new school support programme under DEIS has now been completed. This process was managed by the Educational Research Centre, ERC, on behalf of my Department and supported by quality assurance work co-ordinated through the Department's regional offices and the inspectorate.

As a result of the identification process, 640 primary schools, comprising 320 urban-town and 320 rural schools, and 200 second level schools have been invited to participate in the new school support programme.

The new action plan represents a shift in emphasis away from individual initiatives, each addressing a particular aspect of the problem, with the new plan adopting a multi-faceted and more integrated approach. This is the first time that an integrated educational inclusion strategy has been developed for three to 18 year olds in this country.

The key principle of early intervention underpins both the early childhood education measure and many of the literacy and numeracy measures being adopted under the new action plan. The plan will place a renewed emphasis on the involvement of parents and families in children's education in schools.

Also central to the success of the action plan will be an increased emphasis on planning at school and school cluster level, target-setting and measurement of progress and outcomes to ensure that the increased investment is matched by an improvement in educational outcomes for the children and young people concerned.

The plan addresses all of the following key issues and needs: improving identification of disadvantage; increasing early childhood education provision in the most disadvantaged communities; improving supports for pupils with low attainment levels in literacy and numeracy; strengthening procedures for measuring the outcomes achieved from educational inclusion measures; enhancing integration and partnership working, both within the education sector itself and cross-sectorally; enhancing professional development supports for principals and school staff; and furthering research and evaluation.

The first phase of implementation of the action plan will include the following measures for schools participating in the new school support programme: an additional €2.5 million will be made available in financial support; the 180 urban-town primary schools with the highest concentrations of disadvantage will be targeted to benefit from maximum class sizes of 20:1 in junior classes and 24:1 in senior classes and the allocation of administrative principals on lower enrolment and staffing figures than apply in primary schools generally; the home school community liaison, HSCL, and school completion programme services will be extended to urban-town primary and second level schools in the SSP

not in receipt of these services; the Reading Recovery programme and the First Steps pilot project will be further extended; rural primary schools with the highest concentrations of disadvantage will benefit from access to a teacher-co-ordinator serving a cluster of schools and the rural teacher-co-ordinator service will be integrated under the remit of a strengthened national home school community liaison team; additional funding will be made available to support the development and implementation of whole-school literacy and numeracy strategies under the junior certificate school programme, JCSP; additional whole-time equivalent posts will be provided for guidance counselling, targeted at supporting junior cycle students, in second level schools in the SSP; and the JCSP demonstration library project will be extended to a further ten schools.

Schools which have not qualified for the school support programme and which are receiving additional resources, both human and financial, under pre-existing schemes and programmes for addressing concentrated disadvantage will retain these supports for 2006-07. The efficacy of these supports will be kept under review.

The DEIS action plan states that, as well as the provision being made under the SSP for schools with a concentrated level of disadvantage, financial support will also continue to be provided for other primary schools where the level of disadvantage is more dispersed. This support will be based on the results of the new identification process and the arrangements which will apply in this regard will be notified to schools early in the autumn.

A review process has also been put in place for primary and second level schools that did not qualify for participation in the school support programme and that regard themselves as having a level of disadvantage which is of a scale sufficient to warrant their inclusion in the programme. The closing date for receipt of review applications was Friday, 31 March 2006.

Schools Building Projects.

77. **Dr. Cowley** asked the Minister for Education and Science the position regarding the progress being made with the building of the new school buildings for a school (details supplied) in County Mayo; the expected opening date for this school; and if she will make a statement on the matter. [13178/06]

Minister for Education and Science (Ms Hanafin): The new school referred to by the Deputy is one of 62 major school building projects that I announced in January to commence architectural planning in 2006. This is a ten classroom school project and my Department intends to use an existing design that was previously used to ensure that the new school will be completed in the earliest possible timeframe. Work is now

commencing on this process and preliminary discussions have already taken place with the local authority on this matter.

It is not possible at this early stage to be precise on when the new school will be completed. However, my Department is fully aware of the urgency involved in having the new school completed in sufficient time to deal with the temporary accommodation issues at this school.

School Transport.

78. **Mr. Gormley** asked the Minister for Education and Science if she will report on the roll-out of new buses and progress regarding the implementation of seat belts on school buses. [13447/06]

Minister of State at the Department of Education and Science (Miss de Valera): In addition to the vehicles hired in by Bus Éireann from the private sector to address the capacity shortfall arising from the phasing out of the three for two seating arrangement on school buses, a programme for Bus Éireann to acquire a number of new and modern second-hand buses, also to address this issue, is well advanced. Fifty-one modern second-hand buses have been purchased and contracts have been placed for a further twenty new school buses.

An assessment is currently being carried out to determine the number of additional vehicles that may be required to address any further capacity shortfalls in the system.

Work commenced in February 2006 on the retrofitting of the Bus Éireann school bus fleet with seat belts. It is expected that this work will be completed later in the year.

My Department recently met with the associations representing private bus owners, on contract to Bus Éireann, and briefed them on the procedures to be followed in retrofitting their buses with seat belts.

Question No. 79 answered with Question No. 42.

Psychological Service.

80. **Mr. Stanton** asked the Minister for Education and Science the areas of the country where primary schools do not have access to psychological assessments directly through the National Educational Psychological Service; the steps she is taking to provide such a service to these areas; the number of primary schools that have and have not access to a direct service from the National Educational Psychological Service; and if she will make a statement on the matter. [13206/06]

86. **Mr. J. O'Keefe** asked the Minister for Education and Science the number of primary schools covered by the National Educational Psychologi-

cal Service; and if she will make a statement on the matter. [13340/06]

137. **Mr. Kehoe** asked the Minister for Education and Science the number of post-primary schools covered by the National Educational Psychological Service; and if she will make a statement on the matter. [13359/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 80, 86 and 137 together.

All primary and post-primary schools have access to psychological assessments for their pupils, either directly through my Department's National Educational Psychological Service, NEPS, psychologists or through the scheme for commissioning psychological assessments, SCPA, that is administered by NEPS. Schools that do not currently have NEPS psychologists assigned to them may avail of the SCPA, whereby the school can have an assessment carried out by a member of the panel of private psychologists approved by NEPS and NEPS will pay the psychologist the fees for this assessment directly. Details of this process and the conditions that apply to the scheme are available on my Department's website. The prioritisation of urgent cases for assessment is a matter for the school principal in the first instance.

The most recent information indicates that 1,629 out of 3,284 primary schools — approximately 50% of schools and 60% of pupils — and 556 out of 750 post-primary schools — approximately 74% of schools and 75% of pupils — have a dedicated service from NEPS. In addition to the 556 post-primary schools serviced by NEPS, 46 Dublin vocational schools that have a separate educational psychological service from the City and County Dublin Vocational Educational Committees, VECs.

According to the most recent information, 1,655 primary schools spread across all areas of the country do not have a dedicated NEPS service at present.

The number of psychologists in NEPS has increased from 43 on establishment to 122 at present. The Public Appointments Service recently concluded a new recruitment competition for the appointment of educational psychologists to NEPS and regional panels have been established to allow my Department give greater priority in filling vacancies to areas with the greatest need. My Department is currently in the process of recruiting a further nine psychologists.

Schools Amalgamation.

81. **Mr. O'Shea** asked the Minister for Education and Science if she supports the proposals of the IPPN in its document, *New Horizons for Smaller Schools and Teaching Principalship in Ireland*, on the clustering of small schools; if she will actively support this model as an alternative

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to amalgamation; and if she will make a statement on the matter. [13510/06]

Minister for Education and Science (Ms Hanafin): I am aware of the document referred to by the Deputy. My Department supports the principle of co-operation between schools. This matter is specifically referred to in the circular on the ancillary services grant which states that schools may wish to cluster for the purposes of employing a person or persons who could undertake secretarial, caretaking or other ancillary work on behalf of all schools in the cluster.

There are already arrangements in place for the clustering of schools, for example, for learning support and resource teaching and for certain disadvantaged schemes. Teaching principals are allowed a number of days release time each year to enable them undertake administrative, leadership and management functions. The number of days allowed depends on the number of mainstream teachers in the school concerned. Following discussion with the relevant interests, my Department has decided to introduce, on a pilot basis, a system whereby a fully qualified primary school teacher may be employed to act as nominated substitute teacher for the principals in a cluster of schools taking release days. Twenty clusters have been established under the pilot scheme. The position will be monitored by my Department during the pilot.

While my Department will continue to explore other ways in which to enhance clustering in schools, there may be circumstances in which an amalgamation is desirable to provide an improved educational environment for pupils with an efficient supply of services. My Department will continue to facilitate this option.

Psychological Service.

82. **Mr. Coveney** asked the Minister for Education and Science the number of psychologists employed by the national education psychologist service; and if she will make a statement on the matter. [13342/06]

Minister for Education and Science (Ms Hanafin): The number of National Educational Psychological Service psychologists has increased from 43 on establishment to 122 at the moment. The Public Appointments Service recently concluded a new recruitment competition for the appointment of educational psychologists to NEPS and regional panels have been established to allow my Department give greater priority in filling vacancies to areas with the greatest need. My Department is currently in the process of recruiting a further nine psychologists.

Question No. 83 answered with Question No. 42.

Languages Programme.

84. **Mr. Penrose** asked the Minister for Education and Science her response to an EU report that showed Ireland as having the worst record for proficiency in a second language in Europe; if she will develop a national language policy; and if she will make a statement on the matter. [13512/06]

Minister for Education and Science (Ms Hanafin): The Deputy is referring to the report published in 2005 by Eurydice on key data relating to the teaching of modern foreign languages in schools in Europe. The data does not take account of the fact that Irish is compulsory for students up to the end of post-primary education. The learning of Irish represents a significant focus on the language learning for students in Ireland.

Countries such as Belgium, Luxembourg and Finland have a significant historic presence of other languages within their borders or in close proximity. This has created an imperative within those countries to learn those foreign languages. Since English is increasingly becoming a language of international communication, its popularity as a foreign language in European schools is high and growing.

Language development through the learning of English and Irish is a central element of the curriculum at primary level in Ireland. Some primary schools offer foreign languages under the modern language in primary schools initiative. The aims of this initiative include the development of communication skills in four target languages, namely, French, German, Spanish and Italian, the fostering of positive attitudes to language learning and the diversification of the languages taught in schools. There are currently over 390 schools participating in the initiative, each of which teaches one of the aforementioned languages to all pupils in fifth and sixth classes. Seven modern languages are available as recognised leaving certificate subjects at secondary level: French, German, Spanish, Italian, Russian, Arabic and Japanese. Most students take at least one foreign language in the junior cycle and approximately 60% tend to take at least one for the leaving certificate examination.

My Department is currently working closely with language experts from the Council of Europe in analysing language practice at primary and post-primary level, with a view to the formulation of coherent overarching policy for languages in education. This will complement the ongoing work of the National Council for Curriculum and Assessment in reviewing languages in the post-primary curriculum and in advising on the feasibility of expanding modern language provision at primary level. I expect that the report of the work with the Council of Europe will be available towards the end of 2006.

School Curriculum.

85. **Mr. McEntee** asked the Minister for Education and Science if she will amend the rules and programme for secondary schools in respect of the subject requirement for leaving certificate Irish; and if she will make a statement on the matter. [13363/06]

Minister for Education and Science (Ms Hanafin): In accordance with the rules and programme for secondary schools, the approved course for the established leaving certificate must include not less than five approved examination subjects, of which one must be Irish. The exception to this is where a student has been granted an exemption from the study of Irish. I do not propose to make any change in respect of the Irish requirement for students following the established leaving certificate programme.

Question No. 86 answered with Question No. 80.

Schools Building Projects.

87. **Mr. Gogarty** asked the Minister for Education and Science the number of the Adamstown schools which are planned to be opened within the next two years; when the remainder are planned to be opened; and if she will make a statement on the matter. [13441/06]

Minister for Education and Science (Ms Hanafin): The first primary school will commence operation in Adamstown in September 2007. This is in line with the phasing arrangement set out in the strategic development zone planning scheme. The remaining schools are due to be delivered at the end of phases four, six and eight of the scheme. The precise timing of these is dependent on the rate and pace of the delivery of the housing phases themselves.

State Claims Agency.

88. **Mr. Eamon Ryan** asked the Minister for Education and Science if she will report on her plans regarding the pursuance of costs following the recent High Court decision on the O'Keeffe case. [13449/06]

95. **Mr. Hogan** asked the Minister for Education and Science the contact that her Department has had with the State Claims Agency with regard to a person (details supplied); and if she will make a statement on the matter. [13351/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 88 and 95 together.

The State Claims Agency has responsibility for deciding on the issue of costs in the case to which the Deputy refers. The SCA has stated that it deals with each case on an individual basis and that its approach here will be measured and sensi-

tive. The SCA will consult my Department on the issue of costs. I agree with its opinion that the matter should be pursued in a measured and sensitive way and I have asked my Department to convey my view that the issue of costs should be dealt with sympathetically. My Department will inform the SCA of this and reflect points made by the plaintiff to me in the course of correspondence.

Before a final decision on this matter can be taken by the SCA, it will engage with the solicitors for the plaintiff so that it can take full account of her circumstances. Arrangements for that process are now being put into place.

Pupil-Teacher Ratio.

89. **Mr. O'Dowd** asked the Minister for Education and Science the number of children in junior classes of more than 20; and if she will make a statement on the matter. [13323/06]

Minister for Education and Science (Ms Hanafin): Information on the number of classes of over 20 pupils in the current school year is not yet available in my Department. This Government's commitment to improving the staffing in our primary schools has been unprecedented. We have put over 5,000 more primary teachers in our schools in the last few years. These have been targeted at pupils with special needs and those from disadvantaged areas to ensure that they are getting the extra help that they need to reach their potential. This has resulted in a major improvement in the pupil-teacher ratio, which counts all the teachers in a school, including special needs teachers, school principals and so on. In 1997, the pupil-teacher ratio was 22 to one. By 2004-05, we had reduced this to 17 to one.

The average class size nationally has also been reduced to 23.9, while significantly smaller class sizes have been introduced in disadvantaged schools with approximately 47,00 pupils in 243 schools participating in the Giving Children an Even Break-Breaking the Cycle programme and benefiting from reduced class sizes of either 15 or 20 pupils per class. Under the new action plan for tackling disadvantage published last May, more children in disadvantaged schools will be in smaller classes in the current school year. With more than 600 extra resource teachers put in place this school year, children with special needs are getting more support than ever before. Priority in school staffing is given in the first instance to children in disadvantaged schools and those with special needs. In line with this Government commitment, mainstream class sizes are also being reduced.

The system for allocating teachers to primary schools is based on ensuring an overall maximum class of 29 in each school. Where some classes in a school have class sizes of greater than 29, it is generally because a decision has been taken at local level to use their teaching resources to have

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smaller numbers in other classes. To ensure openness and transparency in the system, an independent appeal board is now in place to decide on any appeals on mainstream staffing. The criteria under which an appeal can be made are set out in Department primary circular 19/02 which is also available on my Department's website.

It is proposed that the first meeting of the appeal board will be held in May 2006. Further meetings will be held in July and October 2006. The closing dates for receipt of appeals are 12 May, 24 June and 18 October respectively. Appeals must be submitted to the primary payments section of the Department of Education and Science in Athlone, on the standard application form, clearly stating the criterion under which the appeal is being made. The standard application form is available from the primary payments section or on my Department's website. The appeal board operates independently of the Minister and my Department and its decision is final.

Early Childhood Education.

90. **Ms C. Murphy** asked the Minister for Education and Science the average age at which infants enter primary school for the first time in each county; the number of schools which operate age restrictive enrolment policies at present preventing children under five from being enrolled; and if she will make a statement on the matter. [13467/06]

Minister for Education and Science (Ms Hanafin): The attachment which accompanies this response gives a detailed breakdown on a county by county basis of the average age at which infants entered primary school for the first time in the 2004-05 school year. The national average age at which infants entered primary school for the first time in that year was 4.6 years. The compulsory school starting age in a national school is six years of age and rule 64(1) of the rules for national schools provides that a child must be at least four years of age before she or he may be enrolled in a national school. Children of compulsory school-going age must have a place in a national school and there are more than enough places available overall.

Enrolment in individual schools is the responsibility of the managerial authority of those schools and my Department does not seek to intervene in decisions made by schools in such matters. My Department does not require individual schools to provide details of enrolment criterion and therefore it does not hold details of the number of schools which operate age-restrictive enrolment policies. My Department's main responsibility is to ensure that schools in an area can, between them, cater for all pupils seeking places. This may result, however, in some pupils not obtaining a place in the school of their first choice. It is the responsibility of the managerial

authorities of schools that are not in a position to admit all pupils seeking entry to implement an enrolment policy in accordance with the Education Act 1998. A board of management may find it necessary to restrict enrolment to children from a particular area or a particular age group or, occasionally, on the basis of some other criterion. However, in formulating an admissions policy a school must ensure it is lawful. It must act in accordance with section 7 of the Equal Status Act 2000 which, subject to very limited exceptions, prohibits schools from discriminating against people on a number of matters including the admission or the terms or conditions of admission of a person as a student to the school.

Where a board of management refuses to enrol a student in a school, the parent of the student, following the conclusion of any appeal procedures at school level, has a statutory entitlement under section 29 of the Education Act 1998 to appeal that decision to the Secretary General of the Department of Education and Science. A committee is established to hear the appeal with hearings conducted with a minimum of formality. In most cases appeals must be dealt with in 30 days. Where appropriate, the Secretary General may give whatever directions to the board of management that are considered necessary to remedy the matter which is the subject of the complaint.

School Transport.

91. **Mr. McGinley** asked the Minister for Education and Science her plans to upgrade the school transport fleet; and if she will make a statement on the matter. [13180/06]

Minister of State at the Department of Education and Science (Miss de Valera): There are currently over 3,200 vehicles in use each day providing school transport services on behalf of my Department under the school transport scheme. This fleet is made up of Bus Éireann school buses and contractors' vehicles. The bulk of this fleet comprises of minibuses provided by contractors, while most large buses are provided by Bus Éireann.

Since 2000, Bus Éireann has spent €6.4 million purchasing vehicles as part of an on going school bus fleet replacement programme, in order to improve the age profile and condition of its school bus fleet. The Bus Éireann school bus fleet currently has around 350 large capacity buses that were transferred from the general service fleet into the dedicated school transport fleet. Over 300 of these buses, valued in the region of €6 million, were transferred in the period 2000-05 and they represent another valuable source of replacement buses over this period.

A programme for Bus Éireann to acquire a number of new and modern second-hand buses is well advanced. Forty six additional buses, valued at €6.8 million, have already been purchased as part of this exercise since 2005, and a commitment has been made to purchase five more buses bring-

ing this total to €7.5 million. Bus Éireann has also placed an order for 20 new custom-built school buses, valued at €3.5 million, which are currently being manufactured and are due to be introduced into service at the start of the 2006-07 school year. This investment has produced a perceptible improvement in the condition of the fleet.

Languages Programme.

92. **Mr. Deenihan** asked the Minister for Education and Science the progress she is making to implement the findings of the steering group established under the auspices of the commission on school accommodation to establish criteria and procedures for establishing and maintaining provision through the medium of Irish in second level schools or clusters of schools; and if she will make a statement on the matter. [13183/06]

Minister for Education and Science (Ms Hanafin): The report is currently being examined in my Department in conjunction with another of the commission's reports on the criteria and procedures for the recognition of new second level schools. Both reports are being considered together because many of the recommendations, particularly the suggested procedure for recognition, apply equally to schools offering education through the medium of English and the medium of Irish. I am anxious to replicate the structured process which is in place for the recognition of primary schools in the post-primary sector. In the coming months I will set out how the issues raised in the reports will be addressed, including the development of a formal recognition process.

Psychological Service.

93. **Ms Burton** asked the Minister for Education and Science the number of national edu-

cation psychologists employed in each region; the number of vacant posts in each region; and if she will make a statement on the matter. [13473/06]

Minister for Education and Science (Ms Hanafin): The information sought by the Deputy is in the table below. All schools have access to psychological assessments for their pupils, either directly through my Department's National Educational Psychological Service psychologists or through the scheme for commissioning psychological assessments that is administered by NEPS. Schools that do not currently have NEPS psychologists assigned to them may avail of the scheme for commissioning psychological assessments, whereby the school can have an assessment carried out by a member of the panel of private psychologists approved by NEPS, which will pay the psychologist directly for this assessment. Details of this process and the conditions that apply to the scheme are available on my Department's website. NEPS also provides assistance to all schools that suffer from critical incidents, regardless of whether or not they have a NEPS psychologist assigned to them. NEPS processes applications for reasonable accommodations in certificate examinations.

The number of NEPS psychologists has increased from 43 on establishment to 122 at present. The Public Appointments Service recently concluded a new recruitment competition for the appointment of educational psychologists to NEPS and regional panels have been established to allow my Department give greater priority in filling vacancies to areas with the greatest need. My Department is currently in the process of recruiting a further nine psychologists, four of whom are being recruited for the mid-west, two for the north-west, one for the south-east and two for regions yet to be determined.

Region	NEPS Psychologists employed	NEPS Development Plan (2000) Targets	Posts Vacant April 2006 by reference to 2000 Targets
Eastern Region East-coast area	11	15	4
Eastern Region Northern area	13	21	8
Eastern Region SWA	16	26	10
Midlands Region	9	11	2
Mid-Western Region	5	16	11
North-Eastern Region	11	17	6
North Western	7	11	4
South Eastern Region	14	21	7
Southern Region	17	28	11
Western Region	13	18	5
*National Disability Authority (NDA) serving with NEPS	*3	—	—
*Serving with another Section	*1	—	—
*Special Assignment	*1	—	—
Director (acting)	1	1	—
Totals	122	185	*63

*These five posts are not assigned to any particular region but represent posts filled on a full-time basis in NEPS. Account has been taken of this in arriving at the figure of **63 above.

Pupil-Teacher Ratio.

94. **Dr. Upton** asked the Minister for Education and Science her plans to fulfil the commitment in An Agreed Programme for Government on class size; and if she will make a statement on the matter. [13520/06]

Minister for Education and Science (Ms Hanafin): Major improvements in school staffing have been made in recent years with the hiring of more than 5,000 additional primary teachers. This represents the largest increase in teacher numbers since the expansion of free education. There is currently one teacher for every 17 children, the lowest pupil-teacher ratio in the history of the State. The unprecedented increase in school staffing in recent years has greatly improved the services provided for children with special needs and those from disadvantaged areas. Under DEIS, or delivering equality of opportunity in schools, the action plan for educational inclusion launched in May 2005, there will be a reduction in class sizes to 24 to one at senior level and 20 to one at junior level in the 180 primary schools serving communities with the highest concentrations of disadvantage.

With more than 600 extra resource teachers put in place in this school year, children with special needs are getting more support than ever before. It should be acknowledged how much progress has been made in this area in recent years. I have recently secured sufficient funding to provide even smaller classes in our primary schools in the next school year, and the Minister for Finance has committed to a further reduction in class size the following year. Accordingly, over the next two years, my Department will put 500 extra teachers into primary schools to reduce class size and to tackle disadvantage.

The mainstream staffing of a primary school is determined by reference to the enrolment of the school on 30 September of the previous school year. The actual number of mainstream posts sanctioned is determined by reference to a staffing schedule which is issued annually to all primary schools. The general rule is that the schedule provides at least one classroom teacher for every 29 pupils in the school. Schools with only one or two teachers have much lower staffing ratios than those with two teachers for just 12 pupils in some cases and so on, but the general rule is that there is at least one classroom teacher for every 29 children in the school. This will be reduced next year to 28 children per classroom teacher and in 2007-08 it will be reduced to 27 children per classroom teacher. Circular 0023/2006, outlining the revised staffing schedule for the 2006-07 school year is available on my Department's website. Hard copies of the circular have been issued to all primary schools.

We have consistently stated that priority for staffing would be given in the first instance to children in disadvantaged schools and those with special needs. We have done this and in line with the Government commitment, mainstream class sizes are also being reduced.

Question No. 95 answered with Question No. 88.

Youth Services.

96. **Mr. Stanton** asked the Minister for Education and Science the sections of the Youth Work Act 2001 that have yet to be commenced; the amount that has been made available each year towards the implementation of the National Youth Work Development Plan 2003-2007 since its launch; the amount she expects to make available up to the end of the plan in 2007; and if she will make a statement on the matter. [13205/06]

Minister for Education and Science (Ms Hanafin): The Youth Work Act 2001 provides a legal framework for the provision of youth work programmes and services to be organised by the Minister for Education and Science, the vocational education committees and national and regional youth work organisations. Section 1 of the Act provides for sections to be commenced at different stages. Sections 2 to 7, inclusive, 17, 18 and 24 have been commenced to date.

A sub-committee of the National Youth Work Advisory Committee, representative of both statutory and voluntary sectors as well as my Department, has been steadily developing the groundwork, including the development of detailed guidelines and procedures, which are vital for the further roll-out of the Act in a planned and structured manner. The work of this sub-committee is continuing.

As a priority for 2005, I identified the capacity development of youth work organisations to assist them in preparing themselves organisationally for the implementation of the Act. I established a development fund for youth work organisations to help ensure that they can achieve the new standards for approval and engage effectively with the new structures arising from the Youth Work Act 2001. Around 30 national and major regional youth organisations received once-off grants in 2005, ranging up to €15,000, to help develop their ICT capacity. Over €300,000 was provided for this fund in 2005 and similar funding will be made available in 2006.

Another area receiving priority attention is the capacity development of VECs to carry out their responsibilities under the terms of the Act. Progress has been made in this respect. A structure for the resourcing of VECs to carry out the functions set out for them under the Act has now

been agreed, in principle, between my Department and the Irish Vocational Education Association, and I propose to approve a number of additional youth officer posts to VECs as a result. An interview process has taken place for the appointment of an assessor of youth work and the Public Appointments Service is currently finalising various details and procedures relating to the appointment. The appointment of an assessor of youth work will be a most important and positive development for the youth work sector. Work on the progressive implementation of the Act will continue, with further sections being implemented as the necessary procedures are finalised and as resources permit, both human and financial.

Approximately €2.12 million has been spent on the national youth work development plan since its launch in 2003. To date a number of priority action areas have been addressed. In 2003, €80,000 was spent on the implementation of a child protection training programme for the sector. In 2004, €500,000 was made available for the roll out of the plan which was spent on the ongoing support of the child protection training programme, development of projects funded under the special projects for youth scheme and increased support to youth information centres and the youth information support partnership. Building on these initiatives, in 2005 a total of €1.54 million in 2005 was spent on the progressive roll out of the actions recommended in the plan including the following: the establishment of ten new special projects for disadvantaged youth, costing €460,000; the upgrade of 20 single worker special projects to two worker projects, costing €460,000; a review of youth work funding, costing €72,500; a review of youth information provision and additional youth information support, costing €72,000; continued support of the child protection training programme, costing €118,000; establishment of a development fund for youth work organisations, costing €300,000; North-South youth work training endorsement panel; and establishment of a national youth work development unit in NUI, Maynooth.

Further action areas for development in 2006 and 2007 are being determined by my Department with the advice of the National Youth Work Advisory Committee. Significant progress has been made, which will continue to be built upon in 2006 by my Department working closely with the various youth work interests.

School Evaluations.

97. **Mr. P. Breen** asked the Minister for Education and Science the number of whole school evaluations completed at post-primary level to date in 2006; the projected number to be completed over the course of 2006; and if she will make a statement on the matter. [13365/06]

Minister for Education and Science (Ms Hanafin): In the first three months of this year, the inspectorate of my Department has issued 14 whole-school evaluation reports on post-primary schools. The majority of these reports follow whole-school evaluation inspections conducted towards the end of 2005. In 2006 the inspectorate has planned to conduct a total of 273 whole-school evaluations in primary and post-primary schools, 57 of which will be in post-primary schools. I have recently put in place arrangements for the publication of school inspection reports that arise from the general inspection programme for schools. The new provision for public access to certain types of inspection reports, including whole-school evaluation reports, applies to inspections commenced after 6 February 2006.

At post-primary level, nine whole-school evaluations from the 2006 programme of inspections were commenced before 6 February and will be issued to the individual schools only. In fact, five of these reports have already been issued to the schools. The new regulations will apply to 48 whole-school evaluations at post-primary level in 2006, and reports on all of these schools will be published on the Department's website. It is anticipated that up to six post-primary whole-school evaluation reports will be published before the end of June this year.

Whole-school evaluation contributes to school improvement through identifying, evaluating, affirming and supporting good practice in schools. Soon after the in-school evaluation activity of a whole-school evaluation has been concluded, the inspection team meets with the staff of the school and with the full board of management to present the findings and recommendations of the whole-school evaluation. Around five weeks after the last day of inspection a written report is made available to the principal and chairperson of the school for factual verification. The finalised whole-school evaluation report is issued to the school three weeks later and the school is invited to prepare a response to the report through the board of management. The provision for a school response to the whole-school evaluation report is new and I believe that it provides an excellent opportunity for schools to reflect on the school's strengths and to identify the practical steps the school will take in addressing any areas for improvement. I hope that schools will avail of this opportunity to have a school perspective included as an appendix to the published whole-school evaluation report.

I am confident that the initiatives I have taken, in consultation with the education partners, on the publication of inspection reports will be beneficial to teachers and schools, will be welcomed by parents and the wider public, and will be a valuable support in the quality assurance of our education system.

Multi-Denominational Schools.

98. **Mr. S. Ryan** asked the Minister for Education and Science the progress which has been made by the working party on religious education comprised of Educate Together, her Department and the teacher education colleges; and if she will make a statement on the matter. [13523/06]

Minister for Education and Science (Ms Hanafin): I asked officials to establish a working group on Educate Together's ethical education programme and to explore with Educate Together and the colleges of education the best means of ensuring that training in this area can be provided to students studying to become primary school teachers. My Officials have contacted the Conference of Heads of Irish Colleges of Education to progress the matter and a meeting has been arranged with them to, among other things, formally establish this working group. This meeting will take place over the coming weeks. The colleges are well aware of the issues surrounding Educate Together's ethical education programme and they have indicated their willingness to assist the work of the group. My officials are due to meet with the chief executive officer of Educate Together over the coming weeks to progress the matter.

Special Educational Needs.

99. **Mr. Stagg** asked the Minister for Education and Science the arrangements that have been put in place to address the needs of the 100 children with autism who had their home tuition grants withdrawn in 2006; and if she will make a statement on the matter. [13499/06]

Minister for Education and Science (Ms Hanafin): My Department considers that school-based education provision is the most appropriate intervention for all children, including those with special educational needs. Home tuition is only intended as an interim measure until a suitable school placement is secured. The cases in question relate to pupils with autism who are in full-time school placements with significant teaching and special needs assistant supports. The decision to withdraw home tuition was on the basis that the educational needs of these pupils can be best met in their individual schools. It is open to any parent who may have a concern about the educational supports being delivered in the school to discuss their concerns with the school.

School Staffing.

100. **Ms B. Moynihan-Cronin** asked the Minister for Education and Science her views on the low number of teachers who apply for posts as school principal in comparison to the number

who apply for ordinary teaching posts; and if she will make a statement on the matter. [13507/06]

Minister for Education and Science (Ms Hanafin): The recruitment of a principal of a primary school is a matter for the board of management of the school concerned. Details of the number of applications for principalship received by boards of management are not available in my Department. I appreciate that the post of school principal is of critical importance in the management of primary education. In recent years many improvements have been made to assist principal teachers in the performance of their duties and to relieve their administrative burden.

Until the 1999-2000 school year, principals were released from teaching duties to become an administrative principal where the school had a staffing of eight or more mainstream class teachers. From the commencement of the 2000-01 school year, administrative principals were appointed to ordinary schools with seven mainstream class teachers. In addition, smaller schools with a principal plus eleven or more teachers when ex-quota posts were counted could appoint an additional teacher to facilitate the principal take on administrative duties. Further improvements were granted to this provision in the 2001-02 school year when the staffing requirement was reduced to principal plus ten or more teachers and in the 2002-03 school year to principal plus nine or more teachers.

The scheme of release time was introduced for the 2000-01 school year. This scheme enables teaching principals of primary schools to be released from their teaching duties for a specified number of days annually to undertake administrative leadership and management functions. The number of days release time allowed varies between 14 and 22 and is determined by the number of mainstream class teachers in the school. Paid substitution is provided by my Department for the days that principals are on release time.

Arising from the implementation of the PCW agreement, significant improvements were introduced to the management structure of primary schools by the allocation of additional posts of responsibility. These middle-management posts, namely, deputy principal, assistant principal and special duties teacher, are members of the management team of the school and are paid significant allowances in respect of their duties. It is a matter for the boards of management of schools to delegate functions to post of responsibility holders. The number of post holders ranges from two posts of responsibility in a two teacher school to, for example, 20 posts of responsibility in a 40 teacher school. Funding to primary schools for secretarial and caretaking services has increased from €102 per pupil in 2002 to €139 per pupil in the current school year.

My Department is currently engaged in the development of a computerised on-line system for the submission of claims for the payment of certain categories of teachers. The implementation of this project should help to further reduce the administrative burden on principal teachers.

Tuarascáil Roinne.

101. D'fhiafraigh **Mr. McGinley** den Aire Oideachais agus Eolaíochta an bhfuil tuarascáil Harris ar an Ghaeilge scrúdaithe aici go fóill, cad iad na príomh-mholtaí atá sa tuarascáil, cén uair a bheas an tuarascáil á foilsiú; agus an ndéanfaidh sí ráiteas ina taobh. [13181/06]

Minister for Education and Science (Ms Hanafin): Tagraíonn an Teachta don tuarascáil Irish in Primary Schools: National Trends in Achievement (1985-2002) atá curtha ar fáil ag an Dr. John Harris agus a mhaoinigh an Roinn Oideachais agus Eolaíochta. Ní mór leagan Gaeilge agus Béarla den tuarascáil a fhoilsiú go comhuaineach agus tá leagan Gaeilge á ullmhú faoi láthair. Ní fada go mbeidh sé seo ar fáil. Tá sé ar intinn agam an tuarascáil a fhoilsiú roimh dheireadh mhí na Bealtaine. Idir an dá linn tá deis agam príomhthorthaí agus moltaí na tuarascála a mheá agus beartanna a ullmhú mar thaca don Ghaeilge sa chóras oideachais.

Pupil-Teacher Ratio.

102. **Ms O'Sullivan** asked the Minister for Education and Science the effect the new primary staffing schedule recently announced will have on class sizes for the forthcoming school year; and if she will make a statement on the matter. [13468/06]

Minister for Education and Science (Ms Hanafin): Major improvements in school staffing have been made in recent years with the hiring of more than 5,000 additional primary teachers. This represents the largest increase in teacher numbers since the expansion of free education. There is one teacher for every 17 children, the lowest pupil-teacher ratio in the history of the State. Recently I announced that I have secured sufficient funding to provide even smaller classes in our primary schools in the next school year and the Minister for Finance has committed to a further reduction in class size in the following year. Accordingly, over the next two years, my Department will put 500 extra teachers into primary schools to reduce class size and to tackle disadvantage.

The mainstream staffing of a primary school is determined by reference to the enrolment of the school on 30 September of the previous school year. The number of mainstream posts sanctioned is determined by reference to a staffing schedule,

which is issued annually to all primary schools. The general rule is that the schedule provides at least one classroom teacher for every 29 pupils in the school. Schools with only one or two teachers have much lower staffing ratios than that — with two teachers for just 12 pupils in some cases and so on — but the general rule is that there is at least one classroom teacher for every 29 children in the school. Next year this will be reduced to 28 children per classroom teacher and in 2007-08 it will be reduced to 27 children per classroom teacher. Circular 0023/2006 outlining the revised staffing schedule for the 2006-07 school year is available on my Department's website. Hard copies of the circular have been issued to all primary schools.

103. **Mr. Naughten** asked the Minister for Education and Science the number of primary school children in classes of more than 40; and if she will make a statement on the matter. [13325/06]

145. **Mr. Noonan** asked the Minister for Education and Science the number of primary school children in classes of more than 30; and if she will make a statement on the matter. [13329/06]

154. **Mr. Neville** asked the Minister for Education and Science the number of primary school children in classes of more than 35; and if she will make a statement on the matter. [13327/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 103, 145 and 154 together.

Information on the number of classes of over 30, 35 and 40 pupils in the current school year is not yet available in my Department. The Government's commitment to improving the staffing in our primary schools has been unprecedented. We have put more than 5,000 more primary teachers in our schools in the last few years. These have been targeted at pupils with special needs and those from disadvantaged areas to ensure that they are getting the extra help that they need to reach their potential. This has resulted in a major improvement in the pupil-teacher ratio, which counts all the teachers in a school, including special needs teachers, school principals etc. In 1997 the pupil-teacher ratio was 22:1, meaning that there was one teacher for every 22 primary school children in our schools. By 2004-05, we had reduced this to 17:1, or one teacher for every 17 pupils.

The average class size nationally has also been reduced to 23.9, while significantly smaller class sizes have been introduced in disadvantaged schools with approximately 47,00 pupils in 243 schools participating in the Giving Children an Even Break-Breaking the Cycle programme benefitting from reduced class sizes of either 15 or 20 pupils per class. Under the new action plan

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for tackling disadvantage published last May, more children in disadvantaged schools will be in smaller classes in the current school year and, with the more than 600 extra resource teachers put in place this school year, children with special needs are getting more support than ever before.

We have consistently said that priority would be given in the first instance to children in disadvantaged schools and those with special needs and we have done this. In line with the Government commitment, mainstream class sizes are also being reduced. The system for allocating teachers to primary schools is based on ensuring an overall maximum class of 29 in each school. Where some classes in a school have class sizes of greater than 29, it is generally because a decision has been taken at local level to use their teaching resources to have smaller numbers in other classes. To ensure openness and transparency in the system an independent appeal board is in place to decide on any appeals on mainstream staffing. The criteria under which an appeal can be made are set out in Department primary circular 19/02, which is also available on my Department's website.

It is proposed that the first meeting of the appeal board will be held in May 2006. Further meetings will be held in July and October 2006. The closing dates for receipt of appeals are 12 May, 24 June and 18 October, respectively. Appeals must be submitted to the primary payments section, Department of Education and Science, Athlone, on the standard application form, clearly stating the criterion under which the appeal is being made. The standard application form is available from primary payments section or on my Department's website. The appeal board operates independently of the Minister and the Department and its decision is final.

Adult Education.

104. **Mr. Neville** asked the Minister for Education and Science the consultations which have taken place with the colleges of further education with regard to the implementation of the McIver report recommendations; and if she will make a statement on the matter. [13326/06]

Minister of State at the Department of Education and Science (Miss de Valera): Government commitment to the PLC sector, by reference to the resources applied in teachers' pay, non-pay running costs, student support and certification costs, is very significant. The Government's support for this hugely important sector is clear from the fact that we have increased the number of PLC places by 60% since 1996-97. The number of PLC places approved for 2005-06 is up by more than 1,600 on the 2004-05 level. The number of approved places in the sector stands at 30,188. We

also extended the provision of maintenance grants to PLC students with effect from September 1998. The PLC maintenance grant scheme operates on the same basis as in higher education. There were almost 8,000 PLC grant holders in 2005 and they received €23 million in direct support. Tuition fees for PLC courses are waived. PLC students are included in the calculation of non-pay budgets issued to schools in respect of running costs. A supplementary non-pay grant towards running costs specifically for PLC schools is also payable. This amounted to €5.5 million in 2005. Other developments funded by my Department of direct benefit to the PLC sector include the provision of national certification under the Further Education and Training Awards Council and the development of progression links with higher education in the institutes of technology.

The McIver report contains 21 over-arching recommendations, incorporating 91 sub-recommendations. It has been estimated, in consultation with management and staff interests, that the recommendations for staffing would involve at a minimum the creation of at least 800 new posts at a cost of more than €48 million. This level of additional provision cannot be considered in isolation from other areas of education. In their consideration of the needs of the PLC sector into the future my officials have been examining, *inter alia*, the non-teaching educational tasks particular to PLC teachers, the demands on the management side and the challenges presented by the variation in size of the 200 plus PLC providers. I expect to receive proposals shortly from my officials about the nature and extent of our response to the McIver recommendations as well as about issues which we consider that the management and union sides must also address. When I have had the opportunity to consider my officials proposals, it will then be necessary to have further discussions with the management that represents the colleges of further education and the unions that represents the staff side.

School Curriculum.

105. **Mr. P. Breen** asked the Minister for Education and Science the position with regard to the circulation of books, dealing with drug-related issues, to primary schools; and if she will make a statement on the matter. [13465/06]

Minister for Education and Science (Ms Hanafin): Private individuals or organisations frequently distribute materials to schools without approaching my Department in the first instance. It is a matter for individual school management authorities to determine if the material should be used in a classroom setting. Usually, decisions on these matters are taken by schools in the context of the appropriateness or otherwise of the

material to the curriculum. Under action 43 of the national drugs strategy, guidelines for developing a substance abuse policy were drawn up by my Department in consultation with the Department of Health and Children and the former health boards. These guidelines issued to all schools in October 2002 to assist them in the development of appropriate substance abuse policies. My Department has a national curriculum for social, personal and health education supported by teacher guidelines and a full-time support service providing teacher training. Within this, the Walk Tall programme has been developed as the substance abuse prevention programme at primary level, in co-operation with the health sector. The programme was developed carefully to ensure it is sensitive and age appropriate.

Pupil-Teacher Ratio.

106. **Mr. Durkan** asked the Minister for Education and Science if she is in a position to improve pupil-teacher ratios in line with best international practice; and if she will make a statement on the matter. [13458/06]

Minister for Education and Science (Ms Hanafin): The pupil-teacher ratio at primary level on a national basis, which includes all the teachers including learning support-resource teachers, has fallen from 22.2:1 in the 1996-97 school year to 17.1:1 in 2004-05. Significant improvements have also been made in the pupil teacher ratio at post-primary level at national level in recent years. The ratio has fallen from 16:1 in the 1996-97 school year to 13.4:1 in the 2004-05 school year. Aside from decreasing average class size at primary level, the unprecedented increase in school staffing in recent years has also greatly improved the services provided for children with special needs and those from disadvantaged areas. Under DEIS, delivering equality of opportunity in schools, the new action plan for educational inclusion launched last May, there will be a reduction in class sizes of 24:1 at senior level and 20:1 at junior level in 180 primary schools serving communities with the highest concentrations of disadvantage. With more than 600 extra resource teachers put in place this year, children with special needs are getting more support than ever before. It should be acknowledged how much progress has been made in this area in recent years.

There is more to be done to reduce class sizes further. Recently, I announced that I have secured sufficient funding to provide even smaller classes in our primary schools in the next school year and the Minister for Finance has committed to a further reduction in class size in the following year. Accordingly, over the next two years, my Department will put 500 extra teachers into primary schools to reduce class size and to tackle

disadvantage. This will be done by changing the staffing schedule. The mainstream staffing of a primary school is determined by applying the enrolment of the school on 30 September of the previous school year to a staffing schedule, which is issued annually to all primary schools. The general rule is that the schedule provides at least one classroom teacher for every 29 pupils in the school. Schools with only one or two teachers have much lower staffing ratios than that — with two teachers for just 12 pupils in some cases and so on — but the general rule is that there is at least one classroom teacher for every 29 children in the school. Next year this will be reduced to 28 children per classroom teacher and in 2007-08 it will be reduced to 27 children per classroom teacher. We have consistently said that priority would be given to children in disadvantaged schools and those with special needs and we have done this. In line with the Government commitment, mainstream class sizes are also being reduced.

Psychological Service.

107. **Mr. G. Murphy** asked the Minister for Education and Science the funding allocated to the National Educational Psychologist Service for 2006; and if she will make a statement on the matter. [13344/06]

Minister for Education and Science (Ms Hanafin): Financial provision of €15.425million has been made for the National Educational Psychological Service in the 2006 Revised Estimates Volume provision for my Department. This represents an increase of 10% on the 2005 outturn for NEPS.

Vocational Educational Committees.

108. **Mr. Rabbitte** asked the Minister for Education and Science if the difficulty vocational education committees are having in accessing the central Garda vetting unit has been resolved; and if she will make a statement on the matter. [13515/06]

Minister for Education and Science (Ms Hanafin): It is assumed that the Deputy is referring to vetting applications in respect of special needs assistants, SNAs, employed by vocational education committees. Under current arrangements, vetting applications in respect of SNAs are submitted to my Department for onward transmission to the Garda central vetting unit. It is proposed that, in future, apart from applications in respect of teachers, VECs will be responsible for submitting vetting applications in respect of their employees, including SNAs, direct to the central Garda vetting unit. Guidelines for school authorities are being prepared and will be issued shortly. Pending the issue of the guidelines, VEC

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applications in respect of SNAs may be submitted through my Department.

Proposed Legislation.

109. **Mr. Ring** asked the Minister for Education and Science the legislative response that she will take in response to school discipline problems; and if she will make a statement on the matter. [13320/06]

157. **Mr. O'Dowd** asked the Minister for Education and Science the amendments that her Department will bring forward to section 29 of the Education Act 1998; and if she will make a statement on the matter. [13322/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 109 and 157 together.

The balancing of rights in section 29 of the Education Act 1998 has been acknowledged by the task force on student behaviour in second level schools as one of those areas which prompted very many submissions. In its final report, the task force recommended that the legislation be amended to stress the rights of the compliant majority to learn while at the same time protecting the rights of the persistently disruptive student to an education. It also recommends that the timeframe involved in these appeals be looked at. In addition, the task force has recommended that my Department revisit the legislation, in particular sections 6 and 7 of the Education Act 1998 with a view to amendment. In launching the report on 14 March, I indicated a package of measures to tackle student behaviour issues, including a review of existing legislation to take account of the task force recommendations. I am committed to bringing forward amending legislation in this area as soon as this review is complete.

School Staffing.

110. **Ms McManus** asked the Minister for Education and Science if she will change the rule whereby a principal teacher in a national school who resigns as principal reverts to the status of the newest teacher in the school; and if she will make a statement on the matter. [13506/06]

Minister for Education and Science (Ms Hanafin): Claims for improvements in the conditions of service of teachers are processed through the teachers conciliation council in accordance with the terms of the revised conciliation and arbitration scheme for teachers. Under current arrangements, a principal teacher can only relinquish his or her post as principal provided that there is a permanent vacancy in the school where he or she is employed. Where a

principal teacher relinquishes the post, he or she becomes the most junior teacher in the school. Previous service given as a principal in the school does not count for seniority purposes. This information is available in primary circular 02/04, which is published on my Department's website www.education.ie. There are no proposals to change the current arrangements.

Question No. 111 answered with Question No. 43.

School Discipline.

112. **Mr. Connolly** asked the Minister for Education and Science if she proposes to implement in full the recommendations of the Martin task force on student behaviour; and if she will make a statement on the matter. [13182/06]

Minister for Education and Science (Ms Hanafin): In launching School Matters, the final report of the task force on student behaviour in second level schools on 14 March, I outlined a package of measures to tackle student behaviour issues. Implementation of the report must be approached in a prioritised and carefully structured way. These measures I have announced included a review of existing legislation, the putting in place of a behaviour support team, the establishment of up to 30 behaviour support classrooms on a trial basis; appropriate and focussed expansion of the junior certificate schools programme; and a review of existing alternative provision, from which a comprehensive plan for out of school provision will be prepared. The report's recommendations require action and engagement from a wide range of participants in our education system. For my part, as Minister, I have given a clear statement of my commitment to sustained and considered action in dealing with the issue of student behaviour.

Question No. 113 answered with Question No. 52.

School Enrolments.

114. **Ms Burton** asked the Minister for Education and Science the action she will take to ensure children in west Dublin who have no places for September in national school will be accommodated; if she will address the crisis in the area due to the fact that there are not enough school places for the population of young families; and if she will make a statement on the matter. [13495/06]

Minister for Education and Science (Ms Hanafin): I am conscious that the Dublin 15 area as a whole is one of the most rapidly developing areas in the country and, as a result, there has been a marked increase in the demand for

primary school places. My Department is taking a number of measures to increase the capacity of existing schools in the area concerned along with the development of new schools to meet this increasing demand. All building projects arising from these interventions are awarded a band 1 priority rating under my Departments prioritisation criteria for large scale building projects to ensure they are delivered as expeditiously as possible.

In the Littlelepace-Castaheaney area a new school building has recently been completed at Mary Mother of Hope National School, with an additional project underway with a target delivery date of September 2007. In addition, a 32 classroom campus is planned for a school site in Ongar. This project will provide a permanent accommodation solution for Castaheaney Educate Together national school. It also has a target completion date of September 2007. This area is also served by the Scared Heart national school, Huntstown, where an extension project to provide a 32 classroom school is nearing completion. In the Diswellstown area, St. Patrick's national school has recently moved into a new 24 classroom school. This will facilitate an annual 3 stream intake. However, as an exceptional matter the board of management will consider taking a fourth stream of junior infants this year. In addition to this, my Department is in discussions with St. Mochta's national school regarding the possibility of it expanding to cater for an annual four stream intake. The school has an intake of three junior infant classes. An extension to cater for this development will also attract a band 1 priority rating. Other developments in the Dublin 15 area include the planned expansion of St. Brigid's national school in Castleknock and extensions to St. Brigid's boys and girls national schools, Blanchardstown.

I am confident that a combination of the measures outlined will assist in alleviating the immediate demand for pupil places in the area. However, due to the current level of demand emanating from the Dublin 15 area, the need to provide even further school accommodation is under consideration and my Department is engaging with the key school patron authorities that are active in the area.

Literacy Levels.

115. **Mr. G. Mitchell** asked the Minister for Education and Science the statistics available for adult literacy; the way in which Ireland compares in an international context; and if she will make a statement on the matter. [13334/06]

Minister of State at the Department of Education and Science (Miss de Valera): No international comparative surveys of adult literacy levels have been carried out in the last ten years.

However, a major priority has been given by the Government to improving adult literacy rates nationally. The White Paper on Adult Education, Learning for Life, published in 2000, identifies adult literacy as the top priority in adult education. Since 1997, funding from my Department for Adult Literacy has incrementally increased from €1 million then to €23 million in 2006. As a consequence, the numbers of clients catered for annually have increased from 5,000 to 35,000 over the same period. The National Development Plan 2000-2006 anticipated that 110,000 people would participate in the adult literacy programme. This target has been exceeded. Literacy tuition has been made available through television and radio; a national referral directory of adult literacy services has been published; specially targeted literacy programmes, such as family learning programmes, literacy and language for non-nationals, programmes for special needs and for Travellers and for Gaeltacht people, have been provided; a workplace literacy programme has been introduced in all local authority areas for outdoor workers; professionalisation of the literacy service has been increased through provision of staff development programmes for literacy organisers and tutors; an intensive adult literacy tuition programme for people with severe literacy needs has been introduced on a pilot basis; and a quality framework for the adult literacy service has been developed and an assessment framework has been introduced.

Higher Education Grants.

116. **Mr. Wall** asked the Minister for Education and Science if she will provide the most recent information on the socioeconomic background of persons in receipt of third level grants; and if she will make a statement on the matter. [13498/06]

Minister for Education and Science (Ms Hanafin): Limited indicative data on the socioeconomic background of grantholders have been collected in the past on the higher education grants scheme only. My Department's student support unit is in the process of collating information on students who were awarded grants under the higher education grants scheme for the academic year 2004-05 from the returns which have been submitted to date by the local authorities. Unfortunately, a number of returns are outstanding for 2002-03 and 2003-04, which the Department is pursuing with the local authorities and the County and City Managers' Association. Despite this, and to avoid further delay, I am arranging to have the available data provided to the Deputy directly. It is the intention that this information will issue to the Deputy in the coming days in respect of the 2002-03 and 2003-04. This indicative data is subject to considerable qualification in regard to its reliability due to,

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inter alia, the level of undeclared status among the returns from the local authorities. Following consultations with the Irish Vocational Education Association, new arrangements were introduced in 2005 to compile a more comprehensive statistical breakdown of grantholders under the schemes administered by the VECs. This complements arrangements in place in respect of the higher education grants scheme. When the complete returns for the academic years 2002-03, 2003-04 and 2004-05 are available, the information will be made available to the Deputy.

School Curriculum.

117. **Ms Enright** asked the Minister for Education and Science the number of individual subject inspections undertaken to date in 2006; the projected number to be undertaken over the course of 2006; and if she will make a statement on the matter. [13312/06]

Minister for Education and Science (Ms Hanafin): A total of 660 subject inspection is planned for 2006, 428 stand-alone subject inspections and 232 subject inspections as part of 57 planned whole school evaluations in post-primary schools. This is an increase on the figure of 641 given in response to a parliamentary question on Wednesday, 15 February and arises from the finalisation of the inspectorate's business plan shortly thereafter. I have recently put in place arrangements for the publication of school inspection reports that arise from the general inspection programme for schools. The new provision on public access to certain types of inspection reports, including subject inspection reports, applies to inspections commenced after 6 February 2006. At post-primary level, 15 stand-alone subject inspections from the 2006 programme of inspections, were commenced before 6 February and will, therefore, be issued to the individual schools only. Ten of these stand-alone subject inspection reports have issued to the appropriate schools. In addition, 20 subject inspection reports have been prepared as part of five whole school evaluations have also been issued to the appropriate schools. The new regulations on publication will apply to 413 stand-alone subject inspections at post-primary level in 2006, and reports from all of these inspections will be published on the Department's website. It is anticipated that up to 45 post-primary subject inspection reports will be ready for publication on the Department's website during June 2006.

118. **Mr. Deasy** asked the Minister for Education and Science the time allocated to sport and physical activity each week at primary level; and if she will make a statement on the matter. [13355/06]

Minister for Education and Science (Ms Hanafin): Physical education and sport, although closely linked, are not synonymous. Sport begins with play and develops through games, competition and challenges. The focus in the physical education curriculum in our schools is on the learner's holistic development, with an emphasis on personal and social development, physical growth, and motor development. Goal setting within the curriculum focuses on individual improvement rather than on winning or being the best. The creation of a positive attitude to sport and physical activity, with the overall aim of promoting long-term involvement, is of paramount importance. Competition in sport contributes to the holistic development of the student, provided that the opportunities presented are such that he or she is progressing towards the achievement of his or her potential. It is Government policy to encourage and promote sport for all in schools. The policy of my Department is to facilitate this by means of a broad and balanced physical education curriculum for schools.

The primary school curriculum was revised in 1999 and is being implemented on a phased basis. Physical education is one of the seven curriculum areas and it will be implemented in all schools from September 2006. A minimum of one hour of physical education per week is recommended for all primary school pupils. Games, which is one of the six strands of the curriculum, encompasses elements of sport. In addition to implementing the prescribed curriculum, schools are also encouraged to devote one day every year to Sport for All, whereby an entire day is given over to sporting activities that emphasise participation and co-operation, rather than winning or losing. To promote sport, many primary schools provide further opportunities for pupils through extracurricular programmes. These may include organising and preparing for inter-school competitions. Schools are often in a position to avail of the services of coaching personnel offered to schools by sporting organisations such as Cumann Lúthchleas Gael, the Football Association of Ireland and the Irish Rugby Football Union. Teachers and parents make an extremely valuable contribution to children's social and physical development through their contribution of time and expertise to extracurricular sporting activities, a fact acknowledged by the ESRI report on School Children and Sport in Ireland published last year.

Special Educational Needs.

119. **Mr. Costello** asked the Minister for Education and Science the action she will take to ensure second level schools do not shirk their responsibility to admit students who have special needs; and if she will make a statement on the matter. [13494/06]

Minister for Education and Science (Ms Hanafin): I am aware some second level schools do not appear to be doing as much as they could to ensure students with special needs are as welcome in those schools as students without special needs. The Education Act 1998 requires all schools to have in place an admissions policy, detailing admission to and participation by students with disabilities or who have other special educational needs. The Act also requires schools to ensure that as regards that policy the principles of equality and the right of parents to send their children to a school of the parents choice are respected.

My Department provides a range of supports to all schools to enable them to welcome students with special educational needs. My Department allocates additional teacher support and special needs assistant support to second level schools and VECs to cater for students with special educational needs. The nature and level of support provided in each case is based on the professionally assessed needs of the individual student. However, this requires a willingness on the part of schools to be proactive in this area and also a willingness on the part of parents to more actively assert their rights in terms of their choice of school.

The level of resources being made available to support students with special educational needs in the second level system has grown significantly in recent years. In the current school year, my Department has allocated approximately 1,653 whole-time equivalent teachers and 1,102 special needs assistants to second level schools to cater for pupils with special educational needs. This represents an increase of approximately 264 teaching posts and 470 special needs assistant posts on the previous school year. Under section 29 of the Education Act 1998, parents of a student who has been refused enrolment in a school may appeal that decision to the Secretary General of my Department. Such appeals are dealt with within 30 days of their receipt and where an appeal is upheld the Secretary General is empowered to direct the school to enrol the student. With effect from 1 January 2005, the National Council for Special Education took over key functions from my Department in regard to special educational provision. I am confident the advent of the NCSE will prove of major benefit in ensuring all children with special educational needs receive the support they require, when and where they require it.

120. **Mr. English** asked the Minister for Education and Science the number of schools in which behaviour support classrooms will be trialled; and if she will make a statement on the matter. [13316/06]

139. **Mr. Perry** asked the Minister for Education and Science the arrangements that will be made with schools with behaviour support classrooms to provide for supervision of such classrooms; and if she will make a statement on the matter. [13315/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 120 and 139 together.

When I launched School Matters, the report of the task force on student behaviour in second level schools, on 14 March last, I referred to the establishment of behaviour support classrooms in schools. The report recommends the establishment of behaviour support classrooms in those schools experiencing severe behavioural difficulties with students. There is an obvious benefit in schools being in a position to remove particularly problematic students from the mainstream classroom setting for a limited period of time, once this removal results in intensive work with those students and results in their reintegration into the mainstream system. Much of this work, by its nature, will be of a behavioural management form. This will be a time limited intervention designed to facilitate early reintegration into the mainstream system. The putting in place of behaviour support classrooms will be a very significant step and one which we simply have to get right. For instance, we will have to examine different models of such classrooms and to see which approach brings about real improvement in student behaviour. For this reason, I intend to trial up to 30 behaviour support classrooms initially and to evaluate their effectiveness in their first year of operation.

Selecting schools for inclusion in the pilot phase of this new development will be based on recommendations from the behaviour support team, which I will establish in the coming months. I would like the team to report within a few months after it commences its work. Schools chosen to trial a behaviour support classroom will be expected to demonstrate a real commitment to dealing with all causes of the discipline problem in their school. A behaviour support classroom must be seen as part of a wide ranging plan to improve discipline in the school and not just a dumping ground. The supervision of behaviour support classrooms will be a matter for the schools themselves. However, my Department will allocate additional staffing resources to the schools selected for inclusion in this trial.

Languages Programme.

121. **Mr. Boyle** asked the Minister for Education and Science the funding being provided towards language support for non-nationals; if there are plans to increase this figure; and if she will make a statement on the matter. [13442/06]

Minister for Education and Science (Ms Hanafin): The needs of children whose first language is not English is met through a programme of language support provided by additional teachers at primary and second level who help children to improve their English language skills. Language support takes the form of financial assistance, additional temporary teacher posts or portions of teacher posts. The level of support provided to any school is determined by the numbers of non-English speaking students enrolled. Each school management can decide on the structure of the support to be provided in its own school. An allocation of two year's language support for each pupil is provided by my Department. Schools with 14 or more qualifying pupils get an additional full-time temporary teacher. Those with 28 or more get two teachers. A third post may be allocated in certain exceptional circumstances, following consideration by the Department's inspectorate.

Primary schools with between three and 13, inclusive, non-English speaking pupils receive grant assistance of €6,348.69 while schools with between nine and 13 such pupils receive grant assistance of €9,523.04. In the current school year grant assistance will be provided to approximately 425 primary schools with 13 or less non-English speaking, non-national pupils. In the case of post-primary schools which have fewer than 14 non-national pupils with significant English language difficulties enrolled, additional teaching hours, ranging from three hours per week in respect of one such pupil to 19.5 hours per week in respect of 13 pupils, are sanctioned.

In the current school year, the Department has provided 541 language support teachers at primary level and 261 whole-time equivalent teachers at second level to support such pupils, representing an investment of €46.5 million. Schools granted full language support teacher posts receive additional financial support to enable the purchase of resource materials suitable for use within the language support class or mainstream class.

Teachers are provided with in-service training through Integrate Ireland Language and Training Limited, IILT. IILT provides training seminars for language support teachers, part-time or whole time, along with classroom materials, including the European language portfolio, to assist them in meeting the English language needs of their pupils-students. It also develops classroom materials in partnership with practising classroom teachers. Grant support to IILT to provide training and resources for teachers and language tuition for refugees is currently of the order of €1.4 million. My Department is currently reviewing provision in this whole area with a view to determining the appropriate educational response to the needs of newcomer children, with particular reference to their language needs.

School Evaluations.

122. **Mr. P. McGrath** asked the Minister for Education and Science if her Department's inspectorate has completed whole school evaluations and issued same to schools for comment, prior to these being made public; and if she will make a statement on the matter. [13357/06]

Minister for Education and Science (Ms Hanafin): In accordance with the regulations on publication of inspection reports that I placed before the Houses of the Oireachtas on 31 January 2006, inspections commenced on or after 6 February 2006 will be published. The new regulations on publication will apply to 177 WSEs at primary level and 48 post-primary WSEs in 2006.

Since the regulations in relation to publication only apply to inspections commenced on or after 6 February 2006 and since there is a 14 week timeframe between the end of the in-school evaluation activity of WSE and the final publication of the report on the Department's website, no WSE reports have gone to schools for response as yet. In line with the timeframe, it is expected that up to 32 WSE reports at primary level and up to six WSE reports at post-primary level will be published by the end of June 2006. Some of these WSE reports will be sent to schools for factual verification in the next week.

The provision for a school response to the WSE report is new and I believe that it provides an excellent opportunity for the board of management of the school to respond to, and make observations on, the contents of the inspection report. More importantly, the response procedure will allow the board of management to set out how it will use the report in the context of the school's ongoing programme of self-evaluation, planning, and improvement. A school will be able to demonstrate how it is engaged in self-improvement and development in response to the school inspection report. I hope that all schools will avail of the opportunity to prepare a school response and to have the school's perspective on its own future development included as an appendix to the published WSE report.

School Discipline.

123. **Mr. Hayes** asked the Minister for Education and Science if she will be updating the recommendations that issue to all schools with regard to student behaviour and discipline; and if she will make a statement on the matter. [13352/06]

Minister for Education and Science (Ms Hanafin): The National Educational Welfare Board, NEWB, has commenced work on developing guidelines for schools on codes of behaviour, as provided for under section 23 of the Education (Welfare) Act 2000. The process

involves the drawing up of a draft framework discussion document for the guidelines, which will be used as a basis for consultations with the key stakeholders including school management, teachers, parents, and children.

The board has established an expert working group for this purpose and the group is working to develop the draft framework discussion document for the guidelines; review the feedback from the national consultation process and finalise the proposals for code of behaviour guidelines. Regard will also be had to the work of task force on student behaviour in post-primary schools.

Following the consultation process, guidelines will be finalised and issued to schools. It is expected that this work will be completed this year. An implementation process, aimed at supporting the schools in putting the guidelines into action will also be developed in parallel with work on the guidelines.

Special Educational Needs.

124. **Mr. Durkan** asked the Minister for Education and Science the extent to which she expects to be in a position to provide the required level of psychological assessment, speech therapy, remedial, resource or various special needs teaching requirements in all schools here in the current year; if she has put in place the necessary resources to meet the requirements as set out by the various school management authorities; and if she will make a statement on the matter.

[13459/06]

Minister for Education and Science (Ms Hanafin): My Department's policy is to ensure the maximum possible integration of children with special educational needs, SEN, into ordinary mainstream schools. Where mainstream provision is not appropriate children can be catered for in special schools which are dedicated to particular disability groups. There are 106 special schools in the country at present. These schools cater for children from four to 18 years of age and each school enjoys a significantly reduced pupil-teacher ratio and other staffing supports. Additional special needs assistant, SNA, support is provided if deemed necessary. Special schools also receive increased rates of capitation funding.

Children with SEN can also attend special classes attached to certain ordinary mainstream schools. All special classes enjoy the same increased levels of staffing and funding as are made available to the special schools. Children with SEN attending special classes attached to ordinary schools may also, where appropriate, be integrated into ordinary classes for periods of the school day.

A general allocation scheme has been introduced under which mainstream primary schools have been provided with resource teaching hours,

based on enrolment figures, to cater for children with high incidence SEN such as dyslexia and those with learning support needs. All schools were notified of their general allocation for the 2005-06 school year last May. The Deputy will be aware that the National Council for Special Education, NCSE, through the local special educational needs organiser, SENO, is responsible for processing applications from schools for special needs supports such as resource teaching hours and SNA support for children with low-incidence SEN, on the basis of applications in respect of individual pupils. Once a school has been advised of its general allocation and the SENO has allocated hours and SNA support if appropriate in respect of pupils with low-incidence SEN, it is a matter for the school authority to recruit the relevant staff.

There has been enormous progress made over the past number of years on increasing the number of teachers in our schools who are specifically dedicated to providing education for children with SEN. At primary level there are now approximately 5,000 teachers in our primary schools working directly with children with special needs, including those requiring learning support. This compares to under 1,500 in 1998. Indeed, one out of every five primary school teachers is now working specifically with children with special needs.

In the area of second level provision, my Department provides a range of supports to second level schools to enable them to cater for students with special educational needs transferring from primary level. The supports in question include learning support and resource teaching support, special needs assistant support and funding for the purchase of specialised equipment.

At second level approximately 1,647 whole time equivalent additional teachers are in place to support pupils with special educational needs. This compares to approximately 200 teachers that were in place in 1998 for such pupils. In addition, there are 532 whole time equivalent learning support teachers.

The precise model of provision made available at second level will depend on the assessed needs of the pupils involved. Some pupils are capable of attending ordinary classes on an integrated basis with additional teacher and-or SNA support. In other cases, placement in special dedicated classes or units attached to the school may be the more appropriate response. Such special classes operate at significantly reduced pupil-teacher ratios. Pupils attached to these special classes may be facilitated in attending ordinary subject classes on an integrated basis wherever possible.

Enormous progress has also been made in relation to increasing the number of SNAs in our schools who specifically cater for the care needs of children with special educational needs. There

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are over 7,300 whole time equivalent SNAs in primary and second level schools supporting children with special needs.

All primary and post-primary schools have access to psychological assessments for their pupils, either directly through my Department's National Educational Psychological Service, NEPS, psychologists or through the scheme for commissioning psychological assessments, SCPA, that is administered by NEPS. Schools that do not currently have NEPS psychologists assigned to them may avail of the SCPA, whereby the school can have an assessment carried out by a member of the panel of private psychologists approved by NEPS and NEPS will pay the psychologist the fees for this assessment directly. Details of this process and the conditions that apply to the scheme are available on my Department's website.

I can confirm that I will continue to prioritise the issue of special needs education and, in co-operation with the National Council for Special Education and the education partners, ensure that all children with special educational needs are adequately resourced to enable them to meet their full potential. Responsibility for the provision of therapy services rests with the Health Service Executive.

Physical Education Facilities.

125. **Ms Enright** asked the Minister for Education and Science the level of grant aid available to primary schools to assist in their provision of physical education programmes; and if she will make a statement on the matter. [13313/06]

Minister for Education and Science (Ms Hanafin): In October 2000, my Department introduced a physical education grant for all primary schools. Since the introduction of the scheme, my Department provided in excess of €5.5 million in grant aid to primary schools under this scheme to enable schools provide coaching or mentoring in connection with physical education or to purchase resource materials associated with the provision of physical education. Materials and equipment purchased by schools in previous years will generally be available to them for subsequent years.

I would also point out, however, that schools may use their general capitation funding to support the implementation of curricula including physical education. Since 1997 the standard rate of capitation grant has been increased from £45, €57.14, per pupil to €145.58 with effect from 1 January 2006, an increase of almost 155%.

Early School Leavers.

126. **Mr. Broughan** asked the Minister for Education and Science when she intends to introduce

statutory recognition of a group (details supplied); and if she will make a statement on the matter. [13471/06]

Minister of State at the Department of Education and Science (Miss de Valera): As the Deputy will be aware early school leaving is a complex problem, and so my Department has a multifaceted strategy in place both to improve participation rates and outcomes in schools in the first instance and to provide second chance education and training to young people who have left school early.

The Youthreach programme involves a mix of general education, vocational training and work experience. The provision is full-time, of 35 hours duration per week, and is available on a year round basis. It operates under the control of vocational education committees which have the statutory responsibility for delivering the programme in out of school centres.

In 2004 my predecessor designated the group as centres of education under the Education Act 1998, section 10(4). This designation is noted in circular F49/04. Such designation enables, for example, parents of young people in the programme to become involved in elections to vocational education committees. It also regularises the position of the group *vis-à-vis* supports, monitoring and evaluation by my inspectorate.

I am currently considering issues relating to the prescription of this group under the Education (Welfare) Act, 2000, Section 14(19)b. I am strongly supportive of the Youthreach programme and the excellent work that Youthreach centres do in providing training for your people who have left school. I will continue to prioritise support for this sector.

Adult Education.

127. **Ms O. Mitchell** asked the Minister for Education and Science the position with regard to the National Adult Learning Council; and if she will make a statement on the matter. [13336/06]

140. **Mr. Boyle** asked the Minister for Education and Science when the National Adult Learning Council will be reinstated; the reason for the delay; and if she will make a statement on the matter. [13443/06]

151. **Mr. Kenny** asked the Minister for Education and Science when the results of the review of the National Adult Learning Council will be made available to the council members; what those results were; and if she will make a statement on the matter. [13466/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 127, 140 and 151 together.

The National Adult Learning Council was formed in March 2002 on an *ad hoc* basis with the intention that it would be established as a statutory body under section 54 of the Education Act 1998. Following the formation of the *ad hoc* council, concerns emerged that the functions envisaged for the council were too wide-ranging and were not sufficiently focused. Additionally, a number of developments had occurred which would impact on the work of the council, including the establishment of the National Qualifications Authority of Ireland and the further and higher education and training awards councils.

My Department undertook a strategic review of the role and functions of the council to address these concerns. The results of this review are being considered and I am awaiting proposals from my Department as to the role and functions of the council in the light of the review. I expect to be in a position to take a decision in this matter in the near future.

Question No. 128 answered with Question No. 72.

Primary Pupil Database.

129. **Mr. Broughan** asked the Minister for Education and Science when she expects to put in place a comprehensive database of primary school pupils based on PPS numbers; and if she will make a statement on the matter. [13470/06]

Minister for Education and Science (Ms Hanafin): My Department is developing a primary pupil database which will monitor the progression of individuals through the education system. The database will be a very useful tool for the Department in evaluating the effectiveness of educational initiatives and I am anxious that it be developed as soon as is practicable. However, the project must be developed carefully to ensure that the final product meets the needs both of schools and of the Department.

School Curriculum.

130. **Mr. Ring** asked the Minister for Education and Science the number of second level schools itemised by type offering music to leaving certificate level; and if she will make a statement on the matter. [13321/06]

Minister for Education and Science (Ms Hanafin): There are 442 second level schools which provide music as a subject in the leaving certificate programme. Of these 249 are mixed sex schools and 193 are single-sex schools.

Physical Education Facilities.

131. **Dr. Cowley** asked the Minister for Education and Science if her Department will review the urgent need for a sports hall for a school (details supplied) in County Mayo; if her Department's attention has been drawn to the need for this facility in this large school, situated in Castlebar town; and if she will make a statement on the matter. [13179/06]

Minister for Education and Science (Ms Hanafin): My Department is committed to funding the provision of physical education, general purpose and outdoor play areas in schools as part of the school building and modernization programme. This is being addressed in the context of available resources and the published criteria for prioritising school building projects.

The provision of physical education halls at post-primary level is considered an integral part of the design stage for any major refurbishment programme of existing school buildings, providing that the site is of sufficient size, or where a new school on a greenfield site is being built.

The physical education hall project at the school referred to by the Deputy has been assessed in accordance with the published prioritisation criteria. The project is being considered in the context of the school building and modernisation programme 2006-10.

School Evaluations.

132. **Mr. Cuffe** asked the Minister for Education and Science if there are plans to integrate the green schools programme into the whole school evaluation process; and if she will make a statement on the matter. [13445/06]

Minister for Education and Science (Ms Hanafin): Green-Schools is an international environmental education programme, designed to promote and acknowledge whole-school action to care for the environment. It is both a programme and an award scheme. The programme offers schools a well-defined, practical approach to environmental education. It complements the formal curricula in social, environmental and scientific education, SESE, at primary level and the science and geography curricula at post-primary level by demonstrating the application of an eco-friendly approach to environmental issues in the school context. This process increases students' awareness of the importance of environmental issues so that it is more likely that they will become environmentally aware in their personal and home lives.

The whole-school action approach promoted by the green school programme is highly compatible with the whole-school evaluation process at both primary and post-primary levels and the present design of WSE includes evaluation of

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programmes such as the green schools programme. Therefore, no adjustment to the current WSE process is necessary to accommodate whole-school evaluation of green schools. During a WSE, inspectors observe learning and teaching in classrooms and interact with students in classrooms and learning areas. In classes where students are engaged in practical tasks or in group work the inspector may also engage with groups or individuals and discuss their learning with them. These interactions provide the inspector with first-hand insight into the level of students' learning and achievement, the extent to which they are assimilating knowledge and developing appropriate attitudes and skills.

The WSE process is sufficiently broad and flexible to assess the contribution that the green school programme is making to develop students' awareness of the importance of a sustainable approach to the environment. It can also provide inspectors with opportunities to discuss the concepts and issues that are central to the aims of the green school programme with school management and teachers.

Youth Services.

133. **Ms Shortall** asked the Minister for Education and Science the progress made in the implementation of the national youth work development plan; and if she will make a statement on the matter. [13517/06]

Minister of State at the Department of Education and Science (Miss de Valera): The national youth work development plan identifies four main goals and proposes some 50 action points to achieve these goals over a five-year period. Some €2.12 million has been spent on the plan since its launch in 2003. To date a number of priority action areas have been addressed.

In 2003, €80,000 was spent on the implementation of a child protection training programme for the sector. In 2004, €500,000 was made available for the roll out of the plan which was spent on the ongoing support of the child protection training programme, development of projects funded under the special projects for youth scheme and increased support to youth information centres and the youth information support partnership.

Building on these initiatives, in 2005 a total of €1.54 million in 2005 was spent on the progressive roll out of the actions recommended in the plan including the following: the establishment of ten new special projects for disadvantaged youth, €460,000; the upgrade of 20 single worker special projects to two worker projects, €460,000; review of youth work funding, €72,500; review of youth information provision and additional youth information support, €52,000 and €20,000 respectively;

continued support of the child protection training programme, €118,000; establishment of a development fund for youth work organisations, €300,000; North-South youth work training endorsement panel; and establishment of the national youth work development unit in NUI, Maynooth.

Further action areas for development in 2006 and 2007 are being determined by my Department with the advice of the national youth work advisory committee.

Residential Institutions Redress Scheme.

134. **Mr. Stagg** asked the Minister for Education and Science if the transfer of properties and money from the religious congregations has been completed in the context of the indemnity agreement; and if she will make a statement on the matter. [13519/06]

Minister for Education and Science (Ms Hanafin): Under the terms of the indemnity agreement reached with the religious congregations on 5 June 2002 the congregations agreed to make a contribution of €128 million towards the redress scheme. This was broken down as follows: cash contribution €41.14 million; provision of counselling services €10 million; and property transfers €76.86 million.

The congregations paid the cash contribution to the State by way of an initial payment of €12,654,000 on 5 June 2002. The balance was paid in four instalments of €7,121,500 in September 2002, December 2002, February 2003 and May 2003 in accordance with the terms of section 7 of the agreement. A further sum of €10 million has been provided for expenditure by the congregations on counselling services for former residents of institutions for children.

The property contribution of the congregations is divided into two separate and distinct schedules of properties as follows: (a) properties to be transferred from the congregations to the State, State agencies or local authorities after the date of the signing of the indemnity agreement on 5 June 2002. The total value of these property transfers for the purposes of the indemnity agreement was set at €36.54 million. I can confirm that agreement in principle has been reached with the religious congregations on the transfer of 35 properties under this schedule to the amount of €38.24 million. This figure of €38.24 million includes €4.98 million in cash that was provided by the congregations in lieu of property; and (b) properties transferring from the congregations to the State, State agencies, local authorities or voluntary organisations from 11 May 1999, the date of the Taoiseach's apology to victims of child abuse. The total value of these property transfers for the purposes of the indemnity agreement was set at €40.32 million. I can confirm that transfers

of 29 properties to the value of approximately €38.71 million have been agreed in principle under this schedule. This includes cash payments of €5.75 million made by the congregations in lieu of property.

The total value of properties accepted under the agreement, including cash payments made in lieu of property, amounts to approximately €76.95 million. One further site included in schedule A has been referred to an independent valuation expert in accordance with section 9 of the indemnity agreement. The final valuation of this property may require a minor adjustment in the net amount transferring under the property aspect of the agreement.

While arrangements for the legal transfer of properties are the responsibility of the individual transferees, my Department will continue to liaise with the various transferees to ensure that all properties on which agreement in principle has been reached are legally transferred.

Youth Services.

135. **Mr. Quinn** asked the Minister for Education and Science her proposals to expand the existing youth encounter projects and a group (details supplied) in accordance with a recommendation of the task force on student behaviour; and if she will make a statement on the matter. [13513/06]

Minister of State at the Department of Education and Science (Miss de Valera): The report of the task force on student behaviour in second-level schools published recently made a number of recommendations one of which was the expansion of the existing youth encounter projects and the group referred to in the Deputy's question. This expansion of existing services was recommended instead of putting in place a new service of out of school provision.

My Department currently funds five youth encounter projects, three in Dublin, one in Cork and one in Limerick. These projects cater for children between ten and 15 years of age who have either become involved in minor delinquency or are at risk of becoming involved in delinquency and have become alienated from the mainstream school system.

The other group in question provides a programme which is the national response to the needs of unqualified early school leavers in the 15 to 20 age group. This national response consists of ninety centres located nationwide. The programme provided is designed to offer courses of integrated general education, vocational training and work experience.

I have arranged for my regional offices network to compile a comprehensive list of existing alternative educational provision nationwide which the behaviour support team will analyse.

Such an analysis will provide a capacity to augment existing provision where gaps exist. When this analysis is completed I will review the position regarding the need for an expansion of current provision.

Inquiry into Child Abuse.

136. **Mr. Eamon Ryan** asked the Minister for Education and Science when the next review of the Commission to Inquire into Child Abuse will take place; the submissions which will be sought from survivor groups; and if she will make a statement on the matter. [13448/06]

Minister for Education and Science (Ms Hanafin): The Commission to Inquire into Child Abuse was established under statute to investigate child abuse in institutions in the State, to enable persons who have suffered such abuse to give evidence to committees of the commission and to prepare and publish a report of findings and recommendations considered appropriate for the alleviation of the effects of past child abuse and for the protection of children. The commission is independent in the performance of its functions under legislation.

The chairman of the commission, Judge Sean Ryan, has recently published a progress report and plan for 2006 together with a provisional timetable for phase III of the inquiry by the commission's investigation committee, which is the next round of hearings to be held by the commission. The chairman has indicated that the programme of interviews under phase II is expected to be completed by the 30 May 2006, when everyone wishing to participate in the inquiry will have testified at a committee hearing or have been interviewed.

Phase III of the inquiry by the investigation committee is scheduled for May and June 2006 and will be held in public. Religious orders that testified at the phase I public sessions will return for further examination on issues of relevance to the inquiry. The role of my Department as well as other Departments will also be examined and there will in addition be some expert evidence on specific issues.

Concerning submissions from survivor groups, the commission has invited solicitors for complainants to participate in the phase III process and a number of solicitor firms have been nominated for this purpose. The solicitors who acted for complainants in the phase II hearings are being invited to suggest to the nominated solicitor firms or to counsel for the investigation committee topics, issues or questions to be discussed at the phase III hearings.

Question No. 137 answered with Question No. 80.

Site Acquisitions.

138. **Mr. Gogarty** asked the Minister for Education and Science the position in relation to plans to find a suitable site for a school (details supplied) in County Dublin; if discussions have been held with the Office of Public Works in relation to its study on the Liffey Valley Park and the possibility of a school site on the periphery; the length of time it is envisaged that the two additional temporary units will be in place for; and if she will make a statement on the matter. [13440/06]

Minister for Education and Science (Ms Hanafin): My Department has acknowledged the need for a replacement building to meet the future needs of the school referred to by the Deputy. It has also been established that the present site is unsuitable for further development. Therefore, prior to any progress being made on a building project for the school, a suitable site must be identified.

The board of management had previously indicated to my Department that it would be making proposals regarding an alternative site for the school. However, these proposals did not materialise. The property management section of the Office of Public Works, which acts on behalf of my Department in relation to site acquisitions generally, will be asked to explore the possibility of acquiring an alternative site for the school in the context of the band rating applicable to the schools project under the prioritisation criteria for large scale building projects.

In the meantime, approval has been given to the school for the rental of temporary accommodation to meet its immediate accommodation needs. This is a short-term rental agreement which will only remain in place until such time as the permanent accommodation needs of the school are met.

Question No. 139 answered with Question No. 120.

Question No. 140 answered with Question No. 127.

School Discipline.

141. **Mr. Quinn** asked the Minister for Education and Science when she will begin recruiting staff for the regional behaviour support teams announced following the publication of the task force on student behaviour; the way in which she expects these teams to work with schools; and if she will make a statement on the matter. [13514/06]

153. **Mr. Hayes** asked the Minister for Education and Science the number of persons who will be placed on each behaviour support team;

the way in which the membership of each team will be decided upon; and if she will make a statement on the matter. [13353/06]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 141 and 153 together.

At the launch of the report, School Matters, I announced that I would be establishing a national behaviour support team which would be based regionally. The team will be divided into four groups. A group will be assigned to different parts of the country. The exact locations where these groups or core teams will be based will be decided shortly. The new behaviour support team's role will range from diagnosis of school problems to assistance with remediation. It is expected that this team will be in place in the next school year and will be working with up to 50 schools nationally. It is not possible to say at this stage the geographical distribution of these schools. The team will work with schools that are experiencing significant discipline problems. The team will be staffed by experienced practitioners from across the education sector, including additional psychologists dedicated to this area. I want the best people, with real, on-the-ground experience and the capacity to work collaboratively with those schools experiencing significant discipline problems, working in this area.

I also intend putting a procedure in place that will facilitate schools in getting access and support from the behaviour support team. The first step in this process is for a school itself to acknowledge the existence of a serious discipline problem. I should emphasise that this is not about labelling schools that may have a discipline problem but rather supporting them and the teachers in the school to identify and tackle the discipline issues that they have to deal with on a daily basis. The behaviour support team will become intensively involved in a school over a period of time in order to help that school bring about a real and sustained improvement in student behaviour. Posts in the behaviour support team will be advertised in the next few weeks and the team will begin its work as soon as the successful candidates are in a position to take up duty.

School Curriculum.

142. **Mr. Timmins** asked the Minister for Education and Science the number of schools offering the junior certificate schools programme; and if she will make a statement on the matter. [13361/06]

Minister for Education and Science (Ms Hanafin): The number of schools and other centres of education offering the junior certificate schools programme is 176. The breakdown of this figure is as follows: 139 post-primary schools; 12

special schools; nine traveller education centres; six youth encounter projects; three schools for the deaf; four schools for the physically handicapped; and three remand centres.

School Services Contracts.

143. **Mr. Perry** asked the Minister for Education and Science if the provision of vending machines will be part of the next round of PPP contracts; and if she will make a statement on the matter. [13314/06]

Minister for Education and Science (Ms Hanafin): Vending machines may be placed in schools at the discretion of the schools' management authorities and are currently installed in many post-primary schools. It is my intention that under my Department's new PPP programme the contract will provide that the school management authorities will have the final say on the location, content and availability of vending machines.

Youth Services.

144. **Mr. McEntee** asked the Minister for Education and Science the progress made to date with regard to the implementation of the national youth work development plan; and if she will make a statement on the matter. [13364/06]

Minister of State at the Department of Education and Science (Miss de Valera): The national youth work development plan identifies four main goals and proposes some 50 action points to achieve these goals over a five year period. Some €2.12 million has been spent on the plan since its launch in 2003. To date a number of priority action areas have been addressed. In 2003, €80,000 was spent on the implementation of a child protection training programme for the sector. In 2004, €500,000 was made available for the roll out of the plan which was spent on the ongoing support of the child protection training programme, development of projects funded under the special projects for youth scheme and increased support to youth information centres and the youth information support partnership.

Building on these initiatives, in 2005 a total of €1.54 million in 2005 was spent on the progressive roll out of the actions recommended in the plan including: the establishment of ten new special projects for disadvantaged youth — €460,000; the upgrade of 20 single worker special projects to two worker projects — €460,000; the review of youth work funding — €72,500; the review of youth information provision and additional youth information support — €52,000 and €20,000 respectively; the continued support of the child protection training programme — €118,000; the establishment of a development fund for youth work organisations — €300,000; the North-South youth work training endorsement panel; and the

establishment of a national youth work development unit in NUI, Maynooth.

Further action areas for development in 2006 and 2007 are being determined by my Department with the advice of the national youth work advisory committee.

Question No. 145 answered with Question No. 103.

Question No. 146 answered with Question No. 65.

Question No. 147 answered with Question No. 47.

Public Service Charges.

148. **Mr. Cuffe** asked the Minister for Education and Science further to this Deputy's recent written question in relation to schools in Wicklow, if she will carry out a survey on the impact of water charges on schools. [13444/06]

Minister for Education and Science (Ms Hanafin): As outlined in my previous response to the Deputy, the position regarding water charges for schools is that charges payable to the various local authorities do not come within the remit of my Department. It would be a matter for the local authorities to decide whether schools are liable to pay such charges. Where it is decided that schools are liable for such charges, the cost would form part of the normal running costs of schools and would fall to be met from the capitation funding which schools have received from my Department. Since 1997 the standard rate of capitation grant has been increased from IR£45, €57.14, per pupil to €145.58 with effect from 1 January 2006, an increase of almost 155% in the period.

Question No. 149 answered with Question No. 72.

Question No. 150 answered with Question No. 43.

Question No. 151 answered with Question No. 127.

School Staffing.

152. **Mr. Sherlock** asked the Minister for Education and Science if her campaign to attract more men into teaching is successful; and if she will make a statement on the matter. [13525/06]

Minister for Education and Science (Ms Hanafin): I am aware of the decreasing number of males entering the teaching profession, and the issue is of concern to me. That is important to attract more men into teaching for a number of reasons, not least of which is the positive role

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models that teachers provide in children's lives and the desirability of having both male and female role models in our schools. I genuinely believe that teaching is an attractive profession for both men and women. Teaching is fulfilling work which makes a huge social contribution. With the increases in teachers' salaries under partnership agreements and benchmarking in recent years, it is also now a well-paid job.

This Government wants to attract and reward the best teachers. In addition to increasing teachers' salaries, we have also undertaken other initiatives to enhance the status of the profession. Not least of these is the establishment of the Teaching Council as a professional regulatory body. In November 2005 I launched the report of the primary education committee, *Males into Primary Teaching*. The primary education committee was established to examine a range of issues on males entering primary teaching, and to make recommendations on short-term and long-term strategies to increase the numbers in this regard. One of the key recommendations in the committee's report is that a co-ordinated promotion campaign, which would encourage boys as well as girls to enter primary teaching, should be undertaken. This promotion campaign commenced on 24 January, and is currently ongoing. The campaign focuses on a number of key target audiences, including students, parents, teachers and guidance counsellors. It is too early to evaluate the promotion campaign. However, the ongoing campaign and the levels of males entering primary teaching will continue to be closely monitored by officials in my Department.

Question No. 153 answered with Question No. 141.

Question No. 154 answered with Question No. 103.

Disadvantaged Status.

155. **Mr. Costello** asked the Minister for Education and Science if she has restored resource hours as needed to schools in disadvantaged areas who lost teachers and teaching hours due to the implementation of the weighted model; the way in which she proposes to address the future needs of schools whose needs are greater than the norms of the model; and if she will make a statement on the matter. [13505/06]

Minister for Education and Science (Ms Hanafin): The general allocation of learning support-resource teachers, also known as LS-RTs, to schools is intended to cater for children with learning support and high incidence special educational needs. LS-RT allocations are based on pupil numbers, taking into account the differing needs of the most disadvantaged schools and the

evidence that boys have greater difficulties than girls do in this regard. Disadvantaged schools eligible for additional staffing under the giving children an even break scheme have a preferential pupil-teacher allocation ratio of 80:1 under the general allocation. Small schools have also been given preferential pupil-teacher ratios under the general allocation compared to larger schools. The new system has a number of benefits associated with it, among which are that it facilitates early intervention as the resource is in place when the child enrolls and it puts resources in place on a more systematic basis, thereby giving schools more certainty about their resource levels. It is also the case that it reduces the need for individual applications and supporting psychological assessments and allows flexibility to school management in the deployment of resources. It is intended that a review of the general allocation model will be undertaken within three years of operation.

While I am satisfied that the general allocation system has been welcomed by the great majority of schools, officials from my Department have discussed the concerns of a small number of disadvantaged schools with the Irish National Teachers Organisation. The Deputy will also be aware of DEIS, delivering equality of opportunity in schools, the new action plan for educational inclusion, which provides for a standardised system for identifying levels of disadvantage and a new integrated school support programme, SSP. Following a process of identifying primary and second-level schools for participation in the new school support programme 640 primary schools, comprising 320 urban-town schools and 320 rural schools, have been selected. Letters of invitation were issued to all 640 schools in late February with a request to complete and return an acceptance form by 10 March 2006. As well as the provision being made under the new school support programme for schools with a concentrated level of disadvantage, financial support will be provided for other primary schools where the level of disadvantage is more dispersed. This support will be based on the results of the new identification process and the arrangements which will apply in this regard will be notified to schools early in the autumn.

A review mechanism has been put in place to address the concerns of schools that did not qualify for inclusion in the school support programme but regard themselves as having a level of disadvantage which is of a scale sufficient to warrant their inclusion in the programme. This mechanism will operate under the direction of an independent person, charged with ensuring that all relevant identification processes and procedures were properly followed in the case of schools applying for a review. The closing date for receipt of review applications was Friday, 31 March 2006.

Interdepartmental Co-ordination.

156. **Mr. Connaughton** asked the Minister for Education and Science the level of interaction between her Department and the Department of Enterprise, Trade and Employment with regard to work-based learning initiatives; and if she will make a statement on the matter. [13332/06]

Minister of State at the Department of Education and Science (Miss de Valera): There is regular contact and co-ordination between my Department and the Department of Enterprise, Trade and Employment with regard to work-based learning initiatives, the identification of skills needs and the formulation of appropriate responses to these needs. This co-ordination is achieved through regular interaction between officials in a number of fora and on a day-to-day basis. The following examples represent the position.

In terms of policy development, officials of both Departments serve as advisers to the expert group on future skills needs. This is one of the principal fora dedicated to addressing skills issues at the nexus of the education and training strands of policy. In that context, there is ongoing discussion, involving both Department officials and representatives from their respective agencies — Forfás, FÁS and the HEA — leading to agreed policy advice to me and the Minister for Enterprise, Trade and Employment on a range of skills-related issues.

Officials from both Departments are also participating on an interdepartmental group on life-long learning to further the lifelong learning agenda. Both Departments also participate in the ongoing work in supporting the implementation of national workplace of the future strategy. An official from each Department is designated as a Director General for vocational training and together they attend European Union meetings on vocational training. Both Departments, or their respective agencies, have representatives appointed either by me or the Minister for Enterprise, Trade and Employment on a number of boards, councils or other bodies. For instance, the Department of Education and Science and/or its agencies are represented on the FÁS board, FÁS committees at local and national level, ESF committees and CEB structures. The Department Enterprise, Trade and Employment and/or its agencies are represented on the HEA, the NQAI, HETAC and FETAC.

In addition, there is significant ongoing interaction on skills-related topics between the respective Departments and agencies under their aegis. For example, the Council of Directors of the Institutes of Technology is currently preparing a proposal in the context of the FÁS one step up programme and this will be submitted to and discussed with the Department of Enterprise Trade

and Employment shortly. In 2005, and again in 2006, FAS was allocated €2 million for workplace literacy by the Department of Enterprise Trade and Employment. The education sector is represented on the working group that oversees its expenditure.

These examples give some sense of the degree to which there exists a regular flow of information and joint participation in policy development processes involving the two Departments. Such interaction ensures that the needs of learners involved in work-based learning initiatives are dealt with in a coherent fashion.

Question No. 157 answered with Question No. 109.

Question No. 158 answered with Question No. 54.

Child Care Services.

159. **Mr. Neville** asked the Tánaiste and Minister for Health and Children her views on the funding of construction of a new child care centre in County Limerick. [13660/06]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): As the Deputy will be aware, I have responsibility for the National Childcare Investment Programme 2006-2010, which is being implemented by the newly established Office of the Minister for Children. With regard to the application for capital grant assistance under the Equal Opportunities Child-care Programme 2000-2006 referred to by the Deputy, I understand that the community based group in question, was approved indicative capital funding of €1.4 million in November 2005. I understand from inquiries I have made that Pobal, formerly known as Area Development Management Ltd., which administers the programme, is in dialogue with the group and is awaiting further information from them in order to progress the revision of their application to reflect the level of capital funding approved.

Health Services.

160. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children if she will introduce a hearing screen service for all newborn babies; and if she will support the National Association for Deaf People on this issue. [13915/06]

161. **Mr. J. Higgins** asked the Tánaiste and Minister for Health and Children if she will introduce a national hearing screening programme for all newborn babies in view of the fact that the failure to introduce this screening is causing serious lifelong disadvantage to deaf children arising from late diagnosis of deafness and

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consequent delay in receiving essential support services and in further view of the fact that universal newborn hearing screening is the accepted standard in all developed countries. [13948/06]

162. **Dr. Cowley** asked the Tánaiste and Minister for Health and Children her views on the introduction of hearing screening for all newborn babies; and if she will make a statement on the matter. [13984/06]

173. **Mr. S. Ryan** asked the Tánaiste and Minister for Health and Children her plans to introduce hearing screening for all newborn babies; and if her attention has been drawn to the fact that the delay in introducing this screening is causing lifelong disadvantage to deaf children. [13659/06]

174. **Mr. Howlin** asked the Tánaiste and Minister for Health and Children if she will introduce a hearing screening programme for all newborn babies in accordance with the accepted standard of care in all developed countries; and if she will make a statement on the matter. [13672/06]

176. **Mr. Wall** asked the Tánaiste and Minister for Health and Children her views on correspondence (details supplied); her plans to deal with the proposal; the cost to the Exchequer if such a proposal was agreed; the number of hospitals that the proposal would apply to; and if she will make a statement on the matter. [13715/06]

177. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children the reason her Department has not introduced hearing screening for all newborn babies; the plans she has to introduce such a programme; and if she will make a statement on the matter. [13721/06]

180. **Dr. Upton** asked the Tánaiste and Minister for Health and Children her views on putting arrangements in place to introduce hearing screening for all newborn babies; and if she will make a statement on the matter. [13726/06]

181. **Mr. Carey** asked the Tánaiste and Minister for Health and Children if consideration has been given by her Department to the introduction of hearing screening for a newborn babies, either hospital based or community bases, as this is the accepted standard of care in all developed countries and as it is stated that such a screening programme pays for itself in less than four years by reducing future costs of deafness to the State (details supplied); and if she will make a statement on the matter. [13727/06]

183. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children her proposals to

introduce hearing screening for all newborn babies (details supplied); and if she will make a statement on the matter. [13739/06]

191. **Mr. Curran** asked the Tánaiste and Minister for Health and Children her plans to introduce a hearing screening for newborn babies as proposed by the National Association for Deaf People and as is normal in many other countries; if she intends to introduce such a national screening programme; and the timeframe for implementation. [13781/06]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 160 to 162, inclusive, 173, 174, 176, 177, 180, 181, 183 and 191 together.

The Deputies' questions relate to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputies.

Questions Nos. 161 and 162 answered with Question No. 160.

Hospitals Building Programme.

163. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children if the Ennis General Hospital capital development project, including phase 1A and subsequent phases, due to commence late in 2006 or 2007, is contingent on a review of acute hospital services in the mid-west being completed; and if she will make a statement on the matter. [13583/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. This includes responsibility for considering new capital proposals or progressing those in the health capital programme.

Accordingly, my Department is requesting the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Hospital Services.

164. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children if a recent letter from the national hospitals office stating that 24-hour casualty services would continue to operate at Ennis General Hospital is correct; if this remains Health Service Executive policy; if this will remain the policy following implementation of other proposals contained in the report of the

national task force on medical staffing; and if she will make a statement on the matter. [13584/06]

Tánaiste and Minister for Health and Children (Ms Harney): Under the Health Act 2004, responsibility for the management and delivery of health and personal social services rests with the Health Service Executive. This includes responsibility for Ennis General Hospital.

An independent external review of all acute hospital services in the mid west and how they can be developed in accordance with best practice has been approved by the Health Service Executive. The review is to be completed by the end of the year following which the findings will be published.

The HSE has said the consultants who will carry out this review will be asked to consider and make recommendations on the options for reconfiguring and redesigning services and, in particular, to identify the elements of health care that can be most effectively delivered at each site and set out what needs to be done to achieve this objective.

Concerns raised by individuals and groups, particularly in regard to the smaller hospitals, and the work already undertaken by groups such as the Ennis General Hospital Development Committee, the Independent Reconfiguration Panel in the United Kingdom and the Nenagh General Hospital Action Group, will be taken into account as a key component of the review process. The HSE also advises that there have been enhancements to the accident and emergency service at Ennis General Hospital, including the appointment of dedicated doctors to the unit on a 24-hour basis and the involvement of an accident and emergency consultant on a sessional basis.

Drugs Payment Scheme.

165. **Dr. Cowley** asked the Tánaiste and Minister for Health and Children if she intends to include certain ointments and creams (details supplied) to the list of medication which is currently available to medical card holders; and if she will make a statement on the matter. [13585/06]

Tánaiste and Minister for Health and Children (Ms Harney): The common list of reimbursable medicines for the general medical services and drug payment schemes is reviewed and amended monthly, as new products become available and deletions are notified. For an item to be included on the list, it must comply with published criteria, including authorisation status as appropriate, price and, in certain cases, the intended use of the product. In addition, the product should ordinarily be supplied to the public only by medical

prescription and should not be advertised or promoted to the public.

As the products referred to by the Deputy are available without prescription, they cannot be considered for inclusion on the common list of reimbursable drugs and medicines. People with a medical card who are experiencing financial difficulty in obtaining the products concerned should contact the local office of the Health Service Executive.

Hospital Services.

166. **Dr. Cowley** asked the Tánaiste and Minister for Health and Children if and when she will make provision for the patients from the south east of the country who need radiotherapy services to receive these services in their own areas; if she will ensure that this takes place; the expected commencement date of radiotherapy services to the south east; and if she will make a statement on the matter. [13597/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal, social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to respond directly to the Deputy in relation to the matter raised.

Nursing Home Subventions.

167. **Mr. O'Dowd** asked the Tánaiste and Minister for Health and Children if, in view of the changes in the nursing home subvention scheme, she intends to change the format of the application form; and if she will make a statement on the matter. [13598/06]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Service Staff.

168. **Mr. Ring** asked the Tánaiste and Minister for Health and Children if the status of community welfare officers is being changed; if Department of Social and Family Affairs are taking over the functions of community welfare officers; and if she will make a statement on the matter. [13599/06]

Tánaiste and Minister for Health and Children (Ms Harney): The community welfare service of the Health Service Executive administers the supplementary welfare scheme on behalf of the Department of Social and Family Affairs. The commission on financial management and control systems in the health service, the Brennan report, noted that over the years the health system had been assigned responsibility for a number of what might be regarded as non-core health activities. It recommended that the Government consider assigning non-core activities currently undertaken by agencies within the health service to other bodies.

The Government subsequently decided to ask an interdepartmental group to examine this issue. The report of the interdepartmental group — core functions of the health service report — was submitted to, and accepted by, the Government recently. The report recommends, among other things, that income support and maintenance schemes, together with associated resources, should be transferred to the Department of Social and Family Affairs. This would include community welfare officers and superintendent community welfare officers. This decision means that the staff concerned will transfer from the Health Service Executive to the Department of Social and Family Affairs.

This particular initiative has been mooted several times in the past — by the report of the commission on social welfare in 1986 and by the review of supplementary welfare allowances by the Combat Poverty Agency in 1991. I welcome the Government's decision as it provides an opportunity to streamline the activities of the HSE while bringing about positive change for social welfare customers. An interdepartmental working group will be established to progress implementation of the transfer. There are administrative and industrial relations issues to be resolved as part of the implementation of the Government's decision and I understand that the HSE has already been in touch with the health service unions in this regard.

I am confident, along with my colleague, the Minister for Social and Family Affairs, that this transfer process can be carried out without any negative effect on the standard of service currently provided by community welfare officers, or on the important role that they play in addressing issues of disadvantage in the community.

Health Services.

169. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children when a person (details supplied) will receive audiology services; the reason for the delay in same; and if she will make a statement on the matter. [13653/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to have this matter investigated and reply directly to the Deputy.

170. **Mr. Stagg** asked the Tánaiste and Minister for Health and Children if people availing of the services of a company (details supplied) are able to avail of the home care grant for same. [13654/06]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to have this matter investigated and reply directly to the Deputy.

Health Service Staff.

171. **Mr. Stagg** asked the Tánaiste and Minister for Health and Children the number of home helps employed in County Mayo at present; the hourly rate of pay they receive; and if they have received their benchmarking increase. [13655/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to human resource management issues within the Health Service Executive. As this is a matter for the executive under the Health Act 2004, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and reply directly to the Deputy. I am aware however that my Department approved the payment of the increases due to all eligible grades under the final phase of parallel benchmarking, which included home helps, on 3 June 2005. The current annual salary scale for home helps range from €25,590 to €28,451, paypath, and €25,943 to €27,098, non-paypath.

Consultancy Contracts.

172. **Ms McManus** asked the Tánaiste and Minister for Health and Children if a consultancy company (details supplied) has been brought in to look at the organisation of acute services in Dublin including accident and emergency services; if this company is a sister company of another company in the UK which runs private clinics such as VHI swiftcare clinics; if she has

commissioned a report from a company; and if she will make a statement on the matter. [13658/06]

Tánaiste and Minister for Health and Children (Ms Harney): The national hospitals office of the Health Service Executive commissioned a company to undertake a process mapping exercise across ten acute hospitals. The project focused on the maximum utilisation of existing acute capacity and in particular, the blockages, causes and potential solutions in the patient's journey from the decision to admit to discharge. The ten hospitals examined included the major Dublin academic teaching hospitals. My Department has requested the parliamentary affairs division of the Health Service Executive to respond to the Deputy directly in relation to the company which carried out the work.

Questions Nos. 173 and 174 answered with Question No. 160.

Hospital Services.

175. **Mr. Perry** asked the Tánaiste and Minister for Health and Children if she will ensure that a person (details supplied) in County Sligo is called for their operation in the Mater Hospital as their operation has been cancelled on two occasions; and if she will make a statement on the matter. [13700/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to have this case investigated and reply directly to the Deputy.

Questions Nos. 176 and 177 answered with Question No. 160.

Consultancy Contracts.

178. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children if she will furnish a reply to Parliamentary Question No. 389 of 25 January 2006; the reason for the delay; and if she will make a statement on the matter. [13724/06]

Tánaiste and Minister for Health and Children (Ms Harney): My Department is completing the collation of the information requested by the Deputy with a view to furnishing a reply as soon as possible.

Ambulance Service.

179. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children when her Department received the report from the former western health board on the development of three additional ambulance bases in the west of Ireland; the evaluation process conducted by her Department at that time; the subsequent discussions with the old board; and if she will make a statement on the matter. [13725/06]

Tánaiste and Minister for Health and Children (Ms Harney): The former western health board advised my Department in September 2001 of the need for the provision of an additional three ambulance bases in the western region. However, it was a matter for the former health board to prioritise these proposals under the National Development Plan 2000-2006 to allow the projects to progress.

Under the Health Act 2004, the Health Service Executive has responsibility for considering new capital proposals or progressing those included in the health capital programme.

Questions Nos. 180 and 181 answered with Question No. 160.

Health Services.

182. **Mr. Carey** asked the Tánaiste and Minister for Health and Children the reason a person (details supplied) in Dublin 11 still attending school is not eligible for free dental treatment; and if she will make a statement on the matter. [13728/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Question No. 183 answered with Question No. 160.

Health Service Allowances.

184. **Mr. Timmins** asked the Tánaiste and Minister for Health and Children the position in relation to the payment of supplementary welfare allowance by community welfare officers to assist people to pay for travel to hospital for appointments where there is no ambulance service; if this payment will be reinstated; and if she will make a statement on the matter. [13762/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, my Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

Health Services.

185. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children if the Health Service Executive has an Alzheimer's unit in County Roscommon; and if she will make a statement on the matter. [13770/06]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and a reply issued directly to the Deputy.

186. **Mr. Naughten** asked the Tánaiste and Minister for Health and Children if the Health Service Executive has a dementia unit in County Roscommon; and if she will make a statement on the matter. [13771/06]

Minister of State at the Department of Health and Children (Mr. S. Power): The Deputy's question relates to the management and delivery of health and personal social services, which are the responsibility of the Health Service Executive under the Health Act 2004. Accordingly, the Department has requested the parliamentary affairs division of the executive to arrange to have this matter investigated and a reply issued directly to the Deputy.

National Rehabilitation Board.

187. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children the legislation, statutory instrument or regulations which facilitated the establishment of the National Rehabilitation Board; the year of establishment; and the sponsoring Department. [13772/06]

189. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children the number of employees of the National Rehabilitation Board at dissolution date. [13774/06]

190. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children if her Depart-

ment had responsibility for the dissolution of the National Rehabilitation Board. [13775/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): I propose to take Questions Nos. 187, 189 and 190 together.

The National Rehabilitation Board, NRB, was established by the then Minister for Health as per the National Rehabilitation Board (Establishment) Order, 1967, SI 30 of 1967. The NRB was dissolved by the Minister for Health and Children on 12 June 2000 and the total number of posts in the board was 184.

188. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children the subvention awarded by her Department to the National Rehabilitation Board each year from establishment to dissolution. [13773/06]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The figures the Deputy requested are not immediately available but I am making arrangements to provide the Deputy with the information requested as a matter of urgency.

Questions Nos. 189 and 190 answered with Question No. 187.

Question No. 191 answered with Question No. 160.

Hospitals Building Programme.

192. **Mr. Gregory** asked the Tánaiste and Minister for Health and Children the position regarding the promised provision of a modern children's hospital on the Mater Hospital site to replace Temple Street Hospital; and if she will make a statement on the matter. [13790/06]

Tánaiste and Minister for Health and Children (Ms Harney): The Mater and Children's Hospital development project was planned some years ago with a view to significantly improving the facilities for patients and staff at both hospitals. It was envisaged at that time that paediatric secondary and tertiary services could appropriately be provided at more than one location. However, it is clear from the recent McKinsey report, which was produced on foot of my request that the Health Service Executive undertake a review of tertiary, highly specialised paediatric services, that best outcomes for children demand one national tertiary paediatric centre, which would also provide all secondary paediatric services for the greater Dublin area. The report recommended that these secondary services be supported by strategically located accident and emergency facilities.

The report also recommended that ideally the new facility should be located on the site of, or adjacent to, a major adult teaching hospital in

order to achieve the maximum service benefit for children. Arising from the report's recommendations, a joint HSE-Department of Health and Children task group was established to progress matters and to advise on the optimal location for the new facility. The group has received proposals from all of the major Dublin teaching hospitals to accommodate the new children's hospital. The group has also received proposals from a number of private sector interest groups. Its report is expected shortly.

The work and recommendations of the task group clearly have implications for all three Dublin children's hospitals, including the Children's University Hospital, Temple Street. My primary concern is to ensure the solution arrived at is in the best interests of the children of this country.

Communications Masts.

193. **Ms Shortall** asked the Minister for Finance if a new mast has been erected on the grounds of Clontarf Garda station, Dublin 3; the number of masts that are currently positioned at this Garda station; and when planning permission was sought and approved in each case. [13656/06]

Minister of State at the Department of Finance (Mr. Parlon): A replacement mast has been erected at Clontarf Garda station. There are currently two masts at the station. However, the original mast will be removed within the next two weeks, when the relocation of the telecommunications equipment to the replacement mast is complete. The replacement mast has been erected under the exempted development provisions contained in Class 31, Part 1 of Schedule 2 of the Planning and Development Regulations 2001.

Tax Code.

194. **Mr. Wall** asked the Minister for Finance if there are tax incentives available to a person or persons seeking to commence a tourist related industry in a RAPID designated area; and if he will make a statement on the matter. [13713/06]

Minister for Finance (Mr. Cowen): There are no specific tax incentives for tourist related industries in a RAPID area. Tourist industries in a RAPID area may avail of the range of incentives available to businesses, including start up businesses. These may include, for example, various capital allowances, as well as the tax incentives available for investment in certain tourist-traffic undertakings, under the business expansion scheme, BES. In certain cases, special accelerated incentives relating to hotels, holiday camps and holiday cottages are being phased out but may still be availed of where various transitional pre-conditions are met, for example, where planning

permission has been applied for by 31 December 2004.

Fishing Vessel Licences.

195. **Mr. O'Dowd** asked the Minister for Communications, Marine and Natural Resources if a fishing licence will be granted to a person (details supplied) in County Louth in view of the delay in receipt of notification of renewal of application; and if he will make a statement on the matter. [13579/06]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne): The issue of commercial salmon fishing licences is an operational matter for the regional fisheries boards, in accordance with the provisions of the Control of Fishing for Salmon Order 2005, SI 72 of 2005. I have no function in the matter.

Parliamentary Questions.

196. **Mr. Naughten** asked the Minister for Communications, Marine and Natural Resources if he will furnish a reply to Question No. 589 of 25 January 2006; the reason for the delay; and if he will make a statement on the matter. [13723/06]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): In the time available, it has not been possible to identify and assemble all the information requested. My Department is compiling the significant volume of data sought by the Deputy in this regard and I shall forward it to him as soon as possible.

Sports Capital Programme.

197. **Mr. McGinley** asked the Minister for Arts, Sport and Tourism the organisations in County Donegal that have applied to his Department for lottery funding towards the development of sports, community and other facilities in their areas. [13657/06]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): The national lottery funded sports capital programme, which is administered by my Department, allocates funding to sporting and community organisations at local, regional and national level throughout the country. Applications for funding under the 2006 programme were invited through advertisements in the press on 27 and 28 November last. The closing date for receipt of applications was Friday, 20 January. In excess of 1,300 applications were received before the closing date, including 62 applications from County Donegal.

All applications received before the deadline are currently being evaluated against the programme's assessment criteria, which are outlined

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in the guidelines, terms and conditions of the programme. I intend to announce the grant allocations for the programme as soon as possible after the assessment process has been completed. I do not propose to provide details of individual applicants until the assessment process has been completed and the allocations have been made.

Redundancy Payments.

198. **Mr. Howlin** asked the Minister for Enterprise, Trade and Employment if an application for redundancy rebate has been received in his Department in respect of former Irish Ferries workers; the policy of the Government in respect of this matter; if he intends to legally resist such State subsidy for worker displacement; the implications any decision might have for employment generally; and if he will make a statement on the matter. [13594/06]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): An application for a statutory redundancy rebate payment from Irish Ferries under the Redundancy Payments Acts 1967 to 2003 was received by my Department on 17 February 2006. It was submitted by means of the new redundancy on-line application system. The matter has been referred to the Attorney General as a matter of some urgency for advice on whether a genuine redundancy situation exists in this case and whether the rebate can therefore be paid from the social insurance fund. On receipt of this advice from the Attorney General, a decision will be made on the issue.

The purpose of the statutory redundancy payments scheme is to compensate workers whose jobs no longer exist. It would certainly be the policy of the Government to pay a rebate only in situations where the strict criteria stipulating genuine grounds for redundancy under section 7 of the Redundancy Payments Act 1967, as amended by section 4 of the Redundancy Payments Act 1971 and section 5 of the Redundancy Payments Act 2003, are applicable.

Job Creation.

199. **Mr. McHugh** asked the Minister for Enterprise, Trade and Employment the number of visits to a town (details supplied) in County Galway arranged by the IDA for potential foreign direct investors, industrial developers or potential locating multinationals in each year since 2000; the level of priority for investment purposes given to the town by comparison with other towns in Galway; and if he will make a statement on the matter. [13673/06]

200. **Mr. McHugh** asked the Minister for Enterprise, Trade and Employment the number

of visits to a town (details supplied) in County Galway arranged by the IDA for potential foreign direct investors, industrial developers or potential locating multinationals in each year since 2000; the level of priority for investment purposes given to the town by comparison with other towns in Galway; and if he will make a statement on the matter. [13674/06]

201. **Mr. McHugh** asked the Minister for Enterprise, Trade and Employment the number of visits to a town (details supplied) in County Galway arranged by the IDA for potential foreign direct investors, industrial developers or potential locating multinationals in each year since 2000; the level of priority for investment purposes given to the town by comparison with other towns in Galway; and if he will make a statement on the matter. [13675/06]

202. **Mr. McHugh** asked the Minister for Enterprise, Trade and Employment the number of visits to a town (details supplied) in County Galway arranged by the IDA for potential foreign direct investors, industrial developers or potential locating multinationals in each year since 2000; the level of priority for investment purposes given to the town by comparison with other towns in Galway; and if he will make a statement on the matter. [13676/06]

203. **Mr. McHugh** asked the Minister for Enterprise, Trade and Employment the number of visits to a town (details supplied) in County Galway arranged by the IDA for potential foreign direct investors, industrial developers or potential locating multinationals in each year since 2000; the level of priority for investment purposes given to the town by comparison with other towns in Galway; and if he will make a statement on the matter. [13677/06]

204. **Mr. McHugh** asked the Minister for Enterprise, Trade and Employment the number of visits to a town (details supplied) in County Galway arranged by the IDA for potential foreign direct investors, industrial developers or potential locating multinationals in each year since 2000; the level of priority for investment purposes given to the town by comparison with other towns in Galway; and if he will make a statement on the matter. [13678/06]

205. **Mr. McHugh** asked the Minister for Enterprise, Trade and Employment the number of visits to a town (details supplied) in County Galway arranged by the IDA for potential foreign direct investors, industrial developers or potential locating multinationals in each year since 2000; the level of priority for investment purposes given to the town by comparison with

other towns in Galway; and if he will make a statement on the matter. [13679/06]

206. **Mr. McHugh** asked the Minister for Enterprise, Trade and Employment the number of visits to a town (details supplied) in County Galway arranged by the IDA for potential foreign direct investors, industrial developers or potential locating multinationals in each year since 2000; the level of priority for investment purposes given to the town by comparison with other towns in Galway; and if he will make a statement on the matter. [13680/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): I propose to take Questions Nos. 199 to 206, inclusive, together.

IDA Ireland is the agency with statutory responsibility for the attraction of foreign direct investment to Ireland and its regions. The marketing of individual areas for new or expansion FDI investments and jobs is a day-to-day operational matter for the agency. While I may give general policy directives to the agency, I am precluded under the Acts from giving directives regarding individual undertakings or from giving preference to one area over others.

I have been informed by IDA Ireland that in the period 2000 to 2005 there have been a total of 113 site visits by prospective investors to the Galway area. According to the agency, there were 35 five site visits to Ballinasloe in the period and two site visits to Gort, one of which was in 2003 and one in 2005. The number of visits paid in each of those years to these locations is set out

Number of IDA visits to County Galway in the years 2000 to 2005

Year	2000	2001	2002	2003	2004	2005	Total
Total Co. Galway	25	23	15	24	13	13	113
of which							
Ballinasloe	11	4	1	8	5	6	35
Gort				1		1	2

Trade Negotiations.

207. **Mr. Wall** asked the Minister for Enterprise, Trade and Employment further to Parliamentary Question No. 199 of 29 March 2006 the mechanism available to a group to accompany such trades missions as that recently led to China by the Taoiseach. [13709/06]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. M. Ahern): Any trade missions led by myself or the Minister, Deputy Martin, are generally organised by Enterprise Ireland. In such cases, that agency contacts its client companies in selected sectors to invite attendance, the type of companies being determined by the focus of the event in question.

in the table. No visits took place to the towns of Portumna, Mountbellew, Kinvara, Headford, Glenamaddy and Athenry during this period.

A central goal for IDA Ireland is the achievement of balanced regional development. The national spatial strategy provides a framework for achievement of this goal through the prioritisation of development and investment in the gateway and hub locations. On this basis, IDA Ireland strategy in the west seeks to attract foreign direct investment into the gateway city of Galway, the hub town of Tuam, the linked hubs of Ballina and Castlebar, as well as other locations throughout the west such as Ballinasloe, Westport and Gort.

IDA supported companies are showing very strong employment numbers in County Galway, now accounting for almost 10,000 permanent jobs. IDA Ireland continues to work actively with the existing base of overseas companies across the county to encourage them to grow and expand. The agency's sectoral emphasis is on attracting new knowledge intensive projects in medical technologies, life sciences, information communications and technology and international services. The agency is committed to securing knowledge based, value added, FDI for the county and is actively marketing it to potential investors.

I am confident that the strategies and policies being pursued by IDA Ireland in County Galway in general, together with the ongoing commitment by Government to regional development, will continue to bear fruit in terms of overseas investment and jobs for the people of the county as a whole.

Enterprise Ireland then arranges a schedule of events for those companies who have decided to participate.

In the case of more extensive missions, such as that led by the Taoiseach to India in January last, in addition to involvement by a Minister from this Department and by client companies of Enterprise Ireland, these events also generally include participation by several Ministers from other Departments. In such instances, a wider group of stakeholders are consulted by the Department of Foreign Affairs and by the other relevant Departments to ensure participation by interested companies and organisations across a wider range of activities, in view of the broader focus of such visits.

Industrial Development.

208. **Mr. Sargent** asked the Minister for Enterprise, Trade and Employment if progress has been made in relation to implementing the new mandate for Shannon Development announced in July 2005. [13720/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): As I have indicated in response to previous Dáil questions, following detailed consultations with the board of Shannon Development, other stakeholders and regional interests, on 28 July last I announced my decision on a future mandate for the company. Under the terms of the new mandate, Shannon Development is being given a more focused regional economic remit that will complement the roles of the national agencies, IDA Ireland and Enterprise Ireland in attracting foreign direct investment and developing the indigenous enterprise base in the region. The company will also continue to be responsible for providing appropriate property solutions for both indigenous and overseas enterprises throughout the Shannon region and for the management and development of the Shannon free zone industrial estate.

Talks are ongoing between Shannon Development trade unions and officials from my Department to clarify the terms of my decision and I expect this process to be brought to a conclusion shortly. At my request, the company is preparing a new corporate plan to reflect the new mandate. I expect to receive the new plan in the near future.

Markets Regulation.

209. **Mr. Timmins** asked the Minister for Enterprise, Trade and Employment the position relating to market town status; if towns which have this status and do not hold a market before 1 May 2006 will lose it; the relevant EU directive this comes under; if there is a distinction between country markets and farmers markets; and if he will make a statement on the matter. [13760/06]

Minister for Enterprise, Trade and Employment (Mr. Martin): I assume the Deputy is referring to the position of markets under the Casual Trading Act 1995. That Act regulates trading in public places and is operated by local authorities which use their powers to make by-laws under the Act to regulate such activity. Under the Act, a “market right” is defined as “a right conferred by franchise or statute to hold a fair or market, that is, a concourse of buyers and sellers to dispose of commodities”. Such a right usually originates in royal charters or statutes from the pre-1921 era. People who sell in a public place are subject to the Act, including those who trade by virtue of a market right.

Section 7 (4) of the Act states that if a market right remains unexercised for a period of ten years from the commencement of that section, the market right shall be extinguished. Section 7 of the Act was commenced on 1 May 1996 which means that section 7(4) will become operative on 1 May 2006.

The Casual Trading Act, 1995 is domestic legislation and is not based on any EU legislation. There is no distinction between farmers and other markets. The distinction is between trading in a public or a private place. Trading in a place where the public has a right of access is covered by the Casual Trading Act 1995 and is therefore controlled by way of by-laws issued by the relevant local authority.

A trader in Munster is taking legal action against a number of local authorities questioning their legal competence to regulate market rights under the casual trading legislation. The decision of the High Court in these cases may affect the status of markets under the Act.

Departmental Staff.

210. **Mr. Ring** asked the Minister for Social and Family Affairs if the status of community welfare officers is being changed; if his Department is taking over the functions of community welfare officers; and if he will make a statement on the matter. [13601/06]

Minister for Social and Family Affairs (Mr. Brennan): The supplementary welfare scheme is administered by the community welfare service of the Health Service Executive on my behalf. The commission on financial management and control systems in the health service, which reported in 2003, noted that over the years the health system had been assigned responsibility for a number of services which might be regarded as non-core activities. It recommended that the Government consider assigning non-core activities currently undertaken by agencies within the health service to other bodies.

The Government subsequently set up an inter-departmental group to examine this issue. The report of the interdepartmental group was accepted by the Government recently. The report recommends, among other things, that income support and maintenance schemes, together with associated resources, should be transferred to my Department. This would include community welfare officers and superintendent community welfare officers, senior managers and support staff. This particular initiative has been mooted several times in the past, by the report of the commission on social welfare in 1986 and by the review of supplementary welfare allowances by the Combat Poverty Agency in 1991, and is a logical approach to the provision of these services.

The changes arising from the decision will have major implications for my Department's existing services and for the future delivery of the supplementary welfare allowance. A departmental working group will be established to progress implementation of the transfer. I am confident these changes will be embraced successfully and will ultimately enhance the delivery of services to customers.

I am also confident that this transfer process can be carried out without any negative effect on the standard of service currently provided by community welfare officers, or in the important role that they play in addressing issues of disadvantage in the community.

Planning Issues.

211. **Mr. Gregory** asked the Minister for Transport, further to Parliamentary Question No. 296 of 28 March 2006, if he will clarify the position with regard to public parks which local authorities understand are excluded from the definition of a public place; his views on a redefinition of public place to include public parks; and if he will make a statement on the matter. [13786/06]

Minister for Transport (Mr. Cullen): As indicated in the reply given on 28 March 2006, a "public place" for the purposes of the Road Traffic Acts means any public road and any street, road or other place to which the public has

access with vehicles, whether as of right or by permission and whether subject to, or free of, charge.

I have no proposals to extend the definition of a public place for the purposes of the Road Traffic Acts 1961 to 2005 to include places to which the public does not have access with vehicles.

Public parks come under the management and control of either the Office of Public Works or the local authority in the area concerned and are covered by separate statutory provisions. If the parks are places where the public does not have vehicular access, it is a matter for the management body concerned to enforce the relevant governing legislation or by-laws, as the case may be, to ensure that all persons comply with the permitted use of the public park.

Driving Tests.

212. **Mr. Naughten** asked the Minister for Transport the number of applicants awaiting a driving test in each test centre; the corresponding waiting time and pass rates; and if he will make a statement on the matter. [13722/06]

Minister for Transport (Mr. Cullen): The table below sets out the number of applicants waiting each test centre, and the corresponding average waiting time for each test centre, at 27th March 2006. Included in the table is the pass rate for each centre at 31st December 2005.

Waiting times and Numbers on hands as at 27 March 2006 — Pass rate year ending 31 December 2005

Centre	Number Waiting	Average Weeks Waiting	Pass Rate %
<i>North Leinster</i>			
Finglas	11,740	33	45.9
Dundalk	3,942	29	51.1
Mullingar	1,939	32	58.7
Navan	5,244	36	54.3
Raheny	8,069	38	52.9
<i>South Leinster</i>			
Churchtown/Rathgar	12,302	42	48.4
Gorey	2,465	40	48.5
Naas	6,501	24	51.7
Tullamore	2,158	44	52.1
Wicklow	2,852	38	45.5
Tallaght	10,113	48	47.1
<i>West</i>			
Athlone	1,318	24	58.7
Birr	1,403	39	65.2
Castlebar	2,126	23	62.4
Clifden	393	21	63.3
Ennis	1,550	28	64.9
Galway	3,592	37	63
Loughrea	1,228	29	63.1

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Centre	Number Waiting	Average Weeks Waiting	Pass Rate %
Roscommon	1,114	30	61.3
Tuam	1,233	27	65.5
<i>North West</i>			
Ballina	1,081	24	56.6
Buncrana	730	28	65.2
Carrick-on-Shannon	1,016	23	59.7
Cavan	1,832	25	45.9
Donegal	1,238	33	57.5
Letterkenny	2,401	40	59.4
Longford	1,046	32	55.6
Monaghan	1,226	28	49.9
Sligo	1,851	27	60.3
<i>South East</i>			
Carlow	2,379	33	46.2
Clonmel	2,091	45	51.1
Dungarvan	1,549	39	59.4
Kilkenny	1,832	22	51.6
Nenagh	781	27	50.4
Portlaoise	1,752	36	54.3
Thurles	1,094	33	53.3
Tipperary	1,066	45	43.4
Waterford	2,865	31	53.8
Wexford	2,272	28	52.7
<i>South West</i>			
Cork	7,956	30	53.6
Killarney	1,754	32	59.0
Kilrush	560	32	60.9
Limerick	4,572	35	60.3
Mallow	2,331	36	57.6
Newcastle West	1,755	31	60.2
Shannon	1,003	46	68.2
Skibbereen	1,862	36	59.8
Tralee	1,593	22	55.8
<i>Region Totals</i>			
North Leinster	30,934	34	—
South Leinster	36,391	39	—
West	13,959	29	—
North West	12,420	29	—
South East	17,682	34	—
South West	23,385	33	—
Total	134,770	32.5	53.6

Rail Services.

213. **Ms O. Mitchell** asked the Minister for Transport if his attention has been drawn to the initiatives Irish Rail has taken to expand and increase the level of rail freight business it operates in view of the company's commitment

to develop its rail freight business; and if he will make a statement on the matter. [13759/06]

Minister for Transport (Mr. Cullen): Iarnród Éireann has undertaken extensive engagement with industry and transporters around the country to try to identify long-term, sustainable rail

freight business opportunities. Despite recent setbacks, the company has made progress in growing the rail freight business in areas where it holds a competitive advantage over road haulage, including mineral ore and pulpwood. Iarnród Éireann has increased the train load pulpwood business by modifying surplus wagons and providing additional services for Coillte between the west and the south east. It has recently altered rail schedules to provide three additional trains per week for Tara Mines, with a potential to carry an extra 85,000 tonnes per annum of lead and zinc between Navan and Dublin Port. The company has also modified surplus platform wagons to provide a train load service for containers between Ballina and Waterford Port. This new service, initially with two trains per week, is due to commence on 21 April next.

However, it is clear that the company has genuine difficulty in identifying business opportunities which offer reasonable volumes of business on a regular basis to make up complete train loads. It is not feasible to run trains with only one or two containers. Most Irish industry is focussed on “just in time” transport and as our road network continues to expand and improve across the country, the role of rail freight becomes more problematic as all rail journeys involve road movements at each end of the logistics chain. Furthermore, in Ireland distances are short. The experience across Europe is no different. Rail freight activities are most economic where distances are long, where there are large volumes to be transported and where the freight to be carried is not time sensitive.

EU Directives.

214. **Mr. Morgan** asked the Minister for Agriculture and Food if this State sought a derogation from the biocides directive; and if so, the grounds on which such a derogation was sought. [13702/06]

Minister for Agriculture and Food (Mary Coughlan): To date the Department of Agriculture and Food has not sought, nor has it been requested to seek, a derogation from any of the provisions of the Biocides Directive 98/8/EC.

Grant Payments.

215. **Mr. Kehoe** asked the Minister for Agriculture and Food the grants available to produce wood pelletter for pellet-fuelled burners; and if she will make a statement on the matter. [13664/06]

Minister for Agriculture and Food (Mary Coughlan): Support for the establishment of small local enterprises is mainly achieved through the county and city enterprise development

boards. My Department does not operate a grant scheme for enterprise establishment in this area, or for production of wood pellets. I am examining ideas for a scheme to assist with the purchase of biomass harvesting and processing equipment. The end product would be wood-chip, which is cheaper and easier to produce at a local level and which makes an excellent fuel for wood-fired boilers.

Alternative Energy Projects.

216. **Mr. Kehoe** asked the Minister for Agriculture and Food if a company (details supplied) presented a copy of a report to her Department on the production of ethanol in 2001; if so, if she will furnish this Deputy with a copy of the report; and if she will make a statement on the matter. [13667/06]

Minister for Agriculture and Food (Mary Coughlan): In 2000 the company in question submitted a feasibility study it had commissioned on bioethanol production to the then Department of Public Enterprise, which had responsibility for energy matters at that time. My Department also received a copy of the study on a private and confidential basis. The question of obtaining a copy of the study is a matter for the Deputy to pursue with the company.

Alternative Energy Projects.

217. **Mr. Kehoe** asked the Minister for Agriculture and Food the grants available for the growing of miscanthus grass; and if she will make a statement on the matter. [13668/06]

Minister for Agriculture and Food (Mary Coughlan): Under the energy crops scheme, introduced by Council Regulation No. 1782/2003, crops such as miscanthus may qualify for aid of €45 per hectare provided they are intended primarily for use in the production of biofuels and electric and thermal energy produced from biomass. The aid, payable in addition to the single payment, is granted in respect of areas where production is covered by a contract between the farmer and a processor, except in the case of processing undertaken by the farmer on his-her holding. In addition, miscanthus is among the non-food crops that may be grown on set-aside land to activate set-aside entitlements under the single payment scheme.

As part of the EU strategy for biofuels, it is intended to review the operation of the energy crops scheme during the coming year. In that context I will be seeking to have the scheme made more attractive to farmers. Teagasc is conducting research into the potential use of miscanthus and other arable crops and residues as heating fuels.

Animal Diseases.

218. **Dr. Upton** asked the Minister for Agriculture and Food, further to Parliamentary Question No. 108 of 29 March 2006, if she will provide the Deputy with copies of presentations made by the European Commission on 15 February 2006 under item No. 3 of the agenda and on 7 March 2006 under item No. 4 on the agenda to the animal health and animal welfare section of the EU Standing Committee on the Food Chain and Animal Health. [13737/06]

Minister for Agriculture and Food (Mary Coughlan): The agenda items in question relate to discussions at the EU Standing Committee on the Food Chain and Animal Health on the updated information on the foot and mouth disease situation, particularly in South America, provided by the representatives of DG SANCO.

At the meetings formal presentations were not made by the representatives on the agenda items. However, they did give an oral briefing updating the committee in respect of the foot and mouth disease situation in South America and circulated information received from Argentina in this regard. I am making arrangements to have this information sent to the Deputy.

Farm Retirement Scheme.

219. **Mr. Kenny** asked the Minister for Agriculture and Food if she intends to pay back moneys to early retirement from farming scheme participants who were inadvertently or wrongly offset from their pension over the years; and if she will make a statement on the matter. [13755/06]

Minister for Agriculture and Food (Mary Coughlan): The Department of Agriculture and Food makes deductions from the early retirement pension where a national retirement pension is being paid to the applicant, their spouse in some cases, or where penalties have been imposed for non-compliance with the conditions of the scheme. Every effort is made to ensure the correct amounts are deducted in all cases. In the small number of cases where the incorrect amount has been offset, the Department will reimburse the amount due to the applicant without delay.

220. **Mr. Kenny** asked the Minister for Agriculture and Food if she intends to put in place payments which will compensate early retirement from farming scheme participants who have lost rental income from lease quotas, as a result of decoupling; and if she will make a statement on the matter. [13756/06]

Minister for Agriculture and Food (Mary Coughlan): There is no provision for additional payments to participants in the early retirement schemes concerning leased quotas. However, the Department of Agriculture and Food was aware from an early stage in the negotiations leading to the introduction of the single payment scheme of the possible implications for retired farmers who had leased their holdings. In so far as it proved possible in the context of the EU regulations governing the single payment scheme, and following lengthy discussions with the European Commission, provision was made under the rules of the single payment scheme to address some of the concerns of retired farmers.

As participants in the 1994 scheme of early retirement from farming had retired before the start of the reference period in 2000, they are not in a position to claim entitlements under the single payment scheme.

However, following agreement with the European Commission, a special category has been included in the national reserve for farmers who inherit or otherwise receive land free of charge or for a nominal sum from a farmer who retired or died before 16 May 2005, where the land in question was leased to a third party during the reference period. This will benefit the family members of retired farmers who decide to take up farming. Only landholders actively engaged in farming can receive entitlements from the national reserve. A separate category, category A, was included in the 2005 national reserve application form to cater for this group. Similar arrangements will apply under the 2006 and subsequent years' national reserve.

It was open to participants in the current early retirement scheme, who would have farmed during part or all of the reference period, to activate entitlements in 2005 and lease them to their existing transferee. If the transferee did not want the entitlements, a transferor, retired farmer, who activated the entitlements in 2005 has until 2007 either to lease the entitlements or transfer them, with land, to another farmer.

221. **Mr. Kenny** asked the Minister for Agriculture and Food if she will increase the pension payable under the early retirement scheme to the maximum where applicable as permitted under the terms of CAP reform; if such increase will be given to all participants in the scheme; and if she will make a statement on the matter. [13757/06]

Minister for Agriculture and Food (Mary Coughlan): The rate of pension payable under the 1994 scheme of early retirement from farming is the maximum amount of €12,075 per annum provided for by the EU council regulation under which the scheme was introduced. The maximum payable under the regulation governing the 2000

scheme of early retirement from farming is €15,000 per annum. At the time the scheme was introduced the Department of Agriculture and Food had sought approval to have scaled payments, but this was rejected by the European Commission and a set rate of €13,515 per annum was agreed upon. Any change to this rate would require an amendment to the CAP rural development plan 2000-2006.

222. **Mr. Kenny** asked the Minister for Agriculture and Food the number of early retirement from farming scheme participants to date who have drawn down the full €127,000; the percentage of the early retirement from farming scheme participants to which this would apply; and if she will make a statement on the matter. [13758/06]

Minister for Agriculture and Food (Mary Coughlan): Under the 1994 scheme of early retirement from farming a total of 10,664 applications were approved for payment; of these 6,294 cases, or 59.02% of the total, received the maximum rate of pension of €12,075 per annum. Under the early retirement, ERS2, 2000 scheme 2,741 applications have been approved for payment to date; of these 1,650, or 60.19%, qualified for the maximum rate of pension of €13,515 per annum. The maximum duration of an early retirement pension is ten years, subject to age limits.

Grant Payments.

223. **Mr. Walsh** asked the Minister for Agriculture and Food if payment of single farm payment scheme will be made to a person (details supplied) in County Cork. [13778/06]

Minister for Agriculture and Food (Mary Coughlan): An application under the 2005 single payment scheme was received from the person named on 16 May 2005. The person named had established special condition entitlements during the reference period. Special condition entitlements were established where applicants under the livestock premium schemes during the reference period were not obliged to submit an area aid application. As advised in the terms and conditions of the scheme, farmers who were allocated special condition entitlements could convert these to standard entitlements by farming and declaring a sufficient number of hectares in 2005. However the person named did not declare any land on his 2005 application form. I have asked my officials to make contact with him to establish his situation on eligibility for the 2005 scheme and to advise him as regards his 2006 application.

224. **Mr. Walsh** asked the Minister for Agriculture and Food if full payment of single farm

payment scheme will be made to a person (details supplied) in County Cork. [13791/06]

Minister for Agriculture and Food (Mary Coughlan): The person named submitted an application under the single payment scheme on 13 May 2005. He also benefited from the transfer of entitlements by way of private contract clause. Payment amounting to €6,813.23 issued to the applicant on 29 December 2005.

An application for the consolidation of entitlements under the single payment scheme was received on 2 March 2006. Officials from the Department of Agriculture and Food have explained the current position in detail to the applicant's agricultural consultant and are awaiting instructions from the person in question as to whether he wishes to proceed with his consolidation application.

Residency Permits.

225. **Ms Fox** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the financial and health difficulties being experienced by persons (details supplied) due to delays in processing an application in the name of a person for residency on the basis of marriage to an Irish national. [13592/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am not aware of any specific financial and health difficulties being experienced by the person in question. However, an application for permission to remain in the State, based on marriage to an Irish national, was received from the person concerned in April 2005. Applications of this type, in fairness to all other such applicants, are dealt with in strict chronological order and currently take approximately 16 months to process. It should be noted that marriage to an Irish national does not confer an automatic right of residence in the State.

Garda Deployment.

226. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the number involved in dealing with human resources within the Garda Síochána; and the number of these are who are gardaí and civilians. [13661/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the personnel strength of the human resource management and internal affairs divisions at Garda headquarters, as at 4 April 2006, was 88 members of the Garda Síochána, all ranks, and 30 civilian staff.

[Mr. McDowell.]

I wish to point out to the Deputy that significant progress has been made on the implementation of the civilianisation programme approved by Government in 2001. Some 113 civilian finance officers have been appointed and are carrying out the district finance officer duties which were hitherto performed by gardaí. Moreover, the recent establishment of the Garda information service centre, GISC, in Castlebar, which is manned by civilian staff, and the pending transfer of civilian staff from the Department of Justice, Equality and Law Reform to the Garda Síochána as civil servants of the State, are significant developments in the context of greater Garda civilianisation.

The establishment of the GISC alone will, when fully operational, allow for the equivalent of up to 300 gardaí to be freed up for frontline outdoor policing duties on a daily basis. A further review of civilianisation possibilities in the Garda Síochána is now under way with a view to securing many more redeployments of desk-bound gardaí to frontline operational duties over the next four years.

Adult Caution Scheme.

227. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the details of the recent adult caution scheme; the guidelines for its implementation; the reason for its introduction; and if there is a statutory basis. [13662/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the background to the introduction of the adult cautioning scheme was the report of the public prosecution system study group, which was published in 1999. In order to reduce the volume of cases being brought before the courts, the report recommended the introduction of a system whereby offenders would be issued with warnings by the Garda Síochána, instead of being prosecuted.

Offences deemed appropriate for inclusion in the scheme were arrived at through consultations between the Office of the Director of Public Prosecutions and An Garda Síochána. Summary offences, with the exception of serious Road Traffic Act offences and offences arising from conduct which had a clear potential to cause serious injury to person or property, were deemed appropriate for consideration.

Indictable charges of a comparatively minor nature such as theft of small amounts of food, drink or household products, and assaults which were not intended to cause significant harm, were also included.

Consideration is always given as to whether or not a caution of the person in question is in the public interest. The scheme operates on a non-statutory basis and under the common law powers of the Garda Síochána. Details of the scheme and the guidelines for its implementation are outlined in an explanatory document, which will shortly be available on the Garda website, *www.garda.ie*. It will also be available to other interested parties, including members of the legal profession and the Judiciary.

Garda Stations.

228. **Mr. Deenihan** asked the Minister for Justice, Equality and Law Reform if his Department has received the brief of requirements for the new Garda station at Castleisland, Co. Kerry; the expected time scale for the completion of the project; and if he will make a statement on the matter. [13681/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The brief of requirements prepared by the Garda authorities for the proposed new station at Castleisland, has just been sent to the Office of Public Works. When the sketch scheme has been received from that office it will be forwarded to the Garda authorities for urgent consideration.

Land Registry Applications.

229. **Mr. Ellis** asked the Minister for Justice, Equality and Law Reform the position of a dealing for a person (details supplied). [13682/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I wish to inform the Deputy that I have requested the Land Registry to contact him directly concerning the current position of the application in question.

Question No. 230 withdrawn.

Public Order Offences.

231. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform the number of persons each of whom has been prosecuted on more than one occasion for public drinking or drunkenness in the Smithfield area of Dublin 7 to date in 2006. [13695/06]

232. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform the number of persons who are regularly arrested or charged with public drinking or drunkenness in the Smithfield area of Dublin 7; and the strategy An Garda Síochána have for dealing with this problem. [13696/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 231 and 232 together.

I am informed by the Garda authorities that in 2005 eight persons were arrested and charged on more than one occasion for drunkenness offences under the Criminal Justice (Public Order) Act 1994 in the Bridewell Garda district, which includes Smithfield.

In 2006, up to 3 April, three persons have been arrested and charged on more than one occasion for similar offences.

I have also been informed by the Garda authorities that the Bridewell Garda district has recorded two persons for committing public drinking offences contrary to the local authority bye-laws on more than one occasion. The local authority has been advised of their personal details to allow on-the-spot fine notices to be issued by it. If these fines are not paid, it is a matter for the local authority to commence proceedings.

The figures provided are provisional, operational and liable to change.

Visa Applications.

233. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform the position regarding an application for a holiday visa for a person (details supplied); and if he will make a statement on the matter. [13697/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The application referred to by the Deputy was received in the visa office on 24 February 2006 and was approved on 3 April 2006.

Galway District	Clifden District	Loughrea District	Salthill District	Gort District
Galway	Clifden	Loughrea	Uachtarard	Gort
Oranmore	Recess	Tynagh	Moycullen	Ardrahan
Carndolla	Letterfrack	Killimor	Carraroe	Craughwell
Lough George	Leenaun	Woodford	Ros Muc	Kinvara
Headford	Carna	New Inn	Inverin	Kilchreest
Athenry	Maam	Eyrecourt	Spiddal	Peterswell
Minivea	Roundstone	Portumna	Leitir Mór	Kilcolgan
Kiltullagh	Kilrickle	Salthill	Shanaglish	Cill Rónáin

Garda Investigations.

236. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform the position regarding correspondence (details supplied); his plans to hold an independent inquiry; and if he will make a statement on the matter. [13710/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The position remains unchanged from my response to Question No. 409 of 6 July 2004.

234. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform the position regarding an application for a holiday visa for a person (details supplied); and if he will make a statement on the matter. [13698/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The application referred to by the Deputy was received in the visa office on 22 March 2006 and was approved on 3 April 2006.

Garda Deployment.

235. **Mr. McHugh** asked the Minister for Justice, Equality and Law Reform the geographical area comprising a Garda division (details supplied); and if he will make a statement on the matter. [13699/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): For policing purposes the country is divided into six regions, each of which is commanded by a regional assistant commissioner. The duties of the regional assistant commissioners are mainly operational. They are responsible for ensuring the operational efficiency of their respective region and, in particular, the quality of operational management exercised by their respective divisional and district officers. Each region is divided into divisions commanded by a chief superintendent, and each division is then divided into districts commanded by a superintendent, assisted by a number of inspectors. Garda divisions do not necessarily correspond to county boundaries. Galway West Garda division comprises the Garda districts of Galway, Clifden, Loughrea, Salthill, and Gort. The Garda stations within these districts are as follows:

Crime Levels.

237. **Mr. Noonan** asked the Minister for Justice, Equality and Law Reform the headline offences for Garda districts (details supplied) for the years 2004 and 2005 in County Limerick. [13711/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the following tables provide the total number of headline offences, by group,

[Mr. McDowell.]

recorded and detected in the Garda districts of Bruff, Newcastle West and Askeaton for the years 2004 and 2005. The introduction of the PULSE computer system by the Garda Síochána in 1999 has led to more complete and comprehensive recording of crimes reported than was previously the case.

Any interpretation of the crime figures should factor in the increase in our population in the past ten years. In 1995, with a population of approximately 3.6 million people, there were 29 crimes per 1,000 of the population. In 2005, with a population of approximately 4.1 million, there were 24.6 crimes per 1,000 of the population, a

reduction of 4.4 crimes per 1,000 of the population. To put this in context, during the two full years of the rainbow coalition Government, with a population of 600,000 less than at present, the headline crime figures were as follows; 102,484 in 1995 and 100,785 in 1996.

The headline offence of homicide includes not only murder and manslaughter but the other homicide offences of infanticide, abortion, attempted murder and threat to murder. During the two year period shown in the tables no case of murder or manslaughter was recorded in the Garda districts concerned. Figures provided for 2005 are provisional, operational and liable to change.

Table 1: Headline Offences Recorded and Detected for the Garda District of Askeaton for the Years 2004 and 2005

Askeaton	2005		2004	
	Recorded	Detected	Recorded	Detected
Homicide	0	0	0	0
Assault	4	2	12	10
Sexual Offences	3	1	2	2
Arson	1	0	3	2
Drugs	1	1	2	2
Theft	94	18	89	26
Burglary	129	17	99	18
Robbery	2	1	0	0
Fraud	8	6	7	5
Other	7	4	9	9
Total	249	50	223	74

Table 2: Headline Offences Recorded and Detected for the Garda District of Bruff for the Years 2004 and 2005

Bruff	2005		2004	
	Recorded	Detected	Recorded	Detected
Homicide	1	1	0	0
Assault	19	16	10	8
Sexual Offences	6	4	6	2
Arson	0	0	2	1
Drugs	7	7	2	2
Theft	117	24	75	17
Burglary	77	9	68	11
Robbery	3	1	0	0
Fraud	18	14	12	10
Other	5	4	3	2
Total	253	80	178	53

Table 3: Headline Offences Recorded and Detected for the Garda District of Newcastle West for the Years 2004 and 2005

Newcastle West	2005		2004	
	Recorded	Detected	Recorded	Detected
Homicide	0	0	0	0
Assault	28	23	12	10
Sexual Offences	5	3	6	4
Arson	5	1	2	0
Drugs	4	3	5	5
Theft	132	47	125	54
Burglary	108	8	90	8
Robbery	2	0	1	0
Fraud	11	8	21	17
Other	5	3	2	3
Total	300	96	265	101

Garda Deployment.

238. **Mr. Noonan** asked the Minister for Justice, Equality and Law Reform the number of gardaí stationed in Garda districts (details supplied) in County Limerick for the years 1997, 2000, 2001, 2002, 2003, 2004 and 2005. [13712/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Garda authorities are

responsible for the detailed allocation of resources, including personnel. They inform me the personnel strength of all ranks of the Garda Síochána as at 31 December 1997 and 20 March 2006 was 10,702 and 12,445, respectively. This represents an increase of 1,743 or 16.3% in the personnel strength of the Garda Síochána during that period. The number of gardaí of all ranks stationed in the Bruff, Newcastle West and Askeaton Garda districts of the Limerick division as at 31 December 1997, 2000, and 2002 to 2005, inclusively, was as set out in the following table:

District	1997	2000	2002	2003	2004	2005
Bruff	40	40	39	40	39	41
Newcastle West	42	46	43	44	45	46
Askeaton	41	40	43	40	42	41

The personnel strength of all ranks of the Limerick division as at 31 December 1997 and 3 April 2006 was 423 and 482, respectively. This represents an increase of 59, or 14%, in the number of gardaí stationed in the Limerick division during that period. In addition, the division's resources are further augmented by a number of Garda national units such as the Garda National Immigration Bureau, GNIB, the Criminal Assets Bureau, CAB, and other specialised units.

It is the responsibility of Garda management to allocate personnel throughout and within divisions on a priority basis in accordance with the requirements of different areas. The allocation of such resources is determined by a number of factors including demographics, administrative functions, crime trends and other operational policing needs.

The timescale for achieving the target strength of 14,000 members of the Garda Síochána in line with the commitment in An Agreed Programme for Government remains as when I announced

Government approval in October 2004 for my proposals to achieve this objective. The phased increase in the strength of the Garda Síochána to 14,000 will lead to a combined strength of both attested Gardaí and recruits in training of 14,000 by the end of this year. This project is fully on target and will be achieved.

As part of the accelerated recruitment campaign to facilitate this record expansion, 1,125 Garda recruits were inducted to the Garda College during 2005. The college will induct a further 1,100 recruits this year and again in 2007, by way of intakes to the Garda College of approximately 275 recruits every quarter. The first incremental increase of newly attested gardaí under the programme of accelerated recruitment took place on 15 March 2006.

The Garda Commissioner will now draw up plans on how best to distribute and manage these additional resources, and in this context the needs of the districts referred to by the Deputy will be fully considered within the overall context of the needs of Garda districts throughout the country.

Crime Levels.

239. **Mr. Sargent** asked the Minister for Justice, Equality and Law Reform the statistics on headline crime figures in County Clare over the past five years; and the detection rates for the different crimes. [13718/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to my reply to Question No. 245 of 29 March 2006.

Garda Deployment.

240. **Ms Enright** asked the Minister for Justice, Equality and Law Reform the number of gardaí stationed in Laois Offaly Garda division during 1997, 2000, 2002, 2003, 2004 and 2005; and if he will make a statement on the matter. [13731/06]

Division	1997	2000	2002	2003	2004	2005
Laois/Offaly	274	274	276	272	276	279

It is the responsibility of Garda management to allocate personnel throughout and within divisions on a priority basis in accordance with the requirements of different areas. The allocation of such resources is determined by a number of factors including demographics, administrative functions, crime trends and other operational policing needs.

The timescale for achieving the target strength of 14,000 members of the Garda Síochána in line with the commitment in An Agreed Programme for Government remains as when I announced Government approval in October 2004 for my proposals to achieve this objective. The phased increase in the strength of the Garda Síochána to 14,000 will lead to a combined strength, of both attested gardaí and recruits in training, of 14,000 by the end of this year. This project is fully on target and will be achieved.

As part of the accelerated recruitment campaign to facilitate this record expansion, 1,125 Garda recruits were inducted to the Garda College during 2005. The college will induct a further 1,100 recruits this year and again in 2007, by way of intakes to the Garda College of approximately 275 recruits every quarter. The first incremental increase of newly attested gardaí under the programme of accelerated recruitment took place on 15 March 2006.

The Garda Commissioner will now draw up plans on how best to distribute and manage these additional resources, and in this context the needs of the Laois Offaly division will be fully considered within the overall context of the needs of Garda divisions throughout the country.

Crime Levels.

241. **Mr. P. McGrath** asked the Minister for

Minister for Justice, Equality and Law Reform

(Mr. McDowell): The Garda authorities, who are responsible for the detailed allocation of resources including personnel, informed me the personnel strength of all ranks of the Garda Síochána as at 31 December, 1997 and 20 March, 2006 was 10,702 and 12,445, respectively. This represents an increase of 1,743, or 16.3%, in the personnel strength of the Garda Síochána during that period. The number of gardaí of all ranks stationed in the Laois Offaly Garda division as at 31 December, 1997, 2000, and 2002 to 2005, inclusively, was as set out in the following table. The division's resources are further augmented by a number of Garda national units such as the Garda National Immigration Bureau, GNIB, the Criminal Assets Bureau, CAB, and other specialised units.

Justice, Equality and Law Reform the number of crimes recorded and detected across all headings in Longford-Westmeath Garda division during 1997, 2000, 2001, 2002, 2003, 2004 and 2005; and if he will make a statement on the matter. [13732/06]

Minister for Justice, Equality and Law Reform

(Mr. McDowell): I am informed by the Garda authorities that the following table provides the total number of headline offences, by group, recorded and detected in the Garda division of Longford-Westmeath for the years 2000 to 2005, inclusive.

The introduction of the PULSE computer system by the Garda Síochána in 1999 has led to more complete and comprehensive recording of crimes reported than was previously the case. Consequently, the statistics provided for 1997 are not comparable with statistics provided for 2000 and subsequent years.

The figures provided for 2000 and 2001 are incomplete due to the phased implementation of PULSE. The first full year captured is 2002 and is a more accurate base year to use.

Any interpretation of the crime figures should factor in the increase in our population in the past ten years. In 1995, with a population of almost 3.6 million people, there were 29 crimes per 1,000 of the population. In 2005, with a population of over 4.1 million, there were 24.6 crimes per 1,000 of the population, a reduction of 4.4 crimes per 1,000 of the population. To put this in context, during the two full years of the rainbow coalition Government, with a population of 600,000 fewer than at present, the headline crime figures were as follows: 1995, 102,484; 1996, 100,785.

The headline offence of homicide includes not only murder and manslaughter but the other

homicide offences of infanticide, abortion, attempted murder and threat to murder. Over the six year period shown in the table there were six

murders recorded with six detected, and three manslaughter recorded with three detected.

Headline Offences Recorded and Detected for the Garda Division of Longford/Westmeath for the years 2000 to 2005

	2005*		2004		2003		2002		2001		2000	
	Rec	Det	Rec	Det	Rec	Det	Rec	Det	Rec	Det	Rec	Det
Homicide	3	3	0	0	1	1	2	2	4	4	2	2
Assault	115	71	113	87	129	100	189	158	92	77	41	36
Sexual Offences	55	20	61	32	62	38	65	33	40	21	30	22
Arson	33	11	44	5	33	11	26	12	17	4	8	5
Drugs	65	64	53	53	55	55	60	60	21	21	9	9
Theft	1,456	483	1,443	425	1,473	489	1,403	492	999	449	869	471
Burglary	835	192	737	97	815	145	717	151	563	162	585	186
Robbery	45	13	38	13	41	18	48	21	36	20	22	16
Fraud	75	35	98	68	84	60	128	67	124	106	109	91
Other	29	22	27	15	33	25	63	30	20	11	7	6
Total	2,711	914	2,614	795	2,726	942	2,701	1,026	1,916	875	1,682	844

* Figures provided are provisional, operational and liable to change.

Garda Strength.

242. **Mr. Hayes** asked the Minister for Justice, Equality and Law Reform the number of gardaí stationed in Tipperary Garda division during 1997, 2000, 2002, 2003, 2004 and 2005; and if he will make a statement on the matter. [13733/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the

Division	1997	2000	2002	2003	2004	2005	04/04/2006
Tipperary	297	313	314	313	307	314	317

This represents an increase of 20, or 7%, in the number of gardaí stationed in the Tipperary Garda division during that period. In addition, the division's resources are further augmented by a number of Garda national units such as the Garda National Immigration Bureau, GNIB, the Criminal Assets Bureau, CAB, and other specialised units.

It is the responsibility of Garda management to allocate personnel throughout and within divisions on a priority basis in accordance with the requirements of different areas. The allocation of such resources is determined by several factors including demographics, administrative functions, crime trends and other operational policing needs.

The timescale for achieving the target strength of 14,000 members of the Garda Síochána in line with the commitment in An Agreed Programme for Government remains as when I announced the Government approval in October 2004 for my

detailed allocation of resources, including personnel, that the personnel strength, all ranks, of the Garda Síochána as at 31 December 1997 and 20 March 2006 was 10,702 and 12,445, respectively. This represents an increase of 1,743, or 16.3%, in the personnel strength of the Garda Síochána during that period.

I have been further informed that the number of gardaí, all ranks, stationed in the Tipperary Garda division as at 31 December 1997, 2000, 2000-05, inclusively, and as at 4 April 2006 was as set out in the following table:

proposals to achieve this objective. The phased increase in the strength of the Garda Síochána to 14,000 will lead to a combined strength, of both attested gardaí and recruits in training, of 14,000 by the end of this year. This project is fully on target and will be achieved.

As part of the accelerated recruitment campaign to facilitate this record expansion, 1,125 Garda recruits were inducted to the Garda College during 2005. The college will induct a further 1,100 recruits this year and again in 2007, by way of intakes to the Garda College of approximately 275 recruits every quarter. The first incremental increase of newly attested gardaí under the programme of accelerated recruitment took place on 15 March 2006.

The Garda Commissioner will draw up plans on how best to distribute and manage these additional resources, and in this context the needs of the Tipperary division will be fully considered

[Mr. McDowell.]

within the overall context of the needs of Garda divisions throughout the country.

Crime Levels.

243. **Mr. Deasy** asked the Minister for Justice, Equality and Law Reform the number of crimes recorded and detected across all headings in Waterford-Kilkenny Garda division during 1997, 2000, 2001, 2002, 2003, 2004 and 2005; and if he will make a statement on the matter. [13734/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the following table provides the total number of headline offences, by group, recorded and detected in the Garda division of Waterford-Kilkenny for the years 2000-05, inclusive.

The introduction of the PULSE computer system by the Garda Síochána in 1999 has led to more complete and comprehensive recording of crimes reported than was previously the case. Consequently, the statistics provided for 1997 are

not comparable with statistics provided for 2000 and subsequent years.

The figures provided for 2000 and 2001 are incomplete due to the phased implementation of PULSE. The first full year captured is 2002 and is a more accurate base year to use.

Any interpretation of the crime figures should factor in the increase in our population in the past ten years. In 1995, with a population of almost 3.6 million people, there were 29 crimes per 1,000 of the population. In 2005, with a population of over 4.1 million, there were 24.6 crimes per 1,000 of the population, a reduction of 4.4 crimes per 1,000 of the population. To put this in context, during the two full years of the rainbow coalition Government, with a population of 600,000 fewer than at present, the headline crime figures were: 1995, 102,484; 1996, 100,785.

It should also be noted that the headline offence of homicide includes not only murder and manslaughter but the other homicide offences of infanticide, abortion, attempted murder and threat to murder. Over the six year period shown in the table there were 17 murders recorded with 17 detected, and two manslaughters recorded with two detected.

Headline Offences Recorded and Detected for the Garda Division of Waterford/Kilkenny for the years 2000 to 2005

	2005*		2004		2003		2002		2001		2000	
	Rec	Det	Rec	Det	Rec	Det	Rec	Det	Rec	Det	Rec	Det
Homicide	10	9	3	3	3	2	6	6	3	3	3	3
Assault	201	151	227	181	239	205	285	247	176	136	105	93
Sexual Offences	105	64	74	46	137	109	134	110	172	160	54	50
Arson	80	24	36	6	48	24	67	28	57	21	41	27
Drugs	169	169	141	141	210	209	246	246	191	191	129	129
Theft	2,316	1,167	2,168	1,201	2,207	1,316	1,848	1,001	1,710	993	1,422	854
Burglary	1,236	240	1,013	217	1,192	307	1,096	298	1,058	368	1,181	440
Robbery	49	28	39	22	65	36	54	28	67	38	63	47
Fraud	142	96	273	252	300	268	222	188	261	243	203	192
Other	44	35	57	44	90	87	57	48	34	33	10	10
Total	4,352	1,983	4,031	2,113	4,491	2,563	4,015	2,200	3,729	2,186	3,211	1,845

* Figures provided are provisional, operational and liable to change.

Garda Strength.

244. **Mr. Kehoe** asked the Minister for Justice, Equality and Law Reform the number of gardaí stationed in Wicklow-Wexford Garda division during 1997, 2000, 2002, 2003, 2004 and 2005; and if he will make a statement on the matter. [13735/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the

detailed allocation of resources, including personnel, that the personnel strength, all ranks, of the Garda Síochána as at 31 December 1997 and 20 March 2006 was 10,702 and 12,445, respectively. This represents an increase of 1,743, or 16.3% in the personnel strength of the Garda Síochána during that period.

The number of gardaí, all ranks, stationed in the Wicklow-Wexford Garda division as at 31 December 1997, 2000, 2002-2005, inclusively, and as at 4 April 2006 was as set out in the following table:

Division	1997	2000	2002	2003	2004	2005	2006
Wicklow/Wexford	269	288	310	312	304	312	321

This represents an increase of 52, or 19%, in the number of gardaí, all ranks, stationed in the Wexford-Wicklow division during that period.

In addition, the division's resources are further augmented by several Garda national units such as the Garda National Immigration Bureau, GNIB, the Criminal Assets Bureau, CAB, and other specialised units. It is the responsibility of Garda management to allocate personnel throughout and within divisions on a priority basis in accordance with the requirements of different areas. The allocation of such resources is determined by a number of factors including demographics, administrative functions, crime trends and other operational policing needs.

The timescale for achieving the target strength of 14,000 members of the Garda Síochána in line with the commitment in An Agreed Programme for Government remains as when I announced the Government approval in October 2004 for my proposals to achieve this objective. The phased increase in the strength of the Garda Síochána to 14,000 will lead to a combined strength, of both attested gardaí and recruits in training, of 14,000 by the end of this year. This project is fully on target and will be achieved.

As part of the accelerated recruitment campaign to facilitate this record expansion, 1,125 Garda recruits were inducted to the Garda College during 2005. The college will induct a further 1,100 recruits this year and again in 2007, by way of intakes to the Garda College of approximately 275 recruits every quarter. The first incremental increase of newly attested gardaí under the programme of accelerated recruitment took place on 15 March 2006.

The Garda Commissioner will draw up plans on how best to distribute and manage these additional resources, and in this context the needs of the Wicklow-Wexford division will be fully considered within the overall context of the needs of Garda divisions throughout the country.

Crime Levels.

245. **Mr. Timmins** asked the Minister for Justice, Equality and Law Reform the number of crimes recorded and detected across all headings in Wicklow-Wexford Garda division during 1997, 2000, 2001, 2002, 2003, 2004 and 2005; and if he will make a statement on the matter. [13736/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the following table provides the total number of headline offences, by group, recorded and detected in the Garda division of Wicklow-Wexford for the years 2000-05 inclusive.

The introduction of the PULSE computer system by the Garda Síochána in 1999 has led to more complete and comprehensive recording of crimes reported than was previously the case. Consequently the statistics provided for 1997 are not comparable to statistics provided for 2000 and subsequent years.

The figures provided for 2000 and 2001 are incomplete due to the phased implementation of PULSE. The first full year captured is 2002 and is a more accurate base year to use.

Any interpretation of the crime figures should factor in the increase in our population in the past ten years. In 1995, with a population of almost 3.6 million people, there were 29 crimes per 1,000 of the population. In 2005, with a population of over 4.1 million, there were 24.6 crimes per 1,000 of the population, a reduction of 4.4 crimes per 1,000 of the population. To put this in context, during the two full years of the rainbow coalition Government, with a population of 600,000 fewer than at present, the headline crime figures were as follows: 1995, 102,484; 1996, 100,785.

It should also be noted that the headline offence of homicide includes not only murder and manslaughter but the other homicide offences of infanticide, abortion, attempted murder and threat to murder. Over the six year period shown in the table there were five murders recorded with four detected, and five manslaughters recorded with five detected.

Headline Offences Recorded and Detected for the Garda Division of Wicklow/Wexford for the years 2000 to 2005

	2005*		2004		2003		2002		2001		2000	
	Rec	Det	Rec	Det	Rec	Det	Rec	Det	Rec	Det	Rec	Det
Homicide	4	3	2	2	0	0	1	1	1	1	5	5
Assault	128	94	154	118	144	118	185	152	106	90	58	53
Sexual Offences	98	52	76	41	80	50	105	64	86	67	43	33
Arson	28	9	22	6	24	6	37	15	25	7	30	12
Drugs	114	114	66	66	61	60	59	58	53	53	55	55
Theft	1,758	757	1,715	616	1,765	577	1,825	597	1,276	516	1,014	397
Burglary	1,336	239	1,197	159	1,165	234	1,144	194	1,010	248	999	298
Robbery	33	12	40	19	31	16	39	10	38	21	27	17
Fraud	211	172	133	90	167	108	133	90	131	114	173	158
Other	62	49	71	57	47	34	64	49	27	23	9	9
Total	3,772	1,501	3,476	1,174	3,484	1,203	3,592	1,230	2,753	1,140	2,413	1,037

* Figures provided are provisional, operational and liable to change.

Citizenship Applications.

246. **Mr. Curran** asked the Minister for Justice, Equality and Law Reform when a decision will be made regarding an application for naturalisation made by a person (details supplied) in County Dublin. [13777/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): An application for a certificate of naturalisation from the person referred to in the Deputy's question was received in the citizenship section of my Department on 17 February 2006.

The average processing time for such applications is 24 months. It is likely, therefore, that the application of the person concerned will be finalised in or around February 2008. I will advise both the Deputy and the person concerned as soon as I have made a decision in the matter.

Garda Strength.

247. **Mr. Gregory** asked the Minister for Justice, Equality and Law Reform the number of community gardaí in Cabra Garda station; and if in view of the imminent increase in population from new areas (details supplied); when the community Garda section will be brought to full strength of one sergeant and eight gardaí. [13785/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the personnel strength of the community Garda unit at Cabra Garda station as at 4 April 2006 was one sergeant and four gardaí.

It is the responsibility of Garda management to allocate personnel throughout and within divisions on a priority basis in accordance with the requirements of different areas. The allocation of such resources is determined by several factors including demographics, administrative functions, crime trends and other operational policing needs.

Garda management states that it will continue to appraise the policing and administrative strategy employed in the Cabra sub-district with a view to ensuring that an effective Garda service is maintained.

The timescale for achieving the target strength of 14,000 members of the Garda Síochána in line with the commitment in An Agreed Programme for Government remains as when I announced the Government approval in October 2004 for my proposals to achieve this objective. The phased increase in the strength of the Garda Síochána to 14,000 will lead to a combined strength, of both attested gardaí and recruits in training, of 14,000

by the end of this year. This project is fully on target and will be achieved.

As part of the accelerated recruitment campaign to facilitate this record expansion, 1,125 Garda recruits were inducted to the Garda College during 2005. The college will induct a further 1,100 recruits this year and again in 2007, by way of intakes to the Garda College of approximately 275 recruits every quarter. The first incremental increase of newly attested gardaí under the programme of accelerated recruitment took place on 15 March 2006.

The Garda Commissioner will draw up plans on how best to distribute and manage these additional resources, and in this context the needs of the Cabra Garda station will be fully considered within the overall context of the needs of Garda stations throughout the country.

Irish Language.

248. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if he will report on the status of and progress toward official recognition of Irish sign language; the official recognition of the status of Irish sign language users and of their related rights to public services; and if he will make a statement on the matter. [13787/06]

249. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if there are plans to incorporate into legislation measures to give Irish sign language a status equal to that of spoken languages, as has been done in New Zealand and the UK, among others, and in line with resolutions passed by the European Parliament. [13788/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 248 and 249 together.

I have no role in the recognition of official languages in Ireland.

Rights of People with Disabilities.

250. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to a proposal submitted to his Department in April 2005 by the Irish Deaf Society, National Association of the Deaf regarding official recognition of Irish sign language; when they can expect a response; and if he will make a statement on the matter. [13789/06]

Minister for Justice, Equality and Law Reform (Mr. McDowell): While I received and acknowledged a copy of the proposal in question, as submitted to the All-Party Committee on the Constitution, I can inform the Deputy that I have no

role in respect of the recognition of official languages in Ireland.

State Claims Agency.

251. **Mr. G. Murphy** asked the Minister for Education and Science if she will clarify what she said in Dáil Éireann on 28 March 2006 with reference to legal costs being sought by the Department of Education and Science from a person, details supplied, as a result of recent court action. [13689/06]

Minister for Education and Science (Ms Hanafin): The State Claims Agency, SCA, has responsibility for deciding on the issue of costs in the case to which the Deputy refers. The SCA has said that it deals with each case on an individual basis and that its approach here will be measured and sensitive.

The SCA will be consulting my Department on the issue of costs. I agree with its opinion that the matter should be pursued in a measured and sensitive way and I have asked my Department to convey my view that the issue of costs should be dealt with sympathetically. My Department will inform the SCA of this and reflect points made by the plaintiff to me in the course of correspondence. Before a final decision on this matter can be taken by the SCA, it will have to engage with the solicitors for the plaintiff so that it can take full account of her circumstances. I understand that arrangements for that process are now being put into place.

Early Childhood Education.

252. **Ms Enright** asked the Minister for Education and Science the number of places available on the Early Start programmes; the locations where early start is available; and if she will make a statement on the matter. [13754/06]

Minister for Education and Science (Ms Hanafin): The Early Start pre-school project was established in 40 primary schools in designated areas of urban disadvantage in Dublin, Cork, Limerick, Waterford, Galway, Drogheda and Dundalk during 1994 and 1995. There are 1,680 places in these centres. Targeted early childhood education provision is a key element of the school support programme under the new action plan for educational inclusion, delivering equality of opportunity in schools, DEIS, which provides for a standardised system for identifying levels of disadvantage and a new integrated school support programme. The process of identifying primary and second-level schools for participation in the new school support programme has been completed.

As a result of the identification process, 840 schools have been invited to participate in the new programme. These comprise 640 primary

schools — 320 urban-town schools and 320 rural schools — and 200 second level schools. Letters of invitation were issued to all 840 schools in late February with a request to complete and return an acceptance form by 10 March 2006.

The objective in respect of early childhood education is to concentrate actions on those children aged from three up to school enrolment, who will subsequently attend the 180 urban-town primary schools serving the most disadvantaged communities. The extension of early education supports to other areas served by primary schools participating in the school support programme will be considered after this objective has been achieved.

In December 2005, the Office of the Minister for Children under the Minister of State with responsibility for children was established to maximise the co-ordination of policies for children and young people and will have a range of functions previously under the Departments of Health and Children; Justice, Equality and Law Reform; and Education and Science. A new early years education policy unit has been established within my Department and will be co-located with the Office of the Minister for Children under the Minister of State with responsibility for children. This unit will oversee the preparation of plans for phased implementation of the early childhood education dimension of DEIS in the targeted school communities, starting in the next school year, and this will be pursued within an overall strategic policy framework developed by the Office of the Minister for Children under the Minister of State with responsibility for children.

Adult Education.

253. **Mr. Crowe** asked the Minister for Education and Science if she will report on the recommendations from the task force on lifelong learning of 2002 which have not been acted upon. [13780/06]

Minister of State at the Department of Education and Science (Miss de Valera): The task force on lifelong learning was established by the Department of Enterprise, Trade and Employment, in collaboration with the Department of Education and Science, and reported in 2002. A total of eight Departments with responsibilities for education, sectoral training, welfare and social and community development policies were represented on the task force, as well as education, training, social partner, community and voluntary interests and industrial development agencies.

The report of the task force on lifelong learning complemented the policies and recommendations of the White Paper on adult education, *Learning for Life*, which was published in 2000. The White Paper reflected on the role of adult education in

[Miss de Valera.]

society and set out principles, policies and strategies for future development.

The implementation of the recommendations of the report of the task force were significantly advanced by the establishment in 2001 of the National Qualifications Authority and the two awards councils, the Further Education and Training Awards Council and the Higher Education and Training Awards Council under the Qualifications (Education and Training) Act 1999.

In 2003, the national qualifications framework was published. This framework establishes a single, coherent, easily understood award system for all levels of education and training in the State. The framework comprises ten levels. It will benefit all involved in education. It will allow the learner to access, transfer and progress up the ten levels of the framework. It will benefit employers as it provides a way of measuring and relating learning achievements and of comparing education and training awards.

The priority target group of further education programmes generally is those who are educationally disadvantaged and who lack basic skills. This was a key priority in the report of the task force. My Department continues to support a suite of adult, further and higher education initiatives from basic adult literacy through to expansion of scale and provision in further education. In fact, expenditure on adult literacy has risen from €10.6 million in 2000 to over €23 million in 2006. There are approximately 34,000 adult literacy learners in 2006.

The National Development Plan 2000-2006 anticipated that 110,000 people would participate in the adult literacy programme. This target has already been surpassed. In addition there are, in 2005-2006, approximately 3,200 students in Youthreach; 1,000 students in senior Traveller training centres; 5,500 in vocational training opportunities scheme; and over 30,000 following the post-leaving certificate programme. All of these students are following full-time programmes. In addition, there are 7,000 places available in the part-time back to education initiative, which was initiated in 2002.

To provide support for these adult students, my Department has played a key role in the development of education guidance services for adults. Adults returning to education need advice, information and guidance. To this end, 35 adult education guidance initiatives have been established throughout the country. These initiatives provide advice and guidance to potential learners and to existing learners in adult literacy, the vocational training opportunities scheme and community education. Financial provision is available for a further three initiatives which will be made available subject to the approval of the additional staff required. In addition, my Department funds the

development of Qualifax. Qualifax is an on-line database of some 12,000 educational courses currently operating in second level, third level and in further education.

Child care support is also provided to further education learners in Youthreach, senior Traveller training centres and for those following vocational training opportunities programmes. Financial support is also available to learners who are eligible for social welfare benefits or maintenance grants. Higher education also seeks to maximise access and the establishment of the national office for equity of access to higher education in 2003 highlights the importance of providing educational opportunity for groups who are under-represented in higher education.

Special Educational Needs.

254. **Ms C. Murphy** asked the Minister for Education and Science if the school year will be extended through July 2006 for a special class, details supplied, and the reason for this decision; and if she will make a statement on the matter. [13580/06]

Minister for Education and Science (Ms Hanafin): My Department has received a proposal from the school in question for the provision of a July programme for pupils attending the school's special unit for pupils with autism. This proposal is currently under consideration in my Department and the school authority will be notified of the outcome as soon as possible.

Irish Language.

255. **Mr. D. Moynihan** asked the Minister for Education and Science if she will sanction the establishment of an all-Irish education centre at Baile Mhuirne, County Cork; and if she will make a statement on the matter. [13581/06]

Minister for Education and Science (Ms Hanafin): Further deliberation and discussions with the relevant interests are needed before a definitive decision on the project can be made. It is intended that these discussions will be completed as quickly as possible.

Higher Education Grants.

256. **Mr. Stanton** asked the Minister for Education and Science the appeal procedures in operation in cases of refusal by vocational education committees and local authority higher education grant sections with respect to third level grants; if applicants who are refused in such cases are made aware as a matter of course of their right to appeal; the number of such appeals received by her Department in respect of schemes in operation in each year from 2000 to 2005; the outcome

of such appeals; and if she will make a statement on the matter. [13582/06]

Minister for Education and Science (Ms Hanafin): My Department funds three means-tested maintenance grant schemes for third level education students in respect of attendance on approved courses in approved third level institutions and one maintenance grant scheme in respect of students attending approved post-leaving certificate courses in approved post-leaving certificate centres. These are the higher education grants scheme, the vocational education committees' scholarship scheme, the third level maintenance grants scheme for trainees and the maintenance grant scheme for students attending post leaving certificate courses.

The three third level student support schemes, administered by the local authorities and the vocational education committees on behalf of the Department of Education and Science, offer financial assistance to eligible students attending approved third level courses. Students entering approved courses for the first time are, generally speaking, eligible for grants where they satisfy the relevant conditions as to age, residence, means, nationality and previous academic attainment.

The statutory framework for the higher education grants scheme, as set out in the Local Authorities (Higher Education Grants) Acts 1968 to 1992, provides for means-tested higher education grants in order to assist students to attend full-time third level education. Section 7 of the Local Authorities (Higher Education Grants) Act 1968 provides that:

Every question or dispute which shall arise in relation to the interpretation or construction of a scheme under this Act shall be determined by the Minister whose decision thereon shall be final.

The decision on eligibility for third level grants is a matter for the relevant local authority or vocational educational committee. These bodies do not refer individual applications to my Department except, in exceptional cases, where, for example, advice or instruction regarding a particular clause in the relevant scheme is desired.

Clause 14 of the higher education grant scheme, the vocational educational committees' scholarship scheme 2005, and the third level maintenance grant scheme for trainees 2005, together with clause 12 of the maintenance grants scheme for students attending post leaving certificate courses 2005 provides that where an individual applicant considers that she or he has been unjustly refused a maintenance grant or that the rate of grant awarded is not the correct one, he or she may appeal to the relevant awarding body.

Where an individual applicant has had an appeal turned down in writing by the relevant awarding body and remains of the view that the

body has not interpreted the schemes correctly in his or her case, an appeal may be made to the Minister outlining the basis for such appeal. As already indicated, the awarding body may, itself, in exceptional circumstances, seek clarification on issues from my Department. While the information on the number of appeals or their outcome is not available, the right of appeal is clearly published in the schemes.

School Curriculum.

257. **Ms Shortall** asked the Minister for Education and Science the number and percentage of secondary school students who took transition year in the last year for which figures are available. [13593/06]

Minister for Education and Science (Ms Hanafin): In the school year 2004-05, a total of 24,798 post-primary students took transition year. This figure reflects 7.4% of the overall enrolment of students at post-primary level and 18.4% of students at senior cycle level in that school year.

Schools Refurbishment.

258. **Mr. G. Murphy** asked the Minister for Education and Science if she will make a statement on the conditions in a school (details supplied) in County Cork; and when she will make funds available for refurbishment and extension. [13687/06]

Minister for Education and Science (Ms Hanafin): An application for capital funding towards the provision of an extension to provide ancillary accommodation has been received from the school referred to by the Deputy. The project has been assessed in accordance with the prioritisation criteria for large scale building projects. The project is being considered in the context of the School Building and Modernisation Programme 2006-10.

Schools Building Projects.

259. **Mr. G. Murphy** asked the Minister for Education and Science the position with regard to providing funding for a new national school at Cullen, Mallow, County Cork. [13688/06]

Minister for Education and Science (Ms Hanafin): I am pleased to inform the Deputy that the school in question has accepted the grant to build a new three-teacher school under the 2006 small schools scheme that I announced recently. The initiative operates on a devolved basis and allows boards of management to address their accommodation and building priorities with a guaranteed amount of funding and allows them control over the pace at which building works proceed.

School Staffing.

260. **Mr. Wall** asked the Minister for Education and Science the position regarding an application for an extra teacher by a board of management of a school where 75% of the classes exceed 31 pupils in number and where three senior classes have 35 pupils in number (details supplied); and if she will make a statement on the matter. [13708/06]

Minister for Education and Science (Ms Hanafin): The mainstream staffing of a primary school is determined by reference to the enrolment of the school on 30 September of the previous school year. The actual number of mainstream posts sanctioned is determined by reference to a staffing schedule, which is issued to all primary schools each year.

According to data submitted to my Department by the board of management of the school referred to by the Deputy, the enrolment in the school on 30 September 2005 was 232 pupils. In accordance with the staffing schedule circular 0023/2006, which has issued to all primary schools and is also available on my Department's website at www.education.ie, the mainstream staffing in the school for the 2006-07 school year will be a principal and eight mainstream class teachers.

Within the terms of the current staffing arrangements for primary schools, there is provision for additional posts, referred to as developing school posts, to be assigned to schools on the basis of projected enrolments for the next school year. Under these arrangements, a developing school post may be sanctioned provisionally where the projected enrolment at 30 September of the school year in question equals or exceeds a specified figure. If the specified figure is not achieved on 30 September, sanction for the post is withdrawn.

It is open to the board of management to submit an appeal under certain criteria to an independent appeal board, which was established to adjudicate on appeals on mainstream staffing allocations in primary schools. Details of the criteria and application dates for appeal are contained in the staffing schedule. They are also available in circular 0024/2006, Appeal Board for Mainstream Staffing in Primary Schools, which is available on my Department's website. Hard copies of this circular have been issued to all primary schools.

It is proposed that the first meeting of the appeal board will be held in May 2006. Further meetings will be held in July and October 2006. The closing dates for receipt of appeals are 12 May, 24 June and 18 October respectively. Appeals must be submitted to primary payments section, Department of Education and Science, Athlone on the standard application form, clearly stating the criterion under which the appeal is

being made. The standard application form is available from primary payments section or on my Department's website. The appeal board operates independently of my Department and its decision is final. I am sure the Deputy will appreciate that it would not be appropriate for me to intervene in the operation of the independent appeal board.

Disadvantaged Status.

261. **Mr. Carey** asked the Minister for Education and Science if she will clarify if the allocation of hearing support resources is part of the DEIS initiative; if not, the way in which a school (details supplied), which is in band two of DEIS can expect to retain its existing level of hearing support; if schools in band two can retain all the resources they currently have; and if she will make a statement on the matter. [13729/06]

Minister for Education and Science (Ms Hanafin): The allocation of learning support teaching resources does not fall under the DEIS initiative. Delivering equality of opportunity in schools, DEIS, the new action plan for educational inclusion, provides for a standardised system for identifying levels of disadvantage and a new integrated school support programme, SSP. The process of identifying primary and second level schools for participation in the new school support programme has been completed. As a result of the identification process, 840 schools have been invited to participate in the new programme. These comprise 640 primary schools — 320 urban-town schools and 320 rural schools — and 200 second level schools.

Schools that have not qualified for the new school support programme and are receiving additional resources, both human and financial, under pre-existing schemes and programmes for addressing concentrated disadvantage will retain these supports for 2006-07. The efficacy of these supports will be kept under review. The DEIS action plan states that, as well as the provision being made under the new school support programme for schools with a concentrated level of disadvantage, financial support will continue to be provided for other primary schools where the level of disadvantage is more dispersed. This support will be based on the results of the new identification process and the arrangements that will apply in this regard will be notified to schools early in the autumn.

In May 2005, a general allocation of learning support-resource teachers, LS-RTs, to primary schools to cater for children with high incidence special educational needs, SEN, such as dyslexia and those with learning support needs was announced and has been operational since September 2005. LS-RT allocations are based on certain pupil numbers and took into account the

differing needs of the most disadvantaged schools and the evidence that boys have greater difficulties than girls do in this regard.

The schools considered as most disadvantaged when the model was introduced were those eligible for additional staffing under the urban dimension of the giving children an even break scheme. Those schools have a preferential pupil-teacher allocation ratio of 80:1 for their general allocation. That remains the case. Accordingly, the school in question will not have its general allocation of 1.4 teachers altered for the 2006-07 school year. The school will, however, lose 15 hours resource teaching support that it was allowed retain on a transitional basis for the 2005-06 year only and the principal of the school is aware of this. It is intended that a review of the general allocation model will be undertaken within three years of operation.

262. **Mr. Carey** asked the Minister for Education and Science the status of the urban dimension of Giving Children an Even Break, that is, where resources are allocated to a school on the basis of 80:1; the way in which this programme relates to DEIS; and if she will make a statement on the matter. [13730/06]

Minister for Education and Science (Ms Hanafin): Giving Children an Even Break, GCEB, was a programme introduced in 2001 to ensure that participating primary schools were provided with a range of additional supports including teacher posts and other non-teaching supports to be targeted at disadvantaged pupils. Under the GCEB scheme, my Department provided support commensurate with the levels of concentration in schools of pupils with characteristics that are associated with educational disadvantage and early school leaving.

Delivering equality of opportunity in schools, DEIS, the new action plan for educational inclusion, provides for a standardised system for identifying levels of disadvantage and a new integrated school support programme, SSP. This standardised system will replace all of the existing arrangements for targeting schools for participation in initiatives to address disadvantage. Schools that have not qualified for the new school support programme and are receiving additional resources, both human and financial, under pre-existing schemes and programmes for addressing concentrated disadvantage will retain these supports for 2006-07. The efficacy of these supports will be kept under review.

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Consultancy Contracts.

263. **Mr. Naughten** asked the Minister for Education and Science if he will furnish a reply to Parliamentary Question No. 1292 of 25 January 2006; the reason for the delay; and if she will make a statement on the matter. [13738/06]

Minister for Education and Science (Ms Hanafin): The information requested by the Deputy in Parliamentary Question No. 1292 covers the period 1997 to date. Due to the scope and detailed nature of the information sought, it was not readily available in the format requested. A trawl of all units of my Department to collect the details has taken place and a co-ordinated return is being finalised. I hope to be in a position to forward this return to the Deputy very shortly. I apologise for the delay.

Defence Forces Recruitment.

264. **Mr. O'Shea** asked the Minister for Defence his proposals to reduce the 5 ft. 4 in. height restriction for female Defence Forces recruits; and if he will make a statement on the matter. [13691/06]

Minister for Defence (Mr. O'Dea): Last July, while visiting Mellows barracks in Galway, I spoke of my desire to see more women applying to join the Defence Forces. I indicated then that, while much was already being done to encourage more women to apply, I intended to review the measures in place with a view to maximising the number of women applicants to the Defence Forces. At that time, I pointed out that the number of females enlisting each year is almost in direct proportion to the number applying,

[Mr. O'Dea.]

approximately 9%. An increase in the numbers applying should, therefore, be reflected in the numbers subsequently enlisted.

As I have already indicated to the House a number of times, I commenced that review process on 5 August, 2005 by writing to both the Departments of Education and Science and Justice, Equality and Law Reform, along with a number of outside organisations, seeking their views and recommendations on how more women might be encouraged to apply to enlist in the Defence Forces. All the replies have now been received, the last on 17 January 2006, and are currently being examined.

Officials, both civil and military, of the Department of Defence will shortly meet with representatives of each of the organisations that made submissions along with the Representative Association of Commissioned Officers, RACO, and the Permanent Defence Force Other Ranks Representative Association, PDFORRA. These meetings will consider the ideas and suggestions to see what, if any, improvements or changes can be made to the programme of recruitment so as to encourage more females to join the Defence Forces. I anticipate these meetings will take place over the coming weeks.

Since I raised this matter last July, there has been considerable focus on the minimum height requirement. Indeed, one of the submissions received in response to my letter of 5 August specifically called on me to abolish the height requirement. The current minimum height requirement for entry to both the Permanent Defence Force and the Reserve Defence Force is 162.5 cm., 5 ft. 4 in., for both men and women. It was set in April 2002 and is based on the professional advice of the medical corps and the actual experience of training units. The advice at that time was that, having regard to the nature of the job and of the duties of military service and the training exercises undertaken by members of the Defence Forces, persons of shorter stature are more likely to incur back and lower limb injuries. A key element in military life is the need for personnel to maintain a level of fitness for combat readiness. Inherent in this physical requirement is the ability to carry heavy loads and execute physically demanding tasks in training and on operations. The personal load carrying equipment and personal weapon place considerable weight on the musculoskeletal system.

As I indicated to the House on 29 September 2005, I have asked the military authorities to report to me on the height requirement and I will consider all aspects of the issue in the light of that report. I would point out to the House that the height requirement is only one element of the overall matter of how more women might be encouraged to enlist in the Defence Forces. In this context, I believe it is important that we

examine the range of possible contributing factors. To that end, I intend to soon commission research into women's attitudes to military life and a career in the Defence Forces. I would envisage such research including interviews with currently serving female members of both the Permanent Defence Force and the Reserve Defence Force.

The Government is committed to a policy of equal opportunity for men and women in the Defence Forces — Army, Air Corps and Naval Service — including the Reserve Defence Force, and to the full participation by women in all aspects of Defence Forces activities. In effect, this means that women are eligible on the same basis as men for participation in operational and ceremonial activities, assignment to all military appointments and educational and training courses and promotion. All female personnel undergo the same training and receive the same military education as their male counterparts. When considering how to encourage more female personnel to the Defence Forces, it is vital to bear this in mind and to ensure that it is fully taken into consideration.

Housing Aid for the Elderly.

265. **Mr. Stagg** asked the Minister for the Environment, Heritage and Local Government his views on allocating further funding under the home improvement scheme for the elderly and central heating grants to the Health Service Executive in County Kildare, in view of the fact that its budget for 2006 is exhausted. [13596/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): The special housing aid for the elderly scheme is administered by a task force under the aegis of my Department and operated at local level by the Health Service Executive, HSE.

An initial allocation of €2.2 million for the scheme was notified to the Dublin and mid-Leinster region, which includes County Kildare, in February 2006 and it is a matter for the HSE directorate of services for older people, which has responsibility for the administration of the scheme, to apportion funding to a particular area. A further allocation of funding will be notified to the regions, following receipt of the mid-year returns, later in the year.

Social and Affordable Housing.

266. **Mr. G. Murphy** asked the Minister for the Environment, Heritage and Local Government when his Department will give final approval for developments (details supplied) in County Cork. [13690/06]

Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern): Applications for approval of funding under the voluntary housing capital loan and subsidy scheme in respect of both projects were recently received from Cork County Council, which is responsible for the detailed administration of the scheme in its area. The applications are being considered and the council will be advised of the outcome as soon as possible.

Turbary Rights.

267. **Mr. McHugh** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 532 of 28 March 2006 if a person wishing to cut turf for his or her own use on bogs not designated for conservation must communicate with any agency or Department by way of application for consent, licence or otherwise before so doing, or if such person can operate as heretofore; and if he will make a statement on the matter. [13703/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): As stated in reply to Question No. 532 of 28 March 2006, peat extraction below ten hectares in area is exempted development except where it could have significant effects on the environment. The threshold has been set at a level that ensures that the vast majority of sub-threshold peat extractions will not have a significant effect on the environment.

If a person proposing to carry out peat extraction requires guidance as to whether the extraction in question would have significant effects on the environment he or she should consult the appropriate planning authority. If desired, a person may seek a declaration under section 5 of the Planning and Development Act 2000 from the planning authority on the question of whether a development is, or is not, exempted development. The declaration must be issued within four weeks and may be referred to An Bord Pleanála for review.

Environmental Policy.

268. **Mr. McHugh** asked the Minister for the Environment, Heritage and Local Government the bogs in Galway east which are designated for conservation under the European Communities (Natural Habitats) Regulations 1997; and if he will make a statement on the matter. [13704/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I will arrange to have details of all candidate special areas of conservation in Galway which are proposed for designation under the European Communities (Natural Habitats) Regulations 1997 to 2005 sent to the Deputy.

EU Directives.

269. **Mr. Gilmore** asked the Minister for the Environment, Heritage and Local Government the parts of the Aarhus Convention Agreement and its associated EU directives, in which 2003/4/EC and 2003/35/EC have been ratified or transposed into Irish law to date; if he will set out for each part of the Aarhus Convention Agreement and its associated EU directives, if 2003/4/EC and 2003/35/EC have been ratified or transposed into Irish law, the date on which this occurred and the legislative instrument used to do same; and if he will make a statement on the matter. [13705/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Ireland signed the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters on 25 June 1998. Progress towards ratification of the convention is closely aligned with work at European Union level. To date, the European Union has adopted two directives as part of the ratification process for the convention. These deal with public access to environmental information, 2003/4/EC, and public participation in certain environmental decision-making procedures, 2003/35/EC. Ratification of the convention will take place after these directives have been transposed into Irish law.

Work continues in my Department with regard to the transposition of these two directives and will be completed as soon as possible.

Water and Sewerage Schemes.

270. **Mr. Noonan** asked the Minister for the Environment, Heritage and Local Government if he has received documentation from Limerick County Council for sewerage schemes (details supplied) in County Limerick; and when approval will be given to proceed to planning stage budget status. [13717/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Dromcollogher, Hospital, Pallasgreen and Bruff sewerage schemes, which are being advanced as a grouped project, have been approved to advance through planning in my Department's water services investment programme, 2005 to 2007.

In June 2005, I approved Limerick County Council's brief for the appointment of consultants to prepare a preliminary report for the grouped project. The council's proposals in respect of the consultants' fees and planning stage budget for the scheme were received in my Department last month and are being dealt with as quickly as possible.

Local Authority Boundaries.

271. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government when he will make a decision on the boundary extension application by Limerick City Council. [13719/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I have written today to Limerick City Council regarding its proposal for an extension of the city boundary with a view to building a strong consensus on a viable way forward. I considered that it was premature to pursue the proposal in its current format. However, I have stressed the need to develop the Limerick to Shannon gateway to its full potential, in line with the national spatial strategy, and I have therefore requested the three managers from Limerick City Council, Limerick County Council and Clare County Council to meet me to discuss how this might be achieved. There are a number of options which can be explored by the three councils and I strongly believe that the

maximum consensus should be arrived at locally in advance of any direction from central government.

Water and Sewerage Schemes.

272. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 191 of 26 January 2006 the status of these regional water schemes; when he will approve funding for the projects; and if he will make a statement on the matter. [13776/06]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Roscommon County Council's design review and water services pricing policy reports and implementation strategy for these water supply schemes are now being further examined in my Department following receipt, last week, of additional information requested from the council in September 2005. Following approval by the Department, the council will be in a position to prepare contract documents for the schemes.