



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

TUAIRISC OIFIGIÚIL—*Neamhcheartaithe*  
(OFFICIAL REPORT—*Unrevised*)

*Thursday, 22 March 2007.*

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## DÁIL ÉIREANN

—————  
*Déardaoin, 22 Márta 2007.*  
*Thursday, 22 March 2007.*  
 —————

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

—————  
*Paidir.*  
*Prayer.*  
 —————

### Requests to move Adjournment of Dáil under Standing Order 31.

**Mr. Connolly:** I seek the adjournment of Dáil Éireann under Standing Order 31 to discuss the following matter of urgent public and national concern, namely, the recent unwarranted increases in baggage charges of multiples of the inflation rate by airlines Aer Lingus and Ryanair, further boosting their record profits at the expense of the travelling public; the scandalous 71% hike in baggage charges by Ryanair since January 2006 that are by no means discretionary for most passengers, contrary to Ryanair's public statement; the suggestion by Aer Lingus that it is considering charging passengers for seat selection; and the simultaneous nature of the announcement of the increases leading to the suspicion of a cartel among Ireland's low cost airlines.

**Mr. Sherlock:** I seek the adjournment of the Dáil under Standing Order 31 to debate the following specific and important matter of public interest requiring urgent consideration, namely, the impending crisis in Scoil Mhuire Naofa, Carrigtwohill, County Cork where there will be insufficient classroom space and an inadequate number of teachers to meet the increasing demands that will be placed on the school in September 2007.

**Mr. M. Higgins:** In accordance with Standing Order 31, I wish to give notice to move the adjournment of the Dáil to discuss the following specific and important matter of public interest, namely, the urgent need for the Irish Government to recognise and open dialogue with the unity government of Palestine and, moreover, to use its position within the European Union to encourage the Union to open such a dialogue and to lift the sanctions imposed against Palestine so as to ensure that this latest opportunity for peace will not be squandered.

**Aengus Ó Snodaigh:** I seek leave to move the adjournment of the Dáil on the following matter requiring urgent consideration, namely, the need for the Government to formulate a monthly departmental response in partnership with communities that prioritise early intervention for children and young people who grow up in an environment of violence and abuse and who are identifiably at risk of becoming serious offenders. This need is more urgent than ever as evidenced by the young age of those involved in serious drug related crime and gangland shootings, victims and killers alike, and by the trial of Kelly Noble which concluded yesterday.

**Dr. Cowley:** I seek the adjournment of the Dáil under Standing Order 31 to discuss a matter of major national and local importance, namely, the reason local authorities are using taxpayers' money to fight in the courts enforcement notices imposed on them by the Health and Safety Authority for breaches of road safety regulations by them, and in particular the reason Donegal County Council is seeking an injunction at the taxpayer's expense regarding an investigation sought by me in this Dáil and now proceeding, seeking to restrain the HSA from investigating Donegal County Council or prosecuting its staff regarding a road traffic accident in Donegal in which Sinéad McDaid, an innocent girl, was killed on chippings at road works.

**Mr. Cuffe:** I seek leave to move the adjournment of the Dáil on a specific and urgent matter of national importance, namely, the water supply in Galway, and that the Minister for the Environment, Heritage and Local Government be called before the House to explain the inordinate delay in progressing the Water Services Bill 2004 through this House given that it would address the licensing, monitoring and quality control of our municipal water supplies.

**Mr. Sargent:** I wish to have the business of Dáil Éireann adjourned under Standing Order 31 to raise an urgent matter of public importance, namely, the failure of the Government to provide leadership on energy efficiency and greenhouse gas emission reductions, and its failure to operate in a cost efficient manner by allowing Departments' energy bills to double to €7.7 million since the last general election.

**Mr. Crawford:** I seek the adjournment of the Dáil under Standing Order 31 to discuss an urgent matter of local and national importance, that is, the cutbacks by the Minister for Health and Children of intervention support for the elderly where the overall support for a nursing home in the Cavan-Monaghan region, for instance, is not allowed to exceed €531, including pension. Actual costs of between €650 and €800 are the norm yet the Minister allows overtime to be paid to advisers of up to €1,500 per day. The elderly

[Mr. Crawford.]

deserve better and an urgent resolution of the problem.

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

### Order of Business.

**The Tánaiste:** It is proposed to take No. 12a, motion re referral to select committee of proposed approval by Dáil Éireann of the terms of the accession to the Convention on the International Hydrographic Organisation; No. 12b, motion re referral to select committee of proposed approval by Dáil Éireann of Memoranda of Understanding on the Nordic Battlegroup and Operational Headquarters; No. 13, motion re proposed approval by Dáil Éireann of the Finance Act 2004 (Section 91) (Deferred Surrender to the Central Fund) Order 2007 — back from committee; No. 21, Broadcasting (Amendment) Bill 2006 [*Seanad*] — Order for Report, Report and Final Stages; and No. 5, Criminal Justice Bill 2007 — Order for Second Stage and Second Stage.

It is proposed, notwithstanding anything in Standing Orders, that: (1) Nos. 12a, 12b and 13 shall be decided without debate; (2) the Report and Final Stages of No. 21 shall be taken today and the proceedings thereon shall, if not previously concluded, be brought to a conclusion at 1.30 p.m. by one question which shall be put from the Chair and which shall, in relation to amendments, include only those set down or accepted by the Minister for Communications, Marine and Natural Resources; and (3) the Dáil shall sit tomorrow at 10.30 a.m. and shall adjourn not later than 5.30 p.m. There shall be no Order of Business tomorrow, that is, within the meaning of Standing Order 26. The taking of any divisions shall be postponed until immediately after the Order of Business on Tuesday, 27 March 2007. Accordingly, the following business shall be transacted in the following order: the Pharmacy Bill 2007 [*Seanad*], Second Stage, and the proceedings thereon shall, if not previously concluded, be brought to a conclusion at 1.30 p.m. on that day. The Criminal Justice Bill 2007, Second Stage (resumed), and the proceedings thereon shall, if not previously concluded, be brought to a conclusion at 5.30 p.m. on that day.

**An Ceann Comhairle:** There are three proposals to put to the House. Is the proposal for dealing with Nos. 12a, 12b and 13 agreed?

**Mr. Gormley:** It is not agreed. I raised the subject matter of 12b many months ago with the Minister for Defence and was told that the memorandum of understanding would be placed in the Oireachtas Library, which did not happen. In a reply to a parliamentary question I was advised the memorandum was to be amended, but it was

not amended, I understand, because other member states refused to amend it. It is a very important document because it sets out what we are about to do regarding this battle group. Among other matters we will be using the facility at Northwood in Britain to train.

**An Ceann Comhairle:** We cannot have a debate on the detail of what might be contained in the document. This is purely a procedural motion to refer it to a select committee.

**Mr. Gormley:** We need accountability and transparency on the floor of this House on the matter. Fianna Fáil will go to its ard fheis next weekend claiming its great commitment to neutrality.

**An Ceann Comhairle:** We cannot have a detailed debate on the issue.

**Mr. Gormley:** There is no commitment to neutrality in the Fianna Fáil Party and this is the evidence of it. That is why we need to debate the matter on the floor of the House.

**Aengus Ó Snodaigh:** This is a further nail in the Irish neutrality coffin. I will not go into the background of the issue. My preference would be to deal with it in the House before it is referred to a committee. Proposing to send it to committee without debate here is bypassing one of the stages of democratic accountability for such a major change in Irish foreign and defence policy as outlined in the motion. We deserve that it be debated fully here so that all the implications of the motion can be teased out, including that the proposed battle group will have its headquarters in Britain and that we will be joining a battle group with other NATO members. That in itself deserves full debate in the House before referral to committee.

**Mr. Quinn:** I remind members of the Government opposite that it successfully managed to lose the first referendum on the Nice treaty by not listening to the legitimate concerns of many people about a slide into a military alliance which would not be accountable to this House. The tradition of this House on all sides has been to support Irish neutrality as understood in the context of the times in which people find themselves. If the Government refuses to grant time to allow this to be properly debated and all the fears and the legitimate concerns that go right back to the anti-conscription movement of 1918 to be articulated, it will hand a present to those people who do not want to support the European project. No benefit is to be gained from burying this matter through a secrecy of silence and stifled debate. There is every benefit to be had from openness and honest debate. Otherwise the actions of the Minister, Deputy O'Dea, would be rightly presented as subterfuge, dishonesty and covering

up something about which he is not prepared to speak in public on the floor of this House, and I do not mean through the paid columns of the *Sunday Independent*.

**Mr. Hogan:** We have no problem with the referral to the select committee. However, when the select committee has had its deliberation perhaps time could be made available in the House for a debate at that stage.

**The Tánaiste:** I am prepared to be reasonable on the matter. The Government's attitude is one of reasonableness. Let us be clear that there is no sweeping of this under the carpet. If this is referred to a committee, every Member of this House is entitled to attend and discuss it at length.

**Mr. Quinn:** It is too important.

**The Tánaiste:** It is not too important for every Member, if they are interested in the matter, to attend the meeting and express their point of view. If that committee comes up with a radical difference of opinion, which deserves further debate in this House, we can decide it in that context. However, let us first ascertain where people stand on the issue. I agree with Deputy Quinn that our opposition regarding neutrality is well understood. The Government stands behind the triple lock unambiguously. I remind Deputy Quinn that one of his would-be allies in an alternative government has rubbished and opposed the idea of a triple lock. I will not go further than that. There is agreement between the Deputy and this side of the House on the maintenance of the triple lock, but there is no agreement on the maintenance of the triple lock on the other side of the House.

**Mr. M. Higgins:** Let us have a debate here.

**The Tánaiste:** It is not a debating issue, it is a profound issue that the Labour Party does not share with its proposed allies.

**Mr. Quinn:** The Government should live up to its responsibilities and have a debate here.

**Mr. M. Higgins:** It is an accountability issue and the Tánaiste is in no position to lecture anybody about accountability.

**The Tánaiste:** Any coherent——

**Mr. Durkan:** It is a red herring.

**The Tánaiste:** It is not a red herring. The two parties are radically divided on this as on many other issues.

**Mr. M. Higgins:** We understand the committee system. The Tánaiste should stop lecturing us.

**Mr. Quinn:** The Tánaiste should do his duty as acting leader of the Government and have the debate here.

**The Tánaiste:** They do not have a common position and they are coddling the people that they could form an alternative government.

**Mr. M. Higgins:** We know how the committee works.

**The Tánaiste:** The two parties do not agree on these issues.

**Mr. M. Higgins:** The Government should get on with it and have a debate here. Of what is it afraid?

**The Tánaiste:** Let us send it to the——

**Mr. J. O'Keeffe:** Let us put a triple lock on the Tánaiste.

*(Interruptions).*

**An Ceann Comhairle:** Allow the Tánaiste to continue and then we can put the question.

**The Tánaiste:** Let us send the issue to the committee——

*(Interruptions).*

**The Tánaiste:** Keep coming.

**Mr. S. Ryan:** Let the battleground be in here.

**An Ceann Comhairle:** Allow the Tánaiste to speak without interruption.

**The Tánaiste:** Let us send the issue to the committee and let us see how badly divided Fine Gael and Labour are on the issue.

**Mr. M. Higgins:** Let us see how many Members from the Government side show up.

Question put: "That the proposal for dealing with Item Nos. 12a, 12b and 13 be agreed to."

## The Dáil divided: Tá, 60; Níl, 43.

## Tá

Ahern, Michael.  
 Ahern, Noel.  
 Andrews, Barry.  
 Ardagh, Seán.  
 Blaney, Niall.  
 Brady, Johnny.  
 Brady, Martin.  
 Browne, John.  
 Callanan, Joe.  
 Carty, John.  
 Cassidy, Donie.  
 Collins, Michael.  
 Cooper-Flynn, Beverley.  
 Coughlan, Mary.  
 Cowen, Brian.  
 Cregan, John.  
 Curran, John.  
 Davern, Noel.  
 Dennehy, John.  
 Fleming, Seán.  
 Fox, Mildred.  
 Glennon, Jim.  
 Hanafin, Mary.  
 Harney, Mary.  
 Haughey, Seán.  
 Hoctor, Máire.  
 Jacob, Joe.  
 Keaveney, Cecilia.  
 Kelleher, Billy.  
 Kelly, Peter.

Killeen, Tony.  
 Kirk, Seamus.  
 Kitt, Tom.  
 Lenihan, Brian.  
 Lenihan, Conor.  
 McDowell, Michael.  
 McGuinness, John.  
 Moloney, John.  
 Moynihan, Donal.  
 Moynihan, Michael.  
 Nolan, M. J.  
 Ó Cuív, Éamon.  
 Ó Feargháil, Seán.  
 O'Connor, Charlie.  
 O'Dea, Willie.  
 O'Donnell, Liz.  
 O'Donoghue, John.  
 O'Donovan, Denis.  
 O'Flynn, Noel.  
 O'Keefe, Ned.  
 O'Malley, Fiona.  
 Power, Peter.  
 Power, Seán.  
 Roche, Dick.  
 Sexton, Mae.  
 Smith, Michael.  
 Wallace, Dan.  
 Wallace, Mary.  
 Wilkinson, Ollie.  
 Woods, Michael.

## Níl

Boyle, Dan.  
 Broughan, Thomas P.  
 Burton, Joan.  
 Connaughton, Paul.  
 Connolly, Paudge.  
 Costello, Joe.  
 Cowley, Jerry.  
 Crawford, Seymour.  
 Cuffe, Ciarán.  
 Durkan, Bernard J.  
 English, Damien.  
 Enright, Olwyn.  
 Ferris, Martin.  
 Gilmore, Eamon.  
 Gormley, John.  
 Hayes, Tom.  
 Higgins, Joe.  
 Higgins, Michael D.  
 Hogan, Phil.  
 Howlin, Brendan.  
 McGinley, Dinny.  
 McHugh, Paddy.

McManus, Liz.  
 Moynihan-Cronin, Breeda.  
 Murphy, Catherine.  
 Naughten, Denis.  
 Noonan, Michael.  
 Ó Snodaigh, Aengus.  
 O'Dowd, Fergus.  
 O'Keefe, Jim.  
 O'Shea, Brian.  
 O'Sullivan, Jan.  
 Pattison, Seamus.  
 Quinn, Ruairí.  
 Rabbitte, Pat.  
 Ring, Michael.  
 Ryan, Eamon.  
 Ryan, Seán.  
 Sargent, Trevor.  
 Shortall, Róisín.  
 Stagg, Emmet.  
 Stanton, David.  
 Upton, Mary.

Tellers: Tá, Deputies Kitt and Kelleher; Níl, Deputies English and Stagg.

Question declared carried.

**An Ceann Comhairle:** Is the proposal for dealing with No. 21, the Broadcasting (Amendment) Bill 2006 [*Seanad*], Report and Final Stages, agreed?

**Mr. Hogan:** This Bill has effectively been guillotined. For this reason, we will oppose the proposal.

Question, "That the proposal for dealing with No. 21 be agreed to", put and declared carried.

**An Ceann Comhairle:** Is the proposal for sitting tomorrow Friday, 23 March 2007 agreed to?

**Mr. Hogan:** No, it is not agreed. In respect of the Dáil sitting tomorrow, the Criminal Justice Bill 2007 is welcomed by Fine Gael, but there are many very serious issues at stake. I ask the Tánaiste whether it is appropriate for us to discuss a Bill like this, which deals with bail, the right to silence and detention periods, in ten or 12 hours. Does he think this is a sufficient period

of time in which to debate these important issues?

**Mr. Rabbitte:** This Bill comprises 128 pages and deals with important issues such as altering the bail regime, reorienting the right to silence and providing for seven days detention and electronic tagging. To propose that it should be guillotined in this fashion cuts across everything this Parliament ought to stand for.

I have seen transformations in Deputies who have crossed from this side of the floor to Government but have never seen anything like the transformation that has come

*11 o'clock* over the Tánaiste. He opened proceedings today by lecturing us that anybody who wanted to appear at a committee had a right to do so as an excuse for debate in this Chamber. He now proposes to put through a Bill as major as this in the fashion proposed here.

For example, the Tánaiste requires amendments to be submitted tomorrow before Second Stage has concluded. This is an abrogation of everything that parliamentary scrutiny ought to stand for. Furthermore, requiring the staff of this House to comply with this kind of regime is unfair.

The Tánaiste has set up this arrangement for tomorrow, presumably deliberately, because he knows that many Members have an imminent appointment with their employers and may not be here. If that is the case——

**Mr. J. Brady:** I thought the Deputy only had one job.

**Mr. Rabbitte:** That is true in my case, but I am not sure about the Deputy.

*(Interruptions).*

**Mr. Rabbitte:** If that is the case, why can the Tánaiste not permit the Bill to wind to an orderly conclusion? To further stipulate, as the Tánaiste sought to do, that next week we would take Committee and Remaining Stages in the same time slot was simply outrageous. The Whips persuaded the Government Chief Whip to depart from that.

What has come over the Tánaiste, who was once a very active and occasionally very inventive Member on this side of the House, to lead him to regard parliamentary scrutiny as an irritant which he must tolerate and to believe that our purpose here is only to rubber stamp legislation? On a previous occasion, he came in to the House with a couple of hundred pages of amendments so the Lord knows what he might do next week on this Bill.

**An Ceann Comhairle:** Deputy Rabbitte should make a brief comment.

**Mr. Rabbitte:** Yet on these fundamental issues, Members on this side of the House are essentially required to take the Tánaiste on good faith and

nod it through. We know where we all went wrong the last time we did that.

**Mr. Sargent:** The Green Party opposes the manner in which this Bill is being taken, not least because taking it on Friday without a vote is an insult to the intention of the legislation, as well as to this House. Hiving it off on to a day where it is understood that many Deputies will be here but unable to vote is an insult to the parliamentary process. I wonder whether the Taoiseach and the Tánaiste are serious about this legislation or whether they are slightly embarrassed by it, want to keep it under the radar and not have it too closely scrutinised so Friday seems to suffice for that.

It does not suffice for proper parliamentary scrutiny, particularly when the amendments must be submitted before the end of Second Stage. This really does indicate that it is designed not to be properly scrutinised but to be somehow rail-roaded through. This is an insult to the House and the people.

**Aengus Ó Snodaigh:** I will not repeat what has been said by the other two Deputies. I am opposed to the guillotine in the first instance. I am also opposed to the half-assed sitting proposed for tomorrow, where there is no Order of Business or questions to the Taoiseach or Ministers. If we are to sit on a Friday, Monday or whatever day, we should have a proper sitting which allows votes to happen on the day on which they are called, if they are called at all. It is for this reason that I oppose the Friday sitting and also oppose the guillotine.

**The Tánaiste:** By way of background to this, as the House is aware, I indicated in October 2006 that I was setting a rebalancing committee in process to study the criminal law. I established that committee in November. A series of very brutal murders took place in December and on all sides of this House, there was a call for urgent action on the part of the Government. In December, having consulted with my Cabinet colleagues, I indicated the outlines of a criminal package. In the early weeks of this year, I published the scheme of this Bill, which was widely discussed at that time. The Bill is to be discussed over three weeks in this House. Let us be clear about that. It will be discussed this week, next week and the following week. If people are sincere about making urgent changes in our law to deal with the situation with which Anthony Campbell's family found themselves dealing and have any sincerity about this matter, a discussion over three weeks is perfectly suitable for this debate.

**A Deputy:** Hear, hear.

**Mr. D. Ahern:** The Opposition has been caught out in its rhetoric.

*(Interruptions).*

**An Ceann Comhairle:** The Tánaiste, without interruption. I ask Members on both sides of the House to allow the Tánaiste to speak.

**The Tánaiste:** I note people's objections to Friday sittings. Tomorrow is to be a legislation day. There will not be an Order of Business so we will not spend an hour wrangling over it tomorrow. We will get on with the business of this House.

I thank Deputy Hogan for indicating support for this Bill. I have not heard an unambiguous statement yet from the Labour Party as to whether it supports the Bill.

**Mr. Howlin:** We have not had one.

**A Deputy:** They always want both sides.

**The Tánaiste:** I know where Deputy Ó Snodaigh stands. He is against the Bill and I commend him on saying that.

**Mr. C. Lenihan:** The Labour Party is wrestling with its conscience again.

**The Tánaiste:** I would prefer a little more candour from the Opposition as to where it stands on the principle of this Bill.

**Mr. M. Higgins:** The Tánaiste will get his answer in a few weeks time.

**Mr. Howlin:** The Tánaiste should give us the time so we can properly debate the Bill.

**The Tánaiste:** I am sure I will get it in a few weeks, because in three weeks time we will have the Report and Final Stages of the Bill in this House and then we will be in a position to see whether the Labour Party supports it.

**Mr. M. Higgins:** The Tánaiste will get lots of candour then.

**Mr. Quinn:** Then the Tánaiste will make another mistake and it will be off to the Supreme Court.

**The Tánaiste:** Second, Committee and Report Stages will be spread over three weeks in this House.

**Mr. Stagg:** That is not what the Tánaiste offered.

**The Tánaiste:** That will give Members ample time to discuss all their views on the matter.

**Mr. Ring:** Nobody wants to listen to the Tánaiste.

**The Tánaiste:** All of this posturing means very little to the people.

**Mr. Ring:** No one is listening to him.

**Mr. C. Lenihan:** Go on Ringo.

**An Ceann Comhairle:** If Deputy Ring would stop interrupting, we might conclude.

**Mr. D. Ahern:** Has Deputy Ring not gone to the Labour Party yet?

**An Ceann Comhairle:** The question is that the proposal for dealing with the Friday sitting be agreed to.

**Mr. C. Lenihan:** Go on Ringo.

**Mr. Rabbitte:** A Cheann Comhairle——

**Mr. C. Lenihan:** He is shouting loud now.

**An Ceann Comhairle:** Deputy Rabbitte should be allowed to make a point of order.

**Mr. D. Ahern:** The last we heard of Deputy Ring, he was going to the Labour Party.

**Mr. C. Lenihan:** Enda's away, so he is shouting hard.

**An Ceann Comhairle:** The Minister of State, Deputy Conor Lenihan, should please allow Deputy Rabbitte to speak without interruption.

**Mr. Ring:** Does he want it with fries?

**An Ceann Comhairle:** Deputy Ring should please allow Deputy Rabbitte to speak without interruption.

**Mr. Ring:** I am sorry a Cheann Comhairle. I am only responding to him. The Ceann Comhairle will stop this side, he will not stop that side.

**Mr. Rabbitte:** Is it not the case that the expert group to which the Minister referred——

**An Ceann Comhairle:** That is not a point of order.

**Mr. Rabbitte:** ——has not even reported yet?

**Aengus Ó Snodaigh:** The Minister is misleading the House.

**An Ceann Comhairle:** That is not a point of order. The Deputy will have to raise the matter in another way.

**Mr. Rabbitte:** Is it in order for the Tánaiste to mislead the House in the fashion he just did?

**An Ceann Comhairle:** I will put the question.

Question put: "That the proposal for dealing with the Friday sitting be agreed."

## The Dáil divided: Tá, 57; Níl, 38.

## Tá

Ahern, Dermot.  
 Ahern, Michael.  
 Ahern, Noel.  
 Andrews, Barry.  
 Brady, Johnny.  
 Brady, Martin.  
 Callanan, Joe.  
 Carty, John.  
 Cassidy, Donie.  
 Collins, Michael.  
 Coughlan, Mary.  
 Cregan, John.  
 Curran, John.  
 Davern, Noel.  
 Dennehy, John.  
 Fitzpatrick, Dermot.  
 Fleming, Seán.  
 Fox, Mildred.  
 Glennon, Jim.  
 Hanafin, Mary.  
 Harney, Mary.  
 Haughey, Seán.  
 Hoctor, Máire.  
 Jacob, Joe.  
 Keaveney, Cecilia.  
 Kelleher, Billy.  
 Kelly, Peter.  
 Killeen, Tony.  
 Kirk, Seamus.

Kitt, Tom.  
 Lenihan, Brian.  
 Lenihan, Conor.  
 McDaid, James.  
 McDowell, Michael.  
 McGuinness, John.  
 Moloney, John.  
 Moynihan, Donal.  
 Moynihan, Michael.  
 Nolan, M.J.  
 Ó Cuív, Éamon.  
 Ó Fearghaíl, Seán.  
 O'Connor, Charlie.  
 O'Dea, Willie.  
 O'Donnell, Liz.  
 O'Donovan, Denis.  
 O'Flynn, Noel.  
 O'Keefe, Ned.  
 O'Malley, Fiona.  
 Power, Seán.  
 Roche, Dick.  
 Sexton, Mae.  
 Smith, Michael.  
 Wallace, Dan.  
 Wallace, Mary.  
 Walsh, Joe.  
 Wilkinson, Ollie.  
 Woods, Michael.

## Níl

Broughan, Thomas P.  
 Burton, Joan.  
 Connaughton, Paul.  
 Connolly, Paudge.  
 Costello, Joe.  
 Cowley, Jerry.  
 Crawford, Seymour.  
 Durkan, Bernard J.  
 English, Damien.  
 Enright, Olwyn.  
 Ferris, Martin.  
 Gilmore, Eamon.  
 Gormley, John.  
 Hayes, Tom.  
 Higgins, Joe.  
 Higgins, Michael D.  
 Hogan, Phil.  
 Howlin, Brendan.  
 McHugh, Paddy.

McManus, Liz.  
 Moynihan-Cronin, Breeda.  
 Murphy, Catherine.  
 Naughten, Denis.  
 Noonan, Michael.  
 Ó Snodaigh, Aengus.  
 O'Dowd, Fergus.  
 O'Keefe, Jim.  
 O'Shea, Brian.  
 O'Sullivan, Jan.  
 Pattison, Seamus.  
 Quinn, Ruairí.  
 Rabbitte, Pat.  
 Ring, Michael.  
 Ryan, Seán.  
 Shortall, Róisín.  
 Stagg, Emmet.  
 Stanton, David.  
 Upton, Mary.

Tellers: Tá, Deputies Kitt and Kelleher; Níl, Deputies English and Stagg.

Question declared carried.

**Mr. Hogan:** Does the Tánaiste recall the commitment made last October regarding changes in ethics legislation? When he was supporting his master in his hour of need last October over various financial matters, a commitment was given that there would be amendments to the ethics legislation. When will we see this Bill and will it be enacted before the general election?

The Tánaiste will be aware of issues relating to the home defence Bill that was outlined by Fine Gael some time ago. He made a commitment to introduce legislation along these lines and the

heads of a Bill were published some weeks ago. Will he indicate when it will be published and whether it will come to the Oireachtas before the end of this session and be enacted before the general election?

**The Tánaiste:** The ethics Bill will be published this session. As the Deputy will appreciate, Senator Morrissey introduced a home defence Bill in the Seanad——

**Mr. Hogan:** The Tánaiste wrote it.

**The Tánaiste:** ——and the Deputy's party introduced another one. The heads of the Bill



[The Tánaiste.]

have been approved. I hope there will be speedy progress, since they are well drafted and well crafted heads.

**Mr. Rabbitte:** Self-praise is no praise. Will the Tánaiste join me in sending the congratulations of this House to the Irish cricket team on its tremendous sporting achievement? In that regard, has the Government considered the great additional financial burden that will be imposed on it as a result of reaching the last eight? I am advised by Deputy Seán Ryan, who was no mean cricketer in his day, that there will be great additional cost as a result of Ireland qualifying for the Super Eight stage. Perhaps the Government will have regard to that by facilitating the cricket team's extended stay for the remaining seven matches.

Does the Tánaiste now consider it appropriate that he apologise on behalf of the Garda Síochána to Mr. Frank Shortt?

**An Ceann Comhairle:** That does not arise on the Order of Business. The Tánaiste is here to answer on behalf of the Government on the Order of Business. If the Deputy has a question for a line Minister, I suggest that he submit it.

**Mr. Rabbitte:** The Tánaiste is the line Minister.

**An Ceann Comhairle:** Yes, but he is not here in that capacity and I ask that the Deputy obey the Order of Business. He got away with his first item, which was outside the Order of Business.

**Mr. Durkan:** The Tánaiste is always in that capacity.

**Mr. Rabbitte:** I got away with it? I cannot believe that. The Tánaiste spends the entire morning lecturing us on doing our business here and the Ceann Comhairle tells me that I have got away with something. What am I supposed to be doing?

**An Ceann Comhairle:** The Chair was lenient on the first issue that the Deputy raised, which was not appropriate to the Order of Business. It is now almost 11.30 a.m. and the Chair is obliged to ensure we comply with the Standing Orders of the House.

**Mr. Rabbitte:** The Supreme Court made some very trenchant remarks yesterday regarding the oppression of an Irish citizen, Mr. Frank Shortt. I am sure the Tánaiste, as someone who, like me, supports the gardaí, is as disturbed about it as I am.

**An Ceann Comhairle:** Does the Deputy have a question appropriate to the Order of Business? We cannot have one rule for the Deputy and one for every other Member.

**Mr. Rabbitte:** I ask that the Tánaiste take this opportunity to do something on behalf of the Garda Síochána that has not yet been done.

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

**Mr. Rabbitte:** He should apologise for the appalling conduct of a minority of gardaí—

**An Ceann Comhairle:** I ask the Deputy to resume his seat.

**Mr. Rabbitte:** —who engaged in the oppression of a citizen.

**An Ceann Comhairle:** I ask the Deputy to resume his seat.

**Mr. Rabbitte:** Third, when the Tánaiste came galloping to celebrate the partnership between Paddy the plasterer and the Taoiseach last October, he promised legislation as he breathlessly congratulated the Taoiseach on “getting away with it”, or did the Ceann Comhairle correct me the last time — perhaps the word was “surviving”.

**An Ceann Comhairle:** Does the Deputy have a question appropriate to the Order of Business?

**Mr. Stagg:** It is appropriate.

**Mr. Rabbitte:** The question concerns promised legislation.

**An Ceann Comhairle:** I will hear the Deputy on that. He need not have such a long preamble, however.

**Mr. Rabbitte:** When will we see that Bill? The Ceann Comhairle says that he will hear me, but he keeps interrupting me.

**An Ceann Comhairle:** The Chair never interrupts, he intervenes.

**Mr. Rabbitte:** I am perfectly entitled under the rules of this House to ask about promised legislation. Is that not right?

**An Ceann Comhairle:** That is correct, but not to make a long preamble.

**Mr. Rabbitte:** I am not making a long preamble, I am trying to rebut your constant interventions.

**An Ceann Comhairle:** Like everyone else, the Chair is obliged to obey Standing Orders.

**Mr. Stagg:** From here, it looks like he is here to protect the Government.

**An Ceann Comhairle:** Would Deputy Stagg like to withdraw that remark?

**Mr. Stagg:** I am sure I will.

**An Ceann Comhairle:** I ask him to withdraw the remark unequivocally.

**Mr. Stagg:** A Cheann Comhairle——

**An Ceann Comhairle:** Unequivocally, or the Deputy must leave the House.

**Mr. Stagg:** It appears to this side of the House that the Ceann Comhairle is being less than fair.

**An Ceann Comhairle:** I ask the Deputy to withdraw the remark.

**Mr. Stagg:** If the Ceann Comhairle insists on my withdrawing the remark, I will do so.

**An Ceann Comhairle:** Remark withdrawn.

**Mr. Rabbitte:** When will we see publication of the “we survived it” Bill, and will it be enacted in the lifetime of this Dáil?

**The Tánaiste:** The Deputy must be having a senior moment or be so busy preparing his questions that he was not listening to what was said. I was asked that question a moment ago and I said that the Bill would come in this session.

**Mr. Rabbitte:** I asked when the Bill would be enacted.

**Ms Enright:** The next Bill must fall.

**The Tánaiste:** That depends on the co-operation of the Opposition. If we spend an hour every morning on this kind of nonsense, who can say?

**Mr. Rabbitte:** We have not yet seen the Bill.

**The Tánaiste:** When the Deputy sees it, he will not be disappointed, and I am sure there will be all-party agreement to its early passage. We spend an hour every day on this routine. The other question was put so long ago that I cannot remember it.

**Mr. D. Ahern:** It is just not cricket.

**The Tánaiste:** Yes, it concerned cricket.

**Mr. Ring:** Croke Park and Lansdowne Road — I do not know where they will have the cricket in Dublin. There will be no cricket in Mayo.

*(Interruptions).*

**The Tánaiste:** To refer to the early part of Deputy Rabbitte’s innings when he raised the cricket issue, I congratulate the Irish cricket team very sincerely on its magnificent achievement in the West Indies. The Minister for Foreign Affairs, Deputy Dermot Ahern, has made special

arrangements to provide consular support for the band of 1,500 Irish supporters there with the players to ensure their welfare.

**Mr. Ring:** Is the Taoiseach and the Tánaiste going?

**Mr. D. Ahern:** We look after the people.

**The Tánaiste:** Second, I am sure the Deputy will join me in sending our best wishes to the Irish soccer team, which this weekend will play in Croke Park for the first time. I presume the Deputy will join me in congratulating the Irish rugby team on its achievements in Rome last weekend. The under-20s deserve particular mention for their great achievement in winning the Grand Slam in Europe.

**Mr. Rabbitte:** I hold a firm wicket. What about the Garda Síochána?

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

**Mr. Rabbitte:** The case is so serious that it merits a response from the Tánaiste in the House.

**An Ceann Comhairle:** If the Deputy wishes to raise the matter on the Adjournment, the Chair will facilitate him. It is not appropriate to the Order of Business.

**Mr. Gormley:** On behalf of the Green Party, I too congratulate all our sporting heroes. The Tánaiste is no doubt aware that there is a serious problem in Galway with drinking water.

**An Ceann Comhairle:** Does the Deputy have a question appropriate to the Order of Business?

**Mr. Gormley:** Yes, it relates to promised legislation. The Water Services Bill 2003 has been languishing in committee. When will it return to the House and does failure of the Government to bring it back to the House not represent a serious dereliction of duty on its part?

**An Ceann Comhairle:** The Deputy should allow the Tánaiste to answer his question.

**Mr. Gormley:** We need greater improvements in water services and I do not believe that the Government is taking the matter seriously.

**The Tánaiste:** The legislation is passing through the House and has been ordered for Report Stage. With co-operation among the parties, it will get an early hearing.

**Mr. Crawford:** In light of the situation of many elderly people who cannot secure accommodation in nursing homes owing to the imposition of new rules, when will the nursing home support Bill be put before the House so that we

[Mr. Crawford.]

might discuss it in full? Regarding what happened yesterday, when the House was misled, I sat in my car for an hour and five minutes on the M1 without moving.

**An Ceann Comhairle:** That does not arise on the Order of Business. I call the Tánaiste on the first question.

**Mr. Crawford:** It certainly arises in legislation. The public transport Bill should be discussed. However, it is important that the Taoiseach set right the record of the House.

**An Ceann Comhairle:** I would prefer if the Deputy did not qualify his statement because we will move on at 11.30 a.m. and other Deputies have been waiting very patiently.

**Mr. Crawford:** He misled the House in that it was not because of a ban but because the tunnel broke down.

**The Tánaiste:** Both Bills are scheduled for publication this year.

**Ms Shortall:** I wish to ask about two promised Bills. Several thousand families living in local authority flats have waited a very long time for the opportunity to buy their homes. Legislation was promised in the form of the housing miscellaneous provisions Bill, but that Bill has not yet appeared. What is the reason for the delay? Is there any prospect of it being published before the general election and, if so, will we have time to debate and pass it? This is a pressing issue.

I also wish to ask the Tánaiste about the long-promised Dublin transport authority Bill. Exactly a year ago, the Minister for Transport promised we would have that legislation in a matter of weeks. What is the reason for the delay and is there any prospect of that Bill being taken before the election?

**The Tánaiste:** As regards the purchase by local authority tenants of their flats, the legislation is the social housing (miscellaneous provisions) Bill. The heads of that Bill were approved by the Government on 19 December 2006 and it is due for publication early this summer. It is currently being drafted.

**Ms Shortall:** The answer is “No”.

**The Tánaiste:** As regards the second issue raised by the Deputy, the Dublin transport authority Bill will be published this session.

**Ms Shortall:** Is there any prospect of it being debated before the election?

**The Tánaiste:** With the co-operation of the House, if we did not spend an hour every morning talking about legislation, we might get there.

**Mr. Durkan:** The Tánaiste is very time conscious.

**Mr. Hogan:** It is the Government’s job to order it.

**Mr. J. Higgins:** Two weeks ago, when we raised the question of legislation to control management companies in apartments and housing estates, the Taoiseach said “I am informed that one piece of legislation will not be sufficient to cover all the areas. It will just cover a number of them and work is ongoing on the Bill”. The Bill to which he referred is the property services regulatory authority Bill. Will the Tánaiste clarify the position for us? It is a full 18 months since Deputy Catherine Murphy and I raised this crux whereby apartment owners and householders are stuck in these situations with management companies. When will the Government come forward with comprehensive legislation that is required to protect apartment owners and extricate householders who were needlessly forced into management contracts?

**An Ceann Comhairle:** We cannot discuss the legislation now.

**Mr. J. Higgins:** Okay.

**An Ceann Comhairle:** It is after 11.30 a.m. Other colleagues are offering and I would like to facilitate them.

**Mr. J. Higgins:** The second issue arises under promised health and environmental legislation. Is the Tánaiste embarrassed that a parasitic infection, normally associated with the Third World, currently afflicts a major part of Galway?

**An Ceann Comhairle:** I ask the Deputy to resume his seat.

**Mr. J. Higgins:** This is after ten years of his Government.

**An Ceann Comhairle:** I call the Tánaiste on the legislation.

**The Tánaiste:** As regards the property services Bill, the Taoiseach is correct. One piece of legislation cannot deal with the particular set of agendas which relates to management companies. Legislation has already been drafted in my Department on the regulation of property services, but there will also have to be at least one other piece of legislation to deal with the position of tenants *vis-à-vis*, their own management companies, which is a slightly different issue. The Deputy will be aware that I attended a conference at the Law Society recently, which was sponsored by that society and the Law Reform Commission. These issues were dealt with in great detail on that occasion.

For the Deputy's information, I wish to put on record that my colleague, the Minister for the Environment, Heritage and Local Government, Deputy Roche, wrote to the local authorities that were of particular interest to Deputy Catherine Murphy and Deputy Joe Higgins. Those authorities were effectively using private management companies as a way of reimposing rates in certain areas, to get them to take those estates in charge, and not to use that as a means of living off their own responsibility to particular tenants. It is a complex issue, however, as the Deputy will appreciate. The legislation in preparation in my Department will deal with some but not all of the agenda that is necessary to ensure that people are not ripped off by private management companies, or by developers who never trigger the establishment of the companies for estates by holding on to some of the properties. There is a series of issues that must be dealt with.

**Mr. J. Higgins:** When will the order be made?

**The Tánaiste:** The issue is being worked on in the relevant Departments, which are my Department and the Department of the Environment, Heritage and Local Government.

**Mr. J. Higgins:** Does the Tánaiste have anything to say about water contamination?

**The Tánaiste:** Water contamination is primarily a matter for the local authority in question.

**Mr. J. Higgins:** People are falling ill.

**An Ceann Comhairle:** If the Deputy wants to raise that matter there are many ways of doing so in this House, but not on the Order of Business.

**Mr. Broughan:** In the last few days of this Government, is any legislation planned on foot of the White Paper on energy or is it basically a dead letter? Has the Tánaiste made an agreement with the developer, Mr. Gerry Gannon, to establish a Garda station in the Donaghmede area?

**An Ceann Comhairle:** The second question does not arise.

**Mr. Broughan:** Is it news to the Tánaiste?

**An Ceann Comhairle:** Is legislation promised?

**The Tánaiste:** Legislation is not promised in either area.

**Mr. Durkan:** It will be promised though.

**Mr. M. Higgins:** Will the Tánaiste indicate when the Government and Opposition Whips will arrange to have No. 90, the Water Services Bill 2003 [*Seanad*], listed for Report Stage? In that case, we can envisage practical action being taken to resolve existing difficulties.

**The Tánaiste:** That matter was mentioned a moment ago, although the Deputy may not have been here. I said that with co-operation from the House, I am sure Report Stage of that Bill will be dealt with.

**Mr. M. Higgins:** I appreciate the Tánaiste's reply.

**Mr. Durkan:** Given the number of post office closures all over the country, alarm has been expressed by those concerned about the future of the postal service. In addition, both unions and management have expressed the view that political leadership is required in this regard. When I asked the Taoiseach about the present whereabouts of the postal services (miscellaneous provisions) Bill he said it fell off the wagon. That is his quote, not mine. In view of the fact that the wagon is now on the move, will the Tánaiste peer under it to find out if it is intended to reintroduce that Bill? That legislation is crucially required.

**Mr. Browne:** Wanderly Wagon.

**Mr. Durkan:** The Geological Survey of Ireland Bill was also before the House but fell off the wagon.

**An Ceann Comhairle:** I am sorry Deputy but other Members are offering and we must move on.

**Mr. Durkan:** The Tánaiste is anxious to give a comprehensive answer. Will he look under the wagon again and tell us where is that legislation?

**The Tánaiste:** The Deputy always asks about those two Bills and the answer is always the same: they have been taken off the list. It is not promised legislation.

**Mr. Durkan:** It took rocket science to produce that result. The Tánaiste might have said whether he was going to reintroduce the legislation. That was the question. The Tánaiste should peer under the wagon.

**Ms Lynch:** We hope we have dealt sufficiently with people who abuse children and the criminal consequences involved. When will legislation be introduced, however, as a preventative measure to ensure children will be protected in advance of any action being taken by the justice system against people who are considered unsafe to work with children. When will that be done?

**The Tánaiste:** The Deputy's question concerns the register of persons who are working with children legislation. It is not possible to indicate at this stage when that legislation will be published because detailed consideration, with significant advice from the Attorney General, is required to deal with the issues involved, which may well be influenced by the terms of the proposed consti-

[The Tánaiste.]

tutional referendum concerning soft information and the like. The Deputy is well aware of the situation on that constitutional initiative.

**Ms Lynch:** It is a preventative measure and should be done as a matter of urgency.

**Dr. Cowley:** We enacted legislation in this House to establish the Health and Safety Authority to investigate accidents at work. There are currently 29 actions against the HSA for issuing enforcement notices.

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

**Dr. Cowley:** My question is that Donegal County Council is using taxpayers' money—

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

**Dr. Cowley:** It does because they are giving two fingers to this House.

**An Ceann Comhairle:** I call No. 11a, Appointments to Public Bodies Bill 2007 — First Stage.

**Dr. Cowley:** What is the point in enacting legislation if the HSA cannot do its job?

**An Ceann Comhairle:** The Deputy will have to resume his seat. I call Deputy Boyle.

**Dr. Cowley:** The HSA cannot do its job. A girl was killed in Donegal in 2001 and the HSA is trying to investigate it. I sought that investigation, which was granted, but the county council is trying to stop it.

**An Ceann Comhairle:** I will have to ask the Deputy to leave the House. I call Deputy Boyle.

**Dr. Cowley:** Justice is required. The Tánaiste, as Minister for Justice, Equality and Law Reform is responsible, but where is the justice for that girl in Donegal?

#### **Appointments to Public Bodies Bill 2007: First Stage.**

**Mr. Boyle:** I move:

That leave be granted to introduce the Appointments to Public Bodies Bill.

**An Ceann Comhairle:** Is the Bill opposed?

**Minister of State at the Department of the Taoiseach (Mr. Kitt):** No.

Question put and agreed to.

**An Ceann Comhairle:** Since this is a Private Members' Bill, Second Stage must, under Standing Orders, be taken in Private Members' time.

**Deputy Boyle:** I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

#### **Rehabilitation of Offenders Bill 2007: First Stage.**

**Mr. Andrews:** I move:

That leave be granted to introduce the Rehabilitation of Offenders Bill 2007.

**An Ceann Comhairle:** Is the Bill opposed?

**Minister of State at the Department of the Taoiseach (Mr. Kitt):** No.

Question put and agreed to.

**An Ceann Comhairle:** As this is a Private Members' Bill it must, under Standing Orders, be taken in private Members' time.

**Mr. Andrews:** I move: "That Second Stage be taken in Private Members' time."

Question put and agreed to.

#### **Proposal on Convention on the International Hydrographic Organisation: Referral to Select Committee.**

**Minister of State at the Department of the Taoiseach (Mr. Kitt):** I move:

That the proposal that Dáil Éireann, pursuant to Article 29.5.2° of Bunreacht na hÉireann, approves the terms of the accession to the Convention on the International Hydrographic Organisation, be referred to the Select Committee on Transport, in accordance with paragraph (1) of the Orders of Reference of that Committee, which, not later than 4 April, 2007, shall send a message to the Dáil in the manner prescribed in Standing Order 85, and Standing Order 84(2) shall accordingly apply.

Question put and agreed to.

#### **Proposal on European Battle Groups: Referral to Select Committee.**

**Minister of State at the Department of the Taoiseach (Mr. Kitt):** I move:

That the proposal that Dáil Éireann approves Ireland's accession to the Memorandum of Understanding concerning the Principles for the Establishment and Operation of a Multinational Battlegroup to be made available to the European Union and

to the Memorandum of understanding concerning the Principles for the Cooperation Regarding the OHQ-Function for the Nordic Battlegroup, be referred to the Select Committee on Justice, Equality, Defence and Women's Rights, in accordance with paragraph (1) of the Orders of Reference of that Committee, which, not later than 4 April, 2007, shall send a message to the Dáil in the manner prescribed in Standing Order 85, and Standing Order 84(2) shall accordingly apply.

Question put and agreed to.

#### **Finance Act 2004: Motion.**

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I move:

That Dáil Éireann approves the following Order in draft:

Finance Act 2004 (Section 91) (Deferred Surrender to the Central Fund) Order 2007, copies of which have been laid in draft form before Dáil Éireann on 12 February, 2007.

Question put and agreed to.

#### **Message from Select Committee.**

**An Leas-Cheann Comhairle:** The Select Committee on Communications, Marine and Natural Resources has completed its consideration of the Communications Regulation (Amendment) Bill 2007, and has made amendments thereto.

**Broadcasting (Amendment) Bill 2006 [Seanad]:**  
**Order for Report Stage.**

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne):** I move: "That Report Stage be taken now."

Question put and agreed to.

**Broadcasting (Amendment) Bill 2006 [Seanad]:**  
**Report and Final Stages.**

**An Leas-Cheann Comhairle:** This debate is to conclude at 1.30 p.m. if it has not previously concluded.

**Mr. M. Higgins:** I note in the list of grouped amendments that my amendment No. 6 has been ruled out of order. The Ceann Comhairle informed me that the amendment I tabled cannot be taken as it was not anticipated in discussions on Committee Stage. I find this difficult to understand so I will explain what I meant.

Amendment No. 6 in my name would have assisted in the definition of the word political in section 10(3) of the basic Bill. That section states that no advertisement shall be broadcast which is

directed towards any religious or political end or which has any relation to an industrial dispute. My amendment said that section 10(3) meant the promotion or opposition, directly or indirectly, of the interests of a political part or group and that the political contests referred to meant local elections, Dáil elections, elections to the European Parliament and so on.

People showed concern in the general discussions of this Bill on Second Stage and Committee Stage relating to the meaning of the language used. If the narrow interpretation used by the broadcasting corporation of Ireland were accepted it would mean that today, 200 years after Wilberforce succeeded in abolishing slavery in the British Empire, one would not be allowed speak about the issue. Most pertinently, one would not be allowed speak about a convention of the United Nations, which is manifestly absurd.

**An Leas-Cheann Comhairle:** I suggest that the Deputy move for recommittal of his amendment when we reach amendment No. 6.

**Mr. M. Higgins:** I am very grateful for the assistance of the Leas-Cheann Comhairle in this regard and I sprang to my feet on this occasion because I noticed that amendment No. 6 was not listed in the grouping. I was afraid that someone less benign than the Leas-Cheann Comhairle might indicate to me that I had lost the opportunity to make a case for my amendment. I am very happy to wait if I can give more fulsome arguments for the inclusion of amendment No. 6 when we finish with amendment No. 5. If that is the advice of the Leas-Cheann Comhairle then I am delighted to accept it.

**An Leas-Cheann Comhairle:** When we reach amendment No. 6 the Deputy can move for recommittal of his amendment.

**Mr. M. Higgins:** Reaching amendment No. 6 when it is not listed in the grouping is an existential matter.

**An Leas-Cheann Comhairle:** It will be taken on its own.

**Mr. M. Higgins:** I thank the Leas-Cheann Comhairle.

**An Leas-Cheann Comhairle:** Amendments Nos. 1, 4, 5, 7, 14, 15, 18, 21, 24, 28, 40, 45, 48, 58, 59, 61, 62, 63, 69, 87, 88 and 89 are related and will be discussed together.

**Mr. Durkan:** I move amendment No. 1:

In page 3, line 11, after "MEANS" to insert the following:

"UTILISING THE MOST MODERN DIGITAL SYSTEMS OR COMBINATION OF SYSTEMS".

[Mr. Durkan.]

There are 22 amendments in this grouping and I will refer to them briefly as I realise we have a short time to discuss the final stages of the Bill, though there will be ample time to discuss it later.

Amendment No. 1 relates to an issue that was discussed at considerable length on Committee Stage. The Minister gave an undertaking to the House that he would consider the introduction of a number of amendments. I have been otherwise engaged for the past few days and have been bombarded with Bills that arrived late and amendments that had to be submitted. I do not see any evidence that the Minister has considered the introduction of these amendments but I am interested to hear what he has to say. It was not the Minister of State at the Department of Communications, Marine and Natural Resources, Deputy Browne that gave the commitment but his colleague. Notwithstanding this, I presume the Minister of State is equally committed to delivering on the commitments made by his colleague.

Amendment No. 1 indicates that, in the course of discussions of these proposals on Second and Committee Stages, evidence came to light showing that we should not be tied to one particular system. The best combination of systems should be utilised to ensure high quality, reliable and modern technology. We pointed out that all technology has a short lifespan and we have little chance of being at the cutting edge by using old technology and amendment No. 1 sought to clarify this.

Amendment No. 4, which is related, seeks to delete the word multiplex and substitute transmission system or systems. This amendment has the same purpose as the previous one and we will be interested to hear what the Minister has to say in this regard because a clear commitment was given on Committee Stage relating to this matter. The Minister of State and his Department have received a significant number of submissions from interested parties outside the House who have a particular expertise in the area and who have given of their time freely to convey what they have that can be of benefit in the passing of this legislation.

Amendment No. 5 is a similar related amendment that refers to short wave digital technology. Amendment No. 7 seeks to have the same effect at a different point in the Bill on page 4. Amendment No. 14 is a related amendment on the same lines and refers to the introduction of a short wave digital broadcasting system or combination of such systems and is a repeat of the earlier amendment. Amendment No. 15 seeks to make the same amendment.

Amendment No. 18 sees a slight variation with the emphasis changed to insert "incorporating modern digital technology". This means the same as previous amendments and is meant to help in the utilisation of cutting edge technology for the benefit of this legislation. Due to time constraints,

I do not propose to discuss the amendments individually. I hope the Minister of State will indicate an intention to act on the promise given on Committee Stage. Like Deputies on this side, he will have had little time to deliberate on the matter but I offer him an opportunity to accept our proposal.

**Mr. Broughan:** Amendment No. 45, the first Labour Party amendment in the group, relates to the same issue illuminated by Deputy Durkan, namely, whether this important legislation should include reference to the latest technology, specifically in the area of radio broadcasting. The amendment proposes to insert, in page 8, between lines 11 and 12, the following:

"(2) It shall be a duty for the Commission for Communications Regulation to establish, maintain and operate a single sound broadcasting multiplex system which reflects as far as practicable the most technologically advanced digital radio mediums such as Digital Audio Broadcasting Version 2 and Digital Radio Mondiale (DRM)."

As Deputy Durkan stated, we have received a great deal of advice from individuals working in the engineering end of radio broadcasting to the effect that the legislation should refer to the most advanced system available. I am informed, for example, that last week France decided to introduce digital radio, following the World DAB Forum's decision to upgrade to DAB 2, and will move nationally to the digital radio mondiale system. In addition, Germany appears to have decided to leapfrog the DAB system and adopt DRM. Ofcom in the United Kingdom is expected to test DRM in the old black and white television band one and results from the test will probably allow the delivery of digital radio in a manner that will use a fraction of the energy and spectrum needed for DAB 1. Irish people are used to hearing references to digital radio and DAB on the suite of BBC stations, an excellent exemplar of public broadcasting. I understand there are approximately 4 million sets in the UK.

I welcome the Minister of State, Deputy Browne, who informed the select committee yesterday that the Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey, is still in Palo Alto in California representing Ireland. I hope he will secure new business for high-tech firms here. It is a pity, however, he is not present for the debate on this important Bill which establishes a new broadcasting landscape on the technical side for the future.

For the past two or three years, the Labour Party has called on the Government to move to digital broadcasting. A number of the amendments I have tabled reflect the failure of Ireland and, to some extent, the United Kingdom to take seriously the need to make the transition to digital. The key demand of the Labour Party is that the free-to-air broadcasting service, both tele-

vision and radio, will be protected in the system as it develops. For this reason, I have tabled a number of crucial amendments on this issue.

The amendments in this group refer to technical standards. The Minister argued on Committee Stage that the strength of the Bill lies in its generality and we should not be prescriptive in legislation. The Bill establishes the multiplexes and lays down a system for the digital roll-out. We will, he said, be able to work on the various standards as technology improves and develops over the next five or six years. While I have some sympathy for his argument, having listened to engineering advice, we have concluded that a standard should be set for radio and amendment No. 45 has been introduced to this end.

I commend my party colleague, Deputy Stagg, who led a long and successful campaign to have Irish media broadcast to the diaspora, particularly Irish people in the United Kingdom. The Bill places responsibility for performing this function with the RTE Authority. We can be proud of Deputy Stagg's achievement in this regard. I also commend the Minister and the Taoiseach on accepting the Deputy's arguments and introducing the legislation. I support the amendments in this group tabled by the Fine Gael Party.

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne):**

I am in agreement with the general intention of Deputies Durkan and Broughan that the legislation should not preclude broadcasters from utilising the most beneficial digital broadcasting technologies available. The existing suite of broadcasting legislation, as amended by the Bill, in particular the Broadcasting Authority Act 1960, the Radio and Television Act 1988 and the Broadcasting Act 2001, entrusts the RTE Authority, the Broadcasting Commission of Ireland and broadcasting contractors with the task of considering the most appropriate broadcasting technologies to meet the broadcasting needs of audiences.

A number of proposed amendments reference specific digital radio broadcasting standards, such as digital audio broadcasting version two, DAB 2, and digital radio mondiale, DRM. As Deputies

are aware, primary legislation in the main outlines principles rather than the specific technology standards needed to support such principles. This is a sensible approach given that predicting the future of technology is a hazardous undertaking. The Minister, having listened to the comments made by the Deputies on Committee Stage and reviewed the legislative proposals, is satisfied that the referenced technology standards can be readily accommodated under the existing suite of broadcasting legislation and amended by the Bill. As a consequence, the amendments, as proposed, are not accepted.

**Mr. Durkan:** I am disappointed that the commitment entered into by the Minister on Committee Stage has not been delivered. I do not criticise the Minister of State but his response sounds like it was rushed into print to apply a sticking plaster to the proposals made by Opposition Deputies. It is akin to arguing it will be all right on the night.

If submissions had not been made by members of the public and experts in the field and if those with the relevant technical knowledge had not gone to the trouble of making submissions, Deputy Broughan and I would not have tabled these amendments and this discussion would be unnecessary.

I reject the Minister of State's argument that it will be possible to accommodate the technology standards referred to in the amendments. It is easy to be precise at the outset about the quality and standard of the technology to be used as it is to run after the wagon later to try to apply technology that was not envisaged. Anyone providing a service who reads this legislation or the transcript of the debate will note that while the Minister and the Minister of State left open the options of using DRM or DAB, they did not come down on one side or the other. That is the critical factor.

Given that Ireland has been slow to give a lead to the world on broadband and in other technological areas, it is unfortunate the Minister did not avail of an opportunity to take positive, future-orientated action by setting a high standard for others to follow.

Amendment put.

The Dáil divided: Tá, 36; Níl, 59.

Tá

Boyle, Dan.  
Broughan, Thomas P.  
Burton, Joan.  
Connaughton, Paul.  
Connolly, Paudge.  
Cowley, Jerry.  
Crawford, Seymour.  
Crowe, Seán.  
Cuffe, Ciarán.  
Durkan, Bernard J.  
English, Damien.  
Enright, Olwyn.  
Harkin, Marian.  
Hayes, Tom.

Higgins, Michael D.  
Hogan, Phil.  
Howlin, Brendan.  
McGinley, Dinny.  
McHugh, Paddy.  
McManus, Liz.  
Moynihan-Cronin, Breeda.  
Murphy, Catherine.  
Naughten, Denis.  
Ó Snodaigh, Aengus.  
O'Keeffe, Jim.  
O'Shea, Brian.  
O'Sullivan, Jan.  
Pattison, Seamus.



Tá—*continued*

Quinn, Ruairí.  
Rabbitte, Pat.  
Ring, Michael.  
Ryan, Eamon.

Shortall, Róisín.  
Stagg, Emmet.  
Stanton, David.  
Upton, Mary.

Níl

Ahern, Dermot.  
Ahern, Michael.  
Ahern, Noel.  
Andrews, Barry.  
Blaney, Niall.  
Brady, Johnny.  
Brady, Martin.  
Browne, John.  
Callanan, Joe.  
Carty, John.  
Cassidy, Donie.  
Collins, Michael.  
Cooper-Flynn, Beverley.  
Coughlan, Mary.  
Cregan, John.  
Curran, John.  
Dempsey, Tony.  
Dennehy, John.  
Fitzpatrick, Dermot.  
Fleming, Seán.  
Fox, Mildred.  
Glennon, Jim.  
Hanafin, Mary.  
Harney, Mary.  
Haughey, Seán.  
Hector, Máire.  
Jacob, Joe.  
Keaveney, Cecilia.  
Kelleher, Billy.  
Kelly, Peter.

Killeen, Tony.  
Kirk, Seamus.  
Kitt, Tom  
Lenihan, Brian.  
Lenihan, Conor.  
McDaid, James.  
McDowell, Michael.  
McGuinness, John.  
Moloney, John.  
Moynihan, Donal.  
Nolan, M.J.  
Ó Fearghaíl, Seán.  
O'Connor, Charlie.  
O'Dea, Willie.  
O'Donnell, Liz.  
O'Donovan, Denis.  
O'Flynn, Noel.  
O'Malley, Fiona.  
O'Malley, Tim.  
Power, Peter.  
Power, Seán.  
Roche, Dick.  
Sexton, Mae.  
Smith, Michael.  
Wallace, Dan.  
Wallace, Mary.  
Walsh, Joe.  
Wilkinson, Ollie.  
Woods, Michael.

Tellers: Tá, Deputies English and Stagg; Níl, Deputies Kitt and Kelleher.

Amendment declared lost.

**An Ceann Comhairle:** Amendments Nos. 2, 8, 9, 11, 12, 13, 16, 17, and 90 to 93, inclusive, are related and will be discussed together.

**Mr. Durkan:** I move amendment No. 2:

In page 3, line 15, after “IRELAND” to insert the following:

“IN RELATION TO THE BROADCASTING OF THE BUSINESS OF DÁIL AND SEANAD ÉIREANN”.

I do not wish to delay the House but wish to point out that on Committee Stage the Minister indicated he might consider this matter and perhaps he has given his colleague instructions to make a positive statement now.

The amendment relates to the broadcasting of Dáil and Seanad proceedings. The Minister seemed to support this, but wavered as the debate progressed and mentioned that it was a matter for the broadcasting commission. We know it is a matter for the commission, but it is also a matter that should be dealt with by legislators in broadcasting legislation. It is time the Houses of the Oireachtas had their own broadcasting channel. Other jurisdictions already have this facility. In

many other jurisdictions the notion was not given much of a hearing because it was suggested nobody would watch parliamentary proceedings.

Broadcasting of parliamentary proceedings was introduced in Canada where it has proved to be very successful and has drawn the interest of the public. It involves the public in the day-to-day business of Parliament and lets them know what is going on and when; they recognise this is better than getting the second-hand version of events. This is not a reflection on journalists or on those who report proceedings. The point is we live in an era of reality TV. Therefore, broadcasting proceedings is one of the best ways of bringing the public into the arena with legislators and keeping them up to date with what is happening.

Broadcasting of proceedings would also ensure that people elected to Parliament will recognise they are in the public eye at all times. We tend to forget that we work in a goldfish bowl and perhaps say things we should not say. We live in a democracy and part and parcel of the advancement of technology in that democracy is the ability to use it for the benefit of the democratic process. There is no better way to involve the public than to broadcast the live proceedings of the Dáil and Seanad.

I do not agree with those who say it would neither work nor be a commercial success. However, it would take far too long to go into the many variations of what could be done to make it a success now. Suffice it to say, having consulted with my colleagues, with Deputy Broughan of the Labour Party and with the broadcasting committee in my capacity as Fine Gael Chief Whip, and having listened to debate on the issue over a number of years, I have no doubt that the time has come for the introduction of the service. The legislation best positioned to push this forward is the legislation before us, notwithstanding the responsibilities that will fall on the Commission of the Houses of the Oireachtas or the broadcasting committee later.

**Mr. Broughan:** I support Deputy Durkan's amendments in respect of the broadcasting of Oireachtas proceedings. I used to be a Labour Party Whip and represented the party on the broadcasting committee. I am still a member of the broadcasting committee and the promotion of more widespread broadcasting of our national Parliament has long been an interest of mine.

I believe all public affairs deserve to be broadcast live. That is why, six or seven years ago, I was the first person to propose the broadcasting of meetings of Dublin City Council of which I was proud to be a member. Webcasting of the council meetings has started recently. The other local council, Fingal County Council, has used webcasting for a year or so. It would be very interesting for the public to see their 25 or 30 councillors, or in the case of Dublin City Council, 52, in action at meetings. It would then be able to hold councillors directly accountable rather than not having a clue whether its representatives voted for a rezoning or other dodgy decision.

This is even more necessary in the proceedings of the national Parliament. Deputy Durkan's idea of inserting the broadcasting of Parliament in the Title of the Bill and reiterating it throughout the text is a useful initiative. We are grateful for "Oireachtas Report" which is broadcast every evening. For example, the meeting of the Select Committee on Communications, Marine and Natural Resources, of which I am a member, was broadcast last night. I did not see the programme because it was so late and I was speaking in the House at 11.25 p.m. I did not see many members of the press accompanying us here then. I saw a few scuttle off at 6 p.m. or 6.30 p.m., but in the real world of politics, which many of them do not understand, we were still here until late. As the Minister of State knows, we were plugging away at the committee until 10.15 p.m., then we came in here to support our colleagues in the debate on the Carbon Fund Bill and finally I spoke in an Adjournment debate on a local matter. It would be good to cover all that activity live.

We welcome the initiatives RTE has taken in this regard, and TG4, whose coverage of the Order of Business on Thursday has proved a

valuable initiative. The Leas-Cheann Comhairle must have noticed that under our antiquated Standing Orders the only facility for backbench Members to speak is to use the obsolete section 31 provision. This has expanded on Thursdays because TG4 took the initiative to broadcast the Order of Business.

Deputy Durkan's point is that we would like to follow the UK example, where one of the main eight channels on free-sat is BBC Parliament. Yesterday, British citizens could watch the proceedings of the annual budget and the leaders' replies to the Chancellor as they happened. That is a great advantage in a democracy. We need to enhance our service and this is the first opportunity we have to legislate to do so. I warmly support my colleague.

I tabled amendments to this effect to a previous Bill. My amendments Nos. 11 and 12 relate to the additional functions given to the RTE Authority in respect of multiplexes and the additional powers given to local community regional and national broadcasters. When I submitted those amendments I was anxious that the Broadcasting Commission of Ireland would have a separate role. In discussions on the previous Broadcasting Bill which was to outline the shape of broadcasting structures, I was determined to try to preserve the independence of public service broadcasting. The Government is not bringing this Bill forward although the public spent a great deal of time on it through the e-consultation process, as the Minister of State knows, and our committee devoted two days of hearings to it. The amendments relate to my contribution at that time.

**Mr. Cuffe:** Deputy Broughan made the same Freudian slip as the leader of the Fine Gael Party in referring to section 31 rather than Standing Order 31. The restrictive nature of Standing Order 31 is not analogous to that of section 31 of the Broadcasting Act in its heyday when it restricted the right to freedom of speech.

**Mr. Crowe:** It did indeed.

**Mr. Cuffe:** Yes, indeed, it affected many who are now Members of this House. There are those who would argue that amendment No. 2 and amendment No. 17 in the name of Deputy Eamon Ryan involve inflicting a lifetime of purgatory on the innocent population. Sometimes in here it feels like purgatory. It is not quite the Big Brother house, but the Oireachtas has its moments and the people of Ireland and elsewhere around the world are entitled to view them.

Live webcasting of Oireachtas proceedings works well but media technology moves quickly and it is crucial not to restrict the options within the proposed legislation. While it is not the preserve of insomniacs and alcoholics — I refer to the viewers, not those of us who are here at 10.30 p.m. — the audience is restricted, not just in the

[Mr. Cuffe.]

public gallery but outside the House. We should extend the broadcasts and embrace all new media.

When we are passing a Bill that will probably age fairly rapidly, it is crucial that we do not close any doors, and the amendments put down by Deputies Durkan and Eamon Ryan would ensure that would not happen. Let us ensure that in ten years we can say this Act was far-sighted and did not rule out options but built on the good work done in local authorities and by the broadcasting team in Leinster House. Let us extend the boundaries and ensure that there are more options in the future.

**Mr. Crowe:** I agree with Deputy Cuffe. We should not restrict our options. I am cynical about people wanting to watch the proceedings here, which is at times like watching paint dry, although I found it amusing to see on last night's edition of "Oireachtas Report" that two of my colleagues present seemed to be having a great time at the committee meeting, which is unusual.

**Mr. Broughan:** The Government record is so bad it is entertaining.

**Mr. Crowe:** The Deputies seemed to be having a good time. I have often heard "Oireachtas Report" described as TV for insomniacs. I have also surprisingly come across many who watch it and are intrigued by what is going on. It opens up options for people to follow what is or is not happening here. It is also useful for people who are blind because they can listen to the proceedings. This is a question of giving people choice. I have watched the broadcast from the European Parliament which we can access here, although people wonder who would watch it apart from someone with plenty of time on his or her hands, myself included. I support the amendments put down by Deputies Durkan and Eamon Ryan.

**Mr. Browne:** These amendments deal with the remit of the RTE Authority and consequent reporting obligations. My amendments Nos. 91 and 92 require the RTE Authority to review and report to the Minister for Communications, Marine and Natural Resources, on the third and fifth anniversaries of the coming into force of this provision, on the provision of the broadcasting service to Irish communities abroad as mandated by this Bill. The amendments also require the Minister to lay such reports before each House of the Oireachtas.

Government amendments Nos. 91 and 92 derive from an amendment No. 13 proposed by Deputy Eamon Ryan. Amendment No. 13 provides that RTE may choose any form of broadcasting transmission platform for the purpose of providing a broadcasting service to Irish communities abroad. The current text of the Bill does

not prescribe the method of transmission that RTE must use in delivering on its mandate to provide a broadcasting service to Irish communities and, as such, it will be a matter for RTE to choose the most appropriate broadcasting transmission platform to deliver on its new mandate.

Amendment No. 13 also proposes reporting requirements in respect of broadcasting to Irish communities abroad. The reporting requirements proposed in Government amendments Nos. 91 and 92 and existing sections 14 and 15 of the Bill address the reporting issues raised in Deputy Eamon Ryan's amendment and, as such, I do not propose to accept amendment No. 13.

Amendments Nos. 2, 16 and 17, as proposed by Deputies Durkan and Eamon Ryan, relate to the incorporation by the RTE Authority, on a national digital terrestrial television multiplex, of Oireachtas proceedings and the proceedings of local authorities. Section 28(2) of the Broadcasting Act 2001 currently requires the RTE Authority to broadcast programmes that provide coverage of proceedings in the Houses of the Oireachtas and the European Parliament as part of the national television broadcasting service. Section 3(2) of the Bill, in essence, requires the RTE Authority to carry the national television broadcasting services of RTE and TG4 in digital form on a multiplex to be established by the RTE Authority. Consequently, the authority is not precluded by the legislation from carrying Oireachtas proceedings on a multiplex.

While I share the Deputies' concerns regarding the appropriate coverage of the proceedings of the Houses of the Oireachtas, further consideration is required by the Houses as to the form such coverage should take, be it by way of a dedicated channel or otherwise, before additional obligations are placed on the RTE Authority. Discussions have taken place between officials of the Houses of the Oireachtas and the Department with regard to carrying an Oireachtas channel on the digital terrestrial television pilot. The impediment to such carriage relates to the need to edit and combine material at source within the Oireachtas into a channel for transmission. This is a matter solely for the Houses of the Oireachtas to decide on.

On the coverage of proceedings of local authorities, the RTE Authority is neither precluded nor obligated under the proposed legislation from incorporating such proceedings on any national multiplex. Further consideration is required as to the funding, form and manner of such coverage before additional obligations are placed on the RTE Authority. Consequently, it is not intended to accept amendments Nos. 2, 16 and 17.

Amendments Nos. 8 and 9, proposed by Deputy Durkan, amend the core remit of RTE to allow it to provide international broadcasting services. The existing text of section 3, which mandates RTE to broadcast to Irish communities abroad, already provides sufficient latitude and direction regarding broadcasting overseas.

Amendments Nos. 11 and 12, as proposed by Deputy Broughan, would have the effect of requiring the Broadcasting Commission of Ireland to establish the proposed new television and radio service for Irish communities abroad either on its own or with the RTE Authority and to ensure that any such television service would have to approximate the existing schedules of RTE1, Network 2 and TG4. The amendment, as drafted, would in effect require the broadcasting regulator to become involved directly in broadcasting activities. This obviously has potential for serious conflicts of interest and consequently it is not proposed to accept amendments Nos. 8, 9, 11 and 12.

Amendments Nos. 90 and 93, proposed by Deputy Durkan, relate to reporting requirements imposed on the RTE Authority in sections 14 and 15 of the Bill. On amendment No. 90, section 28(11) of the Broadcasting Act will require the Minister to submit reports provided by the RTE Authority, under proposed section 14, to the Houses of the Oireachtas. On amendment No. 91, the proposed section 15 empowers the Minister to require the RTE Authority to keep special financial accounts regarding the proposed broadcasting service to Irish communities overseas. As such, it is not intended as a qualitative reporting mechanism, the latter being dealt with by Government amendments Nos. 91 and 92 and the

proposed section 14. Consequently, it is not proposed to accept amendments Nos. 90 and 93.

**Mr. Durkan:** The Minister of State is not in a very compliant mood today.

**Mr. Browne:** I accepted Deputy Eamon Ryan's amendment.

**Mr. Durkan:** I thought he would have rushed into the House to appease the Opposition and take on board its reasonable submissions. What worries me most about the Minister of State is his comments to the effect this is not the appropriate time or correct platform on which to accept our proposals. As I said yesterday, now is the time and there is no time like the present.

We have been talking about broadcasting the proceedings of the Houses live since I became a Member. Nothing will ever happen unless one makes it happen. Given that we are now talking about technology and the expansion and improvement of existing broadcasting services, in addition to addressing the need to make people more aware of the proceedings of the Parliament, we have an opportunity to advance. This is a House of Parliament rather than an assembly and it has the absolute powers of a sovereign Parliament. We have many matters to address and the issues that arise on foot of this series of amendments require immediate action.

Amendment put.

The Dáil divided: Tá, 33; Níl, 56.

Tá

Boyle, Dan.  
Broughan, Thomas P.  
Connaughton, Paul.  
Connolly, Paudge.  
Costello, Joe.  
Cowley, Jerry.  
Crawford, Seymour.  
Crowe, Seán.  
Cuffe, Ciarán.  
Durkan, Bernard J.  
English, Damien.  
Enright, Olwyn.  
Gilmore, Eamon.  
Gormley, John.  
Harkin, Marian.  
Hayes, Tom.  
Higgins, Michael D.

Hogan, Phil.  
McGinley, Dinny.  
McHugh, Paddy.  
McManus, Liz.  
Moynihan-Cronin, Breeda.  
Murphy, Catherine.  
Naughten, Denis.  
O'Keeffe, Jim.  
O'Shea, Brian.  
O'Sullivan, Jan.  
Ryan, Eamon.  
Shortall, Róisín.  
Stagg, Emmet.  
Stanton, David.  
Twomey, Liam.  
Upton, Mary.

Níl

Ahern, Dermot.  
Ahern, Michael.  
Andrews, Barry.  
Blaney, Niall.  
Brady, Johnny.  
Brady, Martin.  
Browne, John.  
Carey, Pat.  
Carty, John.  
Cassidy, Donie.  
Collins, Michael.  
Cooper-Flynn, Beverley.  
Coughlan, Mary.  
Cowen, Brian.  
Cregan, John.

Curran, John.  
Dempsey, Tony.  
Dennehy, John.  
Fitzpatrick, Dermot.  
Fox, Mildred.  
Glennon, Jim.  
Hanafin, Mary.  
Haughey, Seán.  
Hoctor, Máire.  
Jacob, Joe.  
Keaveney, Cecilia.  
Kelleher, Billy.  
Kelly, Peter.  
Killeen, Tony.  
Kirk, Seamus.

Níl—*continued*

Kitt, Tom.  
Lenihan, Brian.  
McDaid, James.  
Moynihan, Donal.  
Nolan, M.J.  
Ó Fearghaíl, Seán.  
O'Connor, Charlie.  
O'Dea, Willie.  
O'Donnell, Liz.  
O'Donoghue, John.  
O'Donovan, Denis.  
O'Flynn, Noel.  
O'Keeffe, Ned.

O'Malley, Fiona.  
O'Malley, Tim.  
Power, Peter.  
Power, Seán.  
Roche, Dick.  
Sexton, Mae.  
Smith, Michael.  
Wallace, Dan.  
Wallace, Mary.  
Walsh, Joe.  
Wilkinson, Ollie.  
Woods, Michael.  
Wright, G.V.

Tellers: Tá, Deputies English and Stagg; Níl, Deputies Kitt and Kelleher.

Amendment declared lost.

**Acting Chairman (Ms B. Moynihan-Cronin):** Amendment No. 3 is in the name of Deputy Durkan. Amendments Nos. 26, 27, 34, 35, 37, 39, 41, 44, 46, 49, 51, 53, 65 to 68, inclusive, and 70 to 74, inclusive, will be discussed with amendment No. 3.

**Mr. Durkan:** I move amendment No. 3:

In page 4, line 10, after “2001” to insert “or as amended by this Act”.

We discussed this amendment at length on Committee Stage and because of the time constraints I do not propose to comment further and will await the Minister of State's response.

**Mr. Browne:** A number of drafting amendments are proposed in the group. Government amendments Nos. 34, 35, 37, 39, 44, 46, 49, 51 and 53 are necessary improvements in the text of the Bill as pointed out by the parliamentary counsel. Government amendments Nos. 65, 71 and 73 are similar to the amendments originally proposed by Deputy Durkan on Committee Stage, which the Minister, Deputy Noel Dempsey, agreed to review before Report Stage. These amendments have been resubmitted by the Deputy as amendments Nos. 66, 72 and 74. After discussion with the parliamentary counsel it was agreed that these amendments would enhance the text of the Bill. The drafting changes proposed by these amendments are now reflected in the Government amendments. The remaining amendments proposed by Deputy Durkan do not add to the functionality of the Bill and therefore I cannot accept them.

**Mr. Durkan:** That is debatable. I thank the Minister of State for the embellishments introduced by way of amendment. Those of us on this side of the House proposed similar amendments and as they are taken together, someone somewhere must have thought they were necessary. I remind the Minister of State that we were told that the technical amendments were not necessary, but having re-examined them the Minister must have been inspired—

**Mr. Browne:** We knew the Deputy was inspired.

**Mr. Durkan:** —because he came forward, in his usual inimitable way, and made a belated attempt to take on board the views of the Opposition.

**Mr. Browne:** The Deputy's inspiration inspired us.

**Mr. Durkan:** I will not press the amendment.

Amendment, by leave, withdrawn.

Amendments Nos. 4 and 5 not moved.

**Acting Chairman:** Amendment No. 6 is out of order as it does not arise from committee proceedings.

**Mr. M. Higgins:** If the Minister of State agrees, I suggest this amendment be recommitted to allow us discuss it as if it were a Committee Stage amendment. Is that agreed? Agreed.

Bill recommitted in respect of amendment No. 6.

**Mr. M. Higgins:** I move amendment No. 6:

In page 4, between lines 30 and 31, to insert the following:

3.—(1) For the purposes of section 10(3) of the Radio and Television Act 1988, an advertisement is directed towards a political end if and only if it is directed towards one or more of the following purposes namely:

(a) to promote or oppose, directly or indirectly, the interests of a political party, a political group, a member of either House of the Oireachtas or a representative in the European Parliament;

(b) to promote or oppose, directly or indirectly, the election of a candidate at a Dáil, Seanad or European Parliament election or to solicit votes for or against a candidate at an election; or

(c) otherwise to influence the outcome of an election.

(2) In *subsection (1)*, candidate”, “Dáil election”, “election”, “European Parliament”, “European Parliament election”, “political group”, “political party” and “Seanad election” have the same meanings as in the Electoral Acts 1992 to 2001.

I appreciate the facility afforded to me and I thank the Minister of State for agreeing to it.

The purpose of the amendment I propose is to provide clarification of existing wording in the main Act. The current section of the legislation governing the Broadcasting Commission of Ireland is contained in section 10(3). It states: “No advertisement shall be broadcast which is directed towards any religious or political end or which has any relation to an industrial dispute”. It is my belief that it was never intended that that would preclude discussion, for example, of issues of moral concern. I gave an example this morning of when Wilberforce succeeded, after a very long campaign, in securing the abolition of slavery in the British Empire 200 years ago. Slavery was to continue for a very long time after that but we would not be able to discuss that issue, nor would we be able to discuss child trafficking.

Specifically, it appears that the Broadcasting Commission of Ireland’s decision was taken on the basis of two principles. One is that it called for a campaign for ratification of United Nations Resolution 1325, which called for gender equality. We would be in the absurd position, having exercised our sovereignty in signing the charter of the United Nations and participating in the discussion on what might be regarded as progressive resolutions and so forth, of finding ourselves precluded from advertising, raising public consciousness or creating moral awareness. I could give many other examples — trafficking, child labour, bonded labour; one could go on.

I suggest in the amendment, which is very clear, that for the purposes of section 10(3) of the Radio and Television Act 1988 an advertisement is directed towards a political end if and only if it is directed towards one or more of the following purposes, which I then list. I was seeking to bring the definition of “political” within the ambit of the Electoral Acts. I go on to list the following: to promote or oppose, directly or indirectly, the interests of a political party, a political group, a Member of either House of the Oireachtas or a representative of the European Parliament; to promote or oppose, directly or indirectly, the election of a candidate at a Dáil, Seanad or European Parliament election or to solicit votes for or against a candidate in an election; or otherwise to influence the outcome of an election and then, in the related subsections, to define “candidate”, “Dáil election”, “election”, “European Parliament”, “European Parliament election”, “political group”, “political party” and “Seanad election” to suggest they have the same meanings as the Electoral Acts 1992 to 2001.

This amendment makes it clear that one can be free to make the case for such movements and legislative innovations within the universal discourse and at the same time abuse of broadcasting is not taking place for a domestic, national or European purpose. It is important that we do this because I am not referring only to the most recent case. I expressed concern also that it is not clear to me whether the Broadcasting Commission of Ireland took an executive or administrative decision or whether it represents a decision of the full board. That has never been clarified for me and it is a matter of the greatest import. What I am suggesting is non-partisan because it will assist in clarifying what is meant by section 10(3).

The other important aspect is if we do not do this we would be allowing this confusion to continue. We are in the position where the IRTC, as it was then, now the Broadcasting Commission of Ireland, would be exercising one interpretation which is effectively a limitation on a certain kind of discourse that is important if we are to introduce people to politics. Imagine, for example, if we had not been able to advertise about anti-apartheid. One could give one example after another. I do not believe the legislation was ever intended to function like that.

There is another aspect, namely, the RTE Authority, which takes a different view — in my view a better view — of the definition of public service broadcasting. If in later *1 o’clock* broadcasting legislation this rather narrow interpretation became the governing interpretation for all forms of broadcasting, we would be presented with extraordinary difficulties. Therefore we should take this as a Committee Stage amendment and agree it to rectify a situation that needs rectification. It would also be appreciated as a contribution to a broader democratic discourse and debate and would assist people who want to become aware of moral, political and human issues in the most general sense.

**Mr. Broughan:** I support the comments made by my colleague. Everyone in this House will agree with the general rule and law laid down in the 1988 Act and the general practice regarding political advertising here. We only need to consider the United States and one or two other jurisdictions to realise the total nightmare caused by the necessity to fund political advertisements. In the 2008 presidential campaign in the United States candidates are ranked in terms of support by the number of millions of dollars they have accumulated to pay for advertisements later.

I thank the Minister for allowing the Bill to be recommitted in respect of this amendment. The amendment clearly precludes that kind of advertising which would be detrimental to our democracy. Given the moral issues we face at this time, it should be possible for campaign groups and others to make those points. As Deputy Michael Higgins was speaking I was thinking of some of

[Mr. Broughan.]

the issues surrounding climate change, the great challenge facing our civilisation. It would be possible for programmes to be flagged as taking a particular point of view on aspects of energy efficiency or climate change. The general line the BCI seems to have taken on the Trócaire advertisement could also be said to preclude such general moral advertising. The amendment is timely and I urge the Minister of State to accept it.

**Mr. Durkan:** I support the amendment. The Deputies have made a reasonable case on how legislation should be couched to deal with the times in which we live as opposed to the times in which we lived. That applies to what we were discussing yesterday in another context and what we discussed this morning also. The time is now and I fully support the amendment.

**Mr. Eamon Ryan:** It is a very useful and interesting amendment. In a sense the commission's recent decision throws the issue up for debate. It is by example that we need to discover how legislation applies in practice. There is valid and justifiable concern that the commission's interpretation in this regard was tighter and narrower than many people would have expected. Deputy Broughan made the point well that it is possible to think of other examples, including climate change, as he mentioned. For example, a debate or discussion regarding the war on Iraq might be organised. Would it be possible to advertise that as an event? Is such an event political? It is difficult. What appears to be a very narrow definition by the commission of what is or is not political means that we need to consider the matter and the Oireachtas needs to give some direction.

The application of a very tight definition on an advertisement that I would not have considered questionable — it was not as marginal or as difficult as some we could think of — must set a precedent allowing a wide range of subjects to be considered to be political. We need to consider whether we should leave the broadcasting advertising space completely free of any content that might be non-commercial in nature. Are we suggesting that advertising can only relate to the selling of commercial product, as if that was not in its own right also political? It shows the difficulty of legislating and the lack of wisdom in rushing legislation.

I applaud the wording of Deputy Michael Higgins's amendment. However, in any such amendment we need to be careful not to open a crack, as mentioned by Deputy Broughan, that would allow political advertising that goes over the top. A balance is needed and I am concerned that the recent decision has not got the balance right. I am interested to hear the Government's view on the matter. It should consider adopting this or another amendment that would rectify the balance or give direction to the commission if that

is possible. I am of the view that it probably is not possible. I also share Deputy Michael Higgins's concern about whether this was an administrative or board decision by the commission and I look forward to the response of the Minister of State in that regard.

**Mr. Crowe:** I agree with the other speakers. The existing system is a crude device and we need to give direction. The recent decision on the Trócaire advertisement that was taken off the airwaves brought the area into focus. People are concerned over how it is being interpreted. If we consider the divorce campaign of some years ago, which was a political issue, would the amendment open the broadcasting of advertising for that kind of matter? In the United States the pro-life and pro-choice debate is a major issue. Would the proposed amendment open the airwaves to such a debate and is there a problem with doing so? Would it permit the advertising of other issues that could be considered political, such as the treatment of animals etc.?

The amendment makes a genuine attempt to correct the balance following the recent decision. I do not believe the legislation was ever designed with that in mind. Unfortunately, broadcasters have made their interpretations of regulations in the past. Section 31 of the Broadcasting Authority Act 1960 was mentioned earlier. Similarly, the broadcasting authority went beyond the legislation. It got to the stage where the restrictions did not merely apply to members of Sinn Féin. Before appearing on programmes some people were being asked whether they voted for or agree with the party, which was never the intention of the legislation. The broadcasting authority and individual broadcasters took it upon themselves to extend the scope of the legislation, which had a negative effect on society by not allowing people to make a choice for themselves.

The removal of the Trócaire advertisement on the basis that it was regarded as political has raised many issues. As other speakers have said, everything in life now is political. This is a serious attempt to move away from that crude interpretation.

**Mr. Browne:** While I understand the background to Deputy Michael Higgins tabling his amendment, the issue would be best debated in the context of the draft general scheme of the broadcasting Bill, which is currently the subject of a public consultation process undertaken by the Oireachtas Joint Committee on Communications, Marine and Natural Resources. The draft general scheme addresses the duties, codes and rules imposed on broadcasters and the powers of the proposed single broadcasting content regulator, the Broadcasting Authority of Ireland.

All broadcasters have a statutory duty not to accept advertisements that are directed towards any religious or political end or have any relationship to any industrial dispute. Section 24 of the Broadcasting Authority Act 1960 imposes this

duty on the RTE Authority. Section 50 of the Broadcasting Act 2001 applies it to Teilifís na Gaeilge. In effect, there are currently two regulators enforcing compliance by broadcasters for this duty, the BCI in regard to commercial and community broadcasters and the RTE Authority in regard to the RTE and TG4 channels.

With regard to the Trócaire advertising issue, the two bodies have taken different views as to what constitutes an infringement of the duty not to carry political advertising. Heads 27 and 40 of the draft general scheme of the Broadcasting Bill, which is currently the subject of a public consultation process by the joint committee, restates the ban on political advertising and proposes that the compliance committee of the proposed broadcasting authority of Ireland would enforce this duty in respect of all broadcasters. The amendment proposed by Deputy Michael D. Higgins would have the effect of allowing the RTE Authority more discretion as to what constitutes political advertising than that allowed to the BCI. This would not be an equitable arrangement.

There is a need for debate on this issue, which the Deputies are correct to state is a complex one. We should tread carefully before altering the current prohibition on political advertising. Therefore, I am not prepared to accept the amendment.

**Mr. M. Higgins:** I am grateful to the Minister of State, the Chair and the House for facilitating the teasing out of this issue but the Minister of State's reply makes matters a great deal worse. What it really suggests is that it is proposed to transfer the ambiguity, lack of clarity and narrow definition into a more general regime which will fall not only on independent broadcasters and those under the regime of the old IRTC and Broadcasting Commission of Ireland, but also that the defects will be transported into the general system. I have some sensitivity about this issue as a former Minister with responsibility for broadcasting, and I am quite aware of the text of section 10(3).

I need not delay the House with regard to the atmosphere in 1988 when the basic Act was passed. The atmosphere in 1988 and before I became Minister with responsibility for broadcasting was one in which there was a considerable interest in the Government of the day having a heavy hand on what were perceived to be excessively autonomous broadcasters. This is something we do not want. With regard to the proposed heads 27 and 40 and the basis of the consultation document, it would appear the Minister of State's interpretation is that we can simply run on with what is in place at present.

The issue is very important. I addressed these issues, for example, during consideration of my decision not to renew the ban under section 31, because we must have confidence in the listening public, in those who professionally make programmes and in the authority one appoints. They must be at arm's length. I am concerned when I hear a phrase such as, "It would give the auth-

ority too much power". The authority is there to exercise a discretion that is at a necessary distance from the State and the Government of the day — that is why we have authorities.

I am seriously worried not just with regard to my amendment but with regard to what is anticipated in the general overarching Bill. This does not augur well. When we vote on this amendment, I will most likely lose. However, I will prepare this by way of a separate Bill which I will introduce to the Dáil and it will then be for the Government to deal with it. Real issues are raised in this regard. I agree there are certain issues on which we would not want to allow open season or which could be abused. However, if Members wish to improve the Bill, they can do so when it is debated. The easiest way by far is to end the ambiguity that arises now.

I will not put a tooth in it. This BCI decision is a bad one, taken on a bad interpretation. We did not get an answer to our question — did the board of the BCI assent to this? We can all quote sections, including the sections governing RTE, the independent sector, TG4 and so on. It is a matter of the public interest, however. Why have a board, if one cannot ask questions such as the following. Did the board discuss this? Did it arrive at a conclusion? Did it take a decision? If this is an executive decision, was it submitted to the board for review? If it was submitted to board for review, when was that and at what conclusion did it arrive? Does the board support this executive decision? I would like to know the answers.

It may well be this is the case. If so, we have given the board bad and loose definitions in section 10(3). I am making an attempt to clarify the position. We will have to go further but all we now have is, rather than a promise to redress this issue, a promise to make it a great deal worse by putting a legally fragile position into the basic Act.

One of the great differences between myself and the Tánaiste and Minister for Justice, Equality and Law Reform is our view in regard to rights. He believes they stop at the boundary of the Constitution; I do not. In this, there is potential serious infringement of the right to communicate. Nobody has the right to stop anybody communicating about the great moral issues. We must remember UN Resolution 1325, which referred to the importance of the integrity of women being realised, ending gender inequality, dealing with female genital mutilation and so forth. If one cannot advertise a campaign calling on one's Government to ratify and support such a resolution, and bring in amending legislation as a result of a United Nations discourse, what kind of a limitation is imposed on broadcasting? It is a difficult issue. We do not want abuse but, at the same time, we do not want a bad decision to be regarded as good law. It is clearly not so.

I appeal to the Minister of State to grant the amendment as an interim measure. If he wishes to change it, he can come back to it in the future.



[Mr. M. Higgins.]

I am not responsible for the main broadcasting legislation; the Government is. If it wants to change what it agrees with the Opposition, it can do this in the Act. Otherwise, we will be left with no other strategy but for me to proceed with what I have suggested, namely, to prepare a Bill which I will place before the House and which we will have the opportunity to discuss. I would be very reluctant to leave matters as they are.

**Mr. Browne:** I am not suggesting the decision taken by the BCI was correct or wrong but that, under the Broadcasting Bill which is currently

before the committee, the ban on political advertising is restated under heads 27 and 40. However, I am not stating this should be case when the Bill is finalised. Obviously, it is a matter for public consultation and discussion and may well be changed at that stage.

Deputy Higgins has begun the debate today, which is important, but that debate cannot be decided or concluded today. It will continue into the future and we suggest the best way to either make changes or adopt the outgoing situation, or do whatever is best for the future, is under the Broadcasting Bill.

Amendment put.

The Dáil divided: Tá, 36; Níl, 60.

Tá

Boyle, Dan.  
Broughan, Thomas P.  
Burton, Joan.  
Connaughton, Paul.  
Connolly, Paudge.  
Costello, Joe.  
Cowley, Jerry.  
Crawford, Seymour.  
Crowe, Seán.  
Durkan, Bernard J.  
English, Damien.  
Enright, Olwyn.  
Gilmore, Eamon.  
Gormley, John.  
Hayes, Tom.  
Higgins, Michael D.  
Hogan, Phil.  
Howlin, Brendan.

McEntee, Shane.  
McGinley, Dinny.  
McGrath, Finian.  
McHugh, Paddy.  
Moynihan-Cronin, Breeda.  
Murphy, Catherine.  
Naughten, Denis.  
Ó Snodaigh, Aengus.  
O'Shea, Brian.  
O'Sullivan, Jan.  
Penrose, Willie.  
Rabbitte, Pat.  
Ryan, Eamon.  
Ryan, Seán.  
Shortall, Róisín.  
Stagg, Emmet.  
Stanton, David.  
Upton, Mary.

Níl

Ahern, Michael.  
Ahern, Noel.  
Andrews, Barry.  
Ardagh, Seán.  
Blaney, Niall.  
Brady, Johnny.  
Brady, Martin.  
Browne, John.  
Callanan, Joe.  
Carey, Pat.  
Carty, John.  
Cassidy, Donie.  
Collins, Michael.  
Cooper-Flynn, Beverley.  
Cowen, Brian.  
Cregan, John.  
Curran, John.  
Dempsey, Tony.  
Dennehy, John.  
Fitzpatrick, Dermot.  
Fleming, Seán.  
Glennon, Jim.  
Hanafin, Mary.  
Haughey, Seán.  
Hoctor, Máire.  
Jacob, Joe.  
Keaveney, Cecilia.  
Kelleher, Billy.  
Kelly, Peter.  
Killeen, Tony.

Kirk, Seamus.  
Kitt, Tom.  
Lenihan, Brian.  
McDaid, James.  
McGuinness, John.  
Moloney, John.  
Moynihan, Donal.  
Mulcahy, Michael.  
Nolan, M.J.  
Ó Fearghaíl, Seán.  
O'Connor, Charlie.  
O'Dea, Willie.  
O'Donnell, Liz.  
O'Donoghue, John.  
O'Donovan, Denis.  
O'Flynn, Noel.  
O'Keeffe, Ned.  
O'Malley, Fiona.  
O'Malley, Tim.  
Power, Peter.  
Power, Seán.  
Roche, Dick.  
Sexton, Mae.  
Smith, Michael.  
Wallace, Dan.  
Wallace, Mary.  
Walsh, Joe.  
Wilkinson, Ollie.  
Woods, Michael.  
Wright, G.V.

Tellers: Tá, Deputies Stagg and English; Níl, Deputies Kitt and Kelleher.

Amendment declared lost.

Bill reported without amendment.

**An Leas-Cheann Comhairle:** As it is now 1.30 p.m., I am required to put the following question in accordance with the order of the Dáil of this day: "That Fourth Stage is hereby completed and that the Bill is hereby passed."

Question put and agreed to.

**An Leas-Cheann Comhairle:** A message shall be sent to the Seanad acquainting it accordingly.

### **Criminal Justice Bill 2007: Order for Second Stage.**

Bill entitled an Act to amend certain enactments, including the Bail Act 1997, the Criminal Justice Act 1984, the Offences against the State (Amendment) Act 1998, the Misuse of Drugs Act 1977, the Firearms Acts 1925 to 2006, the Garda Síochána Act 2005, the Criminal Justice Act 2006 and the Sea-Fisheries Acts 2003 and 2006, to amend the law in relation to sentencing in certain respects, and to provide for related matters.

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I move: "That Second Stage be taken now."

Question put and declared carried.

### **Criminal Justice Bill 2007: Second Stage.**

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I move: "That the Bill be now read a Second Time."

From time to time this House is confronted with issues that go to the heart of our role as national legislators. On such occasions, a courageous response on our part can give leadership and galvanise society into clear and determined action. The Criminal Justice Bill 2007, which I am pleased to introduce today, provides the House with an opportunity to send a clear and unambiguous message that, as a society, we are not prepared to allow organised criminal gangs set about the destruction of families and communities.

In October, and following the enactment of the Criminal Justice Bill 2006, I said I intended to examine broader issues in regard to the criminal law. I established the Balance in the Criminal Law Review Group under the chairmanship of Dr. Gerard Hogan SC, on 1 November. I requested that group to prepare an interim report on the right to silence at the beginning of February.

In December there were a number of serious atrocities, including the murders of Alan Cuniffe, Anthony Campbell and others. It became clear some criminal gangs believed they could act with impunity. The Government agreed a major pack-

age of anti-crime measures in mid-December. These included a further increase of 1,000 in the strength of An Garda Síochána to bring the total to 15,000; sanction for 300 additional civilian administrative support posts for An Garda Síochána; the recruitment of the seven senior civilian posts recommended in the recent reports from Kathleen O'Toole and Senator Maurice Hayes; an increase in the retirement age for gardaí, sergeants and inspectors from 57 to 60; a proportionate increase in the targeted strength of the Garda Reserve from 900 to 1,500; increased staffing for the forensic science laboratory, the office of the Director of Public Prosecutions and the Courts Service; and a clear statement there was no limit on the funds available for the witness protection programme, which is provided for in statute.

I outlined I would bring a legislative package before this House also. Over Christmas we worked on this package and published the scheme in early February with a view to enacting the legislation this session. The Bill was published last week and we now have three weeks on Second, Committee and Report Stages to consider the Bill.

I acknowledge the Bill contains what some may consider tough measures but, as I have said on a previous occasion, the measures are both necessary and proportionate to the threat we face from organised crime. All of us, without exception, accept we cannot tolerate the growing threat from that source. It is not a threat that is confined to certain areas around Dublin; it is a threat that, increasingly, we are facing in every part of the country and in every strata of society.

Although additional staffing and equipment are essential, it is equally important our laws are capable of responding effectively and speedily to new patterns of crime. It is in that context I bring forward the Criminal Justice Bill 2007, which provides an extensive updating of the law in that area. As a result, the law enforcement agencies will be in a much better position to react to the serious situation we face as a society.

I will give the House an outline of the Bill's main elements. The Bill has 51 sections, in 9 Parts, with two Schedules. Part 1 deals with standard items such as commencement and interpretation. Part 2 — sections 5 to 23 — updates the law on bail. In a moment I will deal more fully with sections 6, 7, 11 to 13 and 19 in particular. However, I wish to mention the remaining sections in Part 2 introduce a number of important changes to the administration of the bail system, to permit, for example, the setting of non-monetary conditions in cases where that would be appropriate.

Section 6 provides that the applicant for bail may be required to provide a statement on his or her net assets and income, as well as details of any criminal convictions and any previous bail applications. Section 7 provides that a chief superintendent may give his or her opinion that

[Mr. McDowell.]

the applicant, if given bail, is likely to commit a serious offence and that the application should therefore be refused. Sections 11 to 13 provide that a person granted bail may be subject to electronic monitoring if the bail is conditional on the person being or not being in certain places at certain specified times. Section 19 provides the prosecution with a right of appeal against the grant of bail or in respect of any conditions attaching to bail, where it is granted. Such a right is not currently available to the prosecution. This section also allows the High Court to transfer bail applications to the Circuit Court in cases where the case can be tried by the Circuit Court.

The net effect of the changes being introduced by Part 2 is the prosecution authorities will be in a position to mount a more effective challenge to bail applications where there is a likelihood of the applicant committing serious offences if given bail. Part 3 — sections 24 and 25 — deals with sentencing. Before I outline the nature of the proposed provisions I wish to make a few general remarks on sentencing. When it comes to this issue, my views are well established and were set out in a speech in 2004. I made the point that there has to be consistency in sentencing. When it comes to the mandatory minimum sentencing provisions applicable to section 15A drug trafficking offences, the will of the Oireachtas, which is also the will of the people, must be given effect. It is not window-dressing. It should lead to a ten-year sentence, with seven and a half years served taking account of remission for good conduct. It is not disproportionate or arbitrary but a conservative measure to reflect the values of society put in place for the guidance of the Judiciary and to stop people in the drugs trade from serving short sentences and resuming their criminal activities.

Some people may argue that a statutory scheme is not necessary for consistency in sentencing for drug or firearm offences, but if that were the case, there would be no need for legislation. The figures show that the policy laid out in 1997 has not been adhered to, and that is why I have had to make it more explicit. I cannot comment on individual cases, and I do not intend to start doing so, but people must be under no illusion that the people of Ireland expect coherent, rational and consistent sentencing from the courts, and if they do not see that, it amounts to potentially grave damage to the administration of justice.

As I said in 2004, my preference is the development of effective sentencing jurisprudence by the courts themselves, and I reiterate my strong view that, collectively and individually, the independence of the Judiciary is an important value enhanced rather than damaged by collective measures taken by the Judiciary to ensure consistency, rationality and coherence in sentencing.

My view remains unaltered. I do not want to be forced down the continental or USA model

where the Legislature is forced to specify relatively inflexible sentences for every offence. To avoid that, there is a crying need for the development of sentencing guidelines by the Judiciary that are effective and are followed. It is not good enough to say that the DPP's right of appeal against judicial error in sentencing is sufficient to ensure consistency, coherence and rationality. I am strongly of the view that sentencing policy should be collectively formulated by the Judiciary and stress that I will give every backing through resources and legislation to achieve that end.

Section 24 provides that a person who commits any one of a list of scheduled offences and, within seven years, commits another of those offences will be subject to a penalty of imprisonment equal to at least three quarters of the maximum laid down by law for that second offence. Where the second offence carries a potential maximum of life imprisonment, a sentence of at least ten years must be imposed.

Section 25 provides that, upon release, a person who has been imprisoned for one of the scheduled offences may be subject to a crime prevention order. It will require the person to observe any conditions laid down by the court, which may include a condition that the person must keep gardaí informed of his or her movements. The order may last for up to ten years, or until the time when the maximum sentence for the offence, had it been imposed, would have expired.

The scheduled offences in Schedule 2 to the Bill are among the most serious known in criminal law and include all the offences typically associated with gangland crime, including, of course, drug-trafficking and firearms offences. In broad terms, they are racketeering offences, and the inspiration behind this is the racketeering-influenced corrupt organization, RICO, legislation in the USA. These provisions on sentencing are innovative in Irish terms and reflect the need to find new ways to meet the challenge that we face from organised crime.

Part 4, covering sections 26 to 29, deals with the right to silence. I will deal with sections 26 and 27 together. Section 26 inserts a new version of section 18 of the Criminal Justice Act 1984. Section 27 inserts a new version of section 19 of the 1984 Act. The provisions in sections 18 and 19, by virtue of coming under the 1984 Act, are applicable to all arrestable offences. Under the current provision, inferences may be drawn only if it is the arresting garda who asks the arrested person to account for, in the case of section 18, objects or marks or, in the case of section 19, his or her presence in a particular place, and the person refuses or fails to do so. That has proven to be a significant restriction on the operation of those sections.

Under the revised version now proposed for the two sections, any garda who is questioning the suspect may ask him or her to account for the objects or marks, or, as the case may be, his or her presence in a particular place. Several other

changes are made that apply to both sections. It is proposed that the court may draw an inference only where the circumstances in question “clearly” called for an explanation. The court may draw inferences in situations where it is determining whether the person is guilty or considering an application for dismissal of the charge in the course of a trial, on the basis that there is no case to answer. An inference may be drawn only where it is, or is capable of being, treated as corroboration for any other evidence on the matter. A person may not, however, be convicted solely or mainly on an inference.

The court must not draw inferences unless it is satisfied that the accused had been given a caution in clear terms and had access to a solicitor before failing or refusing to answer the question put to him or her by the investigating garda. The court may take account of the point in time when the accused first gave an account regarding the objects or marks or his or her presence at the place. An electronic recording of the interview must be available before an inference is drawn, unless the accused had refused to have the questioning recorded.

The new sections provide that the arrangements that they set out shall not prejudice the admissibility in evidence of the silence or other reaction of the accused in response to anything said in his or her presence relating to the conduct regarding which he or she is charged, where evidence about that reaction would otherwise be admissible. Similarly, neither section precludes the drawing of an inference from the silence or other reaction of the accused where an inference might be drawn other than on the basis of those sections. That is also the case regarding a failure by the accused to account for an object or mark or the condition of clothing, where the inference could be drawn other than on the basis of section 18.

Section 28 inserts a new section 19A into the Criminal Justice Act 1984. Two points must be made about section 19A. First, it relates to all arrestable offences. Second, it must be distinguished from sections 18 and 19 of the 1984 Act. Whereas section 18 deals with a failure to account for certain marks, substances or objects, and section 19 deals with a failure to account for being in a specific place, section 19A will deal with a failure on the part of the accused to mention while being questioned specific facts that he or she later relies on in his or her defence. In all other respects, section 19A is to be applied in the same way as sections 18 and 19. For example, it must be a fact that “clearly” called for explanation. In the same way as arose in sections 18 and 19, the failure to mention the relevant fact may give rise to an inference where it is, or is capable of being, treated as corroboration for any other evidence on the matter. However, the person may not be convicted solely or mainly on the inference alone. The safeguards regarding access

to a solicitor and electronic recording of the interview also apply.

Since the new section 19A, along with sections 18 and 19, have general application to all arrestable offences, it is no longer necessary to have more specific provisions. As a result, section 7 of the Criminal Justice (Drug Trafficking) Act 1996 and section 5 of the Offences Against the State (Amendment) Act 1998 are being repealed. That is being effected by section 3 and Schedule 1 to the Bill. Section 7 of the 1996 Act and section 5 of the 1998 Act covered the same ground as the new section 19A, as is clear.

Section 29 amends and updates section 2 of the Offences Against the State (Amendment) Act 1998. Section 2 is more specific than section 5 of the 1998 Act, in that it relates to inferences that may apply in cases relating to membership of an illegal organisation. It would not, therefore, be appropriate to repeal, it but it is being amended to include, in particular, the safeguards now generally available under sections 18, 19 and 19A of the 1984 Act in the case of arrestable offences. Those safeguards relate to the need for a clear caution, access to a solicitor and the need for an interview to be electronically recorded. The provision that the court may take note of the time or stage at which the person first gave an account is also included.

I am satisfied that the new situation improves considerably on the existing one and that this balanced set of proposals allows for reasonable and common sense inferences to be drawn but nevertheless also provides strong and enforceable safeguards.

Part 5, section 30, deals with the Misuse of Drugs Act 1977 and, in particular, section 27 of the 1977 Act, which deals with the question of mandatory minimum sentences. Deputies will note that section 30(2) of the Bill helpfully contains a table that restates the consolidated version of section 27. I will refer to that table to identify the amendments being made by the Bill. The first amendment is in subsection (3C). A new paragraph (a) is added. It is a “construction” clause that sets out in the clearest terms the intentions of the House and the Seanad regarding mandatory minimum sentences for drug-trafficking offences. It will be perfectly clear that the mandatory minimum term of ten years must apply in all but the most specific and exceptional cases.

In subsection (3CCC), a new paragraph (a) is added. At present, the subsection provides that in the event of its being a second or subsequent drug-trafficking offence, the mandatory minimum sentence of ten years imprisonment must apply, without consideration of any exceptional or specific circumstances. It is now proposed that, where the drugs are valued at €500,000 or more, the mandatory minimum of at least ten years is to apply, without reference to any other factors and regardless of whether it is a first, second or subsequent offence. The maximum sentence of life

[Mr. McDowell.]

imprisonment remains unaffected by those changes.

Having discussed the matter with the Attorney General, I feel that specifying a value of goods is justified by constitutional jurisprudence, particularly in Canada, which says it is proportionate to have a less flexible approach where the value of the drugs is very large. I have no doubt the proposed approach is correct. I see the danger that, given the €15,000 to €500,000 limits, somebody will ask whether this is a hint to the Judiciary that it is free to ignore the ten-year minimum mandatory sentence. No such inference is warranted, however, or should be drawn. All it is saying is that, in the case of a second or subsequent offence, major participation in drug dealing is by itself incapable of being dealt with on the exceptional cases basis. I am satisfied that section 27 of the 1977 Act, as it is now set out, represents a clear statement of when the ten-year mandatory minimum is to apply. For the present nothing more needs to be said on this matter.

Part 6, sections 31 to 37, deals with firearms, and in particular with the circumstances where the mandatory minimum term of either ten or five years imprisonment is to apply. Each section repeats the construction clause I have already referred to in the case of drug trafficking. The new clause puts beyond doubt the intentions of this House concerning this matter, if anyone could have been in doubt about them in the past. A number of minor and technical amendments are also included that addresses issues arising from amendments made to the firearms legislation in the Criminal Justice Act 2006.

Part 7 — sections 38 to 40 — deals with amendments to the Garda Síochána Act 2005. Section 38 inserts a new chapter 3A into the 2005 Act providing for the establishment and functions of a Garda Síochána executive management board. The board will consist of executive members — the Garda Commissioner as chairperson, the Deputy Garda Commissioners and a member of the civilian staff of the Garda Síochána, at a grade equivalent to that of a Deputy Garda Commissioner — and three non-executive members. The three non-executive members, who will have appropriate management experience, will be appointed by the Government on the nomination of the Minister. The non-executive members will serve in an advisory capacity.

The function of the board will be to keep under review the performance by the Garda Síochána of its functions, as well as the arrangements and strategies in place to support and enhance the performance of those functions. In particular, the board will keep under review the arrangements and strategies in place to support and improve the performance of the organisation and the corporate governance arrangements and structures within the force. The board will produce six-monthly reports on the performance of its func-

tions to the Minister and they will be laid before the Houses of the Oireachtas.

Section 39 provides for the replacement of section 42 of the 2005 Act.

Section 42 enables the Minister to order special inquiries to be carried out into Garda activities in certain circumstances. I have come to the conclusion that the provision should be strengthened and extended. Therefore, inquiries under the current section 42, which are limited to the administration, practice or procedure of the Garda Síochána, will be broadened to include “operations” of the force and “the conduct of its members”. The person appointed by the Minister to undertake the inquiry may interview not just members of the Garda, but any other person who has information or control over a document or thing of interest to the inquiry. That person will also be empowered to apply to the High Court for an order of compliance backed up, if necessary, by the possibility of an order for contempt being made by the court where there is a failure to co-operate with the inquiry.

Section 40 provides for a number of amendments to the Garda Síochána Act 2005. Some of these amendments arise from suggestions made to me by the Garda Síochána Ombudsman Commission. The remainder are mainly technical in nature and involve minor changes to clarify certain matters that have come to light since the passing of the 2005 Act.

Part 8, section 41 is somewhat extraneous. It amends the Sea Fisheries Acts 2003-06. These amendments are necessary to strengthen controls concerning the detection of illegal fishing activity and enforcement of the law in that area. They are included in this Bill at the request of the Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey, and with the approval of the Government. The amendment provided for in paragraph (a) will allow a sea fisheries protection officer to apply to a judge of the District Court for a search warrant to enter and search places where there are reasonable grounds for suspecting that there is evidence of an offence under the Sea Fisheries Acts. The necessity for this amendment was highlighted by a recent case where sea fisheries protection officers were denied access to premises. Their legal right to enter was subsequently vindicated by the High Court. This amendment, within the normal safeguards that apply to such searches, will ensure that in future serious investigations will not be hampered or compromised by the unlawful obstruction of sea fisheries protection officers carrying out their duties. Paragraph (b) sets down a provision for penalties for offences committed somewhere other than on board a sea-fishing boat. That circumstance was not specifically provided for in the Sea Fisheries and Maritime Jurisdiction Act 2006. Penalties for offences under the 2006 Act committed on land, as well as at sea, will now apply in both circumstances. Paragraph

(c) is merely a technical amendment following from the amendment in paragraph (b).

Part 9 — sections 42 to 51 — deals with several important issues. Section 42 amends certain provisions in the First and Third Schedules to the Garda Síochána (Complaints) Act 1986, which relate to the terms of office of members of the Garda Síochána complaints board and the appeals board respectively. It is necessary to provide that those members cease to hold office upon the repeal of the 1986 Act, when the relevant provisions of the 2005 Act are commenced.

Section 43 substitutes a new version of section 183 of the Criminal Justice Act 2006. That section deals with possession of articles intended for use in connection with kidnappings and false imprisonment. The scope of the section is being expanded to cover several other offences, namely murder, capital murder and drug trafficking. An offence is committed where a person has possession of an article in circumstances that give rise to a reasonable inference that they have it for purposes of committing one of the offences listed. It is a defence for the person to show that he or she did not possess it for the commission of an offence. Therefore, if a person had plastic bags, weighing scales and sugar piled up in a flat in Dublin, in circumstances that would give rise to a reasonable inference that they were preparing to engage in drug dealing, this section would criminalise that behaviour. It would be open to a person to say they had the items for some other reason — perhaps he or she is a baker.

**Mr. Howlin:** Selling sugar.

**Mr. McDowell:** Selling sugar or whatever.

**Mr. Cuffe:** Baking a cake, possibly.

**Mr. McDowell:** Section 43 also provides for a new section 183A of the 2006 Act. Section 183A concerns the possession of cash, in the amount of at least €5,000, in circumstances giving rise to the reasonable inference that it is for use in, or in connection with, the commission of an offence. As in section 183, it will be a defence if the person can show they did not have it for that purpose. The offences listed in section 183A are murder, capital murder, drug trafficking offences, kidnapping, false imprisonment, blackmail, extortion, demanding money with menaces, and robbery. The penalty on conviction under either section 183 or 183A is up to five years' imprisonment.

These offences are being created because they will be useful in tackling those who assist and facilitate major gang bosses. People who have large sums of money stashed away for the gang bosses will find that they themselves now fall under the rubric of this law. In other words, I want Deputies to understand that this Bill aims to tackle gangland crime at all levels and at the edges. It is essential that we attack the support

systems employed by the main players and these new offences will assist greatly in that respect.

Section 44 updates section 15 of the Criminal Justice (Theft and Fraud Offences) Act 2001 by adding robbery to the list set out in that section and to bring the defence of innocent possession under section 15 into line with sections 183 and 183A.

Section 45 amends section 6 of the Criminal Justice Act 1984. Section 6 deals with the taking of samples from arrested persons. The first amendment permits the taking of second or further samples where the first are damaged or are otherwise unsuitable. The second amendment involves a change in the rank of a garda who may authorise the taking of samples, from superintendent to inspector. However, I should point out that in the case of intimate body searches — involving, for example, the removal of under-clothing — only a superintendent may authorise those searches.

A new section 6A is being proposed, which will permit the use of reasonable force in the taking of samples — finger or palm prints, or photographs — under section 6. The person must first be cautioned and the use of reasonable force must be authorised by a superintendent and supervised by an inspector. It must also be video recorded. Unfortunately a provision such as this is necessary because some people refuse point blank to provide fingerprints and must be subjected to physical coercion to do so. Deputies will agree, however, that this section contains strong and verifiable safeguards, particularly the video recording of the incident.

Section 46 replaces section 8 of the Criminal Justice Act 1984. In its current form, that section deals with the destruction of samples and similar records after 12 months, where no prosecution is taken or, in the event of a prosecution which ends in a dismissal or acquittal, within 21 days of the acquittal or dismissal. In other words, only samples or records relating to convicted persons may be retained. I am satisfied that such a limited approach is no longer justified in this day and age. The new section 8 is therefore based on the principle that all samples and records are to be retained indefinitely but that, in the interests of natural justice, some provision needs to be made for the removal and destruction of samples in individual cases. The new section 8 therefore provides a mechanism for the removal of samples. The result of this change will be that gardaí will be able to develop a comprehensive databank of information, which can be searched for intelligence purposes. This is essential for modern policing. Similar proposals are contained in the legislation being drafted on the establishment of a DNA databank.

Section 47 introduces new detention arrangements for persons arrested in connection with murder where firearms or explosives were used, capital murder, false imprisonment where fire-

[Mr. McDowell.]

arms were used, or possessing a firearm with intent to endanger life. These offences are frequently linked to gangland activity and the extended detention time is, in the view of prosecuting authorities, necessary to locate and interview witnesses and suspects as well as to provide adequate time for the forensic examination of crime scenes. Some recent offences have seen people, arrested due to ongoing Garda surveillance, released from Garda custody at a time when new evidence relevant to their detention was only coming to light.

In the cases coming under this new section, persons may be detained for up to seven days. This is already the case under the Criminal Justice (Drug Trafficking) Act 1996. This means a person trafficking drugs is currently subject to these laws but not someone a drug trafficker sends out to shoot people, such as individuals who have not paid debts. Detention under that Act is under judicial authorisation and supervision after the first 48 hours and it will be the same under this new provision.

I have decided to limit the new power to the serious cases I have mentioned because I could not justify the use of such an arrangement for what are known as domestic murders. I believe we must tread carefully when authorising extensions to detention periods.

Section 48 provides for the rearrest of persons detained under section 47, in the same way that section 10 of the Criminal Justice Act 1984 allows for the same.

Section 49 ensures that certain sections of the Criminal Justice Act 1984 apply to persons arrested and detained under the new powers. The relevant sections provide, for example, for access to a doctor, if required, and access to a solicitor, and provide that a person must be released once the detention is no longer required or justified. Sections 50 and 51 make technical amendments to the 1984 and 1996 Acts.

I conclude by commending this Bill to the House. It is major legislation with transparent origins that is justified by and aimed at addressing the scourge of gangland crime. It is, as we have seen, a diverse Bill, covering many aspects of the criminal law. However, each part, other than Part 8, of course, has its own part to play in the fight against organised crime. There is, therefore, a unity in the Bill around the aim of defeating organised crime.

This Bill cannot defeat organised crime by itself. I do not wish to intrude on anybody's grief but last December I had occasion to stand at the foot of a bed in which a young man lay dead and to speak to his family. I made a firm promise to myself that the law would be adequate to deal with gangland crime, in as far as I can bring this about. I believe I speak for most Deputies when I say that by passing this legislation this House is doing its duty by people who would otherwise find their loved ones murdered or lying in mortu-

aries around the country, a scenario we cannot accept.

I am most worried that gangland criminals will turn their attention to the unarmed members of the Garda Síochána, an unarmed force. This is the nightmare we all face and if we do not give the Garda the legislative and physical resources to deal with this issue, members of the Garda Síochána may fall victim to the murderous intentions of these gangs. This legislation is proportionate to the threat faced by society and is in line with what I said I would do last December and the scheme I published in February. The right to silence issue has been canvassed and this legislation is in line with developments relating to other serious offences. I believe that this legislation should be passed.

I have been accused of putting forward this legislation in the run-up to an election. I could have left it, claiming it to be an inappropriate time and had another Dáil deal with the matter. If the events of last December were repeated during July, August, September and October the finger of accusation would not point at me alone — I can take it — it would point at us collectively because we did nothing when everyone was agreed last December that legislative action was needed. The fact that an election is pending is not reason for any of us to give up on our day jobs and I know the House agrees. We must continue to do our jobs and I hope that over the next three weeks this legislation will pass. I look forward to a good debate on the legislation. I have always been amenable to persuasion in respect of all legislation that has come before this House and the other House when provisions can be improved. I have always made it my habit to listen carefully to the arguments of Deputies from every side of the House on improving legislation and I will adhere to that standard.

I ask the House to give this Bill a Second Reading and request that all Deputies in this House with a specific interest in this issue come forward with their views and participate in the debate on Second and Subsequent Stages over the next three weeks.

**Mr. J. O'Keeffe:** Action against gangland crime should have been taken long before now. It is refreshing that as late as last December the Minister saw that a huge problem relating to gangland crime needed to be confronted, but it would have been more helpful if he had come out of denial years ago and dealt with the matter in a considered and measured way over the years of his tenure as Minister for Justice, Equality and Law Reform.

The Criminal Justice Bill 2007 will be regarded by many as the last political sting of a ministerial wasp. I support the broad principles of the Bill. I support any efforts made to confront gangland crime. My main concern relating to the content of the Bill and the manner in which it is being handled is that its effects have been oversold by

the Tánaiste. I do not accept that the provisions of this Bill will achieve anything like the outcomes he predicts as the answer to gangland crime. The Minister, who has attempted to portray the image of the tough man on these issues, has neglected to point out that in certain areas the changes introduced in this legislation will make life easier for those accused of crimes as opposed to those on the prosecution side trying to obtain convictions.

My main worry is that the haste in which this Bill was produced and the inadequate time given to debate it will produce legislation that will not be robust and watertight. I believe that a lack of prudence in this area may, and probably will, lead to challenges against its provisions later. I am afraid that criminals will walk free because of loopholes created by this slipshod manner of introducing serious legislation of this kind.

The Minister made a laughable comment in his closing remarks when he said he hopes that as many Deputies as possible will have an opportunity to contribute to this debate. How could that happen when the debate has been short-circuited into a few hours of Dáil time? The lack of time allotted to properly debate the issues raised in this Bill means gaps and lacunae will not be cleared up during the debate and we will end up with a case like that of Mr. A who walked free.

I support many of the ideas in the Bill. I have no objection to making life more difficult for criminals, particularly serious criminals who have been involved in gangland crime. I want to see the criminal justice system strengthened and equipped to deal with a new brand of criminal who is altogether more sophisticated and cunning, better resourced and equipped and more willing to subvert the course of justice at every opportunity.

The real concern is that the Bill will not achieve the objective of bringing a halt to these activities. I have a problem with promises that are made disingenuously, cynically and insincerely by a Minister who has repeatedly failed to make good on the raft of commitments and pledges he has made. I am very concerned that many of today's activities relate to his party's ailing position in the polls, and the manner in which this Bill is being jack-booted through the Houses confirms that fear. Legislation of this kind deserves serious consideration. The time allocated for Committee and Report Stages of this Bill of more than 60 sections amounts to fewer than ten minutes per section. How can this be considered adequate, even by those, such as me, who are well disposed towards placing robust criminal justice legislation on the Statute Book?

The Minister referred to the balance in the criminal law review group under the chairmanship of Dr. Gerard Hogan SC, for whom I have the highest respect and whose views on any issue would guide and influence me. The group was asked to produce an interim report on the right to silence and did so in early February. The Bill

was launched on the basis that its provisions on inferences from silence were related to the provisional recommendations of the review group's report. The Bill does not enact in law the report's provisional recommendations. The report also made clear that it was a provisional, interim document and the group planned to return to the issue of the right to silence and deal with it in its final report. Where is the final report? It is on the Minister's desk. Why do Deputies considering fundamental and serious issues of this nature not have access to the document? What is the Minister hiding? Is it not ludicrous that Parliament should be discussing serious issues of this kind when Deputies do not have access to the final report of the expert review group chaired by Dr. Hogan SC.

The interim report suggested the group would return to the issue of inferences from silence. Has it done so and, if so, did it take a new position on the issue? Is the Minister now aware of the injustice he is doing to his legislation in having the House debate this matter in the absence of the expert report? This is the worst example of ministerial megalomania I have ever encountered. The Minister has clearly decided, for whatever reason, to push the legislation through the House in order that he can go to the people with the words, "Me Minister, me strong." That is a ridiculous way to enact serious legislation in law. Is it necessary to remind the Minister of the consequences of his previous efforts to rush legislation through the House?

**Mr. Howlin:** He also dismissed the Opposition at the time.

**Mr. J. O'Keeffe:** Opposition Deputies pointed out the dangers when they noted the basic premise that hasty legislation generally makes bad law. Has the Minister not learned anything? That is the background of the Bill.

Everyone recognises the crisis in crime rates over which the Minister has presided. Every person from Bandon to Ballsbridge has been directly or indirectly affected by crime or knows someone who has been affected by it. People no longer want to hear statistics recited. They know the number of murders is increasing, as is general crime in every category. Gangland assassinations have increased, serious crimes are rife, thousands more burglaries take place annually than in the year the Minister took office and the incidence of sexual assault and rape has increased. Violent crime, about which I am particularly concerned, has also increased, anti-social behaviour is more common and drugs more prevalent than ever and the number of headline crimes is 40% higher than it was five years ago. These figures are borne out by a European Commission report which shows that Ireland has the highest crime rates in Europe. An ESRI report published this week indicates that Dublin has experienced the largest increase in crime of any capital city in Europe.



[Mr. J. O’Keeffe.]

No one needs to be convinced of the extent of the problem over which the Minister has presided. The crime crisis will be his legacy in four, six or eight weeks when he is turfed out of office.

Is the Bill motivated by a genuine desire to deal with expanding problems in the areas of bail, sentencing and the right to silence or a need to significantly restructure the criminal justice system? On the basis of the Minister’s performance to date, I doubt it. The decision at which I arrived, as a member of a party which believes in a strong criminal justice system, is to approach this legislation in the most positive way possible to try to produce legislation which will at least make a contribution. We could then review the legislation on our return to office after the election to ensure we have a proper, consolidated, considered criminal justice Act.

Over the years, the Minister could have dealt with many of the issues addressed in the Bill, for example, in the context of the two-year debate on the Criminal Justice Bill 2004, which eventually became law last year. He indicated, for example, that the witness protection scheme is provided for in law. In which law is it provided for? Every common law jurisdiction with a properly functioning witness protection scheme underpins the programme in legislation, has proper guidelines in place and adopts a clear, transparent approach. In many of these jurisdictions the witness protection programme succeeds in breaking open crime gangs, but that is not the case here. Funding allocated to the programme has been declining. While the Minister claims ample funding is available, a proper witness protection scheme needs more than money.

Need I cite comments made by Mr. Justice McCracken on the witness protection scheme a couple of years ago? He stated: “Undoubtedly the Witness Protection Programme was badly thought out and almost developed a life of its own”. He added: “One of the most worrying features is that there seems to have actually been a programme.” In November 2005, the Supreme Court, addressing the investigation into the murder of Veronica Guerin, stated:

The Witness Protection Programme in relation to the events in issue was the first such programme in the State and there is no doubt that it was not well organised or executed. It has deficiencies.

Section 40 of the 1999 Act refers to interference with a person taking part in the programme who has been relocated. Is this what the Minister means when he informs us the programme is grounded in statute?

On bail, I am pleased the Fine Gael proposal on electronic tagging has at last found a place in legislation. This issue also has a history. When Deputy Kenny first proposed the introduction of electronic tagging for persons on bail a couple of years ago, the Minister indicated the proposal was

already contained in amendments to the Criminal Justice Bill 2004. When it was pointed out to him that this was not the case, he rubbished the idea and suggested it was laughable and unworkable and that Fine Gael was living in cloud cuckoo land for even deigning to propose it. He has now undergone a Pauline conversion and come around to my party’s way of thinking. That is surprising because only recently Deputy Kenny highlighted the extent of the problem when he revealed that more than 6,500 suspected serious criminals were out on bail at the end of 2006. I am pleased, however, a provision on electronic tagging features in the bail proposals.

What steps has the Minister taken to implement the provision in the previous Criminal Justice Act for electronic tagging of those on early release? Why is this provision not being applied? Is this another case of the Minister accepting the theoretical case, while doing nothing to implement it in practice?

The Minister’s comments on sentencing are interesting. We are all aware of his views in this area. He supports heavier sentences and has criticised judges when they do not impose them. Despite all the Minister’s rhetoric, however, the reality is that 3,000 prisoners received early releases from prison last year, many due to overcrowding. Some of the reason for this is the closure by the Minister of three prisons without any provision for compensatory capacity in the short term. There are plans for the future, but the creation of additional prison spaces in five years’ time will do nothing for the crime problems we face today.

The public is concerned at the lack of consistency in sentencing, which was highlighted in some recent cases. Why has no action been taken in this regard? The Minister has said he expects the Judiciary to do something about this. That is not the approach to take; we are Members of Parliament and we make the laws. Other common law jurisdictions have taken the correct approach, which is to establish a register of sentencing tariffs and guidelines as laid down by the Legislature. This does not trench on the independence of the Judiciary. The prosecution, for instance, can give its view on sentencing, as it should always do. More importantly, while judges can stray outside the tariff guidelines, they must provide an explanation when they do so. Why did the Minister not take on board international practice in this regard?

The Minister’s press release of 13 February states that the new sentencing regime will apply to persons convicted of firearms, drug trafficking and other offences associated with gangland activity who reoffend within seven years. However, the Bill makes no reference to gangland activity. Many of those who commit the offences to which it refers have no connection to gangs or gangland activity. This is another example of rhetoric that does not match the outcome.

The Minister owes us an explanation in this regard. Some offenders should be imprisoned for a long time and if they reoffend, should be returned for an even longer time. There are others in prison, however, who should not be there. This is why we have an appeals process and judicial discretion. To ensure this balance is retained, the Government and Legislature of the day must set down what sentencing requirements are expected to be.

The system of three strikes and out has not brought any improvement to the criminal justice system in the United States. In some ways what the Minister is proposing is a policy of two strikes and one is consigned to a drug infested prison with minimal drug treatment services and little hope of rehabilitation. That may be appropriate in some instances but it is not so in others. This is an issue that must be carefully examined.

The Minister has not commented on his record in eliminating drugs from prisons. There has been much rhetoric about drugs-free prisons but the Minister seems to have missed every target in this regard. The latest target for action is mobile telephones. Is there not a case for ensuring drug lords and other serious criminals do not have access to mobile telephones in prisons and for imposing serious penalties for their use? Why is this not included in the Bill?

**Mr. McDowell:** Provision was made in this regard last week.

**Mr. J. O’Keeffe:** Crime prevention orders sound like a good idea. Looking at how they operate in the United Kingdom, this is a measure worthy of discussion, debate and possible inclusion in the criminal justice system. The provisions in the Bill, however, seem to be thin on detail. What practical measures have or are intended to be put in place to enable the courts to decide whether to make such an order? What types of orders can be made, will a probation report be required and will the prosecuting garda be expected to advise the court on the matter? It seems this idea was taken off the shelf in the United Kingdom and hastily fashioned for inclusion in this Bill without any carry through as to how it will work in practice.

The Minister has made much of the provisions on the inferences that may be drawn from an accused’s silence. This is one of the issues dealt with in the provisional interim report of the review group. We have not seen its final report, however, and do not know its conclusions in this regard. Sections 26 and 27 of the Bill amend sections 18 and 19, respectively, of the Criminal Justice Act 1984. However, the interim report of the review group recommended the repeal of these sections.

A striking aspect of the 1984 provisions and other existing measures relating to the drawing of inferences from silence is how rarely they are used. For example, section 7 of the Criminal

Justice (Drug Trafficking) Act 1996 allows for the drawing of inferences from silence in the case of prosecutions for drug trafficking offences. Many, although by no means all, of those arrested for such offences remain silent, and those who do so are often the most serious players. However, these provisions are rarely if ever utilised. In some instances, this is because the necessary caution was not given to the accused by the investigating garda. An examination as to why the provisions of the 1984 and 1996 Acts are under-utilised would be helpful. This should be the basis upon which to improve the situation, rather than seeking advice from experts.

My concern about the right to silence provisions in the Bill does not relate to civil liberties. That aspect was discussed 23 years ago when such provisions were first introduced. My concern is that the provisions are cosmetic. I am not confident the measures introduced by the Minister will make a significant difference, but I am open to be convinced on this point provided there is time for a rational debate.

The standards set out in the amended sections 18 and 19 of the Criminal Justice Act 1984 regarding how inferences can be drawn under any of the three provisions seem to be significantly more favourable to the accused than both what the review group recommended and what is currently the case. The Minister has given no explanation for this; that would not fit in with his tough man image. If there is an explanation, it should be given. The reality is that these provisions are significantly more favourable to the accused than was the case heretofore. Instead of strengthening the hand of the Garda Síochána, therefore, they serve to weaken it.

The wording of the new section 19(1)(a) is less than clear. One of the main difficulties is that this area is substantially governed by international law such as the European Convention on Human Rights, to which Ireland is a signatory. Failure to word this section accurately will undoubtedly result in a dubious acquittal in the future. We were all shocked by the case of Mr. A last year but it will be only a matter of time before somebody accused of murder, rape or another heinous crime walks free under the provisions of this Bill because they are deemed to have infringed the European Convention on Human Rights or otherwise. This points to the need for extreme care in framing these provisions. That care cannot be given in the short time provided by the Government for consideration of the Bill.

On the issue of video tapes of interviews with suspects, the review group provisionally suggested “the Regulations be amended so that the video tapes are only made available as a matter of prosecution disclosure following the charging of the suspect”. The particular reason for this was the abuse by crime lords in respect of tapes they seized from people who had been interviewed by the Garda. This important recommendation is not included in the Bill, so what happened? Will it

[Mr. J. O’Keeffe.]

be implemented? The Bill should deal with this serious issue.

Similarly, in its interim report, the review group recommended a statutory change in the caution provided for in the judges’ rules. Why was this recommendation not taken on board? Again, we have not received an explanation for this omission. The Government insists on rushing through these provisions which are inconsistent with the recommendations of the review group. It also ignores important recommendations made by the group. Where does that leave us?

Why do we find ourselves in the position of having to deal with a hastily prepared Bill that is not properly drafted in some areas, that does not recognise the provisional recommendations of the review group and without access to the final report of the review group? Why did the Minister bother establishing the review group? He purports to act on the group’s provisional recommendations and announced in one of his many press releases that he was grateful for its dedicated work and stated that the recommendations of the interim report on the right to silence had been incorporated in the draft legislation. However, he proceeded to publish a Bill that contradicts or ignores the group’s key recommendations and has now asked the Oireachtas to approve it without sufficient opportunity to consider and debate it. This is either a deliberate attempt to mislead the Oireachtas and the people or a stunning example of carelessness and incompetence. Either way, it is not an acceptable way of doing business.

The Minister has promised the Bill will deliver much. He says it will strengthen our system and make life harder for criminals. I hope it does, but I remain to be convinced. Several provisions in the Bill have the opposite effect. However, the overriding issue is that without time to properly consider, debate and amend the Bill, it can never be as good as he claims.

I will conclude on this question. When Fianna Fáil and the Progressive Democrats have totally failed in ten years of Government, should anyone have any faith that they will ever achieve results in the justice portfolio, ever stem the tide of rising crime or ever restore people’s confidence in a society based on law and order? This ten-year span of Government began with zero tolerance and it ends with the Minister’s last efforts here to convince the country that after a record of failure as Minister for Justice, Equality and Law Reform, he has something to offer for the future. I do not think the people will be convinced.

**Mr. Howlin:** I have read and reread the Minister’s opening contribution to the debate and find it hard to recall ever reading a sentence introducing legislation that was more full of self-importance or that belied the facts so much. The opening sentence reads: “From time to time this House is confronted with issues that go to the

heart of our role as national legislators”. However, the conduct and handling of this set of proposals is designed to undermine our role as national legislators, to minimise our input, to debase the Houses and to act as if we merely rubber stamp proposals that come from the Department of Justice, Equality and Law Reform. This is an assault on the integrity of the Members, of the House and of the capacity of the House to enact legislation properly in the name of the people.

It is only nine months since the House completed its deliberations on the Minister’s last comprehensive Criminal Justice Bill — his last comprehensive response to criminality. It took many months for that legislation to go through the Houses. We engaged in serious debate on it and the Minister himself produced more than 200 pages of amendments, grafting onto a Bill a quarter of that size huge volumes of new law. We took time and great care and effort then to try and put in place an Act that met the needs of 21st century Ireland.

It is clear that criminal law needs to be modified and amended from time to time. Amendment should be an organic and constant process. We need to take account of new developments and new threats to the people from criminal elements. However, the announcement of the definitive crime package again and again is another matter. This undermines people’s confidence in our ability as legislators to provide robust, strong and proper laws to defend their interests.

I do not believe it was a response to a completely altered environment that brought this new enthusiasm from the Minister to ensure this legislation was not just debated in the House but is made law in a timeframe that most people would regard as unacceptable. If it was not such a response that prompted the Minister, what prompted the current package? I suggest that what prompted the current package is fear, not fear of crime but fear of the judgment of the electorate. The package was prompted by the CSO crime statistics for the last quarter of last year, which showed the Government has lost the battle against crime with the proposals it put in place.

The fundamental mistake the Government made was that in the immediate aftermath of the last election it reneged on its commitment to resource the Garda and provide the numbers promised. The consequence was the statistics provided by the CSO last year, which showed drug possession up by almost one third in a year, murders up by 20% while detection rates dropped, assaults up dramatically, and robberies and thefts down. The figures on murders show that from the beginning of 1998 — the period 1997-98 is one the Minister is fond of capturing — to last November there were 113 gun murders in the State. Of these, 58, or 51%, were regarded by the Garda as detected. However, proceedings were com-

menced in only 36 cases, less than one third, and convictions obtained in only 19 cases, less than 17%. It is alarming that convictions were obtained in only one sixth of those murders over the past ten years, the ten years this Government has been in office. The full figures for last year proved even worse. The year 2006 was the worst gun murder year in the history of the State.

That record is the reason the Minister could not face the people. He had given his best shot, but his efforts had failed and he needed some new presentation for the people. He established an expert group and, as my colleague pointed out, demanded that it report on an interim basis. The work is incomplete and we have not seen it. The imperative of getting it all produced before the election is too much to allow proper process, debate and deliberation from anybody, whether the expert group, the House, interested parties or the collective community. The Tánaiste was right about one thing in his speech, that we as legislators will not defeat crime. We are part of the solution but we must arm all sections of the community in common purpose if we are to defeat crime.

This Bill was sent to the party spokespersons last week. I received its 128 pages by e-mail which I had to then distribute as best I could to my advisers. It was published and sent to the other Members last Thursday, this day a week ago, on the eve of the St. Patrick's Day holiday. Under Standing Orders the most minor Bills are published a fortnight before debate. A decision was taken to guillotine discussion on complicated and important proposals on Second Stage today and tomorrow. We have only two hours for debate today. The full complement of principal spokespeople will not even get a chance to speak today. The remainder of Second Stage is to be made up on what is normally a non-sitting day, a Friday, when there will be no votes and when, as the Tánaiste knew, on the cusp of an election most people would have firm commitments all around the country. It is a subterfuge to pretend that hours of debate are being given to this Bill today which is an insult to this House.

The original proposal the Tánaiste presented was that Committee, Report and Final Stages would be taken on one day next week in five hours, without even a break for a cup of tea — wham bam, that was to be it. There is no opportunity for the views of groups outside the House to be heard. The Human Rights Commission is preparing a comprehensive response to this but it will not be available until next week. The commission, which has a role to play, particularly in considering criminal justice legislation, will give its view after the House has passed Second Stage and after the closing date for amendments to this Bill. This is a sham and a fraud, a travesty of proper legislative procedure.

I say that from my heart, not as a political charge because I respect this House and the Tánaiste in normal circumstances, and when he

sat on this side of the House, shared that respect. I have been in contact with the Law Society and the Bar Council, both of which are preparing comprehensive responses. How can they in a matter of days gather themselves to give a thoughtful response on the implications of fundamental changes to the criminal law?

On the Order of Business this morning the Tánaiste asked where the Labour Party stands on this Bill. He said he was clear about Fine Gael's position on it. We will not oppose this Bill. We support in general terms the principles in it but we will seek to amend, improve and question the implications of some of those principles. This is what legislative debate means. I spent last night preparing my amendments because I was required to submit them by 11 a.m. tomorrow before I even heard what the Tánaiste had to say today, and certainly before the conclusion of Second Stage, which is inadequate and unacceptable. Our objective will be to improve the Bill to the best of our ability.

Part 2 of the Bill amends the law on bail, including the Criminal Procedures Act 1967, the Criminal Justice Act 1984 and the Bail Act 1997, which was brought in subsequent to the rainbow coalition's proposal for a referendum on bail. I will not have time to deal with 50 odd sections, nine Parts and two Schedules in the short time I have but had hoped to deal with them in detail over several weeks on Committee Stage. I have serious reservations about the nature, meaning and intention of section 7. It appears to be drafted on the assumption that opinion evidence by a member of the Garda Síochána in a bail application is inadmissible. That is clearly wrong. Whether a bail applicant is likely to commit a further offence if granted bail can be only an opinion, informed or otherwise. It is a matter of routine opinion evidence given in the courts on virtually every bail application.

Section 2(2)(b) of the Bail Act 1997 provides that in deciding whether to grant or refuse bail:

a court shall take into account and may, where necessary, receive evidence or submissions concerning—

...

(b) the nature and degree of seriousness of the offence apprehended and the sentence likely to be imposed on conviction,

That is opinion and speculation. To “apprehend” that someone might commit an offence is nothing more than to have an opinion that he is likely to commit one. The Labour Party has no difficulty with opinion evidence or it being admissible in bail applications, provided it is an informed opinion, in other words, that the opinion is reasonable and reasoned. That requires that the reasons that underlie and give rise to the opinion be made available to the court for it to decide.

I have a difficulty with the thinking which seems to lie behind section 7, that a court should

[Mr. Howlin.]

accept an opinion as reasonable simply because a garda says so. That undermines a basic distinction between the function of the court and the prosecution authorities. It seems to be calculated to remove the existing requirement that a Garda witness should be able to give a court the reasons for his or her opinion as drafted. I am advised that the section states that proof that a chief superintendent has a belief is itself proof that the opinion is reasonable. There are two problems with that formulation, one, neither I nor those whom I have asked to check this can think of any precedent in law in which a witness's evidence to a court that his opinion about future apprehensions is reasonable becomes without further elaboration proof of the reasonableness of that opinion.

Comparisons have been made with section 3 of the Offences Against the State (Amendment) Act 1972 but those comparisons are false. That section allows a member of the Garda Síochána, not below the rank of chief superintendent, in giving evidence on a charge of membership of an unlawful organisation to state his or her belief that the accused was, at a material time, a member of that organisation and that opinion is admissible that the accused was then such a member. The section was and remains concerned with the opinion as to fact and the court can test the factual basis on which the opinion was formed. Since IRA members abandoned the earlier stance of refusing to recognise courts and began to engage actively in their defence in the Special Criminal Court that any form of cross-examination of a Garda officer as to the basis of his opinion or any form of defence evidence contesting the basis of that opinion was often sufficient to rebut evidence of a garda that the opinion was reasonable. As I understand it, there have been no recent cases in which a garda opinion about membership of an unlawful organisation has been sufficient, of itself, to secure a conviction. What is new is section 7 is that we are asked to stipulate that a garda opinion is not just evidence of the opinion but of the fact. The section seeks to ensure that the fact a senior garda holds an opinion becomes, of itself, proof that the opinion is reasonable without any need for the reasons underlying that opinion to be proven in a court. The garda is no longer required to provide some reason to the court why the opinion is held.

The second reason I query the new section is that it seems to be drafted on the basis of confusion over the respective roles of the court and prosecution. The 16th amendment of the Constitution allows a court to refuse bail where it is reasonably considered necessary to prevent the accused from committing subsequent offences. Quite clearly, having regard to the separation of powers and to judicial function, it must be the job of the court to decide whether such a course of action is reasonably necessary. In other words, it

cannot be enough for a court to decide the garda considers it necessary to refuse bail, or even that the garda's opinion is objectively reasonable. The Constitution requires that the court itself be satisfied, on its own objective reasonable grounds, that bail should be refused. A court cannot be satisfied as to the reasonable necessity of refusing bail unless it is given reasons therefor.

To say a garda's opinion that refusing bail is necessary is proof of necessity and then say the fact a garda holds such an opinion is proof that the opinion is reasonable is to attempt to legislate to remove the judicial function in a bail application in its entirety. In other words, it would not be the court that would decide objectively on bail but a member of the Garda Síochána of a certain rank. I am advised there are significant and serious constitutional difficulties posed by the section in question. I hope we will have the time to deal with them in some detail.

Section 10 inserts a new provision in the Bail Act 1997 to allow a court, when admitting a person who is appealing a sentence of imprisonment imposed by the District Court, to make the recognisance subject to a wider range of considerations. I welcome this development and believe it is very important.

Section 13 allows for the operation of electronic tagging. My Fine Gael colleague mentioned this. What has happened since we last debated this issue? On 16 May 2006, during our consideration of the Criminal Justice Bill 2004, the Minister stated:

I shared the Deputy's ebbing enthusiasm [for electronic tagging] when I studied some of the figures. Rather than walk away completely from this, I thought it better to leave it on the Statute Book in the hope the GPS system would be improved and costs would come down. It is not something into which one would rush or to which one would grant an unlimited line of expenditure. One would need to be sure it would work before investing heavily in it.

He also stated expenditure would amount to €1,200 per month and expressed his concern over this.

This debate arose from the technical briefing note I asked the Minister to provide on the issue, which note he handed to the Opposition spokespersons. The GPS system on which the proposal is based has difficulty working in the presence of tall buildings, low clouds or high trees. This makes it problematic in Ireland. We would have to have Machaire Méith na Mumhan on a fine day. Why have electronic tagging if it does not work and if the Minister, as late as last May, had ebbing enthusiasm for it and would be unwilling to spend money on it?

**Mr. McDowell:** Does the Deputy want it or not?

**Mr. Howlin:** Has there been some great advance technically? I certainly do not want another white elephant.

The current Government's dallying with electronics should have warned it sufficiently about wasted money. If the project is unworkable, the Minister should tell us. If there has been some technological breakthrough since last May and the tall buildings, high trees and low clouds no longer affect the system and it is hunky-dory, he should let us know. It might then be a practical and useful device but if it does not work it is a sop.

It seems we have a raft of great, strong measures but, when examined under the microscope or even through good looking glasses, they are not so robust at all. We need to tease them out in detail, particularly if we are to spend public money on them.

My colleague, Deputy Jim O'Keeffe, asked the very good question as to whether any money has been spent on electronic tagging since the enactment of the Criminal Justice Bill 2004 last year. Is the Minister just shoving in the provision in case Fine Gael gets uppity again, thus exposing him? I am interested in finding out.

Part 3 of the Bill provides for new sentencing arrangements.

**Mr. McDowell:** If Deputy Howlin believes electronic tagging is a bad idea, why does he not say so when it is advocated by Deputy Jim O'Keeffe? Deputy Kenny made speeches at his Ard-Fheis about how we will tag people.

**Mr. J. O'Keeffe:** I am committed and the Minister is not.

**Mr. McDowell:** The Deputy is committed to it regardless—

**Mr. J. O'Keeffe:** The Minister is exposed; that is his problem.

**Mr. McDowell:** Deputy Howlin is doubtful about it. Since he will be the justice spokesperson if the Rainbow coalition ever gets into power—

**Mr. J. O'Keeffe:** The Minister is utterly exposed, almost indecently.

**Mr. McDowell:** He will not listen to Deputy O'Keeffe, who will be up in the back benches wanting one of these things.

**Mr. Howlin:** I am grateful that, for the first time in this one-and-a-half-hour debate, the Minister is engaging with the Opposition. I have obviously touched a raw nerve. If the Minister believes this is a daft proposal he should tell us.

**Mr. McDowell:** I am asking the Deputies to be consistent. If they were forming a Government, the Deputy would tell us what they believe. One

of the Deputies says it is a good idea and another says it is daft. Let us hear the truth.

**Mr. Howlin:** Will the Chairman control the Minister before he gets carried away?

**Mr. J. O'Keeffe:** The Minister is exposed as a fraud; that is the long and the short of it.

**Mr. Howlin:** Can I explain how the system works?

**Mr. McDowell:** If the Deputy comes up with the ideas—

**Acting Chairman (Mr. McGinley):** Deputy Howlin without interruption.

**Mr. Howlin:** I hope I will get injury time for all this.

I will explain to the Minister how the system works. He is the Minister for Justice, Equality and Law Reform. He makes propositions and explains them to the House. He should not ask the Opposition to invent its own laws so he can scrutinise them. When we move to the Government benches, we will make the law and he can comment on it. As and from today, and for the next couple of weeks, he will get to make a few proposals and we will scrutinise them. That is how the system works and if he does not mind, he should please answer my question on electronic tagging. Does his contention on Committee Stage last May that the system does not work in the presence of low clouds, high buildings and high trees still pertain or has there been a technological breakthrough, such that the form of electronic tagging he, rather than the Opposition, is now proposing now works? Is he committing public funds to it, bearing in mind that he told the committee he was unwilling to do so last year? Are we still waiting for the technology to improve, as he told the committee last year? Is he including the provision on the Statute Book in the hope the system will be improved and costs will come down? I expect him to refer to this in his conclusion.

Consider the sentencing provisions under Part 3. Section 24 provides for certain scheduled offences. The court must impose at least three quarters of the maximum sentence allowed for those offences as long as they fall into certain categories. This applies where the person has previously been convicted for a scheduled offence and sentenced to 12 months' imprisonment and where the offence was committed within seven years of a previous conviction. The individual in question must be over 18. I have given this much careful thought and find I am not at odds with the Minister in respect of it. We both start from the same position. I certainly do not like the American system, where there is a prescriptive legislature that outlines the parameters within which the judiciary must operate.

[Mr. Howlin.]

I admit that ten years ago I opposed mandatory sentencing because I believed the Judiciary should consider every case individually and, by and large, I felt it was doing a good job. I have changed my view on that, however, with the upsurge in violent crime. It is necessary to send a clear message to those who might perpetrate such crime that there is an inescapable consequence if they are caught.

I have a horror, however, of the American system of three strikes and you are out.

**Mr. McDowell:** I am not proposing that.

**Mr. Howlin:** I know, that is why I am not at odds with this proposal. The notion that people who commit a minor offence face life imprisonment without parole is horrific.

We must tread carefully. I do not oppose the Minister's suggestions, particularly on crime prevention orders, which are an extremely valuable development. I would like time on Committee Stage to find out the Minister's thinking on this, there might be instances where I would be more draconian. The idea that the perpetrator of a vicious sexual offence should be barred from approaching the victim after release might be considered instead of a timeframe, although there may be constitutional considerations in a timeframe.

Post-release conditions, however, are a good development and serve the view of victims who have been excluded from the criminal justice perspective for a long time. Once a victim presents him or herself to the gardaí, the prosecutorial system takes over and he or she is a mere witness in the court. We saw an horrific case lately where the victim had to travel to court on the same train as the accused, who was later found guilty but was also able to share the train back on the way home. That would not be dealt with by these provisions but the notion that we can assign orders that are binding on individuals who have served a sentence so it is understood there are other social requirements for those who have perpetrated heinous acts is welcome. I hope we have time to develop this on Committee Stage.

I will not have much time to develop Part 4, the inference to be drawn in certain circumstances. Perhaps it is as well to deal with that on Committee Stage but I do not have any difficulty in the broad stroke of what the Minister is suggesting.

In his own contribution, the Minister touched upon the issue of inserting in Part 5 the mandatory minimum sentence to be imposed on individuals convicted of a first offence for the possession of drugs with a value exceeding €500,000. We could debate the figure chosen but the issue of concern to me is that a threshold sends the message out that below that threshold is not serious. Talking about this might send a signal to the Judiciary but we may need to include something in the section that states notwithstanding this

mandatory requirement of the Oireachtas, it is not to be taken that we regard anything below this as less than serious. It is difficult to strike a balance in this area but I share the concerns about it.

Judicial conduct has fallen off the agenda since the Minister's predecessor's proposal for a referendum. We must return to that because it is a better way to go than to corral judges into a certain way of behaving. Much work has been done on it and we must debate it.

There are important issues to be debated in this Bill and I support the bulk of them. I want, however, the time and space to do my job by giving it proper and careful scrutiny so that when we enact legislation, it is good legislation where we have achieved our objectives and where we have not made mistakes.

**Mr. McHugh:** I welcome the opportunity to speak on this Bill, the thrust of which I welcome, although I can see the politics behind its introduction at this time, a few weeks before the election. By so doing, the Minister has made a valiant attempt to remove from the political agenda some of the issues that have been of concern to the public for some time.

I said I welcome the thrust of the Bill but I wish to place on record my belief that there is already much legislation that, if implemented, would make an enormous difference to society. The Minister must still answer many questions about this negligence during the election campaign. Questions will be asked about the lack of resources for the gardaí that would allow them to do their work as a professional police force. It is always a question of resources.

I expect civil libertarians will have some problems with this Bill, mainly because it impacts on criminals. I remind those people that civil liberties are a two way street and they are just as important to those law abiding citizens who suffer at the hands of criminals. As in all walks of life, balance is needed and extremes on either side of the argument are not appropriate.

I would like to make a general point on how this Bill is going through the Dáil so quickly. It is wholly inappropriate to rush legislation through the House because, inevitably, it leads to further problems. Having said that, there is a degree of hypocrisy from the two largest Opposition parties on this issue. There is no great clamour from speakers on behalf of those parties.

Part 2 of the Bill gives the court the option to impose electronic monitoring as a condition of bail. That is a welcome provision because too often we hear of those on bail committing further offences at will, often with tragic consequences for the victim. When I hear of such cases, I ask how the law and order machinery of the State is so ineffective in dealing with such situations. Electronic monitoring will help control this unacceptable situation.

I also welcome the provisions in the Bill that tighten up the bail regulations, making it harder for a person to get bail. This approach is required because often we hear judges say they have no option but to grant bail in certain situations under the existing provisions.

The Bill also provides for a new sentencing regime and harsher sentences in certain cases. I have reservations about circumstances where a person is used by a drugs lord to transport drugs. This person may be easily led or operating under extreme duress from the drugs lord. There are many situations where a person could be used as a mule against his will. Under the provisions of this Bill, however, that unfortunate person will get the ten years in jail if caught in possession of more than €500,000 worth of drugs, while the drugs lord gets off scot-free because he is not caught in possession.

I agree, however, with the concept of specific sentences being set down for a range of offences. Mr. Justice Flood was recently quoted as saying that mandatory sentences interfere with the constitutional independence of the Judiciary. Mr. Justice Flood and other members of the Judiciary who would like to lecture politicians should first get their own house in order and strive to have consistency in sentencing, and in that way earn the respect of the public.

**Ms C. Murphy:** When publishing the Bill the Minister was quoted in the media as saying he would welcome a constructive debate. The Bill was published last week, although it was expected for some time, and therefore the time for the debate is limited in terms of assimilating what is comprehensive legislation. That type of constructive debate must take place and it is unfortunate that is not the case.

It cannot be overstated that the criminal justice system is the cornerstone of any democracy. Changes to it not only must be well drafted but fully considered. If there is an area of legislation that should not be subject to a guillotine it is criminal justice. The essence of our criminal justice system is that we commence with the presumption of innocence. I value that and I hope everyone here values it.

The consequences of inadequate scrutiny of legislation are obvious. When it came to light in recent weeks that last year's Criminal Justice (Sexual Offences) Act that was rushed through the Dáil had inadvertently deleted the section dealing with grooming of a child for sexual exploitation, the Minister's first reaction was to highlight the vast number of legislative provisions that could be used for prosecution purposes. Can the same be said of this Bill?

The legislation is reactive in that it is part of a response to an escalation in gangland crime, but resources are an equally important response. For example, the courts are significantly understaffed. The accused often spends years waiting for a trial. Reducing that time would at least limit the need

to tighten bail laws. There is a limited availability of prison spaces. When sentences were limited and the bail laws were tightened in the United Kingdom, additional pressure was placed on limited spaces.

Legislation alone will often make little difference without practical resources, which is about enforcing existing laws. It is also about detection because there is no greater deterrent to a criminal than being detected and Garda resources are important in that respect. Additional pressure is being put on gardaí as a result of the administration of anti-social behaviour orders, for example, and the new crime prevention orders. Garda personnel are required to manage the change proposed under section 46 replacing the presumption of the destruction of finger prints, palm prints and photographs with the presumption in favour of retention and to construct databases etc. There is a resource implication in all those changes that takes personnel away from the area making the most difference, that is, detection.

I have major concerns about the changes to the right to silence. We can all conceptualise in terms of the people who misuse the right to silence but it exists as a protection. If that provision is transposed into law for use against people who are vulnerable, those at the lower end of the criminal fraternity or even innocent people facing charges, it must be given serious consideration. The Minister established a group to give expert opinion on that area but bypassed their final opinion. That is similar to the situation where legislation could not be brought forward on the issue of management companies until the Law Reform Commission produces its final report. The comparison is incredible.

I am not against imprisoning those who are a threat to society but people are being locked up for civil debts such as not paying their television licences. If the focus of attention is to be on using the gardaí and the prison spaces appropriately, a range of measures must be taken to free up spaces. An extended use of the Criminal Assets Bureau, for example, in terms of unexplained assets would be an effective use of personnel in creating a deterrent without eroding areas that stray into the area of civil liberties.

I take issue with my Independent colleague regarding civil libertarians being described as people who are in some way in favour of the criminal. Being a civil libertarian is like a badge of honour for me. Civil liberties are not suddenly eroded in a wave like a tsunami. They can be chipped away, so to speak, and one can find oneself living in a country that is unrecognisable. We must be precious about our civil liberties.

The Irish Council for Civil Liberties referred to the extension of the number of categories in which the right to silence will be included. There is evidence that the seven days detention provision is rarely used, yet it is being extended to other categories. That is difficult to understand.



[Ms C. Murphy.]

There is a perception that a very tough measure is being put in place but unless it translates into some practical measure that makes people feel safe on the streets, we will not be thanked for introducing tough legislation that makes no difference to issues like gangland crime.

We must use existing resources and laws in a more effective way but I am concerned we are burdening the gardaí with an increase in the number of administrative tasks such as dealing with criminal protection orders, CPOs. Even with something like the Internet, it is not possible to monitor all the areas that require monitoring and that takes up a great deal of time when the most effective deterrent is the detection of crime.

**Aengus Ó Snodaigh:** Tá mé féin agus mo pháirtí go huile is go hiomlán i gcoinne na n-athruithe atá luaite sa Bhille seo.

The Bill is draconian in nature and a dangerous gift to an inadequately reformed police force. It is unnecessary and unjustifiable because it curtails the rights of citizens and, crucially, does not address gangland crime or the related drugs crisis. The way to tackle gangland crime and the drugs crisis is to ensure that the Garda Síochána is properly resourced, that it has radios that work, access to the Internet, Garda stations that are fit to be occupied and cars and other equipment required for fighting crime. A series of legislation introduced has failed to deliver. Only last year we passed the Criminal Justice Act 2006. This Bill will amend that Act because the Tánaiste clearly believes he did not get it right last year. The Garda Síochána Act 2005, which is less than two years old, is also being changed. I can guarantee that the Tánaiste will get this one wrong and it will need to be changed particularly because of the haste in which he is introducing it and because of the undemocratic and ill-advised nature of the proceedings thus far.

The Bill will make a major change to the basis of our criminal justice system in areas such as the right to silence and mandatory sentences. The Tánaiste has not had consultation with the relevant groups. His review group to examine the balance in criminal law, which was announced in November, had the shortest period for submissions of any such group of which I am aware. Considering the remit of the group and the complexities of the issues involved, I expected considerably more time for that review group. That it only received 21 submissions speaks volumes in that regard. The Tánaiste published the heads of the Bill on the same day as he published the interim — not final — report. He has moved ahead of his own review group in introducing the Bill. While I am not saying that I agree with all the findings of the interim report, at least there was some consultation. There is no committee before which groups could appear and explain their opposition to the changes or even express

support, if the Tánaiste managed to find any such groups in the State.

The Human Rights Commission, which has a specific oversight role in identifying failures in proposed legislation, has not even had the time to produce its comments on the Bill and we will not see those until next week, such is its workload, but such also is the haste of the Tánaiste. Even at this stage I urge him to slow down. The Act we passed last year has not had the effect the Tánaiste desired. The effect has not been seen and will not be seen for a number of years. Another Deputy once rightly described the Tánaiste as a serial legislator. His Department has produced more legislation than that of any other Minister. Indeed it may have produced more legislation than all the other Departments together. This merely indicates that the Tánaiste is good at producing legislation. However, he is not good at taking action. In the same period the crime figures have skyrocketed in some aspects.

Yesterday the Supreme Court increased the damages payable to Mr. Frank Shortt to €4.7 million because members of the Garda Síochána committed perjury and he ended up in prison. Responding to this outcome, the Tánaiste rightly said “Anyone who strongly supports the Garda Síochána...is entitled to feel a great sense of shock at what happened to Frank Shortt”. The problem is that people are not shocked at what happened to Mr. Shortt because it was not a one-off case. There is a long list of other such cases, including those uncovered by the Morris tribunal and others going back to the Sallins train robbery scandal. There have been other cases in this city and many Deputies have been lobbied on behalf of people who have been abused while in Garda custody and elsewhere.

The Tánaiste also said that the treatment of Mr. Frank Shortt by the Garda means that there is no alternative but for the Government to pursue its radical reform. How can he reconcile the treatment of Mr. Shortt with his understanding of reform as expressed in this Bill and last year’s Criminal Justice Act? Reforms extending unchecked Garda powers are beyond me. Speaking on the Order of Business this morning the Tánaiste rightly recalled a call for urgent action following the series of violent killings last November. I was one of those making such calls and have continued to call for urgent action to address gangland shootings and the drugs crisis in this city. However, the focus should be on communities and not on legislative gimmicks. Concentrating Garda resources on communities will have a greater effect than what is proposed in the Bill. Communities are crying out for better policing, not more police powers or the introduction of variants of existing offences, but the enforcement of existing powers to prosecute existing offences.

The use and deployment of Garda resources is a key issue. Successful convictions are determined by the work put into building cases and the avail-

ability of witness statements is influenced by the relationship between the communities and the Garda. Garda resources must focus on the two key areas of investigative work of gathering testimony, financial and physical evidence, and in particular community policing. Ten years ago the report on Garda effectiveness and efficiency recommended the civilianisation of appropriate tasks to permit the redeployment of fully trained gardaí. Further reports reinforced this recommendation in 2001 and 2006. While some progress has been made it has been insufficient by comparison with other EU countries. It has taken the high level of violent killings to force the Government to indicate that these recommendations will be implemented in full as quickly as possible.

The State needs to strip away the profits made from gangland crime. While it does great work at times, the Criminal Assets Bureau appears to be little more than a political tool, misused in cases that should be handled by the Revenue Commissioners. The Criminal Assets Bureau should prioritise the pursuit of drug barons great and small until the financial incentive to be gained from involvement in the illicit drug trade and gangland crime is diminished absolutely. The Government's response to gangland crime represented by the legislation before us does not do what is necessary. The Bill is more to do with getting the populist vote than in getting tough on criminals.

**Mr. McDowell:** Is the Deputy suggesting the Criminal Assets Bureau should lay off Border smuggling?

**Aengus Ó Snodaigh:** The Criminal Assets Bureau should not be used as a tool to carry out tasks of the Revenue Commissioners. It should focus on the purpose for which it was originally established and not for chasing up—

**Mr. McDowell:** The answer to my question is clearly "yes".

**Aengus Ó Snodaigh:** It should focus on drug barons, criminal gangs etc. That is as the Tánaiste said. However, it has been misused for the purpose of obtaining revenue.

I do not have time to concentrate on a number of provisions in the Bill and probably will not have adequate time on Committee Stage to go into detail because the Tánaiste is rushing the Bill, as per normal. The removal of the right to silence for some people needs considerably more thought. Dean Lyons would not have been abused in the manner he was if he had used his right to silence. The issue of electronic tagging merits considerably more discussion. I debated some of these matters with the Tánaiste at length on the Committee Stage of last year's Criminal Justice Bill. The Tánaiste was perplexed and confused when we went into the technical details of

how electronic tagging cannot and will not work, and would not be cost effective here. It represents a retrograde step in our criminal justice system.

**Mr. Cuffe:** I am always concerned when a Minister lashes in legislation a matter of weeks prior to a general election, particularly when that Minister will have been on the go for five years by the time the legislation is enacted. It is dangerous to pass legislation quickly through these Houses at the 11th hour. I am extremely concerned at the Tánaiste's growing isolation from his former peers in the Law Library and elsewhere. While I am not losing sleep over the Judiciary's snub to the Tánaiste at its Christmas drinks party, I am concerned when the chairman of the Law Society refers to the great danger of this legislation. No doubt he chose those words carefully. It is sobering to hear the president of the Law Society refer to the great danger to the rights of citizens if this legislation is rushed into law. It is rare that the head of a professional institute would use such strong language.

One of the great difficulties with this legislation is the modification of the right to silence, which has a long and honourable history within many institutions and jurisdictions. I note, for example, that in Australia the courts recognise the right to silence as an important common law right, and have always done so. Closer to home, in Germany, under the criminal procedure code a suspect, arrested or not, must be informed before any interrogation about his right to remain silent.

Debate adjourned.

## Ceisteanna — Questions.

### Priority Questions.

#### Schools Building Projects.

1. **Ms Enright** asked the Minister for Education and Science the number of applications submitted to her Department for extensions, additional classrooms, and new school buildings; when all of these will be fully delivered; the number of building projects given the go-ahead to proceed during the past 12 months; the number of these projects which have actually started construction work; and if she will make a statement on the matter. [10994/07]

**Minister for Education and Science (Ms Hanafin):** The Government is determined to ensure that every child is educated in a suitable and comfortable environment. Since 1997, great advances have been made in transforming school accommodation throughout the country through an investment of €3 billion. This has funded more than 7,800 individual school projects in the past

[Ms Hanafin.]

seven years alone. The National Development Plan 2007-13 will involve an investment of more than €4.5 billion in school accommodation. The first roll-out of the new NDP will be in the current year with a budget for 2007 of €542 million-€306 million at primary and €236 million at post-primary level.

While the challenge before us in reversing decades of under-investment in school buildings and in responding to emerging needs in new population areas is great, we are making huge progress. Currently, my Department has in the region of 1,300 applications for building works on the main building programme. Applications range from small-scale projects in existing schools to new schools. A number of schools would have applications for more than one project.

The level of work being done under the school building programme is at an all-time high. The number of projects approved under all the different schemes last year was over 1,300. A further 1,500 projects are expected to be delivered in 2007. The 1,300 projects approved last year include 109 large-scale projects, 778 schools benefiting from the summer works scheme and 210 schools approved under the small schools and permanent accommodation schemes.

Of the 109 large-scale projects announced last year, 55 were approved in February and April 2006 and 54 in November 2006 to proceed to tender and construction over the subsequent 12 to 15 month periods. The Department's main focus is on setting the initial parameters for these projects. Thereafter, responsibility for progression to detailed design, planning permission, tendering and construction is devolved to local school management authorities and their design teams. This approach facilitates a steady stream of these projects proceeding to construction during the course of 2007 and into early 2008.

To date, school authorities have already commenced construction on 17 of these projects and it is intended most of the remainder will commence construction during 2007. Given the timeframe for moving to construction was 12 to 15 months, and the earliest of these projects were announced 13 months ago, I am satisfied they are on schedule. As I said, 778 schools were given approval to proceed with refurbishment projects as part of the 2006 summer works scheme. More than 95% of these projects have been undertaken, with the remainder due to be delivered later in 2007.

During 2006, approval was also given to 210 schools under the small schools and permanent accommodation schemes. These schemes enable schools to address their accommodation needs on a devolved basis without the need for major interaction with my Department. Projects announced in 2006 typically commence construction in 2007.

*Additional information not given on the floor of the House.*

To date, 68 of these projects are under construction and it is expected the remainder will have commenced construction during 2007.

To conclude, there has been an unprecedented level of activity under the school building programme in recent years. While increased investment has been a central reason for this, the introduction of new schemes and changes in how projects are managed have also made a major difference.

**Ms Enright:** I accept the figures that have been announced for approval but, in terms of the number actually progressing, the pace of delivery once a project has been announced is quite slow. Is the Minister satisfied that when projects are announced the technicians arrive on site in time, which is another issue on which I have received several complaints?

Will the Minister outline how much prefabricated accommodation has cost in the past year and the expected lifetime of a prefab? I had occasion to visit a school recently where the prefabs arrived the same year I was born and are still being used — that is a significant period. In the same school, a bicycle shed was converted to a classroom decades ago and is still in use. That school is still awaiting word of approval from the Department.

On 25 October the Minister claimed on “Morning Ireland” that the problem in Laytown had been sorted out in two weeks. Five months on, will she clarify the position in regard to the school in Laytown, where I understand planning permission had been sought on a site the Department did not own or had not signed contracts for ownership of? Is this the responsibility of the Department or the Office of Public Works?

What number of new classrooms will be provided specifically to deal with the reduction in class size which is promised from September? Why the lack of transparency with regard to the building programme? Will the Minister allow the position to return to one where schools could see in what position they were on the Department's website?

**Ms Hanafin:** We are committed to delivering the two new schools for Laytown on schedule. Two portions of land were needed for this. I announced in October that a deal had been done for the purchase of the larger portion of land. The owner of that portion of land, which is needed for the development of the new school, has indicated he is very happy with the deal.

A second, smaller portion of land was desirable for the temporary accommodation which would be needed pending the building of the new school and for access. Difficulties have arisen with this site, which is why, with the written permission of the owner, we applied last week for planning per-

mission for the temporary school on the larger portion of land. Meath County Council has indicated to us it will allow this to progress as quickly as possible through its planning procedures, so I am hopeful, providing there are no major delays in the planning process, we will be on site in May to ensure the temporary building will be provided in September for the students who need it.

The indication given in October referred to the larger portion of land. There seems to be confusion among people who thought we were referring to a different portion of land.

**Ms Enright:** It was not sorted either way.

**Ms Hanafin:** There were two portions of land in question.

With regard to the number of classrooms needed due to class size, every new teacher will obviously need a new class. Some 5,000 extra teachers have been provided in the past five years, which adds pressure, given there is a direct link between the reduction in class size and the provision of classrooms.

Of those classrooms provided last year and being provided this year, a number are resource rooms for the special needs teachers who have been appointed. We are very conscious of the fact not every school had the space for the special needs teachers but we appointed the teachers anyway because it is better to have the teacher who could support the child rather than waiting for the classroom.

Through the permanent initiative scheme and the small schools scheme, where schools have been extended, in most cases the classrooms and in particular the resource rooms are required for extra teachers, be that due to reductions in class size or the development of schools.

### School Curriculum.

2. **Ms O'Sullivan** asked the Minister for Education and Science the number of schools that include an oral exam for junior certificate; if in the context of her announcement on the increases in marks for oral Irish in the leaving certificate she will also address the lack of emphasis on spoken Irish at junior certificate level; if she will introduce an oral exam in all schools at junior certificate level; and if she will make a statement on the matter. [10858/07]

**Ms Hanafin:** Only a minority of schools avail of the optional oral examination in the junior certificate at present. For example, the following oral examinations were undertaken in 2006: French — 506 oral examinations in 22 schools; Spanish — 80 oral examinations in six schools; German — 267 oral examinations in 14 schools; and Gaeilge — 335 oral examinations in 12 schools.

With regard to the oral Irish examination I recently announced significant changes to the proportion of marks awarded for oral Irish in both the junior certificate and leaving certificate

exams. These changes will apply to students enrolling in first year in 2007 and will mean that, in 2010, there will be 40% of marks available for the optional oral Irish examination in the junior certificate, and with effect from 2012, 40% of marks will be available for oral Irish in the leaving certificate.

The syllabus for junior certificate Irish focuses strongly on developing communicative skills. Oral work is critically important in improving students' competence and confidence in this regard and should be a key component of day-to-day teaching of the language from the beginning of junior cycle.

I am determined to increase the emphasis on the spoken language at junior certificate level. However, I am conscious that the model of oral examination in place for the leaving certificate examination is not replicable at junior cycle. Issues of examiner supply and school disruption mean that implementing junior and leaving certificate oral examinations through a totally externally based approach would be unsustainable. I recognise the need to explore the scope for a different approach at junior cycle, where the stakes are not so high. I believe that the increase in the marks for the optional oral component in the junior certificate from 20% to 40% from 2010 will be an incentive for more schools to provide this option.

In addition, I have asked the National Council for Curriculum and Assessment, NCCA, to undertake a study of the possible use of information technologies such as mobile phones or the Internet in oral assessment. A report on this issue is expected later this year. I have also provided for the establishment of a new support service for post-primary teachers of Irish, An tSeirbhís Tacaíochta Gaeilge Dara Leibhéal, which will provide professional development for teachers from autumn 2007.

The announcement I have made clearly gives advance notice to schools of a significant shift in emphasis towards Irish as a spoken language where students can communicate and interact in a spontaneous way and where Irish is spoken every day in schools. This is a new challenge for teachers and will be supported by comprehensive investment in professional development programmes and the provision of updated and age-appropriate materials using new technology to optimum effect.

The way to bring new life to a language is to be able to converse in it every day. These changes are intended to strengthen the emphasis on oral competence in Irish in our schools and ensure that Irish is taught in our schools in a way that is interesting and relevant and promotes a positive attitude to the language among our young people.

*Additional information not given on the floor of the House.*

Other developments in respect of promoting the Irish language in our schools that I announced recently include the provision of an additional €1

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million for An Chomhairle um Oideachas Gaeltachta agus Gaelscolaíochta over the next three years for the development of resources and materials to support the teaching of subjects through Irish; an additional €150,000 to enable second level pupils in disadvantaged areas to attend Gaeltacht summer courses; and the introduction of week-long summer camps in Irish to enable up to 600 primary school students in designated disadvantaged schools to participate in fun activities through the medium of Irish. I am confident that, taken together, these measures will improve students' ability to speak our native language.

**Ms O'Sullivan:** I thank the Minister for her answer and welcome the steps she is taking with regard to the leaving certificate. My concern is that there is a gap in the middle. The curriculum at primary level is initially focused on the spoken language, but when children move up to post-primary level, many of them become turned off the language because of the difficulty in dealing with a largely written curriculum.

Is the Minister concerned that, as her answer stated, only 12 schools with 335 students take the oral option? That is a tiny fraction of children and schools. Does the Minister intend to take action to ensure this is mainstream within the junior certificate cycle? Will she consider making it obligatory for an oral examination to be held at junior certificate level? In light of the difficulty involved in the logistics of having people to carry out the examination, has the Minister explored how that can be done, possibly by carrying it out within the school itself. I know there is an issue with the teachers in that regard, but to what extent has the Minister examined that option? I am sure she must be concerned that such a small number is involved at junior certificate level.

Has the Minister considered the proposal by Conradh na Gaeilge, the Union of Students in Ireland and the Union of Secondary Students that she consider introducing two subjects at leaving certificate level, one of which would focus on the language while the other would focus on the more cultural and literary elements of Irish? They have also made a proposal in respect of much more immersion for student teachers in the area of language. Has the Minister carried out any evaluation of the standard of the teaching of Irish at primary and post-primary level?

**Ms Hanafin:** Gabhaim mo bhuíochas leis an Teachta as ucht na tacaíochta a thugann sí do na moltaí seo because they are very significant proposals. It is the first time in 35 years that a change has been made in oral Irish. Naturally, I would love to see more schools offering the oral Irish examination at junior certificate level. I believe that many teachers are not aware it is an option in the first instance. Probably the greatest barrier is that the two teaching unions have established positions against teacher-based assessment.

This morning, I visited Newpark comprehensive school, where students take the oral examination at junior certificate level, certainly in the modern languages, I am not too sure about the Gaeilge. In this school, a class teacher examines another class so one does not examine one's own students. That is certainly a very feasible way of doing it. It is done in a very objective manner without interfering in the running of the school. Local arrangements could be made between two schools if one wished to take it outside one's realm altogether. There is great potential to do that.

In the first instance, I hope to remind all schools that this exists and to set out how it can be done. I also want to encourage people, on the basis of the extra percentage that is being given, that it is valuable for the students to do it. Third, I want to point out that not only is it of value in itself, but it is a direct preparation for the leaving certificate, given that emphasis will be placed on the spoken language within the schools. I am awaiting the NCCA's work, which it has begun to undertake, on the various ways of doing an oral examination using mobile technology, such as mobile phones and the Internet. That could be quite exciting and would be a new challenge within schools. Obviously, as I stated in my answer, there would be considerable professional development for teachers because I recognise that is needed. Normally, when we introduce changes for the curriculum, we do it with a two-year run-in, as we are doing with the technology subjects, which I announced two years ago and which will be introduced in September of this year. It is the love and use of the language I want to change, rather than just the examination, which is why I gave a five-year lead-in to this one.

I met Conradh na Gaeilge to discuss its proposal, about which I have two concerns. First, it would be very elitist to have two separate leaving certificate honours courses. If that is the case, ordinary mainstream schools would not be able to offer the two choices because they would not have the capacity to offer an alternative leaving certificate level. The NCCA proposals in that regard were somewhat similar.

The question of giving extra points for honours Irish also arose. That argument has been made in respect of honours mathematics, the sciences—

**Ms O'Sullivan:** That is not contained in this proposal.

**Ms Hanafin:** There are proposals out there relating to that. I would like to think that a student attending school in Limerick, Thurles, or Offaly will get the same opportunity as one attending a gaeilcoláiste such as Coláiste Eoin Íosagáin or one in Galway or elsewhere, and that it would not just become the preserve of one group. That is what would happen if one ended up with a curriculum split in two.

Given that only 50% of the leaving certificate examination goes for the written paper, that in

itself must be revamped and I will always ensure that literature is a part of that examination. That is also very important because we have such a wealth of literary culture.

### **Regional Education Structures.**

3. **Mr. Gogarty** asked the Minister for Education and Science the plans in place to create regional structures in education as envisaged in the action plan of the national forum on education, published in 2001; and if she will make a statement on the matter. [10856/07]

**Ms Hanafin:** I understand that the Deputy is referring to the action plan of the national forum on primary education, Ending Disadvantage. The forum was held in St. Patrick's College in Drumcondra in July 2002 and was planned by a national planning group representing all national agencies working in the area of educational disadvantage and parents living in designated areas of disadvantage.

One of the recommendations of the forum was the devolution of the organisation and delivery of pre-primary, primary and post-primary education, third level access and further and second chance education from the Department of Education and Science to local structures. The report also envisaged the devolution of budgetary control, responsibility for the identification of local and regional educational needs and strategic planning to meet the needs to those local structures.

The Deputy will be aware that my Department has established a regional offices service as a result of the recommendations made in the Cromien report, which, in October 2000, reviewed my Department's operations, systems and staffing needs. The implementation of the recommendations contained in the Cromien report were approved by the Government.

This regional office service, which is an integral part of my Department, consists of ten regional offices and a central directorate of regional services. The role of the offices is to support a socially inclusive society by representing the Department on appropriate regional and local bodies, such as the city and county development boards and the regional and local drugs task forces, communicating information on education issues to and from the Department and providing any other educational services that can best be undertaken regionally.

The regional office service also co-ordinates the response of the Department to the education needs of newcomers, manages the visiting teachers services for Travellers and the hearing and visually impaired and manages the distribution of dormant accounts funding in the education sector.

While the Department will continue to review the operation of the regional offices with a view to transferring other functions to them as appropriate, it is not proposed to transfer to them the range of functions envisaged in the action plan of the national forum on primary education.

**Mr. Gogarty:** Page 147 of the action plan of the national forum on primary education states that the plan recommends the creation of regional education structures and devolved responsibility for the areas of primary, pre-school, second level and third level education. The Minister referred to looking for administrative duties but also real decision-making powers in terms of the analysis of regional needs, the development of strategies for the integration of services at a local level and the allocation of funding and resources. Does she not agree it is time we took a radical approach to education? VECs are located in virtually every city and county authority and local authorities are engaged in planning. The Department of Education and Science is supposed to plan school places in advance of any new housing developments or change in the population. In some cases it is not very effective in this role. Would it not make sense to have a regional education structure on a county-by-county basis with links to or amalgamated with the existing VEC structure, and links to county councils and the Department of Education and Science? Would that not serve the needs of education at all levels more effectively than having ten regional bodies? Would it not be preferable to have a regional body working along existing lines where the facilities already exist, between the VEC meeting structures and those of local authorities? There would not be a significant increase in costs but decision making would be sharper and more focused and people would be able to target money exactly where it is needed.

**Ms Hanafin:** No. I fundamentally disagree with the proposal. The last thing we need is another 26 structures for education with administrative boards which would link into other administrative boards and to try to link agencies together. This would tie people up in knots going from one meeting to another. It would not serve any purpose whatsoever. It was part of a proposal made in 1995 or 1996 in a White Paper on education. Fianna Fáil fundamentally opposed it at that stage. It is crucially important that we are able to maintain quality at all levels, in addition to budgetary control, and to ensure there is equity in the service. I have no proposals to set up more administrative structures.

**Mr. Gogarty:** What I suggest is a series of one-stop-shops on a countywide basis where all of the various strands would be integrated into one location. In that way, people would know where

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to go to find whatever information they require on education. Given that the Government's current policy appears to be to move Departments to various parts of the country and to call that decentralisation, is it not about time we had real decentralisation and local decision making? I agree it is time we had proper systems, instead of disparate decisions being made. We need a one-stop-shop. Would the Minister consider this option if it could be done properly? I accept more research is required.

**Ms Hanafin:** The type of system we have is probably unique in the world. We have 4,000 schools, half a dozen management bodies — all of which have responsibilities — major agencies like the National Educational Welfare Board and the National Educational Psychological Service. The Department is also involved in the school completion programmes in all of the drugs task force areas, and in local development and partnership bodies. People are already involved in a significant number of initiatives.

**Mr. Gogarty:** But they do not work together.

**Ms Hanafin:** The best place for parents to get information is in their local school. That is as it should be. That is why the relationship between schools and parents is so important. The regional offices serve to make contact with people. The proposals outlined in that forum are wide ranging. They include regional structures with relative autonomy, authority, budgetary control, responsibility for the identification of local and regional educational needs and strategic planning for all of that. The suggestion is that these powers would all be moved from the Department of Education and Science. I fundamentally disagree with this proposal.

### School Curriculum.

4. **Ms Enright** asked the Minister for Education and Science the steps she will take to ensure all second level students receive relationships and sexuality education; and if she will make a statement on the matter. [10995/07]

**Ms Hanafin:** As the Deputy is aware, many positive developments in regard to the teaching of relationships and sexuality education, RSE, have taken place in recent years, and these have been further strengthened through making social, personal and health education, SPHE, a mandatory programme for junior cycle since September 2003. In addition, all schools are required to have an RSE programme at senior cycle.

Schools are currently supported in the implementation of RSE by the SPHE and RSE support services which are provided in collaboration with the health sector. The supports available to

schools include guidelines on policy development, curricula and teacher guidelines, information for parents, teaching resource materials and teacher training. Schools are also encouraged to utilise the resources produced by the health promotion unit.

Earlier this month I launched a report, RSE in the context of SPHE: An Assessment of the Challenges to the Full Implementation of the Programme in Post-primary Schools, published jointly by the Crisis Pregnancy Agency and the Department of Education and Science. The report highlighted widespread support for both the broad principles and the content of the SPHE and RSE programmes from teachers, parents and health professionals and strong levels of interest and support from parents and students about the importance of RSE in schools.

The report also demonstrated increasing levels of implementation compared with earlier studies, with 76% of schools showing high or moderate levels of implementation, and with 90% of schools teaching RSE at some level. However, a clear need is highlighted to strengthen both implementation levels and consistency in regard to the content of RSE. In that context, my Department is taking a number of important steps which will remind all post-primary schools of their obligations in this area. It will update and re-issue the RSE policy guidelines and finalise a template on RSE policy in order to facilitate schools in developing and implementing RSE programmes; review and update RSE materials; develop lesson plans linked to a DVD resource on contraception, sexually transmitted infections and sexual orientation, in collaboration with the Health Service Executive and the Crisis Pregnancy Agency; and increase the level of information and training available to parents, building on a successful primary model and introduce a programme of subject inspections in this area with effect from 2007-08.

The availability of a national curriculum in SPHE at junior cycle has played a vital role in supporting increased implementation of RSE. I am aware of the development work undertaken to date by the NCCA in regard to a social personal and health education programme at senior cycle. This is now at an advanced stage, and I look forward to receiving the NCCA's recommendations in this regard at an early date. I am confident these initiatives will help to ensure full implementation of this vital aspect of social education in our schools.

**Ms Enright:** I thank the Minister for her reply. I was a little alarmed at first as she concentrated on reminding and updating. I welcome the fact it is intended to have subject inspections. However, if a subject is not being taught in a school, how can an inspection be carried out?

I am sure the Minister shares my main concern, which is the recent survey carried out by the Crisis Pregnancy Agency. This survey showed 11% of secondary schools are not teaching RSE to first and second year students. The percentage rises to 20% in third year, with a third of all schools not teaching the subject in the senior cycle. When interviewed on this matter, the Minister referred to the pressure on the curriculum etc. I share her concerns in this regard but does she agree this is an extremely important subject and we must ensure it is provided to all children?

The Government appears to be a little confused on this issue. Both Government parties publicly stated they want the age of consent lowered to 16 yet we are not ensuring necessary sex education is provided to young people in schools to furnish them with proper knowledge on this subject.

Is the Minister aware that in 2005 a total of 42 teenagers aged under 15 gave birth to children? I do not suggest this problem can be solved just by the provision of better sex education in schools but it will go some way towards addressing it.

How many subject inspections will be carried out in 2007? What type of information and training will be provided to parents? Will this be carried out within schools and if so, who will provide the service?

**Ms Hanafin:** The report which I launched is a useful resource, not just for the Department but also for schools by showing not alone their findings but also what works in different schools. Schools employ different models of delivering RSE as part of their programme. In some schools, it is done by the classroom teacher while others bring in professionals from the HSE. It will be interesting for schools to read the report to see for themselves what might work.

I accept this is a crucially important part of the overall social, personal and health education. It is important for schools to realise there is nothing in the programme that would conflict with their ethos. Schools all over the country have found it is possible to teach all of the programme. I am especially worried that the schools that are least likely to implement the full programme are single sex boys schools. This is just as important an issue for boys as it is for girls. We need to get this message across strongly. The measures and supports will be available for all schools.

One of the recommendations in the report was that inspections take place. I was amused that people wished inspectors to go into schools.

However, the schools themselves felt that it accorded a subject status if inspectors came to assess it. The inspectors have now been assigned to regional teams and will start in September. I cannot yet say how many inspections will take place, but they will be regional, cross-sectoral and cross-

gender, taking in the various elements of the school system. That will give us a different status.

Another conclusion that came across in the report was that, where the entire school supports SPHE, it works very successfully. There should not be a single teacher isolated in his or her classroom. It is very important that the teachers themselves wish to teach the subject, which should not simply be assigned to someone who happens to have a spare period. If schools take all that on board, the principal is seen to support it, and other staff members support the teacher. It can be very successful.

One heartening finding of the report was that students, teachers and parents are all extremely positive. However, there has not been a public information campaign for parents since the subject was first introduced, when many fears had to be allayed. I hope that, as part of their information meetings for parents at the beginning of each year, schools will include advice regarding the programme's content. That could then become part and parcel of what they wish to discuss at home.

**Ms Enright:** When does the Minister anticipate 100% participation from schools to ensure that all children in secondary education are able to avail of this subject? Regarding inspections, she mentioned the HSE element and stated that some schools were bringing people in. We need a degree of flexibility on inspections, since if schools are teaching the subject in different ways, an inspector could say that one is wrong in comparison with another. However, it may be working for both. How does the Minister propose to deal with that?

**Ms Hanafin:** It is important to stress that the Department of Education and Science inspectors are obviously not there to inspect the HSE professionals. Rather they will consider the overall context of how the programme is delivered. The positive side of the report is that 90% of schools are teaching the subject at junior cycle. We will see 100% compliance when the SPHE curriculum arrives for senior level, since that gives schools something with which to work. I know that the NCCA is due to provide that soon. When it does, it will be of great assistance to schools. Once they have more up-to-date information, that will encourage them. We will actively encourage schools to view this as a very important part of wider education and not something that should be dropped when one approaches an examination, as currently happens.

**Ms Enright:** That was junior cycle, but what about senior cycle?

**Ms Hanafin:** SPHE is currently a compulsory part of the junior cycle programme, and we will



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obviously inform all schools of guidelines in that regard.

### Special Educational Needs.

5. **Mr. Crowe** asked the Minister for Education and Science if, in view of the recent landmark decision for leaving certificate students with dyslexia, who were successful in their claim of discrimination under the Equal Status Acts 2000 to 2004 against her Department in relation to the annotation of their leaving certificate examination results, she will reform this anomaly to ensure equality for all students; and the discussions she has had with the State Examinations Commission in relation to their policy and practice in this area. [11043/07]

**Ms Hanafin:** As the Deputy will be aware, the Government has shown an unrivalled commitment to ensuring that children and young people with special needs get the extra support they need to reach their full potential at school. We have dramatically expanded investment in special education in recent years, and we have improved access to the state examinations for young people with special needs.

A range of accommodations is provided to enable students with disabilities to take advantage of the certificate examinations. For example enlarged print, Braille translation, modified questions, use of a scribe, a reader, a personal assistant, a tape recorder or word-processor may be allowed, depending on needs.

The scheme was expanded in 2000, following the report of an expert advisory group, to provide opportunities for exemptions where a candidate was not in a position to demonstrate achievement in a core area of assessment. In keeping with the advice of the expert advisory group, a system of annotation was applied to any case where a student was exempt from a core area of assessment, or where the mode of assessment used had the same effect.

That change, for example, enabled a hearing-impaired student to be exempt for the first time from the aural component of language subjects. His or her marks on the balance of the examination would be extrapolated proportionately, and the certificate would include a note to the effect that all elements of the subject were assessed except the aural component. Spelling and grammar waivers in language subjects were provided to cater for students with dyslexia on a similar basis, with annotation of the certificates.

The aim of those changes was to facilitate the operation of a responsive and flexible system that enabled all candidates to demonstrate their achievements, while preserving the integrity and fairness of the examinations by ensuring that

special arrangements were operated in a transparent manner.

The introduction of the expanded scheme was seen as important in widening access and promoting optimum participation among students with disabilities. Since then, the number of students availing themselves of accommodations in the certificate examinations has grown dramatically. Some 4,438 accommodations were granted in 2002, including 39 component exemptions and 1,945 spelling and grammar waivers. By 2006, that number had increased to 12,136 accommodations, including 987 component exemptions, and 5,450 spelling and grammar waivers.

Annotations on certificates apply only in situations where a core area of a subject is not assessed, or where the mode of assessment used has the same effect. That is used to ensure fairness and integrity *vis-à-vis* other students who have been assessed on those components, and in order not to mislead the end user of the certificate.

Regarding the Equality Tribunal's findings, the legal position is that they must either be implemented in full or appealed against within the specified timeframe under the Equal Status Act 2002. My Department has examined the findings and is concerned both that the widening of access through the use of exemptions coupled with annotations has not been fully understood in this case and that the fundamental nature of the accommodations being provided has been questioned. It has therefore been decided to appeal the findings to the Circuit Court.

I have also asked the State Examinations Commission to re-examine policy and practice in the area. It is important that our system continue to evolve in line with best practice, promoting high standards of quality and integrity while guaranteeing access, participation and benefit for all our students. I do not anticipate that changes will be made to practice in the area before the outcome of the review and the findings regarding the appeal.

**Mr. Crowe:** I welcome the fact that the Minister has said she will re-examine the area. I do not know why or when the system was introduced. The Minister gave plenty of statistics regarding numbers taking examinations and so on.

We are talking about fairness and integrity, but this system is unfair. That seems also to be the view of the Equality Tribunal, which examined the issue. Two students won a court case in this regard. The asterisks or annotations label the student, undermining the entire concept of mainstreaming students. The Central Applications Office, CAO, accepts the grades without taking account of marking adjustments. For whom is the information intended? We are told that it was

introduced to support the integrity of the examinations process.

The Minister mentioned marks for Irish, which allow some students an extra 5% in leaving certificate examinations, but there is no indication on their certificates that any adjustments have been made. Why is it so regarding these students? We are labelling them and signalling something to employers. If the CAO is not interested, I do not know who is. The asterisks suggest that the leaving certificate is not worth as much. How could any Minister defend that process? That the Department of Education and Science has taken a court case in this regard is a scandal and a waste of public money.

We are seriously talking about mainstreaming children with impairments, yet this sends them the wrong message. That more such children are sitting the leaving certificate is irrelevant. Similar annotations are not allowed in other jurisdictions, including the North and Britain. I ask that the Minister act on this issue. It will cost neither her nor her Department anything, but it will certainly make a substantial difference to the families of the children affected.

**Ms Hanafin:** The leaving certificate details what was examined and the marks awarded. In most cases, it would simply list the grades in certain subjects, the assumption being that all elements were examined. The annotation merely states that an element of one or more examinations was not taken into account. It is a statement of fact. It is there because so many people have been accommodated to ensure that they get every opportunity to participate fully within the examination system. Annotations have been, and are, used in other countries. They are being used in the United States, which is the only country where a ruling has been made to say that it is not illegal to do so. England, Wales and Northern Ireland have also provided for exemptions and certificate annotations, but those authorities were told that they could not go ahead under the terms of the disability discrimination legislation. Those areas then decided to drop the exemptions completely, although there now seems to be some confusion and rowing back on the issue. It is therefore a matter for other countries as well. I am anxious to ensure that young people with learning disabilities will be able to participate. To this end, we must give them as much accommodation as possible. I have read out the type of work that is made available for them.

**Mr. Crowe:** Who is it for?

**Ms Hanafin:** The certificate is simply a statement of what was examined.

**Mr. Crowe:** What is this certificate for?

**Ms Hanafin:** It can be used by employers.

**Mr. Crowe:** Is that not what it is for?

**Ms Hanafin:** Yes.

**Mr. Crowe:** Will it still indicate that they got an accommodation?

**Ms Hanafin:** It can be used by colleges but they do not seek to use it. The State Examinations Commission has already examined the matter to ascertain what is best practice and how to ensure that people are not disadvantaged in any way. The appeal was taken because we felt strongly that the tribunal had gone outside its remit. It challenged the type of accommodation offered and spoke of the leaving certificate as a standardised test, which it is not. It dictated that individually suited accommodation based on individual assessment should be offered in cases, and that the range of accommodation currently available should be continued into the future. The tribunal strayed into the area of educational, curriculum and assessment policy over which it has absolutely no remit. That would have had far wider consequences than the issues that were at stake in this particular case. That is why we appealed it.

#### Other Questions.

##### Residential Institutions Redress Board.

6. **Ms McManus** asked the Minister for Education and Science if her Department has an estimate of the full costs that will be incurred by the Residential Institutions Redress Board; and if she will make a statement on the matter. [10722/07]

**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.

Expenditure associated with the redress board to the end of 2006 was approximately €564 million. At that time, 7,290 applications out of a total of 14,540 received were processed by the board. The average award to date is approximately €70,000 with awards ranging up to €300,000. At this point it is estimated that a provision of another €600 million may be required to meet the remaining award, administration and legal costs of the board. This would bring the total cost of the scheme to an estimated €1.16 billion. I should emphasise, however, that this revised estimate, like earlier estimates, is tentative as the board had some 7,250 outstanding applications to process at the end of 2006 and the level of award in these remaining cases may vary substantially. The

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final cost of the scheme will not be known until the board has completed its work, which may take up to a further three years.

The previous estimate of up to €1.3 billion for the total cost of the scheme, which was included in the 2005 appropriation accounts, was based on the number of applications received by the December 2005 deadline, an average award of €76,000 at end 2005, and legal and administration costs of approximately 20%. The average award has fallen to €70,000 since then, but there is no guarantee that this will continue.

The Comptroller and Auditor General has stated that any estimate of the ultimate liability arising from the redress scheme is based on assumptions which are impossible to validate and should therefore be treated in a cautionary way. While earlier estimates of the cost of the scheme, made by my Department, were lower than the current estimate, the scheme is without precedent and nobody could have predicted with certainty how many applications there would be.

Of course, the final cost of the redress scheme must be viewed in the context of the Government's acceptance of its responsibilities in apologising to victims of abuse and the substantial costs that would have been incurred had no such scheme been established, with cases processed in the normal manner through the courts. The scheme enables victims to obtain compensation for their injuries without having to face the trauma of pursuing their cases in court.

In establishing the scheme, the Government considered it was the just and humane thing to do as the State was responsible for children that were placed in institutions by the courts and other public bodies.

**Ms O'Sullivan:** In view of what the Minister has said, and given the hugely escalated costs above what was originally anticipated, does she believe that the Government was wrong, at that time, to impose a cap on the responsibility of the religious institutions? Should the Government have insisted on some kind of joint responsibility on a percentage basis, rather than a cap, in view of how much larger the State's contribution has been? Does the Minister expect many future court cases in the context of this legislation? When does she expect the full complement of properties to be transferred to the State under the indemnity deal? Most important, will the Minister and her Department revisit the total washing of hands concerning the abuse that was perpetrated in the past on day students in schools, and which may well be continuing now? We all know of cases where people have tried to get some kind of justice but got nowhere. They can be faced with enormous costs. I have raised one such case with the Minister on a number of occasions.

In the context of the current situation, parents may suspect that abuse is going on, yet they may feel their concerns are not eliciting a serious response from the school's board of management and possibly from the patron. Will the Department of Education and Science take any responsibility in such cases? It makes a mockery of the apology that was given on foot of everything we have found out about the past, if the State body — in this case, the Department of Education and Science, which runs the schools and pays teachers — completely washes its hands of anything that has happened or could possibly happen in day schools.

**Ms Hanafin:** As regards the indemnity agreement, it should be made clear that the State had a duty to make amends for the abuse of children placed in institutions. The State was involved in placing those children in institutions and obviously had a responsibility to make amends. Nonetheless, it was considered that the congregations should make a contribution towards that. That is why the negotiations were entered into between the Government and the congregations. The Deputy spoke of a possible 50-50 arrangement.

**Ms O'Sullivan:** As was recommended by the Department of Finance.

**Ms Hanafin:** Yes but at the time it was quickly realised that that would not be achieved and that the best deal available was the €128 million. The amount was agreed with the Department of Finance.

**Ms O'Sullivan:** In secret and without the Attorney General's involvement.

**Ms Hanafin:** The reality is that had all of these people gone to court — which it was open to them to do — and sued the State, the State would have had to pay for every single one of them.

**Ms Enright:** No. Other people would have been cited in the cases as well.

**Ms Hanafin:** Yes, indeed, but the one with the deepest pockets has to pay. In those cases, the State would always be seen as the one with the deepest pockets.

**Ms O'Sullivan:** How come the State is not paying out for day students?

**An Leas-Cheann Comhairle:** Please allow the Minister to continue without interruption.

**Ms Hanafin:** That is the phrase as regards the law.

**Ms O'Sullivan:** It is not as simple as that.

**Ms Hanafin:** The Deputy asked about property and cash. It was broken down as follows — cash contributions of €41.14 million; provision of counselling services, €10 million; and property transfers of €76.86 million. The cash and counselling contributions of €51.14 million have been received in full. The property transfers of €66 million and cash in lieu of property of €10.7 million — which amounts to €76.7 million — have also been agreed. The balance of €160,000 is to be settled shortly. Some properties are still held up with the commissioners for charitable bequests whose consent is required before the transfer of title can be effected. We are anxious to get our hands on that property quickly, once the legal issues have been dealt with, because a number of schools are awaiting the transfer. There is no difficulty with it, however. I wish to clarify also that the value assigned to those properties is the value at the time of the agreement, not the current value. Therefore, it is not as if we are going to get any less property just because it has not been transferred to date.

There is a significant difference between the State's responsibility concerning day cases and residential cases. Children placed in industrial schools and other institutions were taken away from their families, who had responsibility for care and protection, and the family unit was not available to them. When children did not have that care and protection the State had a responsibility to ensure they would be adequately cared for in State care. The State had to make amends when children were abused in those institutions.

The day care school system is quite different because the education system is structured on the basis that schools are run by local management which has legal responsibility and a duty of care for pupils. With the exception of pay issues, the recruitment, appointment, discipline and dismissal of teachers in an individual school is a matter for the board of management. This has been clarified in the courts by three different High Court judges in four separate cases. The responsibility of the State is very different in a day school than in residential care.

Schools have a serious obligation relating to child protection guidelines which have been issued to schools along with training for staff. New teachers are vetted as are other staff working in schools from this year and we are working towards the vetting of existing teachers. The protection of the child is crucial in every school.

**Ms O'Sullivan:** That is an enormous responsibility for boards of management.

**Ms Enright:** The State pays the salaries of teachers in these schools and the Minister will be aware of the case of Father Donal Dunne in my constituency. He taught in seven different schools and received references to facilitate his move

from one to another. It is clear that by the later stages of this case the Department of Education and Science was aware of the matter and did nothing about it so I do not understand how the State can wash its hands of such cases. It is very difficult for victims to understand how the State can wash its hands in some cases and accept responsibility in others.

Of the 16 properties transferred to the Minister under the indemnity deal how many had received investment from the Department of Education and Science over the years and does the Minister know the total value of properties being assigned to her Department?

**Mr. Crowe:** Has the State responsibility for day students that stayed overnight? Does the €1.6 billion the Minister mentioned regarding redress include money awarded to date in the courts? How much has the legal profession made in this area?

**Ms O'Sullivan:** Will the State take even partial responsibility in this matter? Does the Minister not feel that this is an onerous responsibility to lie entirely on the shoulders of a school's voluntary board of management?

**Ms Hanafin:** The figure relating to the indemnity deal was actually €1.16 billion and this is expected to be the total cost, including everything to do with the board and legal costs. I cannot say what investment was made in the properties in question but some were schools that were transferred to the Department.

**Ms Enright:** The payment was made twice.

**Ms Hanafin:** Given the level of investment the State made in buildings at the time I suspect very little investment was made in these buildings because in most such cases the religious orders built their own buildings. I do not know the exact answer and will check if the information is available.

Regarding Deputy Crowe's questions, there were a number of criteria that influenced whether the State had a liability relating to an institution including where a child was placed by the courts and where the State had an inspection role.

#### School Curriculum.

7. **Mr. Allen** asked the Minister for Education and Science the amount of time allocated to physical education for each student at post-primary level per day; and if she will make a statement on the matter. [10778/07]

**Ms Hanafin:** In accordance with the rules and programme for secondary schools, all second level schools should provide physical education as part of the curriculum. The syllabuses have been

[Ms Hanafin.]

developed on the basis of a time allocation of two hours per week.

As Deputies will be aware, this Government has worked hard to improve the opportunities for young people to get physical exercise both in school and in their local communities. There have been a number of positive developments in relation to physical education, PE, in schools in recent years.

We have funded the provision of PE, general purpose and outdoor play facilities as part of the school building and modernisation programme. Over €2 billion has been provided for school building projects since 2002, while a further €4.5 billion will be invested under the new national development plan. We have put in place new curricula for PE in primary schools and at junior certificate level and last year primary schools received €2,000 each in PE equipment grants at a total cost of €6.5 million. A similar grant is on the way for second level schools.

We believe that PE is an important part of the school curriculum and that every child should get the opportunity to exercise at school. However, we are also conscious of the fact that children spend just 20% of their waking hours at school and so their level of physical activity during the rest of the week is just as important.

This Government's investment in community sports facilities has been unparalleled. Since 1998 almost €470 million has been allocated to over 5,000 sports capital projects and a great many of the new facilities built by this Government are used by children and young people. In 1997 the annual sports budget was €17 million. This year it is €297 million and I think that speaks volumes for our commitment.

Through an increased focus on exercise in school and in the community, we are working to encourage more children and young people to get active. Indeed, the State of the Nation's Children report, recently published by the Minister of State at the Department of Education and Science, Deputy Brian Lenihan, found that children in Ireland are doing well on physical activity, ranking second across 32 World Health Organisation countries in being physically active for at least four hours per week.

**Ms Enright:** I thank the Minister for her reply but we have heard the argument that children spend only 20% of their time in school time and again from her. I understand this but if children had a poor standard of English having spent 20% of their time in school we would not find it acceptable and the fact that children do not get enough exercise is similarly unacceptable.

In terms of investment, I am aware of the figures from the Department of Arts, Sport and Tourism but I am concerned with the Department of Education and Science today. Fine Gael

surveyed 1,400 primary schools and got the following results. Of the respondents, 51% had no indoor PE facilities whatsoever, 25% had only a multipurpose room and 23% had a sports hall. Some 54% of schools had a playing pitch and 46% did not — in other words, little or no sporting facilities.

The Minister mentioned that the Government spent €2 billion on school buildings and I understand this is a priority but is she admitting that the provision of PE facilities in schools is not a priority for this Government? Schools that apply only for a PE hall tend to be given a band four rating. Does this indicate the provision of sports facilities is not seen as a priority?

Regarding the first part of the Minister's reply, is she saying that all second level children spend two hours exercising in school per week or merely that this is what the Department requests of schools? Is there a difference in how this applies at junior cycle level and senior cycle level?

**Ms Hanafin:** It is recommended that they exercise for two hours per week and this differs from school to school. Like relationships and sexuality education, time spent on PE tends to lessen as classes approach exams.

The Department's policy is to provide PE halls to schools that do not have such a facility and they are already part of the design for new schools, major renovations and extensions. However, the provision of schools in areas that have no school is the number one priority and this will continue to be the case. Large schools such as Castleknock Community College and Loreto Secondary School Bray which had been waiting got the go-ahead to build PE halls.

Under the summer works scheme schools have been able to upgrade outdoor and indoor facilities. Bearing in mind that more than half the schools in the country have four teachers or fewer, with less than 80 pupils, a sports hall would not be provided, but there would be space in the school. Many schools may use nearby community halls, sports pitches and so forth. The recommended course is flexible to allow schools to use nearby facilities. While we want to encourage young people to be active and use school facilities, our priority is the provision of classrooms.

**Ms Enright:** The physical education curriculum for primary 11 reads well as it features subjects such as aquatics. In practical terms, however, the Department does not provide funding to cover the cost of transferring children to swimming pools in the locality. Will this policy be reconsidered? Does the Minister plan to prioritise swimming and aquatics?

The Minister referred to small four-teacher schools, many of which are in rural areas. It is inaccurate to claim these schools are frequently located close to sports facilities. This is often not

the case and where such facilities are nearby, they tend to be outdoor facilities given that few indoor gymnasiums have been built in rural areas either by the private or public sectors.

**Ms Hanafin:** The reason aquatics is included in the curriculum is to give schools the flexibility to use the sporting facilities available to them. Pupils in my constituency can walk from school to the blue pool and use it as part——

**Ms Enright:** They cannot do that in my constituency.

**Ms Hanafin:** It would be wrong not to allow schools to use such facilities as part of the acceptable curriculum.

**Ms Enright:** Should all schools not be afforded the same opportunity?

**Ms Hanafin:** Let us be reasonable, not every village will have a swimming pool.

**Ms Enright:** That is true but schools should be facilitated to use pools in the locality.

**Ms Hanafin:** It also means a school may offer dance or any of the other subjects on the programme. For this reason, it is important that the programme is sufficiently flexible to enable schools to use facilities provided for them. Pupils in Thurles need only walk across the road from their school to access a swimming pool. In addition, a new pool is about to be built in the town.

Schools should use all local facilities. The capitation grant is available to cover the cost of taking students to a local swimming pool. I appreciate, however, that not every school will offer swimming or, for that matter, hurling.

**Ms Enright:** Swimming is not facilitated.

**Ms O'Sullivan:** We all seek to have equality in the system but while some schools have great facilities, others do not have any facilities. Should there not be a fund to compensate schools which do not have facilities or access to free community facilities in their locality? For example, some schools cannot afford to pay the entrance fee to commercial swimming pools, which may be the only facility available locally. Will the Minister consider establishing a fund to which schools could apply to enable them to fulfil their role in terms of the PE curriculum.

**Ms Hanafin:** No. The fund made available to primary schools last year was to enable them to purchase equipment.

**Ms O'Sullivan:** They do not have a place to put it.

**Ms Hanafin:** The fund which will shortly be made available to primary schools is to enable them to buy equipment that they can use in accordance with the needs of their students and taking into account the facilities available to them. The Department will continue to upgrade and provide quality facilities for our schools. All recent building and modernisation projects have delivered top-class extra facilities. As the schools building programme proceeds — 1,500 projects are scheduled this year — more and more schools are benefiting from top-class facilities. Those schools which have not yet benefited have the flexibility to adapt the PE programme to suit their needs.

**Ms Enright:** In other words, it is tough luck for them.

**Mr. Crowe:** I listened attentively to the Minister's comments on physical education halls and other facilities. A PE hall in an educational facility located to the rear of a school in Crumlin is not being fully utilised. Will the Minister explain what type of co-ordination takes place in this regard? Is it possible to fast-track proposals to allow one school to use the facilities of another school, as in the case in Crumlin? It is crazy that schools are not able to use nearby facilities or that efforts to use them have been delayed as a result of the structures in place.

**Ms Hanafin:** I am not sure if the Deputy is referring to a sports hall built in the drugs task force area.

**Mr. Crowe:** I refer to the facilities of Pearse College at the rear of Loreto College in Crumlin.

**Ms Hanafin:** I am not familiar with the schools in question.

**Mr. Crowe:** I will send the Minister a note on the case.

### Education Projects.

8. **Caoimhghín Ó Caoláin** asked the Minister for Education and Science the amount it would cost to set up a national primary school pupil database. [10807/07]

**Ms Hanafin:** I am committed to the development of an individualised records system for primary level as soon as practical since it will give us vital information on pupils in our primary schools as well as enable us to better track children's progress from primary to post-primary level. The development of such a database is a complex and resource demanding task involving a number of agencies external to my Department, as well as a range of data needs which are chang-

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ing over time in light of administrative and policy developments.

The database project is linked to the development of an online claims system for schools for the processing of salary claims which is nearing full completion. In light of the desirability of linking data at primary, post-primary and further education, it has been decided to proceed with a short feasibility study on the implementation of a learner database to link these levels either through separate databases for each level or in one single database serving all levels.

The study will assess the costs and benefits of developing a learner database that would encompass both the primary and post-primary system and scope out the availability of data in various agencies as well as sections in my Department, the priority needs as determined by policy and administrative priorities and the options for best matching needs with availability of data through a comprehensive data system.

At this point it is impossible to place a value on the likely cost of the different options likely to emerge from this study. However, consideration will be given to the human, financial and organisational implications of implementing a new database as well as the best approach to linking data in a way that underpins policy needs.

**Mr. Crowe:** When this question was raised during a discussion on the Estimates the Minister referred to a figure of approximately €250,000, which appears to be very low. Does it refer only to the cost of the feasibility study? Is it planned to use PPS numbers in the tracking system? Every year, 1,000 children fail to make the transition from primary to secondary school. When does the Minister anticipate that the database will be up and running?

**Ms Hanafin:** Deputy Crowe referred to a figure of 1,000 pupils who do not transfer to secondary level. This figure appeared in an NESF report in 2002 which cited an estimate contained in a 1997 report that as many as 1,000 primary school pupils did not make the transition to secondary level. At some point someone estimated that the figure might be 1,000 and in the absence of any other study this figure was used in a report in 1997 and repeated in a 2002 report. There is no empirical evidence or data available to substantiate the estimate.

More recently, a census of schools at the end of the 2005 school year requested that they estimate the number of pupils who did not progress to secondary schools in the State. The cumulative figure arrived at in September 2005 was 263 children. A further category, "destination unknown", may have included children who had left the country or moved elsewhere in the State. The

absence of accurate data provides further reason for having the type of database under discussion.

The online claims system, the precursor to a database in so far as it is an elaborate computer system, is being rolled out to all schools. It is important that this rollout is completed before we introduce new systems. The likely focus of the feasibility study will be on mapping existing data holdings, assessing the need for policy relevant indicators and data, identifying gaps in the data infrastructure and determining what type of database would be needed. We want to ensure the database provides information required by the Department or bodies such as the National Educational Welfare Board and National Educational Psychological Service on issues such as transfer or for the purposes of disadvantaged status schemes. The feasibility study will examine these issues.

**Mr. Crowe:** The Minister did not provide a timeframe for the establishment of the database. She hit the nail on the head when she stated we do not know how many children fail to transfer from primary to secondary education. From speaking to school principals in some disadvantaged areas, it is clear that a substantial number of young people drop out of school or do not attend classes on a regular basis. This is a matter of concern. Leaving aside the feasibility study, when will the database be established?

**Ms Hanafin:** The feasibility study will start shortly. The Department wants to see how the online claims system operates before rolling out a new computer system. The National Educational Welfare Board, which has a staff of 94 and is due to increase its staff numbers this year, should be able to make a reasonably quick determination of how many primary pupils transfer to second level. In addition, the role of the school completion coordinators is to ensure there is a link between primary and second level schools. The familiarisation visits they organise to local second level schools for primary school children helps young people make the transfer seamlessly.

**Ms Enright:** Does the Minister not agree it is a failure that despite the existence of the school completion system and the National Educational Welfare Board, we are still speculating about the numbers of children who may have left the country? We are talking about 12 year olds and it is extremely worrying that we do not know the status of children of that age.

Was it initially envisaged at the establishment of the NEWB that the function of drawing up the database would rest with it? I recall some discussion of this at a meeting of the Joint Committee on Education and Science, but I may be mistaken in this. What role will the NEWB have in this regard?

**Ms Hanafin:** It would be far too narrow to allow any one agency to have control over setting up the database. The information that could be gleaned from it is of wide application. Nor should it be available to all the other relevant bodies. It is important that this information should be kept within the Department of Education and Science. I do not know if it was ever intended that the NEWB should have a role in establishing the database, but that is certainly no longer the intention.

Deputy Enright has tabled questions on the disadvantaged status of various schools. If all that empirical data were included in a database, we would not have to ask the schools for it. By undertaking an effective feasibility study, we will ensure we have the type of database we need. We are talking about an enormous investment in a computer system. We must ensure the on-line claims system is operational in all 4,000 schools and we can then build on that experience.

**Ms O'Sullivan:** It is my understanding that, according to legislation, children must stay on the roll book of their primary school until they go onto the roll book of a post-primary school. Will the Minister confirm this is the case? This means children should be automatically tracked as they move from primary to second level. In effect, primary schools should retain children on their roll books until they have enrolled in a post-primary school. In this way, we should be able to identify the children who have not transferred.

**Ms Hanafin:** The NEWB has a specific responsibility to ensure that a child of compulsory school-going age is in school. It must ensure this information is gleaned and that all children make the transfer from primary to second level. Children are obliged to be in school from the ages of six to 16 years.

**Ms Enright:** Is the Minister satisfied that the NEWB is doing that?

**Ms Hanafin:** It is part of its statutory remit.

**Ms Enright:** Does the Minister check whether it is happening?

**Ms Hanafin:** The NEWB, school completion co-ordinators and home-school-community liaison officers play a valuable role in this regard.

### Investment in Education.

9. **Mr. Sherlock** asked the Minister for Education and Science the most recent figures on the percentage of GDP and NDP that is spent on education; and if she will make a statement on the matter. [10742/07]

**Ms Hanafin:** Investment in education has increased dramatically under the Government. This year, we are providing €8.6 billion for education compared with just €2.9 billion in 1997 and €5.4 billion in 2002. Thus, expenditure has virtually trebled since 1997 and risen by 60% since 2002. It is estimated that the gross education provision in 2007 represents a projected 4.5% and 5.3% of GDP and GNP, respectively.

Given the distinctive structure of the Irish economy and specifically the high proportion of our GDP that is expatriated as profits of foreign direct investment enterprises, GNP is a better indicator of the relative resources available. This is particularly relevant in the context of any international comparisons of education expenditure. Such comparisons tend to be done on a GDP basis, as for most OECD countries the difference between GDP and GNP is negligible. However, this is not the case in Ireland. For example, the difference in magnitude between Ireland's GDP and GNP was 18.5% in 2003. This means that standardised expenditure data for Ireland would be higher if GNP were used instead of GDP.

The results of the increased investment in education in recent years are clear. There are now 5,000 more primary teachers than in 2002. Thousands of school buildings have been modernised in recent years, while many new ones have been built. Children with special needs and those from disadvantaged areas are receiving more support than ever before. There have been huge increases in the numbers of young people reaching third level education.

Ireland's education outcomes are among the best in world. CSO data show that the educational profile of 20 to 24 year olds has improved steadily in the last several years as a result of major investment in tackling educational disadvantage and increasing opportunities in the further education and training sector. By 2005, 85.8% of 20 to 24 year olds had attained upper second level education or equivalent, up from 82.6% in 2000 and putting Ireland way ahead of the EU average of 77.5%. Our third level participation rates are also well ahead of international averages.

*Written Answers follow Adjournment Debate.*

### Adjournment Debate Matters.

**Acting Chairman (Dr. Cowley):** 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 Durkan — the consideration given by the Minister to an amnesty to aged out minors seeking refugee status and if a person (details supplied) might qualify; (2) Deputy McGinley — the need to initiate a programme of economic development for the village of Pettigo,



[Dr. Cowley.]

County Donegal; (3) Deputy Crawford — that the Minister include a school (details supplied) in the list of schools for grant aid this year; and (4) Deputy Michael D. Higgins — the need for a clear timescale for the provision of sites, urgent repairs and extensions to a number of schools.

The matters raised by the Deputies have been selected for discussion.

### Adjournment Debate.

#### Refugee Status.

**Mr. Durkan:** I thank the Ceann Comhairle for allowing me to raise this issue on the Adjournment. It relates to an unaccompanied minor who arrived in the State from Angola some years ago in need of care and attention and has been reporting to the Garda National Immigration Bureau on a regular basis. This person is highly respected and unassuming and is of good character and behaviour. He has been well received by the local community and has never been in any trouble. For some reason, however, he has received a double alert in recent days, which indicates that something is happening.

This person was not granted refugee status. Despite numerous parliamentary questions to the Minister for Justice, Equality and Law Reform, his case has not been re-examined. There is a substantial threat to his well-being in the event of him being deported. Until his arrival in Ireland, his life was spent in the shadow of war, threat, intimidation and danger. His behaviour while living here has been exemplary and his case is supported by the Dún Laoghaire relief project and by the people in his local community in Francis Street. He has great respect for the laws and institutions of the State.

He is one of a number of young people who arrived here as minors and are now adults. They know more about this country and have more friends here than in the countries in which they were born. They were, with good reason, allowed to remain here for several years. The assumption is that there is no danger or threat to them in returning to their home countries, but I do not accept that. A considerable threat remains to this person and the approximately 200 others in the same category. They have been allowed to remain here but their status has not been reviewed. They have not been allowed to work although they are quite willing to work. They have been educated here and were highly respected and given recognition by their teachers. I urge the Minister to take a compassionate and humanitarian approach and recognise the problem in respect of a specific group of young people, of whom this gentleman

is one. He should address the issue, review this case and the others and offer an amnesty.

We have, rightly, campaigned for the legalisation of the undocumented Irish in the United States. The circumstances are vastly different, but as a wealthy country we should be conscious of the issues and compassionate in our dealings with people in this category.

#### Minister of State at the Department of Enterprise, Trade and Employment (Mr. M. Ahern):

On behalf of the Tánaiste, I will reply to Deputy Durkan. The Tánaiste has no intention to grant any amnesty to asylum seekers currently in the asylum determination process. Such a move would impact negatively on the very considerable progress made in terms of the reduction in asylum applications on hand, on processing timescales and on the State's ability to accommodate the individuals concerned. Moreover, it would also act as a pull factor by increasing applications being made in the State. The Deputy will be aware that the present trend in applications for asylum is substantially downward from a high of nearly 12,000 in 2002 to some 4,300 in 2006, a fall of almost 64%.

By way of illustration of pull factors, the Tánaiste would refer the Deputy to the fact that a considerable increase in asylum numbers was experienced in the aftermath of the July 1999 decision to allow asylum seekers access to the labour market. This led to a three-fold increase in the average number of applications per month, rising to 1,217 applications in December 1999 as compared to an average of 364 per month for the period January to July 1999.

With regard to what follows the asylum determination process, the Deputy will be aware that following the making of a negative recommendation to the Minister by the independent office of the Refugee Applications Commissioner, or by the Refugee Appeals Tribunal if an appeal was unsuccessfully made, the person concerned is informed in writing that it is proposed to make a deportation order in respect of him or her. The person concerned is then afforded three options *vis-à-vis* his or her position in the State, in accordance with section 3(3)(b)(ii) of the Immigration Act 1999, namely, to leave the State voluntarily; to consent to the making of a deportation order; or to submit, within 15 working days, written representations setting out the reasons he or she should not be deported, namely, why he or she should be allowed to remain temporarily in the State. The enforcement of any deportation order is an operational matter for the Garda National Immigration Bureau.

There is in place, between the Department of Justice, Equality and Law Reform and the International Organisation for Migration, IOM, a memorandum of understanding regarding voluntary return. The persons dealt with under these

arrangements are those who wish to return permanently to their countries, but who do not have the means and-or travel documentation to do so. This programme has recently been extended to cover persons aged between 18 and 20 years who entered the asylum process as children.

Furthermore, in determining whether to make a deportation order or to grant temporary leave to remain in the State to a failed asylum applicant, the Tánaiste must have regard for the eleven factors set out in section 3(6) of the Immigration Act 1999, including consideration of any representations submitted by or on behalf of the person concerned in support of his or her application to be granted temporary leave to remain in the State. The Tánaiste must also have regard for the provisions of section 5 of the Refugee Act 1996 on the prohibition of *refoulement* before signing a deportation order. This means in essence that the safety of returning a person to their country of origin, or *refoulement* as it is commonly referred to, is fully considered in every case when deciding whether to make a deportation order. *Refoulement* means that a person shall not be expelled from the State or returned in any manner whatsoever to a state where, in the Tánaiste's opinion, the life or freedom of that person would be threatened on account of his or her race, religion, nationality, membership of a particular social group or political opinion. The Tánaiste's Department uses extensive country of origin information, drawn from different independent sources, including the United Nations High Commission for Refugees, in evaluating in each case the safety of making returns to third countries.

Overall, the Tánaiste is satisfied that asylum applications and applications made by rejected asylum applicants for temporary leave to remain in the State are processed in a case specific and comprehensive way and he sees no justification for the granting of any amnesty in this area.

With regard to the case in question, the person referred to by the Deputy arrived in the State on 22 October 2001 as an unaccompanied minor and applied for asylum. I am constrained by law from making public the exact details of the asylum claim. The important point to note is that his claim was assessed by the two independent bodies, the office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal, both of which recommended that he did not qualify for refugee status under the 1996 Refugee Act.

I understand the Tánaiste has directed his officials to look again at the circumstances surrounding the proposed deportation of the individual concerned. It should be noted, however, that the person's credibility was called into question by the office of the Refugee Applications Commissioner and the Refugee Appeals Tribunal. His evidence as to his departure, travel arrangements

and arrival in this jurisdiction were found to be without credibility. He has not provided any documentation as evidence of his identity. I should also add that he was stopped by UK immigration at Holyhead in 2002 travelling into the UK from Ireland on a false Portuguese passport. He pleaded guilty to an offence under section 9(4)(a) of the Refugee Act 1996 and his case was dealt with under section 1(1) of the Probation Act.

On 25 June 2003, the person concerned was informed by letter that the Minister proposed to make a deportation order in respect of him and he was afforded three options in accordance with section 3(3)(b)(ii) of the Immigration Act 1999.

His case was examined under section 3(6) of the Immigration Act 1999, as amended, and section 5 of the Refugee Act 1996 on the prohibition of *refoulement*. Consideration was given to representations received on his behalf from the refugee legal service for temporary leave to remain in the State. On 3 August 2004, the Minister refused temporary leave to remain and signed a deportation order in respect of him. Notice of this order was served by registered post requiring him to present himself to the Garda National Immigration Bureau, 13/14 Burgh Quay, Dublin 2, on 27 January 2005 in order to make travel arrangements for his deportation from the State.

The person concerned presented as required and has continued to comply with his reporting requirements. He is due to present again on Friday, 23 March 2007 at noon. He is awaiting deportation following a comprehensive examination of his asylum claim and of his application to remain temporarily in the State.

### Community Development.

**Mr. McGinley:** I thank the Chair for the opportunity to raise this matter on the Adjournment. The village of Pettigo in south-west Donegal, straddling the Border between Fermanagh and Donegal, is probably one of the most forgotten villages in the country. Many people, including some from as far away as the Minister of State's constituency, have a passing familiarity with Pettigo because it is the last posting stage for a famous place of pilgrimage, Lough Derg.

Pettigo in Donegal and its sister village across the river, Tullyhommon in Fermanagh, are in the unusual position of being divided in two by the North-South Border, the Termon River. The community has been isolated for many years due to the troubles and missed out on development infrastructure. Area Development Management has identified Pettigo as an area of extreme poverty and disadvantage. While Tullyhommon had a population of 81 people in the 2001 census, Pettigo has a population of approximately 440 as far

[Mr. McGinley.]

as I can judge from familiarity with the register there.

In common with many areas located within the Border region, Pettigo in Donegal and Tullyhommon in County Fermanagh are striving to recover from their experience as challenged social and economic blackspots with a negligible community infrastructure. While once a thriving market village on the great northern railway line, the village has suffered from the demise of the railway in the 1950s and the closure of numerous cross-Border roads during the height of the Troubles in Northern Ireland. The latter had the effect of cutting Pettigo off from much of its rural hinterland in Counties Fermanagh and Tyrone. Hence, there was a withdrawal of services, a reduction in investment, an absence of economic investment and employment opportunities, the stigma associated with proximity to the areas of conflict, a reduction in cross-Border traffic and social interaction, an increase in emigration, a decline in tourism and increased isolation of our already marginalised sectors, including farm families, the elderly and youth. Chronic unemployment, stubborn barriers to cross-Border trade and a dangerously low level of infrastructure and capital investment have led to minimal indigenous enterprise creation and an overall physical decline in the visual aspect of the village and its environs. Investment is desperately needed in the village, where dereliction continues to cause a problem with many buildings neglected and in disrepair in its centre. This does not project a positive image to the passerby, the tourist or whoever else may visit. The public toilets are in an extremely bad state too and not very inviting for anyone to use.

The future of the much-needed play-school and after-school facility hangs in the balance as it has funding in place for staffing costs only until December. Depletion of services continues and last year two local businesses closed. All these issues are of concern and illustrate why the village needs major investment boosts such as a tax incentive initiative which would entice developers and ultimately create employment.

The Association for the Development of Pettigo and Tullyhommon, ADoPT's, Peace II funding expires at the end of December and further funding is essential to allow staff to continue to exploit future opportunities for the area. ADoPT has an old mill in which it would like to create workspace. The old stone outbuildings at the mill could be perfect to provide much-needed respite care for the elderly. This would require a great deal of hard work, commitment and funding.

While the area is experiencing some growth in terms of new housing and residential development, the project promoters concluded that there was an imminent need for parallel social and community development that would reduce the

marginalisation of communities on both sides of the Border and deepen the concept of cross-Border advancement partnership.

Pettigo community seems to have been forgotten. It is not mentioned in the Donegal County Development Plan 2006-2012. Pettigo and Tullyhommon's socioeconomic data form a stark and compelling background to the need to enhance facilities and infrastructure for community development.

I am glad the Minister of State from the Department of Enterprise, Trade and Employment is here to respond to this matter. Perhaps he could pass my comments to other Departments because unless something is done rapidly the future for Pettigo and its people will be bleak.

**Mr. M. Ahern:** I thank the Deputy for raising this matter. While my colleague, the Minister for Enterprise, Trade and Employment, Deputy Martin, does not have functional responsibility for programmes for economic development, he does have responsibility in the area of job creation and improving the environment for job creation.

In July 2006, the Minister published the report of the interdepartmental group on Donegal. This group was established at the request of the Government following several major job losses in the county in recent years. The group was asked to focus on the progress being made on infrastructural requirements to make Donegal a more attractive location for enterprise creation, particularly as it makes the transition from traditional to modern and higher value-added industries. The National Development Plan 2007-2013, which includes substantial funding for infrastructure, and funding from Northern Ireland will help to improve these two towns.

The report showed that Donegal has no shortage of advantages and opportunities in so far as the promise of a brighter future for its inhabitants is concerned. There is a dynamic combination of State development agencies active in Donegal which are committed to enhancing the attraction of the county for business. These agencies have demonstrated the ability to provide a clear vision and focus for future economic development. IDA Ireland aims to pursue more knowledge-based greenfield foreign direct investment for Donegal and to convince existing IDA clients to transform their current operations into higher value activities. Enterprise Ireland will encourage and assist more innovative, technology-led companies and promote a greater level of start-up activity. These actions are in response to the challenges facing traditional industry in the county which is under pressure for competitiveness reasons and both agencies, as well as Údarás na Gaeltachta, are endeavouring to meet these challenges.

Enterprise Ireland has also been active in supporting the development of community enterprise centres in the north-west region, which are critical to continued enterprise development in rural areas and to the development of an entrepreneurial culture. Nine community enterprise centres in County Donegal have received funding of approximately €2 million under the community enterprise centre scheme to date.

In Donegal town, IDA Ireland has commissioned architects to design a 1,000 m<sup>2</sup> office building at Lurganbuoy. It has applied for planning permission for the building and a decision from Donegal County Council is imminent. It is planned to enter discussion with the private sector regarding the construction and provision of this building as soon as planning permission is received and I am confident that a substantial number of new jobs will arise from this initiative.

In Ballyshannon, IDA Ireland has undertaken a significant amount of site development work on the industrial estate and this work is now complete. The County Enterprise Board will continue to provide existing and new supports to micro-enterprises such as Enviro Grind Limited in Pettigo, complementing the work of IDA Ireland and Enterprise Ireland.

The absence of much-needed infrastructure has been highlighted as an obstacle to job creation in Donegal over several years. I was pleased to see that the interdepartmental report highlighted several developments under way or planned in the areas of road and air transport, water supply and treatment, broadband, energy and education. These have been solidified and strengthened in the recently launched National Development Plan 2007-2013. Hopefully funding coming from Northern Ireland will complement that investment. In the national development plan particular emphasis has also been placed on North-South co-operation and development which will be of direct benefit to Donegal. A recent study on the development of the all-island economy sets out a clear and strong economic rationale for all-island economic activity. InterTrade Ireland, the all-island trade and business development body set up under the Good Friday Agreement, supports the development of key business networks on the island, including the North West Science and Technology Partnership.

This partnership between industry, academia and other key stakeholders focusses on strengthening science and technology-based innovation and business in the north west. Major advantages for Donegal will flow from the continuing progress to follow the re-establishment of the political institutions in Northern Ireland.

The north-west region is a priority area for IDA Ireland and Enterprise Ireland as the agencies continue to market this region strongly for new investment. The job creation achieved over the past year is largely a result of the ongoing

commitment to Donegal from the State development agencies which will continue this commitment. There have been significant employment developments for Donegal recently. In addition to Abbott, recent major job announcements include SITA, ZEUS, PowerBoard and AssetCo. This Government and the State development agencies are fully committed to fostering the environment for job creation in Donegal with economic benefits accruing across the county to urban and rural areas.

### Schools Building Projects.

**Mr. Crawford:** I thank the Ceann Comhairle for the opportunity to raise this important issue, and the Minister of State for coming in to respond. I hope his response will be positive.

This matter refers to a small Church of Ireland school in the middle of Rockcorry village which has been reconstructed over the years but as the population of the village has increased so too have the numbers attending the school. The issues worrying the parents, teachers and patrons are that the school is over-crowded, making work difficult for the principal and teachers. There are only two classrooms for a school of 36, with two waiting to see if there is room for them. This is not suitable. Projected pupil numbers for 2010 are 45 children, not taking into account the many houses planned for the village and the surrounding area. Fire safety issues are of serious concern and health and safety issues are acute, as the school stands at the junction of the Ballybay and Cootehill roads. There are no facilities for pupils with disabilities in the existing school. It is a two-storey building and the pupils must go up and down a house-type stairway. Delivery of children to the school and their collection are both hazardous because there are no proper parking spaces.

As I understand it, the school board applied for a grant under the small schools scheme and did not know there was a problem with its application until the chairman of the board rang the officials in Tullamore. He was told he needed to provide confirmation of site ownership urgently. Two days later, after hectic work, confirmation was provided by the school's solicitor, Mr. George V. Maloney, and a message of confirmation was supplied to the Department. However, it was then stated that it should have been received earlier and therefore could not be accepted.

It is a pity that the school, given its circumstances, was not advised that full legal confirmation was needed; otherwise it could certainly have acted earlier. This is the only issue preventing the school from being included in this year's finance programme. Many schools, to which financial commitments have been made, have not been proceeded with and I therefore urge the Minister of State to ensure that funding is made available to allow this very important

[Mr. Crawford.]

project to proceed, in the interest of safety and for the benefit of less well-off children. These children cannot be provided with their special educational requirements other than in corridors, which is not acceptable in this day and age. I beg the Minister to return to the Department to ensure that it understands fully that this matter is urgent and that the technicality in question needs to be addressed in an appropriate manner.

**Mr. M. Ahern:** I thank the Deputy for raising the matter as it affords me the opportunity to outline to the House the Government's strategy for capital investment in education projects and also the position on the application for a new school building for Rockcorry national school, Rockcorry, County Monaghan.

Modernising facilities in our 3,200 primary and 750 post-primary schools is not an easy task given the legacy of decades of under-investment in this area, in addition to the need to respond to emerging needs in areas of rapid population growth. Nonetheless, since taking office this Government has shown focused determination to improve the condition of our school buildings and to ensure that appropriate facilities are in place to enable the implementation of a broad and balanced curriculum. As evidence of this commitment, more than €540 million will be available to be spent on schools building and modernisation projects in the coming year. This will cover both primary and post-primary schools throughout the country.

Since 1997, a total of €3 billion has been invested in school buildings and this has delivered more than 7,800 school building projects. The further investment of over €540 million will build on these achievements and focus in particular on the provision of school accommodation in areas where the population is growing at a rapid rate. As further evidence of our commitment, national development plan funding of approximately €4.5 billion will be invested in schools over the coming years.

I am sure the Deputy will agree that this record level of investment is a positive testament to the high priority the Government attaches to ensuring that school accommodation is of the highest standard possible. Moreover, to reduce red tape and allow projects to move faster, responsibility for smaller projects has been devolved to school level. Standard designs have also been developed for eight-classroom and 16-classroom schools to facilitate speedier delivery of projects and save on design fees. The design and build method is also used to expedite delivery where the use of standard designs is not possible. Taken together with the unprecedented level of funding available, these initiatives ensure that building projects are delivered in the fastest timeframe possible.

Turning to the school in question, Rockcorry Church of Ireland national school is a coeducational primary school and has a September 2006 enrolment of 36 pupils. Enrolments at this school have increased in recent years from 21 pupils in 2001 to 36 pupils in 2006. An application was received in the Department from the school authority under the small schools scheme 2007. On 5 March 2007, the Department announced details of the schools to receive funding under this scheme.

Due to the volume of applications received in the Department, it was not possible to allocate funding to all proposed projects and the application from Rockcorry national school was not successful in this instance. However, should the school authority wish to appeal this decision, it may do so in writing to the school planning section of the Department. It is also open to the school authority to apply for funding under the 2008 scheme, details of which will be announced later this year. The Department acknowledges that the site is in the ownership of the school.

I thank the Deputy for raising this matter and allowing me to outline the progress being made under the schools building and modernisation programme and the position on the application for a new school building for Rockcorry national school, Rockcorry, County Monaghan.

**Mr. M. Higgins:** I am grateful for the opportunity to speak about certain schools. I encourage the Minister of State, Deputy Michael Ahern, not to read out his self-congratulatory set of paragraphs but rather to commit to speaking to the member of Cabinet with responsibility, who might, unusually, provide clear timescales in respect of what I have to say.

A number of the schools in question are Irish language schools. *Baineann siad le Gaeilge, ach ós rud é go bhfuil siad measctha — ní hé Gaeilge amháin atá i gceist — leanfaidh mé ar aghaidh i mBéarla.* Gaelscoil Dara, for example, is 22 years in temporary buildings. When will the necessary adequate site for the school be provided? *Tá Gaeilscoil Dara ann le tamall fada, níos mó ná 20 bliain, agus faigheann sí tacaíocht ó mhuintir na Gaillimhe. Tá a lán daltaí inti. Aríst is aríst eile, bíonn sé i gceist suíomh a chur ar fáil don scoil sin, rud ar a dtugann an Roinn “láithreán”. Níl aon eolas dearfach againn maidir le cathain a chuirfear an láithreán ar fáil ná cá mbeidh sé, áfach.*

The issue of Gaelscoil de hÍde in Oranmore, County Galway, has been turned into a political farce. Public representatives have attended a number of meetings and I have tabled parliamentary questions and raised the matter on the Adjournment. The latest is that the OPW is investigating several sites and conducting talks. Will the school be in a position to welcome students in the coming autumn or not? *Cá bhfuil*

an suíomh sin, agus cathain a bheidh sé ar chumas na dtuismitheoirí agus na múinteoirí liosta a cheapadh don scoilbhliain atá le teacht?

Consider Scoil na hAirde Móire, whose uimhir rolla is 105911. Tá mé ag cur ceisteanna faoin scoil sin leis na blianta. I am not interested in who neglected the school in the past or if it was neglected for several generations. I am simply asking whether a new school will be provided or whether such urgent repairs as will enable proper education to take place will be made.

On Scoil Mhuire, Clarinbridge, many parents have written to me stating they are awaiting definite answers on vital works that need to be carried out at the school. The same is true of Scoil Bhríde in Shantalla in Galway city — this is in my area — and Scoil Bhríde in Tír na Cille, An Mám, Contae na Gaillimhe. The poor parents affected — God bless them — are wondering about the long period for which their children must wait for services. They are waiting for permission to get a bus.

I am bearing in mind the context in which I raise the issue of these schools. While one cannot move capital moneys from one Department to another, it is worth bearing in mind that the OPW had €55 million unspent last year. It ran on into the current financial year €31 million in respect of projects that are as yet unspecified. It yielded up €24 million to the Department of Finance. As a former Minister, I do not regard it as a great performance to yield up this amount to the Department of Finance, nor can it be regarded as a sparkling performance not to be able to spend €55 million when there are so many urgent cases in front of the Minister of State's nose. Why could we not have deflected that money to urgent works for the repair of schools, including those I have mentioned? I appeal to the Minister of State simply to give a precise date to those involved so this can be lifted out of the realm of politics and the atmosphere into which we will all be plunged as we prepare for the general election. The children deserve that.

**Mr. M. Ahern:** On behalf of the Minister for Education and Science, I thank the Deputy for raising these matters as it affords me the opportunity to outline to this House the Department of Education and Science position regarding the development of education provision in the schools outlined by the Deputy. I will highlight with the Minister the request for a date.

Gaelscoil Dara, Renmore, is a co-educational primary school with a current staffing of a principal and ten mainstream assistant teachers. Enrolments at the school have increased from 230 in 2002 to 270 currently. Officials in the Department have completed an assessment of the application for a new build school and the long term projected staffing for the school and I can confirm that the proposed accommodation will be for a

principal and 16 mainstream teachers and this information has been notified to the school authorities.

The Department is actively engaged in sourcing a suitable site to facilitate the construction of a new school building and to that end is in ongoing discussions with the GMIT. The Deputy can be assured that the permanent accommodation needs of the school is being addressed as expeditiously as possible.

Gaelscoil de hÍde, Oranmore, is a co-educational primary school with a current staffing of a principal and six mainstream assistant teachers. Enrolments at the school have increased from 125 in 2002 to 170 currently. Again, officials in the Department have completed an assessment of the application for a new build school and the long-term projected staffing for Gaelscoil de hÍde, Oranmore, will be for a principal plus 16 mainstream teachers and this also has been notified to the school authorities.

The current position regarding the site acquisition is that the Office of Public Works, which acts generally on behalf of the Department on the acquisition of sites for schools, has been asked to source a suitable site for Gaelscoil de hÍde. On foot of advertisements a number of proposals were received and a technical assessment on the proposed sites was conducted. The OPW is currently in negotiations on the acquisition of the most suitable of these sites and is also in consultation with the local authority on how best to progress matters.

Scoil Phobail Mhic Dara, Carna, is a co-educational post-primary school. Enrolments at the school have decreased from 209 in 2002 to 155 currently. An application for an extension has been received from the school management authority. The application has been assessed in accordance with the published prioritisation criteria and is being considered in the context of the multi-annual school building and modernisation programme.

Scoil Mhuire, Clarinbridge, is a co-educational primary school with a current staffing of a principal and eight mainstream assistant teachers and one permanent developing post. Enrolments at the school have increased from 176 in 2002 to 245 currently. Officials in the Department have completed an assessment of the application for an extension to the school and the long-term projected staffing for Scoil Mhuire, Clarinbridge, will be for a principal plus 12 mainstream teachers and this has been notified to the school authorities.

The Department of Education and Science officials are in the process of drawing up a detailed accommodation brief for this school. A site visit is required to inform the final brief for the project and officials will be in contact with the school authority to arrange a site visit. On completion of the brief, the project will be con-

[Mr. M. Ahern.]

sidered in the context of the multi-annual school building and modernisation programme.

Scoil Bhríde, Shantalla, Galway city, is a co-educational primary school with a current staffing of a principal and 13 mainstream assistant teachers. Enrolments at the school have increased from 289 in 2002 to 365 currently. An application for capital funding was received in May 2006 from Scoil Bhríde, Shantalla. This application will be assessed with reference to factors such as current and projected enrolments at the school, the likely impact of ongoing and proposed housing developments and existing provision in the general area. When this assessment is complete, a decision will be taken on how best to provide for the current and emerging accommodation needs at the school. The proposed project will be con-

sidered in the context of the multi-annual school building and modernisation programme.

I thank the Deputy once again for raising these matters——

**Mr. M. Higgins:** Will the Minister of State get a few definite dates for that litany of schools?

**Mr. M. Ahern:** I will speak to the Minister for Education and Science.

**Mr. M. Higgins:** Tell her it is like a mantra, it is beginning to bore me.

**Mr. M. Ahern:** I thank the Deputy for raising the matter.

The Dáil adjourned at 5.25 p.m. until 10.30 a.m. on Friday, 23 March 2007.

## Written Answers.

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**The following are questions tabled by Members for written response and the ministerial replies as received on the day from the Departments [unrevised].**

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*Questions Nos. 1 to 9, inclusive, answered orally.*

### Pupil-Teacher Ratio.

10. **Mr. Neville** asked the Minister for Education and Science the most up-to-date figures regarding the number of children in primary classes of 25 to 29 children inclusive; and if she will make a statement on the matter. [10763/07]

24. **Mr. P. McGrath** asked the Minister for Education and Science the most up-to-date figures regarding the number of children in primary classes of 30 to 34 children inclusive; and if she will make a statement on the matter. [10764/07]

59. **Mr. O'Dowd** asked the Minister for Education and Science the most up-to-date figures regarding the number of children in primary classes of 35 to 39 children inclusive; and if she will make a statement on the matter. [10765/07]

105. **Mr. P. McGrath** asked the Minister for Education and Science the most up-to-date figures regarding the number of children in primary classes (details supplied); if she will provide this information on a county basis; and if she will make a statement on the matter. [10772/07]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 10, 24, 59 and 105 together.

Major improvements have been made in staffing at primary level in recent years. There are now 5,000 more primary teachers than there were in 2002. We are already committed to hiring another 800 extra primary teachers next September. The average class size in our primary schools is 24 and there is now one teacher for 17 pupils at primary level, including resource teachers etc.

The latest figures in relation to the number of children in different class size groupings relate to the 2005/06 school year. In that year, 2,020 children were in classes of 0-9; 60,671 were in classes of 10-19; 105,797 were in classes of 20-24; 162,365 were in classes of 25-29; 101,223 were in classes of 30-34; 9,684 were in classes of 35-39; and 206 were in classes of 40 and over. I have a breakdown of these figures on a county basis and my officials will send this to the Deputies.

I'm sure you will be glad to know that the number of children in large classes has decreased significantly under this Government. There are 80,000 less children in classes of 30 or more, while the number of children in classes of 35 and over is just a fifth of the 1997 level.

As you'll be aware, all primary schools are staffed on a general rule of at least one classroom teacher for every 28 children. 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 and so on — but the general rule is that there is at least one classroom teacher for every 28 children in the school. Next September this will reduce to 27 children per classroom teacher.

School authorities are requested to ensure that the number of pupils in any class is kept as low as possible, taking all relevant contextual factors into account (e.g. classroom accommodation, fluctuating enrolment). In particular, school authorities should ensure that there is an equitable distribution of pupils in mainstream classes and that the differential between the largest and smallest classes is kept to a minimum.

A further initiative that has been of direct benefit to primary schools has been the change in the criteria for developing schools. For the current school year the threshold for getting a developing school post was reduced specifically to help schools that are seeing large increases in enrolments each year. Over 280 such posts were



[Ms Hanafin.]

sanctioned in the 2006/07 school year compared to 170 in 2005/06.

The improvements we have made in school staffing in recent years are absolutely unparalleled. I assure the Deputy that we will continue

to prioritise further improvements going forward. We will also continue our focus on measures to improve the quality of education in our primary schools to ensure that increased resources lead to better outcomes for our children.

Number of Pupils (In Ordinary Classes) by Class Size Range and County (2005/2006)

	0-9 Pupils	10-19 Pupils	20-24 Pupils	25-29 Pupils	30-34 Pupils	35-39 Pupils	40 & Over Pupils	Total
Carlow	8	462	1,353	2,270	1,304	142		5,539
Cavan	32	1,282	2,199	2,334	1,552	285		7,684
Clare	150	1,740	3,242	3,504	2,476	640	41	11,793
Cork City	60	2,930	3,324	4,193	2,754	286		13,547
Cork County	192	3,769	8,166	13,401	9,592	1,792	44	36,956
Donegal	154	2,789	4,904	5,914	3,300	185		17,246
Dublin South		3,501	5,796	10,541	6,495	245		26,578
Dublin City	56	8,811	10,000	13,346	8,133	360		40,706
Dublin Fingal		1,251	3,122	10,775	9,021	322		24,491
Dún Laoghaire/Rathdown	16	1,413	2,567	6,379	4,989	248		15,612
Galway City	9	1,094	1,165	2,066	1,366	35		5,735
Galway County	292	3,979	4,987	5,073	2,830	214	40	17,415
Kerry	105	2,252	4,161	4,969	2,898	70		14,455
Kildare		990	3,761	10,437	6,351	531		22,070
Kilkenny	9	1,248	2,126	3,332	2,383	176		9,274
Laois	26	816	1,641	3,169	1,466	72		7,190
Leitrim	32	819	861	953	160	146		2,971
Limerick City	27	1,249	1,491	1,973	1,392	106		6,238
Limerick County	104	1,719	3,371	5,184	2,758	212		13,348
Longford	80	699	997	1,292	471	71		3,610
Louth		1,097	2,967	5,260	3,731	282		13,337
Mayo	228	3,264	3,654	4,204	1,654	186		13,190
Meath	24	1,201	3,586	7,827	5,220	757		18,615
Monaghan	52	926	1,785	2,126	1,139	214		6,242
Offaly	25	1,000	2,413	3,516	1,684			8,638
Roscommon	138	1,622	1,867	1,685	721	148	40	6,221
Sligo	49	1,226	2,133	1,911	975	143		6,437
Tipperary N.R.	21	1,131	2,612	2,515	913	106	41	7,339
Tipperary S.R.	30	1,397	3,273	2,882	1,358	284		9,224
Waterford City		342	1,272	2,668	1,021	72		5,375
Waterford County	9	863	1,723	2,771	1,109	248		6,723
Westmeath	40	1,004	2,416	3,352	2,282	144		9,238
Wexford	27	1,449	3,797	5,922	3,503	497		15,195
Wicklow	25	13,36	3,065	4,621	4,222	465		13,734
Total	2,020	60,671	105,797	162,365	101,223	9,684	206	441,966

### School Closures.

11. **Mr. Connaughton** asked the Minister for Education and Science when she will address the difficulties at a school (details supplied) in County Galway; if she will ensure that a school will remain in the area; and if she will make a statement on the matter. [10786/07]

22. **Mr. P. Breen** asked the Minister for Education and Science if she will address the difficulties at a school (details supplied) in County Offaly; if she will ensure that a school will remain in the area; and if she will make a statement on the matter. [10777/07]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 11 and 22 together.

The Trustees of the school referred to by the Deputies have confirmed their intention to close the school on a phased basis. As the Deputies may be aware, this school is a voluntary secondary school and the decision to withdraw as providers of education is within the remit of the Patron body, that is the Sisters of Mercy. The Department has been informed by the Sisters of Mercy that the phased closure will commence in September 2007 with no intake of first year students and all junior cycle pupils will be given the option of proceeding to the senior cycle including the opportunity of to avail of a transition year.

The Deputies should note that the existing site and school buildings are not in the ownership of the Department. The Trustees have recently reaffirmed to the Department that the current site will not be available for the provision of post-primary education once the school closes.

Having considered the immediate implications of the decision by the Sisters of Mercy, I can confirm that my Department will facilitate the enrolment in the neighbouring Community School of students from the area in question by changing the existing catchment area. To this end the Department recently met with the Trustees of that school to discuss any additional accommodation requirements. Any additional accommodation for the school will be treated as matter of priority by my Department. My Department is discussing the position with the authorities of the Community School with a view to agreeing the extent of the additional accommodation to cater for the students from the area in question in the short and medium term.

The Government is conscious that many parts of South Galway are experiencing significant population growth and is determined to ensure sufficient school provision into the future. The question of where the expanded capacity will be located, will be determined by an analysis of the pattern of population growth in the areas in terms of geographical location compared to where existing second level provision is situated. My Department will complete this analysis as quickly as possible.

### **National Development Plan.**

12. **Mr. Rabbitte** asked the Minister for Education and Science the proposed public private partnership projects under her Department planned under the national development plan in the 2007 to 2013 capital envelope; and if she will make a statement on the matter. [10736/07]

**Minister for Education and Science (Ms Hanafin):** In September 2005 I announced funding of €300 million for an Education PPP Programme comprising of 23 new post-primary schools and 4 new primary schools under a major

expansion of the Government's Public Private Partnership Programme from 2006 to 2010. In addition I announced €270 million for the delivery of 17 priority projects in nine third level colleges.

Work commenced immediately on identifying the projects to go into bundles for procurement. The first bundle of schools announced in November 2005 comprises of Banagher College-Colaiste na Sionna, Gallen Community School, Ferbane, Scoil Chriost Ri, Portlaoise and St Mary's CBS, Portlaoise. 2,700 pupil places will be provided when these schools are completed. This bundle completed pre-procurement and was handed over to the National Development Finance Agency in September 2006. The NDFA, in consultation with my Department have responsibility for the procurement process. The pre-qualification of bidders was completed in December 2006 and three short-listed bidders were selected on 22nd December 2006. The Invitation to Tender issued on 15th March 2007.

I announced the 2nd bundle of primary/post-primary projects in November 2006 and pre procurement work is ongoing on this bundle. This bundle comprises Bantry Community College and Gaelscoil Bheanntai, Co. Cork, Kildare Town Community School, Abbeyfeale Community College, Athboy Community School and Wicklow Town Community College. This bundle will provide in excess of 4,200 pupil places when completed. Work on this bundle including schedules of accommodation, outline planning permission and stakeholder consultation has already commenced and it is anticipated that it will be offered to the market in 2007 subject to planning issues being completed. I will be announcing additional primary/post primary bundles during the coming year which will complete this Education PPP Programme.

In relation to the additional €240 million capital envelope provided for first and second level PPP projects in the National Development Plan 2007 to 2013 my officials are currently examining how this will be best utilised. A number of issues will have to be determined before I make a decision on the allocation of these funds. All projects will be selected in accordance with my Department's prioritisation criteria and will be identified in consultation with the NDFA.

In relation to third level PPP projects, the National Maritime College was completed and operational in October 2004. A contract for the Cork School of Music was signed in September 2005. This project will provide places for 400 full time and 2,000 part time students. Work on the project commenced immediately. The new CSM will be completed in the Summer of 2007. I also announced the provision of funding for third level PPP projects in October 2005. The initial stakeholder consultation has taken place and work is currently ongoing with the relevant colleges to

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produce appropriate definitions of requirements and schedules of accommodation for their respective projects. It is expected that once the project requirements have been clearly established, a prospective bundle will be identifiable by the middle of this year with a view to commencing the procurement process in the latter half of 2007.

The scale of projects is an important consideration when considering procurement through the PPP methodology. Many higher education projects are large scale in nature which may render such projects particularly suitable for delivery through the PPP process. Under the NDP for 2007-2013 I secured additional funding of €325 million for third level projects. Over this 7 year period to 2013 further large scale higher education projects will emerge. My Department, in consultation with the HEA and the NDFA, will assess the suitability of delivering these projects through the PPP process.

#### School Curriculum.

13. **Ms Lynch** asked the Minister for Education and Science if she has given consideration to the proposal by Conradh na Gaeilge that there should be two separate subjects for Irish at leaving certificate level, one concentrating on language proficiency and the other on literary and cultural aspects of the language; and if she will make a statement on the matter. [10718/07]

**Minister for Education and Science (Ms Hanafin):** I am aware of the proposals recently made by Conradh na Gaeilge. These envisage that there would be no exemptions from Irish, that all students would pursue an “Irish language” syllabus at Foundation, Ordinary or Higher Level, and that an “Irish Literature” syllabus would be provided as an additional subject for higher level students, with CAO points to the value of 2 subjects being available for those who sit examinations in both syllabuses. I have also examined the proposals submitted recently to me by the National Council for Curriculum and Assessment in relation to Irish in post primary schools.

An important objective in curricular reform is to ensure that a range of options are offered to meet the interests and needs of students at a variety of levels, and that the curriculum options are within the reach of all schools, irrespective of their size and location. The question of an additional Irish Literature subject could pose significant delivery problems in terms of the capacity of schools to provide a spread of options. There would be a high risk that such a course would be offered in only a minority of schools.

My priority is to strengthen oral fluency within the existing Foundation, Ordinary and Higher Levels. To this end, I have recently announced

that for first year entrants to post primary school in 2007, the proportion of marks available for the optional oral examination at Junior Cycle from 2010, and in the Leaving Certificate oral examination from 2012 will increase to 40% of the overall marks. I believe that this is the best way to improve the teaching and learning of Irish and to ensure its continuance as a living community language. It is important also to ensure that Irish is taught in our schools in a way that is interesting and relevant and will promote a positive attitude to the language among our young people.

The change will be supported by a sustained investment in teacher professional development and in teaching materials. I have also asked the National Council for Curriculum and Assessment to undertake a study of the possible use of information technologies (ICTs) such as mobile phones or internet, in oral assessment.

#### Pupil-Teacher Ratio.

14. **Ms Burton** asked the Minister for Education and Science the categories of teacher taken into account in determining the pupil-teacher ratio for primary schools; the categories taken into account in determining the average class size for primary schools; and if she will make a statement on the matter. [10707/07]

**Minister for Education and Science (Ms Hanafin):** In determining the pupil teacher ratio at primary level, all teachers in primary schools are counted. In determining the average class size in primary schools, class teachers are counted. Major improvements have been made in staffing at primary level in recent years. There are now 5,000 more primary teachers than there were in 2002. The average class size in our primary schools is 24 and there is now one teacher for 17 pupils at primary level, including resource teachers etc.

Children with special needs and those from disadvantaged areas are getting more support than ever before to help them to make the most of their time at school. Indeed, with the thousands of extra primary teachers hired by this Government, recent years have seen the largest expansion in teacher numbers since the expansion of free education. Furthermore, the Government is committed to providing even more primary teachers next year to reduce class sizes.

As you know all primary schools are staffed on a general rule of at least one classroom teacher for every 28 children. 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 and so on — but the general rule is that there is at least one classroom teacher for every 28 children in the school. Next September this will reduce to 27 children per classroom teacher. School authorities are

requested to ensure that the number of pupils in any class is kept as low as possible, taking all relevant contextual factors into account (e.g. classroom accommodation, fluctuating enrolment). In particular, school authorities should ensure that there is an equitable distribution of pupils in mainstream classes and that the differential between the largest and smallest classes is kept to a minimum.

A further initiative that has been of direct benefit to primary schools has been the change in the criteria for developing schools. For the current school year the threshold for getting a developing school post was reduced specifically to help schools that are seeing large increases in enrolments each year. Over 280 such posts were sanctioned in the 2006/07 school year compared to 170 in 2005/06.

The improvements we have made in school staffing in recent years are absolutely unparalleled. But we are determined to go even further, and so the 2007 Estimates include provision for another 800 primary teachers. About 500 of these will be classroom teachers, which includes our commitment to reduce class sizes. I assure the Deputy that we will continue to prioritise further improvements in school staffing going forward. We will also continue our focus on measures to improve the quality of education in our primary schools to ensure that increased resources lead to better outcomes for our children.

#### **Educational Disadvantage.**

15. **Mr. McGinley** asked the Minister for Education and Science the number of agencies funded by her Department now working in the area of educational disadvantage; and if she will make a statement on the matter. [10754/07]

**Minister for Education and Science (Ms Hanafin):** A key focus of the Government's education policy is to prioritise investment in favour of those most at risk and to optimise access, participation and outcomes at every level of the system for disadvantaged groups. The wide variety of measures in place for tackling educational disadvantage and social exclusion reflect these concerns. These measures range from pre-school interventions, supports for tackling children's literacy problems, reduced pupil teacher ratios, increased capitation grants and measures to tackle early school leaving and strengthen ties between the school, the family and the community. In addition, there are interventions in support of youth, to facilitate access to third-level and to provide "second chance education" for young people and adults.

The total provision for educational inclusion programmes in 2007 is nearly €730 million across all levels of education. This represents an increase of nearly €95 million on the comparable 2006 fig-

ure. The 2007 provision includes additional funding for the implementation of measures under the DEIS action plan at pre-school, primary and second-level, additional funding for further education programmes and an increase in provision for third-level student support schemes including the full year cost of the 22% increase in the top-up grant. My focus in addressing educational disadvantage is to concentrate resources on front-line services and supports for those most in need. In this respect, the agencies working in the education sector have a key role in promoting equality of access, participation and progression.

A broad range of agencies would have a role in that respect from the early education sector, through primary and second-level to further and higher education and the youth sector. These include the following:

- The Centre for Early Childhood Development and Education
- FETAC
- HETAC
- The HEA
- The National Centre for Guidance in Education
- The National Council for Curriculum and Assessment
- The National Council for Special Education
- NEPS
- The National Educational Welfare Board
- The National Office for Equity of Access to Higher Education
- The NQAI; and
- The Vocational Education Committees.

In addition, my Department also funds a range of support services and other organisations such as the School Completion Programme, Home School Community Liaison programme and the Junior Certificate School Programme all of which work directly in the area of educational disadvantage. All these agencies and services have a vital role to play in the Government's multi-faceted strategy to tackle socio-economic disadvantage at every level of our education system.

#### **Medical Education.**

16. **Mr. Costello** asked the Minister for Education and Science when a decision will be announced in relation to postgraduate medical education; and if she will make a statement on the matter. [10710/07]

**Minister for Education and Science (Ms Hanafin):** The results of the competition for postgraduate places in medical education were

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announced on Tuesday 20th March 2007. Following a competitive process managed by the Higher Education Authority, three bids were received by the closing date of 31st January 2007. The bidders were the Royal College of Surgeons of Ireland, an Irish Universities Medical Consortium (comprising the medical schools of UCD, Trinity College, NUIG and UCC), and the University of Limerick. Bids were sought for 240 annual Irish/EU places, commencing with 60 places in 2007.

A panel of international experts assessed the bids and recommended that 30 places be awarded to the RCSI for 2007, growing to a steady-state enrolment of 40. It was also recommended that, subject to meeting certain conditions, the University of Limerick should be approved for an intake of 30 students in 2007, growing to an annual enrolment of up to 108. The universities which were part of the consortium bid should be invited to submit revised bids for the remaining 92 places. The HEA wrote to my Department on March 15th advising of the outcome of the competitive process.

#### State Examinations.

17. **Mr. Kenny** asked the Minister for Education and Science when an oral examination will be introduced for junior certificate Irish; the marks to be allocated to this oral examination; and if she will make a statement on the matter. [10766/07]

61. **Mr. English** asked the Minister for Education and Science when an oral exam will be introduced for Irish at junior certificate level; and if she will make a statement on the matter. [10767/07]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 17 and 61 together.

The assessment of Irish for the Junior Certificate includes provision for an optional oral examination which is conducted by the class teacher in accordance with guidelines issued by the State Examinations Commission. The decision on whether, or not, to avail of this option is taken at school level.

The syllabus for Junior Certificate Irish focuses strongly on developing communicative skills. Oral work is critically important in improving students' competence and confidence in this regard and it should be a key component of day-to-day teaching of the language from the beginning of junior cycle. I recently announced significant changes to the proportion of marks awarded for oral Irish in both the Junior Cert and Leaving Cert exams. These changes will apply to students enrolling in First Year in 2007 and will mean that, in 2010, there will be 40% of marks available for

the optional oral Irish examination in the Junior Certificate, and with effect from 2012, 40% of marks will be available for oral Irish in the Leaving Certificate.

I am determined to increase the emphasis on the spoken language at Junior Cert level. However, I am conscious that the model of oral examination in place for the Leaving Certificate examination is not replicable at Junior cycle. Issues of examiner supply and school disruption mean that implementing Junior and Leaving certificate oral examinations through a totally externally based approach would be unsustainable. I recognise the need to explore the scope for a different approach at Junior cycle, where the stakes are not so high. I believe that the increase in the marks for the optional oral component in the Junior certificate from 20% to 40% from 2010, will be an incentive for more schools to provide this option.

In addition, I have asked the National Council for Curriculum and Assessment to undertake a study of the possible use of information technologies (ICTs) such as mobile phones or internet, in oral assessment. A report on this issue is expected later this year. I have also provided for the establishment of a new support service for post-primary teachers of Irish, An tSeirbhís Tacaíochta Gaeilge Dara Leibhéal which will provide professional development for teachers from Autumn 2007.

The announcement I have made clearly gives advance notice to schools of a significant shift in emphasis towards Irish as a spoken language, where students can communicate and interact in a spontaneous way, and where Irish is spoken every day in schools. This is a new challenge for teachers, and will be supported by comprehensive investment in professional development programmes and provision of updated and age appropriate materials, using new technology to optimum effect.

The way to bring new life to a language is to be able to converse it every day. These changes are intended to strengthen the emphasis on oral competence in Irish in our schools, and to ensure that Irish is taught in our schools in a way that is interesting and relevant and will promote a positive attitude to the language among our young people.

Other developments in relation to promoting the Irish language in our schools that I announced recently include

- the provision of an additional €1m for An Chomhairle um Oideachas Gaeltachta agus Gaelscolaíochta over the next 3 years for the development of resources and materials to support the teaching of subjects through Irish

- an additional €150,000 to enable second level pupils in disadvantaged areas to attend Gaeltacht summer courses; and
- the introduction of week long summer camps in Irish to enable up to 600 primary school students in designated disadvantaged schools to participate in fun activities through the medium of Irish.

I am confident that, taken together, these measures will improve students' ability to speak our native language.

### Substance Abuse.

18. **Mr. McEntee** asked the Minister for Education and Science her views on whether all schools should consult with parents with regard to the possible introduction of a scheme of random voluntary drug and alcohol testing at secondary level; and if she will make a statement on the matter. [10797/07]

78. **Mr. Timmins** asked the Minister for Education and Science if she will encourage all schools to consult with parents with regard to the possible introduction of a scheme of random voluntary drug and alcohol testing at secondary level; if she will ensure that her Department covers the costs of such testing; and if she will make a statement on the matter. [10796/07]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 18 and 78 together.

The development of school substance use policies is the responsibility of the relevant school authorities. Under Action 43 of the National Drugs Strategy 2001-2008, guidelines for developing a substance use policy were drawn up by my Department in consultation with the Department of Health and Children and the former Health Boards. A partnership approach based on the "whole school" model is recommended for the development of the policy which would involve the participation of parents/guardians. These guidelines were originally issued to all schools in October 2002.

### Schools Building Projects.

19. **Ms O. Mitchell** asked the Minister for Education and Science the number of school building projects assessed as being of band four priority awaiting progression by her Department; and if she will make a statement on the matter. [10784/07]

26. **Mr. Bruton** asked the Minister for Education and Science the number of school building projects assessed as being of band three priority awaiting progression by her Department; and if

she will make a statement on the matter. [10783/07]

31. **Mr. McGinley** asked the Minister for Education and Science the number of school building projects assessed as being of band two priority awaiting progression by her Department; and if she will make a statement on the matter. [10782/07]

35. **Mr. Coveney** asked the Minister for Education and Science the number of school building projects awaiting progression by her Department; the classification of these projects; and if she will make a statement on the matter. [10780/07]

53. **Mr. J. O'Keeffe** asked the Minister for Education and Science the number of school building projects assessed as being of band one priority awaiting progression by her Department; and if she will make a statement on the matter. [10781/07]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 19, 26, 31, 35 and 53 together.

Under the NDP 2007 to 2013 funding of €4.5 billion will be invested in first and second level schools modernisation and development programme. This will focus on meeting the demands of a growing school population, with an anticipated 100,000 additional primary places over the next seven years. It will address the need for curriculum reform and innovation, the need to support ongoing teacher professional development and will provide for modernised and enhanced facilities throughout the school system.

A total of 7,800 individual school building projects were delivered for the €2.6 billion investment under the 2000--2006 period of the last NDP. The completion of building projects under the €4.5 billion investment in the new NDP will benefit from recent innovations in delivery mechanisms that have allowed for fast tracking of priority school developments. Schools are seeing that activity under the new Plan is already underway, with 1,500 school building projects due to be delivered in 2007.

The number of building projects under consideration can change on a day to day basis as new applications are received and existing applications are progressed in my Department. These projects are assessed and prioritised in accordance with the prioritisation criteria agreed with the Education Partners. In this regard, it should be noted that a project's banding, or classification, can be subject to reassessment having regard to demographic developments in the area served by the school and also, for example, if on foot of a technical examination of the school it was found that the proposed project put forward

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by the school was not an appropriate design solution to meet the accommodation requirements.

### **Youthreach Programme.**

20. **Mr. O'Shea** asked the Minister for Education and Science if she will increase the number of places on Youthreach programmes in order to ensure that young people who drop out of school early have opportunities to develop their potential; and if she will make a statement on the matter. [10727/07]

**Minister of State at the Department of Education and Science (Mr. Haughey):** The Youthreach Programme is an Inter-Departmental initiative which provides two years integrated education, training and work experience to young people aged 15-20 years who are at least six months in the labour market and who have left school early without any qualifications or vocational training. The programme is funded by my Department and delivered in out-of-school centres and is managed by Vocational Education Committees (VECs). There are a total of 90 Youthreach Centres managed by the VEC sector throughout the country.

Overall, there are about 6,500 places available nationally at present, 3,250 of which are in the VEC sector and the remainder are in Community Training Centres under the Department of Enterprise, Trade and Employment. Basic skills training, practical work training and general education are features of the programme. The application of new technology is integrated into all aspects of programme content. The programme lays a strong emphasis on personal development, and on the core skills of literacy/numeracy, communications and IT, along with a choice of vocational options, such as Catering, Hairdressing, Computers, Woodwork, Photography, Video, Sports, Art and Craft and a work experience programme.

Expenditure on the programme in 2006 by my Department was close to €52 million. In addition, the Department provides funding to VECs annually to assist towards the childcare expenses of participants in Youthreach. The Social Partnership Agreement 2006-2015, "Towards 2016", provides a commitment to increase places on the Youthreach programme by 1,000 by the end of 2009. The Estimates for 2007 include funding for 400 of those new places to be provided this year.

My Department recently wrote to all 33 VECs inviting them to apply for new and/or additional Youthreach places. Applications have been received and are now being reviewed. A decision on the allocation of the 400 new places will be made shortly. My Department is currently also in the process of rolling out an initiative on a pilot

basis in twenty centres to meet the special educational needs of students attending Youthreach.

### **Computerisation Programme.**

21. **Mr. Ferris** asked the Minister for Education and Science her views on whether there has been serious under investment by the Government in information and communications technology in schools over the past five years; and if the new funding ring-fenced for ICT improvements will be sufficient to radically improve poor ICT provision and quality in schools. [10810/07]

**Minister for Education and Science (Ms Hanafin):** The two main priorities under the ICT in Schools Programme over the past few years have been the development of networking capability in schools and the provision of broadband connectivity under the Schools Broadband Access Programme. The existence of an internal network in a school is necessary to enable the school to fully exploit the potential of broadband connectivity. Schools were invited to submit proposals for the development of their internal networking facilities in June 2004 and grants amounting to some €23m have issued to schools to date.

The Schools Broadband Access Programme is being undertaken in partnership with industry. The Agreement with IBEC/TIF (Telecommunications and Internet Federation) provides for a three year €18m joint Fund, with industry contributing €5 million per annum and the Government contributing €1 million per annum, and meets the costs of schools local connectivity. Under the Programme, schools connectivity is being routed to the Internet through a National Broadband Network, which has been developed by HEAnet. Each school is connected to the network via a high-speed broadband router, provided to the school and housed in the school, and a broadband access link. The Network provides centrally managed services for schools such as security, anti-spam / anti-virus and content filtering. The overall costs of the Programme, over the three year period and including the initial set-up costs, are €30m.

These twin priorities have been accompanied by a range of other developments, such as the planned introduction of the new Technology syllabus and the revised Design and Communication Graphics syllabus at Leaving Certificate level, with effect from September 2007. €25m has been provided in grants to some 500 post-primary schools to enable them to upgrade their facilities to provide these new syllabi. This investment builds upon the earlier Government investment in schools' ICT infrastructure. The recent census of ICT infrastructure in schools, published by the National Centre for Technology in Education (NCTE), was conducted during the first half of

2005 and is the fourth in a series that began in 1998.

The census shows that the number of computers in our schools continues to increase. There were 97,709 computers in schools in 2005, and while the age profile of the stock has increased, this compares with figures of 84,663 in 2002, 59,000 in 2000 and 36,000 in 1998. The census also shows improved pupil to computer ratios at both primary and post-primary levels, finding one computer for every 9 children at primary school and one computer for every 7 students at post-primary.

We have ensured that this extra investment in infrastructure has been complemented by an increased focus on teacher training. The National Council for Technology in Education (NCTE) has provided 10,000 training places annually in recent years to meet the specific needs of teachers in their use of ICT, including technical courses, subject specific courses, and internet, web design and digital media courses. In addition, the NCTE and the regionally based ICT advisory service provide a range of supports to schools towards the integration of ICT into teaching and learning. These supports include the provision of on-line teaching resources via the ScoiNet Portal, the support and dissemination of innovative practice and the provision of technical advice.

So, considerable investment has been provided for the ICT in Schools Programme to date. Nevertheless I am conscious of the need for further investment to ensure that we are realising the full potential of ICT to improve the learning experience for our young people. The Government has included provision for planned investment of €252m in the new National Development Plan 2007-2013. I will be publishing a comprehensive new strategy for ICT in Schools covering the period to 2013, which will aim to develop an e-Learning culture in our schools that will ensure that ICT usage is embedded in teaching and learning across the curriculum.

I have recently announced the appointment of a Strategy Planning Group to advise me on the prioritisation of measures under the planned investment over the period of the NDP. The new strategy will address teacher professional development, the maintenance of a national broadband network for schools, technical maintenance and support requirements and the upgrading and renewal of hardware along with the provision of software and digital content for learning. I have asked the Strategy Planning Group to look at the critical success factors for those schools that are successfully integrating ICT into their teaching and learning and to take account of the full range of educational supports and funding available to further the integration of ICT into teaching and learning.

The Strategy Planning Group is chaired by Mr Jerome Morrissey, Director of the National

Centre for Technology in Education and its membership comprises individuals with a range of complementary experiences and expertise in education, industry and the public service. It is expected that the Group will report in May.

*Question No. 22 answered with Question No. 11.*

#### **School Accommodation.**

23. **Mr. O'Donovan** asked the Minister for Education and Science the reason for the delay in the progress to a school (details supplied) in County Cork; and if she will make a statement on the matter. [10590/07]

**Minister for Education and Science (Ms Hanafin):** An application for capital funding from the school to which the Deputy refers has been assessed and schedules of accommodation to meet the current and long term accommodation needs of the school have been drawn up. The progression of this project will be considered in the context of the multi-annual School Building and Modernisation Programme.

*Question No. 24 answered with Question No. 10.*

#### **Special Educational Needs.**

25. **Ms O'Sullivan** asked the Minister for Education and Science the status of reports from psychologists and other professionals in the allocation of support services for children with special learning needs; if a special educational needs organiser can overrule a professional's statement on a child's needs and decide to withhold part or all of the support recommended by the professional report; and if she will make a statement on the matter. [10703/07]

**Minister for Education and Science (Ms Hanafin):** 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 educational needs (SEN) supports such as resource teaching and special needs assistant (SNA) support. The teaching and SNA support allocated are intended to enable schools to meet the needs of pupils as outlined in psychological and other reports.

The NCSE requires the submission of relevant reports from psychologists and other professionals with applications for SEN resources. My Department's Circular SP ED 02/05 lists the low-incidence disability categories that require the submission of supporting professional reports. The Circular also specifies the eligibility criteria used by the NCSE in respect of these disabilities. Evidence to show that this criteria has been met



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must be included in the professional's report to enable the granting of the appropriate level of support. The requisite levels of support that may be sanctioned in respect of each low-incidence disability are also outlined in Circular SP ED 02/05.

In allocating additional teaching and SNA supports in respect of individual pupils, SENOs examine the level of teaching and other resources available to these pupils within their school. The SENO operates within the parameters of my Department's criteria for the allocation of such resources. These criteria are 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.

*Question No. 26 answered with Question No. 19.*

27. **Mr. Noonan** asked the Minister for Education and Science the number of ABBA schools awaiting sanction by her Department; the reason she has not sanctioned the schools; and if she will make a statement on the matter. [10791/07]

69. **Mr. Neville** asked the Minister for Education and Science the number of ABBA schools awaiting sanction by her Department; when she will sanction the schools; and if she will make a statement on the matter. [10792/07]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 27 and 69 together.

My Department is of the view that children with autism, in common with all children should have access to appropriate provision delivered by suitably qualified teachers within the school system where children have greatest opportunity to mix with their wider peer group and have maximum opportunities for integration. My Department's ongoing commitment is to ensuring that all children, including those with autistic spectrum disorders, receive an education appropriate to their needs.

In this regard my Department has established:

- 182 special classes for children with autism, attached to special and mainstream schools.
- 5 special classes for children with Asperger's Syndrome.
- 18 pre-school classes to facilitate the demand for early intervention provision for children on the autistic spectrum.
- 14 Stand Alone facilities providing an Applied Behavioural Analysis specific methodology on a pilot basis; 2 of these facilities have yet to be established.

There are currently 11 applications for inclusion in the ABA pilot scheme under active consideration in my Department.

#### **School Transport.**

28. **Mr. Timmins** asked the Minister for Education and Science if all children at primary and secondary level using the school transport service have their own seat and seatbelt; the way the use of these seatbelts is to be enforced; and if she will make a statement on the matter. [10774/07]

**Minister of State at the Department of Education and Science (Mr. Haughey):** My Department has been assured by Bus Éireann, which administers the school transport scheme, that children travelling on buses in the school transport scheme now have a seat of their own and all vehicles nominated to serve in the school transport scheme have also been equipped with seat belts.

I see information and education as key factors influencing safety-conscious behaviour on school transport services. To that end, a safety information campaign was launched in August, 2006 to make parents and children aware that it is now the law to wear seat belts on school buses and to encourage children to behave in a safety-conscious manner on and in the vicinity of, school buses. These messages were conveyed by way of television, cinema and radio advertisements. In addition, a DVD and posters were distributed to all primary and post primary schools. It is my intention that we should continue in this way to encourage positive pupil behaviour on school transport services.

#### **Capitation Grants.**

29. **Mr. Gormley** asked the Minister for Education and Science the reason the capitation grant is much lower in primary schools than at second level; her plans to redress this situation; and if she will make a statement on the matter. [10694/07]

**Minister for Education and Science (Ms Hanafin):** Each sector in the education system has specific funding requirements which derive from the length, complexity and nature of the education/training courses being provided. My aim is to ensure that all sectors have adequate resources, including financial resources, to enable schools and colleges to effectively deliver quality education and training programmes.

The Deputy will be pleased to know that overall provision for primary education has increased dramatically in recent years — from circa €1.9 billion in 2002 to almost €2.9 billion in 2006. The 2007 Estimate provides nearly €3.2 billion for primary education — this represents a 70% increase since 2002. The corresponding increases between 2002 and 2007 for the second and third

level sectors are 54% and 40% respectively. The Deputy will be aware that staffing levels in our primary schools have improved dramatically in recent years, with 4,000 extra primary teachers put in place since 2002. Particular attention has also been paid to improving funding to primary schools to meet their day-to-day running costs.

Since 1997 the standard rate of capitation grant at primary level was increased from €57.14 to €163.58 per pupil. This represents an increase of 186% in the standard rate of capitation grant since 1997. In addition, the already enhanced rates of capitation grant payable in respect of pupils enrolled in special schools and special classes in ordinary primary schools have been significantly increased. Depending on the particular category of special need involved, increases in this area range from 30% to 53% with an increase of 96% applying to the physical disability category.

The latest increases in the level of capitation grant are a clear demonstration of my commitment to improve the financial position of schools in the primary sector.

#### **Pupil Database.**

30. **Ms Enright** asked the Minister for Education and Science the progress with regard to the development of a primary pupil database; and if she will make a statement on the matter. [10790/07]

**Minister for Education and Science (Ms Hanafin):** I am committed to the development of a Primary Pupil database as it will give us valuable data on the pupils in our primary schools as well as enabling us to better track children's progress from primary to post-primary level. The database project is linked to the development of an on-line claims system for schools for the processing of salary claims. The primary pupil database will be progressed when the on-line claims system project is completed.

A study will be undertaken this year on the feasibility of creating a database that covers students moving through the education system at all levels and that could also cater for the needs of agencies such as the NEWB, SEC and NCSE in addition to the Department's needs.

*Question No. 31 answered with Question No. 19.*

#### **Special Educational Needs.**

32. **Ms McManus** asked the Minister for Education and Science if her Department will take any responsibility for the failure to recruit adequate numbers of speech therapists which is having an adverse effect on the educational opportunities of children with speech and langu-

age difficulties; and if she will make a statement on the matter. [10720/07]

**Minister for Education and Science (Ms Hanafin):** In May 2002, my Department approved the provision of 175 additional therapy training places to tackle shortages of physiotherapists, occupational therapists and speech and language therapists as identified in the report "Current and Future Supply and Demand Conditions in the Labour Market for Certain Professional Therapists", which was undertaken by Dr. Peter Bacon and Associates in 2001 on behalf of the Department of Health and Children.

Commencing from 2003, there has been an increase of 75 places on new courses in Speech and Language Therapy. The additional places were equally divided between the BSc course in UCC, the BSc course in NUIG, and the Masters course in UL. The increase in intake has resulted in a significant increase in the number of Speech and Language Therapists graduating from the third level sector.

As the Deputy will be aware, the provision of therapy services, including speech therapy for people with disabilities, is a matter for the Health Services Executive (HSE) and funding is provided to the HSE for such purposes. Responsibility for the recruitment of these therapists rests with the HSE. My Department does not employ speech therapists for the delivery of speech therapy services to schools or determine the children that should receive these services. I can confirm that there are currently 59 special classes for children with specific speech and language disorder in primary schools nationwide. The classes operate at a pupil teacher ratio of 7:1.

The Deputy will be aware that the National Council for Special Education (NCSE), through the local special educational needs organisers (SENOs), is responsible for processing applications from primary and post primary schools for special needs supports, including applications for the establishment of special classes, including classes for specific speech and language disorder.

#### **School Curriculum.**

33. **Mr. Crawford** asked the Minister for Education and Science the number of schools that offer the physics and chemistry course to leaving certificate level; and if she will make a statement on the matter. [10752/07]

47. **Mr. McEntee** asked the Minister for Education and Science the number of post-primary schools now offering the full complement of science subjects to leaving certificate level; and if she will make a statement on the matter. [10768/07]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 33 and 47 together.

The latest information available to my Department on the number of schools offering specific subjects relates to the 2005/06 school year.

- 554 second-level schools offered physics to Leaving Certificate level.
- 69 second-level schools offered the subject Physics and Chemistry to Leaving Certificate level.
- 550 second-level schools offered chemistry to Leaving Certificate level.
- 691 second-level schools offered Biology to Leaving Certificate level.
- 193 schools offered applied mathematics to Leaving Certificate level.

The Deputy will be aware that the decision as to which subjects to offer is made at the level of the individual school, subject to compliance with my Department's regulations concerning provision of the core curriculum. Demand will of course depend on the number of students that want to take other subject options.

#### **Bullying in Schools.**

34. **Mr. Howlin** asked the Minister for Education and Science her views on a recent survey by the INTO that indicates that bullying is very prevalent in schools; and if she will make a statement on the matter. [10716/07]

**Minister for Education and Science (Ms Hanafin):** Firstly, I would like to assure the Deputy that I am concerned to learn about the outcome of the recent survey by the INTO on the issue of bullying of teachers at primary level. Under the provisions of the Education Act 1998 and the regulations of my Department, the board of management is the body charged with the direct governance of a school.

Section 24(3) of the Education Act 1998 states that "A board shall appoint teachers and other staff, who are to be paid from monies provided by the Oireachtas, and may suspend or dismiss such teachers and staff, in accordance with procedures agreed from time to time between the Minister, the patron, recognised school management organisations and any recognised trade union and staff association representing teachers or other staff as appropriate".

The Board of Management has the responsibility to ensure that the school operates efficiently and effectively and also has responsibilities in relation to the actions of its employees in the context of the regulations outlined above. Therefore, the Board as manager of the school must manage the staff in the school and intervene when it considers necessary to

resolve matters relating to the actions of its employees. The Board of Management is the employer and has similar powers to any other employer. My Department is not the employer and does not have an employer/employee relationship with the teachers in a school.

On a broader level, I understand that the Teaching Council is drafting Codes of Professional Conduct which set out the core values and standards of professional practice which underpin the teaching profession in Ireland. The Codes will shortly be published and will form the basis on which the Council will operate in the future. Teachers registering with the Council will be expected to uphold the standards of professional practice and conduct outlined in the Codes.

The Deputy will be aware that my Department has recently launched an employee assistance service for teachers. This service can be contacted by phone at 1800 411057 or email: [eas@vhics.ie](mailto: eas@vhics.ie).

In relation to the general issue of bullying in schools, each school is required to have in place a policy which includes specific measures to deal with bullying behaviour, within the framework of an overall school Code of Behaviour and Discipline. Such a code, developed through consultation with the whole school community and properly implemented, can be the most influential measure in countering bullying behaviour in schools.

My Department has issued guidelines as an aid to schools in devising measures to prevent and deal with instances of bullying behaviour and to increase awareness among school management authorities of their responsibilities in this regard. These guidelines were drawn up following consultation with representatives of school management, teachers and parents, and are sufficiently flexible to allow each school authority to adapt them to suit the particular needs of their school. I have also stressed to the teacher unions the importance of not just having a written policy on bullying but also ensuring a climate in which it is not tolerated in any form and in which children know that if they make a teacher aware of bullying that it will be dealt with. The education of students in both primary and post-primary schools in relation to anti-bullying behaviour is part of the SPHE curriculum. SPHE is now a compulsory subject at both primary level and in the junior cycle of post-primary schools.

The National Educational Welfare Board (NEWB) is at present developing further guidelines for schools on Codes of Behaviour, as provided for under section 23 of the Education (Welfare) Act 2000. Work on the guidelines is at an advanced stage and will be informed by broad consultation. It is envisaged that implementation will commence in the next school year. Once the NEWB Guidelines are in place, my Department will, through the normal consultation process

with the education partners, ensure that the guidelines available to schools on countering bullying are revised to fully reflect the work done by the NEWB.

Through the combined work of my Department, the Teaching Council, the NEWB and the education partners, it is intended to provide extensive guidance to enable schools to fulfil their responsibilities in relation to this issue.

*Question No. 35 answered with Question No. 19.*

#### **Physical Education Facilities.**

36. **Ms O. Mitchell** asked the Minister for Education and Science the number of post-primary schools without indoor sports halls or similar facilities; and if she will make a statement on the matter. [10793/07]

**Minister for Education and Science (Ms Hanafin):** The specific information sought by the Deputy is not readily available. However, the Deputy can be assured that my Department fully recognises the key role of physical exercise within the school environment and continues to respond to the need to improve PE facilities for all pupils attending schools.

My Department's design guidelines include, where appropriate for PE Halls, general purpose rooms and outdoor hard play areas such as basketball courts. PE facilities have been provided, where appropriate, as part of my Department's record school building programme which between 2000 and 2006 involved the delivery of over 7,800 projects with an investment of €2.6 billion.

The budget for 2007 is the first year of the roll out of the new NDP which will involve an investment of over €4.5 billion in school buildings over the next 7 years. This multi-annual funding will enable my Department to continue to take a proactive approach to the provision of modern school accommodation including PE facilities.

#### **Pupil-Teacher Ratio.**

37. **Ms B. Moynihan-Cronin** asked the Minister for Education and Science the number of schools which still have not returned information on class sizes for the primary school database; and if she will make a statement on the matter. [10723/07]

71. **Ms B. Moynihan-Cronin** asked the Minister for Education and Science the sanctions available to her Department in the context of schools which have still failed to return information for the primary school database more than four months after the deadline; and if she will make a statement on the matter. [10724/07]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 37 and 71 together.

The last Census of National Schools took place on 29 September 2006. 3,284 National Schools (including 125 Special Schools) received Statistical Forms. Of these 13 schools have still not returned their census form. In regard to schools that have still failed to return information for the primary school database, my Department could withhold the second moiety of the capitation grant. The first moiety was paid to all schools in January; the second is due to be paid in June. Before imposing any such sanction, we would have to issue a warning to these schools that such a sanction would be imposed if the necessary returns were not submitted. However we hope that such sanctions will not be necessary and that the remaining 13 schools will return their census forms in the near future.

#### **Third Level Charges.**

38. **Mr. Ferris** asked the Minister for Education and Science if third level registration fees are in contravention of the Government's policy of free fees. [10809/07]

41. **Ms Enright** asked the Minister for Education and Science the current capitation charge for third level education; the increases in the third level capitation charge for each year since 1997; and if she will make a statement on the matter. [10761/07]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 38 and 41 together.

The student charge is levied by third level institutions to defray the costs of examinations, registration and students services. All students who are eligible for means tested student support grant have the student charge paid on their behalf by the Local Authorities or the Vocational Education Committees, in addition to any maintenance grant and tuition fee grant they are entitled to.

The student charge is paid by the students on an academic year basis. The level of the charge for each year since the 1997/1998 academic year is as follows:

Year	€
1997/1998	317
1998/1999	330
1999/2000	353
2000/2001	371
2001/2002	396
2002/2003	670
2003/2004	670

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Year	€
2004/2005	750
2005/2006	775
2006/2007	800

### School Curriculum.

39. **Mr. Crawford** asked the Minister for Education and Science the amount of time allocated to physical education for each child at primary level per day; and if she will make a statement on the matter. [10776/07]

**Minister for Education and Science (Ms Hanafin):** At primary level, Physical Education is one of the seven curriculum areas and is an intrinsic element of the Primary School Curriculum which was revised in 1999. A minimum of one hour of physical education per week is recommended for all primary school pupils.

40. **Mr. Morgan** asked the Minister for Education and Science the way she will ensure that all secondary level schools teach the relationships and sexuality education programme. [10805/07]

79. **Mr. Broughan** asked the Minister for Education and Science if she will assist schools to bring in outside expertise in order to provide effective sex education for their students; and if she will make a statement on the matter. [10704/07]

94. **Mr. Gilmore** asked the Minister for Education and Science the action she will take to ensure that sex education is available to all school children; her response to a recent survey which indicated that boys who attend all boys schools are unlikely to have adequate sex education provided; and if she will make a statement on the matter. [10711/07]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 40, 79 and 94 together.

As the Deputies will be aware, many positive developments in relation to the teaching of Relationships and Sexuality Education (RSE) have taken place in recent years, and these have been further strengthened through making Social Personal and Health Education a mandatory programme for junior cycle since September 2003. In addition, all schools are required to have an RSE programme at senior cycle.

Schools are currently supported in the implementation of RSE by the SPHE and RSE Support Services which are provided in collaboration with the health sector. The supports available to schools include guidelines on policy development, curricula and teacher guidelines, information for parents, teaching resource materials and teacher

training. Schools are also encouraged to utilise the resources produced by the Health Promotion Unit.

Earlier this month I launched the report “RSE in the context of SPHE: An assessment of the Challenges to the Full Implementation of the Programme in Post-primary Schools” published jointly by the Crisis Pregnancy Agency and my Department. The report highlighted widespread support for both the broad principles and the content of the SPHE and RSE programme from teachers, parents and health professionals and strong levels of interest and support from parents and students as to the importance of RSE in schools.

The report also demonstrated increasing levels of implementation compared with earlier studies, with 76% of schools showing high or moderate levels of implementation, and with 90% of schools teaching RSE at some level. However, a clear need is highlighted to strengthen both implementation levels and consistency in regard to the content of RSE, and the report also shows the implementation is weakest in single sex boys’ schools. In that context, my Department is taking a number of important steps which will

- remind all post-primary schools of their obligations in this area
- Update and re-issue the RSE policy guidelines and finalise a template on RSE policy in order to facilitate schools in developing and implementing RSE programmes.
- review and update RSE materials
- develop lesson plans linked to a DVD resource on contraception, sexually transmitted infections and sexual orientation, in collaboration with the Health Services Executive and the Crisis Pregnancy Agency.
- increase the level of information & training available to parents, building on a successful primary model
- introduce a programme of subject inspections in this area with effect from 2007/8.

The availability of a national curriculum in Social Personal and Health Education at junior cycle has played a vital role in supporting increased implementation of RSE. I am aware of the development work undertaken to date by the NCCA in relation to a Social Personal and Health Education programme at senior cycle. This is now at an advanced stage, and I look forward to receiving the NCCA’s recommendations in this regard at an early date.

I am confident that these initiatives will help to ensure full implementation of this vital aspect of social education in our schools. The report noted that some 40% of schools used outside facilitators to deliver part of the programme, but did not evaluate the effectiveness of such provision. My

Department will examine the partnership with the health sector to see how best the delivery of the programme can be optimised.

*Question No. 41 answered with Question No. 38.*

### Schools Recognition.

42. **Ms Shortall** asked the Minister for Education and Science when a decision will be made on an application from Clare VEC to be patron to two national schools in the county; and if she will make a statement on the matter. [10734/07]

97. **Mr. Howlin** asked the Minister for Education and Science if she will sanction further schools under the patronage of vocational education committees; and if she will make a statement on the matter. [10715/07]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 42 and 97 together.

I recently announced my intention to introduce a new model of primary school patronage to be located in Diswellstown, Dublin using the administrative framework of the County Dublin Vocational Education Committee. Pending the completion of the consultation process and the evaluation of the pilot community primary school project in Diswellstown, Dublin, I have decided as a matter of policy that no vocational education committee (with the exception of the aforementioned pilot community primary school project) shall act as a patron in respect of a primary school or otherwise, establish or maintain a primary school until further notice. Therefore, in exercise of the powers conferred under section 14 of the Vocational Education (Amendment) Act 2001, I have directed VECs not to establish or maintain primary schools and not to seek recognition of primary schools or recognition as Patrons pursuant to the provisions of the Education Act 1998 until further notice or direction.

### Grant Payments.

43. **Mr. Sargent** asked the Minister for Education and Science if there are plans to implement the proposals by the Educate Together patron body for service level agreements to be drawn up by her Department and patron bodies as a means of ensuring adequate funding for setting up new schools; and if she will make a statement on the matter. [10702/07]

**Minister for Education and Science (Ms Hanafin):** It is in the Departments interest that schools and, in a broader context, school management authorities should be as competent as possible in carrying out their responsibilities. Management bodies at primary level can have a significant role in promoting such competence. The Department, therefore, provides grant assist-

ance to the primary school management bodies to defray expenses incurred in the running of their organisations. Additional funding of €40,000 was made available to Educate Together in 2005 and in 2006 the annual grant to the organisation was increased to €120,000 from a base grant of just over €40,000 in 2005. I am confident the increased level of funding will enable Educate Together to provide ongoing support to their existing and newly established schools.

The Department has also recognised specific issues that arise in relation to school start-up and this has particular significance for the management of multi-denominational schools given the number of such schools that have been established in recent years or any future schools that Educate Together may open.

In this regard, it provides:

- A training grant of €10,000 for the Boards of Management and staff of new primary schools established from 2005 onwards.
- A training grant of €5,000 for Boards of Management and staff where the school is in the second year of operation.
- The appointment in advance of the school opening of the principal teacher so the he/she can assist in the preparation for the first year of its operation.

The Department has also made a number of changes in recent years which have reduced the financial burden on new school promoters. One of these changes, which was strongly welcomed by Educate Together, was the abolition of the local contribution to the building costs for state-owned school buildings, which had cost up to €63,500 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 Educate Together school in Griffeen Valley, Lucan which was designed and built in under 13 months.

### Public Private Partnerships.

44. **Mr. S. Ryan** asked the Minister for Education and Science if all of the public private partnership projects under her Department for the period up to 2007 have proceeded according to time and budget; the information she has with regard to value for money on such projects; and if she will make a statement on the matter. [10738/07]

**Minister for Education and Science (Ms Hanafin):** My Department has completed two Public Private Partnership (PPP) projects under the Government's Pilot PPP programme. The contract for the first pilot education PPP project in Ireland, a bundle of five post-primary schools, was signed in November 2001. Construction of the schools was completed by January 2003. Four of the schools were completed ahead of schedule

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while the fifth was signed-off as scheduled. The PPP contract for the National Maritime College of Ireland was signed in March 2003. The college was completed on schedule in time for the 2005/06 academic year. Both of these projects were completed on budget.

The contract for the Cork School of Music was signed in September 2005, construction started immediately and will be completed on or before schedule in summer 2007. The project is within budget.

In September 2005 I announced a programme of four primary schools and twenty three post-primary schools to be constructed under the Departments PPP Programme 2005-2009. In November 2005 the first bundle of schools to be undertaken from the programme was announced. The bundle comprises Banagher College, Gallen Community School, Ferbane, Scoil Christ Ri, Portlaoise and St Mary's CBS, Portlaoise. 2,700 pupil places will be provided when these schools are completed. The pre-qualification of bidders was completed in December 2006 and three short-listed bidders were selected on 22nd December. The Invitation to Negotiate was issued to the three short listed bidders on 15th March 2007 and it is intended that the bidding process will be completed by the end of the second quarter of 2007.

The second bundle of Primary/Post Primary schools consisting of Bantry Community College and Gaelscoil Bheanntairi, Co. Cork, Kildare Town Community School, Abbeyfeale Community College, Athboy Community School and Wicklow Town Community College was announced in September 2006. Work on this bundle including stakeholder consultation has already commenced and it is anticipated that it will be offered to the market in 2007. This bundle will provide just under 4,300 pupil places.

Further bundles of Primary/Post Primary schools will be announced during 2007 and it is envisaged that the third bundle will be offered to the market in late 2007 subject to site availability and outline planning permissions. Following on from the experience gained in the pilot projects a full life cycle analysis of the costs of providing schools through conventional means was undertaken by the Department in relation to the first bundle. This has provided the Department with a public sector benchmark which will be used to set an affordability cap for the project. The Public Sector Benchmark (PSB) is a key tool in the PPP procurement process. The PSB comprehensively address all costs, income and risks that the private sector will be invited to tender for in the PPP contract. The ultimate purpose of the PSB is to act as a reference throughout the PPP procurement process and it also plays an important role in the assessment of whether the highest ranking bid received has the potential to offer value for money.

It is important to recognise that the PPP contract covers a 25 year period and that by definition an all encompassing value for money test over the full life cycle of the buildings can ultimately be carried out only with the passage of time. The Comptroller and Auditor General recognised this in his report on the Pilot schools project when he stated that 'ultimately, the full value for money represented by the grouped schools project will be determined over the 25-year life cycle of the project'. My Department is currently preparing for a five year review and evaluation of the pilot schools PPP project to commence in early 2008. This review will encompass an audit of the schools, a five yearly review and adjustment of the running costs and an evaluation of the project to date.

#### Psychological Service.

45. **Mr. Deenihan** asked the Minister for Education and Science the number of post-primary schools now covered by the National Educational Psychological Service; if she will provide this information on a county basis; and if she will make a statement on the matter. [10759/07]

85. **Mr. Connaughton** asked the Minister for Education and Science the number of primary schools now covered by the National Educational Psychological Service; if she will provide this information on a county basis; and if she will make a statement on the matter. [10757/07]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 45 and 85 together.

The Deputy will be aware that all primary and post primary schools have access to psychological assessments either directly through the National Educational Psychological Service (NEPS) or through the Scheme for Commissioning Psychological Assessments (SCPA), full details of which are available on my Department's website. 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. The prioritisation of urgent cases for assessment is a matter for the school principal in the first instance.

In addition NEPS provides assistance to all schools and school communities that experience critical incidents, regardless of whether or not they have a NEPS psychologist assigned to them. Also, in relation to all schools, NEPS processes applications for Reasonable Accommodation in Certificate Examinations and responds to queries in relation to individual children from other sections of my Department and from the specialist agencies.

Since the establishment of the NEPS in 1999, the number of NEPS psychologists has increased from 43 to 127 at present. I have recently been pleased to announce an increase of 31 posts in 2007 in NEPS psychologist staffing. My Department is currently in discussions with the Public Appointments Service in an effort to recruiting these individuals as soon as possible in this regard. It is envisaged that these appointments will allow for further expansion of coverage by NEPS psychologists across all regions.

Additionally under the Towards 2016 Agreement commitments I have further announced that NEPS psychologist numbers shall expand by a further 35 posts in the following two years.

The most recent information about NEPS coverage (SCPA) by County as sought by the Deputies is in the table.

Primary Coverage by County (1st. Mar 07)

County	NEPs Schools	Total Schools	% Coverage
			%
Leitrim	18	40	45.0
Longford	7	40	17.5
Carlow	11	42	26.2
Sligo	22	68	32.4
Monaghan	26	64	40.6
Roscommon	33	95	34.7
Tipperary NR	25	74	33.8
Cavan	31	79	39.2
Laois	20	70	28.6
Offaly	29	67	43.3
Kilkenny	16	80	20.0
Tipperary SR	22	90	24.4
Westmeath	10	78	12.8
Clare	54	120	45.0
Waterford	36	76	47.4
Mayo	120	181	66.3
Louth	34	73	46.6
Wicklow	52	85	61.2
Kerry	59	143	41.3
Wexford	69	105	65.7
Donegal	48	178	27.0
Meath	63	110	57.3
Limerick	78	148	52.7
Kildare	45	101	44.6
Galway	165	239	69.0
Cork	166	366	45.4
Dublin	291	473	61.5
Total	1,550	3,285	47.2

Post-Primary Coverage by County (1st. Mar 07)

County	NEPs Schools	Total Schools	Coverage
			%
Carlow	11	11	100.0
Cavan	10	11	90.9
Clare	17	18	94.4
Cork	70	87	80.5
Donegal	13	26	50.0
Dublin	142	184	77.2
Galway	46	47	97.9
Kerry	14	27	51.9
Kildare	25	28	89.3
Kilkenny	14	14	100.0
Laois	6	11	54.5
Leitrim	9	9	100.0
Limerick	27	35	77.1
Longford	—	9	0.0
Louth	10	17	58.8
Mayo	28	28	100.0
Meath	17	18	94.4
Monaghan	9	12	75.0
Offaly	8	12	66.7
Roscommon	8	8	100.0
Sligo	9	15	60.0
Tipperary NR	6	15	40.0
Tipperary SR	9	16	56.3
Waterford	19	19	100.0
Westmeath	7	15	46.7
Wexford	18	20	90.0
Wicklow	15	21	71.4
Total	567	733	77.4

#### School Accommodation.

46. **Mr. O'Donovan** asked the Minister for Education and Science the reason for the long delay in resolving the accommodation situation in a school (details supplied) in County Cork; and if she will make a statement on the matter. [10591/07]

**Minister for Education and Science (Ms Hanafin):** The long term accommodation needs of the school has been determined and notified to the school authority. In order to determine how best to provide for the school's accommodation needs into the future, it will be necessary to have a technical assessment of the existing buildings carried out. Officials from the Department will be in contact with the school authority to arrange such a visit.

*Question No. 47 answered with Question No. 33.*



### Standardised Testing.

48. **Mr. Deenihan** asked the Minister for Education and Science the progress with regard to the introduction of standardised testing at primary level; and if she will make a statement on the matter. [10788/07]

63. **Mr. Gilmore** asked the Minister for Education and Science when standardised testing will be introduced for primary schools; and if she will make a statement on the matter. [10712/07]

76. **Mr. McCormack** asked the Minister for Education and Science the reason for the delay in the introduction of standardised testing at primary level; and if she will make a statement on the matter. [10787/07]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 48, 63 and 76 together.

I believe that standardised testing, carried out on a systematic basis, has great potential to enhance the quality of teaching and learning for our students at classroom level, and to provide valuable information for parents about their children's learning. I have accepted the advice from the National Council for Curriculum and Assessment (NCCA) that, as part of a range of assessment approaches, all pupils should take standardised tests in English reading and Mathematics at the end of first class or the beginning of second class, and at the end of fourth class or the beginning of fifth class.

My Department has issued a Circular Letter to primary schools requesting that they ensure that standardised testing is implemented on an annual basis in the relevant classes beginning in the calendar year 2007. With effect from 2007/8, the results of testing will be reported to parents in respect of their own children in accordance with a broader reporting template, designed to report progress on children's learning to parents, being piloted at present in a number of selected schools by the NCCA.

The introduction of the measure is being supported by a national programme of teacher professional development in assessment for learning. This will aim to support teachers in placing assessment at the heart of the teaching and learning process, supporting children's cognitive, creative, affective, physical and social development. It is intended that all teachers and principals will have access to the programme on a rolling basis.

A grant of €1.65m issued to schools in December 2006 for the cost of test materials, teachers' manuals, test scoring services or test-related software. It is intended that the implementation of standardised testing at school level will be complemented by a separate programme

of national monitoring so that national trends in different categories of school can be tracked over time. The NCCA is preparing guidelines which will assist schools in developing and implementing a policy on assessment practice in classrooms and on reporting to parents. The guidelines will also provide teachers with information on what to assess in individual subjects of the Primary School Curriculum and how to use assessment information to plan for children's future learning in that subject. These will be available to schools later this year.

A national report card for recording and reporting data on pupils' attainment to parents is also being developed by the NCCA. This is being piloted in a selection of schools in the current school year and will be available for national implementation in 2007/8.

### Third Level Courses.

49. **Mr. Naughten** asked the Minister for Education and Science when the decision was taken by her Department to locate the proposed school of podiatry in a university; the reason an institute of technology was deemed unsuitable; and if she will make a statement on the matter. [10594/07]

**Minister for Education and Science (Ms Hanafin):** My department has not taken a decision to locate the proposed school of podiatry in a university. As jointly announced by the Minister for Health and Children and I on 22nd January 2007, the Higher Education Authority (HEA) was requested to issue a Call for Proposals from higher education institutions working in partnership with a health care provider for the establishment of a school of podiatry in Ireland.

The Call for Proposals was issued by the HEA on 24th January and the deadline for receipt of proposals is 23rd March. The HEA will then report to me on the proposals received and give its recommendations in relation to the location of a school of podiatry. I will then make a decision on the matter in consultation with the Minister for Health and Children.

### School Curriculum.

50. **Mr. G. Murphy** asked the Minister for Education and Science when she expects junior certificate science participation to reach 100%; and if she will make a statement on the matter. [10753/07]

**Minister for Education and Science (Ms Hanafin):** In accordance with the Rules and Programme for Secondary Schools, the approved course for Junior Certificate students in second level schools must include Irish, English, Mathematics, Social Personal and Health Education, Civic Social and Political Education and at least 3 other examination subjects.

While Science is an optional subject for the Junior Certificate, some 86% of students already study the subject.

I have no plans to make science a compulsory subject. Curricular choice is important in ensuring that young people are offered a balanced range of subjects in keeping with their interests and abilities. 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. The revised Junior Certificate Science syllabus, which was examined for the first time in 2006, aims to make the subject more relevant to students' needs in the twenty-first century and to provide students with a richer educational experience.

As part of the recently published Strategy for Science and Innovation 2006 to 2013, it is intended to build on this approach to Science subjects in the senior cycle. Ensuring a continuum from Junior Cycle with the emphasis on project based hands-on investigative approaches and assessment of these as part of the overall examinations, allied with the embedding of key skills, a more applied focus and an emphasis on the interdisciplinary nature of science in society, forms part of the approach.

#### **Pupil-Teacher Ratio.**

51. **Mr. Durkan** asked the Minister for Education and Science if she has identified the primary schools throughout the greater Dublin area which currently have pupil teacher ratios in classrooms in excess of 30; her plans to address this issue as a matter of urgency with a view to bringing class sizes in the first instance down to an acceptable level; if she has received communication from many or any of the schools with excessive class sizes in Dublin and the immediately adjoining counties of Kildare, Meath and Wicklow requesting the allocation of extra teachers or extra accommodation or facilities; if she will respond positively to such requests in 2007 in view of the serious educational deprivation suffered by children in such circumstances; and if she will make a statement on the matter. [10800/07]

**Minister for Education and Science (Ms Hanafin):** Information in relation to class sizes is provided in the annual census of primary schools. The census for the current school year (2006/2007) is currently being worked on. Major improvements have been made in staffing at primary level in recent years. There are now 5,000 more primary teachers than there were in 2002. The average class size in our primary schools is 24 and there is now one teacher for 17 pupils at primary level, including resource teachers etc.

Children with special needs and those from disadvantaged areas are getting more support than ever before to help them to make the most of their time at school. Indeed, with the thousands of extra primary teachers hired by this Government, recent years have seen the largest expansion in teacher numbers since the expansion of free education. Furthermore, the Government is committed to providing even more primary teachers next year to reduce class sizes.

As you know all primary schools are staffed on a general rule of at least one classroom teacher for every 28 children. 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 and so on — but the general rule is that there is at least one classroom teacher for every 28 children in the school. Next September this will reduce to 27 children per classroom teacher.

School authorities are requested to ensure that the number of pupils in any class is kept as low as possible, taking all relevant contextual factors into account (e.g. classroom accommodation, fluctuating enrolment). In particular, school authorities should ensure that there is an equitable distribution of pupils in mainstream classes and that the differential between the largest and smallest classes is kept to a minimum. A further initiative that has been of direct benefit to primary schools has been the change in the criteria for developing schools. For the current school year the threshold for getting a developing school post was reduced specifically to help schools that are seeing large increases in enrolments each year. Over 280 such posts were sanctioned in the 2006/07 school year compared to 170 in 2005/06.

The improvements we have made in school staffing in recent years are absolutely unparalleled. But we are determined to go even further, and so the 2007 Estimates include provision for another 800 primary teachers. About 500 of these will be classroom teachers, which includes our commitment to reduce class sizes. I assure the Deputy that we will continue to prioritise further improvements in school staffing going forward. We will also continue our focus on measures to improve the quality of education in our primary schools to ensure that increased resources lead to better outcomes for our children.

The authorities of any school requiring additional temporary classrooms should complete an application form (Form RTA) which is available on my Department's website and submit it to the School Planning Section of my Department for consideration.

#### **Higher Education Funding.**

52. **Ms O'Sullivan** asked the Minister for Education and Science the capital investment her

[Ms O'Sullivan.]

Department has made since 1980, by year and by institution for all of the higher education institutions that now operate under the aegis of the Higher Education Authority, including the institutes of technology, the colleges of education and any other higher education institutions in receipt of public funds in respect of capital investment; and if she will make a statement on the matter. [10706/07]

**Minister for Education and Science (Ms Hanafin):** The Deputy's request for information

back dated to 1980 and relating to the level of capital funding provided to higher education institutions is not readily available. Data from 1997 to date are readily available and are shown in the table for the Institutes of Technology and the University sectors. Data for other colleges from 2000 onwards are shown in the other table.

The data are not inclusive of research funding provided under the Programme for Research in Third level Institutions which is administered by the Higher Education Authority. Funding under the Programme to date amounts to €195m.

Capital Funding provided to Universities 1997-2006

Institute	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
	€000's	€000's	€000's	€000's	€000's	€000's	€000's	€000's	€000's	€000's
National University of Ireland Dublin	1,502	150	1,626	10,294	27,397	10,713	3,350	7,563	5,261	19,984
National University of Ireland, Cork	3,778	2,193	3,568	10,421	7,933	2,827	584	5,449	6,185	1,317
National University of Ireland, Galway	421	2,426	8,512	9,798	2,557	2,652	108	5	6,785	1,487
National University of Ireland, Maynooth	3,999	5,152	2,402	9,176	2,338	12,816	2,658	0	0	0
Trinity College Dublin	3,627	1,380	3,260	11,318	5,748	5,211	494	2,317	513	1,212
University of Limerick	5,970	3,128	9,747	4,236	1,497	2,229	332	2,177	8,860	1,600
Dublin City University	3,174	4,566	9,877	26,758	21,440	11,463	4,263	397	1,500	168

Capital Funding provided to Institutes of Technology 1997 to Date

Institute	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
	€000's	€000's	€000's	€000's	€000's	€000's	€000's	€000's	€000's	€000's	€000's
Athlone Institute of Technology	808	1,632	1,220	2,507	8,093	9,885	4,080	2,163	913	1,922	0
Institute of Technology, Blanchardstown	0	22	9,714	4,646	21,803	38,155	193	1,707	204	929	4
Institute of Technology, Carlow	2,103	4,398	10,354	5,788	3,295	1,023	1,680	1,155	197	2,390	498
Cork Institute of Technology	3,622	7,632	5,330	13,771	10,647	6,220	4,814	14,987	11,807	5,659	370
Dublin Institute of Technology	3,915	4,064	3,965	11,981	23,851	20,560	1,849	5,946	1,294	5,663	0
Dundalk Institute of Technology	2,154	4,206	3,314	10,947	23,880	6,943	729	1,096	366	1,861	0
Dún Laoghaire Institute of Art, Design and Technology	1,329	6,456	3,688	2,372	1,956	1,815	5,081	1,093	608	795	0
Galway-Mayo Institute of Technology	6,353	1,888	2,755	7,292	11,792	16,463	4,202	2,483	1,131	2,609	0
Killybegs Tourism College	31	35	274	614	2,205	657	85	422	38	118	0
Letterkenny Institute of Technology	7,020	1,336	1,634	4,735	3,320	5,464	8,510	2,222	292	1,075	0
Limerick Institute of Technology	3,491	2,862	3,566	4,419	10,372	5,975	2,008	1,746	585	1,955	0
Institute of Technology, Sligo	1,316	5,221	6,529	7,972	9,040	9,523	268	1,417	364	1,981	0
Institute of Technology, Tallaght	7,221	2,223	8,728	5,918	9,624	0	120	1,054	204	1,519	0
Institute of Technology, Tralee	1,197	1,961	2,584	11,860	12,188	2,201	928	1,143	421	1,170	0
Waterford Institute of Technology	1,923	4,160	8,413	9,779	8,332	7,676	8,697	2,596	542	6,289	6

Capital Funding provided to Colleges 2000-2006

Institute	2000	2001	2002	2003	2004	2005	2006
	€000's	€000's	€000's	€000's	€000's	€000's	€000's
St Patrick's Drumcondra	316	0	896	117	18	268	1,832
Mary Immaculate College	816	1,648	983	490	453	1,788	11,705
NCAD	737	330	383	0	421	0	694
RCSI	1,251	146	611	191	1,197	838	0
St Angela's College	263	12	39	313	0	0	0
Mater Dei	102	342	74	0	0	0	0

*Question No. 53 answered with Question No. 19.*

### National Drugs Strategy.

54. **Mr. O'Shea** asked the Minister for Education and Science her views on the introduction of voluntary random drugs checks in second level schools; if her Department has considered the introduction of such a scheme; if her attention has been drawn to the growing concern among schoolteachers, staff and students of rising drug use among schoolchildren; and if she will make a statement on the matter. [7680/07]

**Minister for Education and Science (Ms Hanafin):** 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 were issued to all schools in October 2002 to assist them in the development of appropriate substance abuse policies.

The implementation of the guidelines is the responsibility of the relevant school authorities. However, the guidelines do not advise schools to undertake drug testing of pupils and I do not intend to compel schools to do. Drug testing of pupils in schools has not been proposed to my Department by the National Drugs Strategy Team. I believe that alternative strategies, involving education, discussion, counselling, extra-curricular activities and the building of trust between students and adults need to be further developed to address this issue.

My Department will, however, continue to monitor the situation and take into account best international practice in dealing with this issue.

### Special Educational Needs.

55. **Mr. Durkan** asked the Minister for Education and Science if she has received requests from parents or school authorities seeking provision of facilities to cater for children with autism in mainstream schools; the degree to which she expects to respond favourably to such requests in 2007; the number of such requests currently with her Department; the number of chil-

dren in need of such facilities; if she expects to be in a position to meet all outstanding requirements in full in 2007 or otherwise; and if she will make a statement on the matter. [10799/07]

### Minister for Education and Science (Ms Hanafin):

The Deputy will be aware that the National Council for Special Education (NCSE) was established under the Education for Persons with Special Needs Act (EPSN) to improve the delivery of education services to persons with special educational needs arising from disabilities with particular emphasis on children. Since it was established in 2005, the NCSE has been responsible for allocating resources for children with special educational needs. The Council has a key role in the delivery of services and operates through a network of special educational needs organisers (SENOs) who act as a focal point of contact for schools and parents. The role of the SENO would include the processing of applications from schools to establish special classes for autism.

My Department, in conjunction with the NCSE, has established: 182 Special Classes for children with autism, attached to special and mainstream schools; 5 special Classes for children with Asperger's Syndrome; 18 early intervention provision for children on the autistic spectrum; and 14 Stand Alone facilities providing an Applied Behavioural Analysis (ABA) specific methodology on a pilot basis (2 of these facilities have yet to be established).

Further autism-specific classes will be established as and when required to meet the needs of the children concerned.

### School Enrolments.

56. **Mr. Stanton** asked the Minister for Education and Science if she has received correspondence from a school (details supplied) in County Cork; the current enrolment in the school; the projected enrolment for September 2007; when and if she will sanction the additional teachers and classrooms required; the discussions her Department has had with Cork County Council regarding the long-term need to provide additional primary school places in Carrigtwohill;

[Mr. Stanton.]

the outcome of such discussions; and if she will make a statement on the matter. [10592/07]

**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 30th 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.

Data submitted to my Department by the Board of Management of the school referred to by the Deputy, indicates that the enrolment in the school on 30th September 2005 was 204 pupils. In accordance with the staffing schedule (Circular 0023/2006), which is available on my Department's website at [www.education.ie](http://www.education.ie), the mainstream staffing in the school for the 2006/07 school year is a Principal and 7 mainstream class teachers.

According to data submitted to my Department by the Board of Management of the school, the enrolment in the school on 30th September 2006 was 197 pupils. In accordance with the staffing schedule (Circular 0020/2007), which is available on my Department's website at [www.education.ie](http://www.education.ie) and a hard copy of which will be issued to all primary schools shortly, the mainstream staffing in the school for the 2007/08 school year will be a Principal and 7 mainstream class teachers.

Within the terms of the 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 30th September of the school year in question equals or exceeds a specified figure. If the specified figure is not achieved on 30th 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 0024/2007 (Appeal Board for Mainstream Staffing in Primary Schools) which is available on my Department's website. Hard copies of this circular will issue to primary schools as soon as possible.

It is proposed that the first meeting of the Appeal Board will be held in May, 2007. Further meetings will be held in July and October, 2007. The closing dates for receipt of appeals are 11 May, 22 June and 12 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 the Minister and 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.

In August 2006 the school authority was given approval to rent a 1 x 80m<sup>2</sup> mainstream classroom to alleviate accommodation difficulties at the school. Should the school require additional temporary classrooms they should be advised to complete an application form (Form RTA) which is available on my Department's website and submit it to the School Planning Section of my Department for consideration. School Planning Section of the Department has recently held meetings with senior officials from Cork County Council to discuss developments in the County. In this regard, the Deputy's attention is drawn to the local authorities' Carrigtwohill Special Local Area Plan which identifies lands zoned for education uses as a specific object of the Plan.

#### Schools Building Projects.

57. **Mr. Rabbitte** asked the Minister for Education and Science the status of the proposed temporary school at Laytown, County Meath; if a site is in the ownership of the State; if it will go ahead for September 2007; and if she will make a statement on the matter. [10735/07]

99. **Mr. O'Dowd** asked the Minister for Education and Science the position with regard to the development of new school facilities at Laytown, County Meath; and if she will make a statement on the matter. [10794/07]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 57 and 99 together.

My Department is working at a senior level with Meath County Council and the schools in Laytown in order to deal with the school accommodation needs of the area for September 2007 and onwards. A site of approx. 15.5 acres was reserved by Meath County Council in the Laytown Local Area Plan for education provision. The land is in the ownership of two individuals. It was originally planned to use the two parcels of land for the provision of the temporary accommodation required by the Junior primary school for September 2007, but as difficulties have arisen in relation to one parcel, my Department has put into effect its contingency plan. This involves a new planning application, lodged on the 16th March, for the temporary accommodation sited entirely on the much larger second parcel of land. The owner of this land has given his written consent to the planning application.

Meath County Council has agreed that the planning application will be dealt with very speedily and, provided there is a smooth run through the planning phase, construction on the temporary school and temporary road will start at an early date. The Department is satisfied that the temporary primary school will be ready to open in September on the new site.

My Department has appointed a firm of Project Managers to oversee and masterplan its project to provide an education campus for Laytown/Bettystown. The education campus will not only provide for a 24 classroom primary school but also for a 1,000 pupil post-primary school (under the auspices of Co. Meath Vocational Education Committee) and shared community and sports facilities.

The masterplan for the campus has been approved by Meath County Council Planning Department. The 24 classroom permanent school building will be delivered for September 2008 under a Design and Build contract. Tenders are currently being sought from short listed contractors. Obviously, the achievement of the 2008 target date will be contingent on the successful completion of the site acquisition and my Officials are working towards that end.

In addition, my Department will be doing a technical inspection of the existing senior primary school building on 11th April next to determine how best to utilise existing accommodation and bring it to a 24 classroom school. My Department has briefed the two schools on the masterplan and project timescales. The post-primary school project is being tendered as part of a bundle of three post-primary schools in the east Meath and north County Dublin area. The selection process is underway for the appointment of a Design Team to do the outline designs. A Design and Build contract will then be used to deliver the projects, with a target delivery date of 2010 for the Laytown school.

I can assure the Deputy that I am absolutely committed to delivering the new schools for Laytown on schedule.

### **School Staffing.**

58. **Mr. M. Higgins** asked the Minister for Education and Science if she has entered into consultation with the colleges of education in order to increase the number of teachers who will be available to address the projected increase in primary school population over the next ten years and also to reduce class sizes to European norms; and if she will make a statement on the matter. [10714/07]

**Minister for Education and Science (Ms Hanafin):** The level of student intake to the Colleges of Education is determined annually by my Department and it takes into account the supply of, and demand for, primary teachers while also having regard to available resources. The

demand for primary teachers is influenced by a number of factors including: the application of the agreed staffing schedule; demographic trends; the number of teachers opting to take career breaks; the number of secondments approved; teacher retirements including the age at which teachers opt to retire on a voluntary basis; the creation of additional posts in a particular school year. The retention of posts arising from the allocation of the demographic dividend also affect the demand for teachers.

It is considered necessary for my Department to regulate the intake to the colleges of Education as they are fully funded by the taxpayer. My Department consults, on an ongoing basis, with the Colleges of Education on a range of issues, including teacher number requirements. In this context, my Department has agreed the number of new entrants to the B.Ed programme at 1,000 and to the post graduate programme at 280 for the current academic year with the Colleges.

The question of the intake of new entrants to the Colleges of Education, including the question of any increase in the number of teachers required to fill vacancies in our schools, is considered as part of the ongoing consultation process with the Colleges of Education. Major improvements have been made in staffing at primary level in recent years. There are now 5,000 more primary teachers than there were in 2002. The average class size in our primary schools is 24 and there is now one teacher for 17 pupils at primary level, including resource teachers etc.

Children with special needs and those from disadvantaged areas are getting more support than ever before to help them to make the most of their time at school. Indeed, with the thousands of additional primary teachers approved by this Government, recent years have seen the largest expansion in teacher numbers since the expansion of free education. Furthermore, the Government is committed to providing even more primary teachers next year to reduce class sizes.

As the Deputy will know, all primary schools are staffed on a general rule of at least one classroom teacher for every 28 children. 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 and so on — but the general rule is that there is at least one classroom teacher for every 28 children in the school. Next September this will reduce to 27 children per classroom teacher.

School authorities are requested to ensure that the number of pupils in any class is kept as low as possible, taking all relevant contextual factors into account (e.g. classroom accommodation, fluctuating enrolment). In particular, school authorities should ensure that there is an equitable distribution of pupils in mainstream classes and that the differential between the largest and smallest classes is kept to a minimum.

[Ms Hanafin.]

A further initiative that has been of direct benefit to primary schools has been the change in the criteria for developing schools. For the current school year the threshold for getting a developing school post was reduced specifically to help schools that are seeing large increases in enrolments each year. Over 280 such posts were sanctioned in the 2006/07 school year compared to 170 in 2005/06.

The improvements we have made in school staffing in recent years are unparalleled. However, this Government is determined to go even further, and so the 2007 Estimates include provision for another 800 primary teachers. About 500 of these will be classroom teachers, which includes our commitment to reduce class sizes.

I assure the Deputy that we will continue to prioritise further improvements in school staffing going forward. We will also continue our focus on measures to improve the quality of education in our primary schools to ensure that increased resources lead to better outcomes for our children.

*Question No. 59 answered with Question No. 10.*

#### **Proposed Legislation.**

60. **Dr. Twomey** asked the Minister for Education and Science when changes in education legislation relating to discipline will be enacted; and if she will make a statement on the matter. [10773/07]

**Minister for Education and Science (Ms Hanafin):** The Report of the Task Force on Student Behaviour in Second Level Schools recommended that section 29 of the Education Act 1998 should be amended to stress the rights of the compliant majority to learn whilst at the same time protecting the rights of a persistently disruptive student to an education.

The Education (Miscellaneous Provisions) Bill 2007 will amend section 29 of the Education Act following the recommendations of the Task Force on Student Behaviour in Second Level Schools. Section 29 allows for an appeal to be made to the Secretary General of the Department of Education and Science against a decision of a board of management or person acting on behalf of a board to (i) permanently exclude a pupil, (ii) suspend a pupil for a period to be prescribed for this purpose or (iii) refuse to enrol a child.

The Bill will regulate the factors which an appeals committee must consider in appeals relating to expulsions and suspensions. The factors are:

- the nature scale and persistence of any behaviour alleged to have given rise to the decision of the Board,

- the educational interests of the student taking the appeal;
- the educational interests of other students in the school and the maintenance of a classroom and school environment which is supportive of learning and ensures continuity of instruction provided to students,
- the reasonableness of efforts made by the school;
- the safety, health and welfare of the teachers, students and staff of the school;
- the school's code of behaviour and other policies and extent to which it complies with any issued guidelines;
- statutory duties of schools, guidelines for school attendance and any other relevant matters.

The Education (Miscellaneous Provisions) Bill has completed all stages in the Dáil and is currently before the Seanad for consideration. It is hoped that the Bill would, subject to the democratic processes, be passed by both Houses of the Oireachtas in the near future.

*Question No. 61 answered with Question No. 17.*

#### **Schools Building Projects.**

62. **Mr. G. Murphy** asked the Minister for Education and Science the number of schools now listed on her Department's school building programme; and if she will make a statement on the matter. [10779/07]

**Minister for Education and Science (Ms Hanafin):** There are over 1,500 large-scale and smaller scale projects on my Department's school building programme. The rolling series of announcements on the programme are listed on my Department's website — the most recent of which involved over 1,100 projects under the Summer Works Scheme, 256 projects under the devolved schemes and 22 large-scale post-primary projects.

The budget for 2007 is the first year of the roll out of the new NDP which will involve an investment of over €4.5 billion in school buildings infrastructure over the next 7 years. This year around over €540 million will be spent on school buildings. This multi-annual funding will enable my Department to continue to take a proactive approach to the provision of modern school accommodation particularly in the rapidly developing areas.

*Question No. 63 answered with Question No. 48.*

#### **School Curriculum.**

64. **Mr. Kenny** asked the Minister for Edu-

cation and Science her reform proposals for the maths curriculum; if she will ensure that segments of the maths curriculum will be taught using information technology; and if she will make a statement on the matter. [10798/07]

**Minister for Education and Science (Ms Hanafin):** The use of information and communications technologies in the delivery of existing mathematics syllabuses is actively encouraged. The Mathematics Support Service which provides inservice training at school level and for cluster groups promotes the use of information technologies in the teaching of mathematics and has developed a range of resources for teachers to use in their classrooms. Spreadsheets, Powerpoint presentations and specific packages such as Geometer's Sketchpad and Autograph are some examples of how modern technologies are currently being used.

In relation to the reform of mathematics in our second level schools, I have given broad approval to the NCCA to proceed with development work on a range of proposals presented to me recently.

#### Special Educational Needs.

65. **Ms Lynch** asked the Minister for Education and Science the sections of the Education for Persons with Special Educational Needs Act 2004 that have been implemented; the sections that remain to be implemented; and if she will make a statement on the matter. [10719/07]

**Minister for Education and Science (Ms Hanafin):** The Education for Persons with Special Educational Needs Act was enacted in July 2004. The following sections have been commenced:- 1, 2, 14(1)(a), 14(1)(c), 14(2) to 14(4), 19 to 37, 40 to 44, 45-49 and 50 to 53. The remaining sections have not yet been commenced.

The remaining sections relate mainly to the statutory assessment and education plan process for which the Act provides. These cannot come into effect without the National Council for Special Education (NCSE) having an opportunity to present an implementation report to my Department. The Council recently submitted its implementation report and this is currently being considered by my Department.

#### Court Cases.

66. **Mr. P. Breen** asked the Minister for Education and Science the number of legal actions which her Department is currently engaged in; and if she will make a statement on the matter. [10760/07]

**Minister for Education and Science (Ms Hanafin):** There are approximately 250 cases before the Courts which my Department is currently engaged in. These cases include litigation relating to Primary Schools, Community and Comprehensive Schools, Children Detention

Schools, Special Educational Needs, school non-attendance, school transport, litigation arising from industrial relations actions, contractual disputes and a diverse range of matters in the education sector.

This figure does not include childhood abuse cases relating to industrial and reformatory schools and residential institutions, which number approximately 661 live cases. These are being dealt with primarily by the Residential Institutions Redress Board. However, it is not possible to indicate what percentage of these cases will reach a hearing, as a large number of cases are discontinued following the acceptance by the plaintiffs of awards made by the Redress Board.

The term 'legal actions' does not encompass inquiries conducted under Rule 108 of the Rules for National Schools, inquiries held pursuant to the provisions of the Vocational Education Acts 1930-2006, or matters which are before the Equality Authority, the Employment Appeals Tribunal and other statutory industrial relations mechanisms available under the Protection of Employees (Fixed Term Work) Act 2003, Maternity Protection Acts 1994-2004, Unfair Dismissals Acts 1977-2005.

#### Special Educational Needs.

67. **Ms Shortall** asked the Minister for Education and Science if she has had discussions with the National Council for Special Education on the adequacy of funding to address the needs of children with special learning difficulties at post-primary level; if her attention has been drawn to the fact that there is concern in schools and from parents that supports are not available to address the needs of many post-primary students; and if she will make a statement on the matter. [10743/07]

**Minister for Education and Science (Ms Hanafin):** Officials of the NCSE have met regularly with my Department's officials on a range of matters including issues in relation to post-primary special education. The NCSE recently submitted its Implementation Report to me, which sets out its views and recommendations on a plan for the implementation of the Education for Persons with Special Educational Needs, (EPSSEN) Act 2004. The report is currently being examined by my Department.

My Department provides a range of supports to second level schools to enable them to cater for students with special educational needs (SEN). The supports include remedial and additional teaching support, special needs assistant support (SNA) and funding for the purchase of specialised equipment.

As the Deputy is aware, there has been enormous progress made over the past number of years in relation to increasing the number of teachers in our schools who are specifically dedicated to providing education for children with



[Ms Hanafin.]

SEN. At second level, approximately 1,878 whole time equivalent additional teachers are in place to support pupils with SEN. This compares to approximately 200 teachers that were in place in 1998 for such pupils. In addition, there are 533 whole time equivalent learning support teachers and approximately 1,441 whole time equivalent SNAs in our second level schools.

The National Council for Special Education (NCSE), through its network of local special educational needs organisers (SENOs), is responsible for processing applications from schools for special needs supports and the SENOs convey decisions on the applications directly to the schools. These supports include resource teaching hours, SNA support and assistive technology and equipment. It is important to note that in the case of decisions on additional teaching and SNA support, the SENO will outline the process to the school and parents, where appropriate, and will at the end of the process outline the basis on which the decision was made.

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. Students attached to these special classes may be facilitated in attending ordinary subject classes on an integrated basis wherever possible.

In addition, my Department's Teacher Education Section has developed a strategy designed to meet the continuing professional development needs of personnel working with children with SEN. This involves a major expansion of the range of post-graduate professional training programmes available to teachers in the special needs area and the ongoing development of the Special Education Support Service (SESS) to support schools staff locally.

The NCSE has advised my Department that it has commenced the process of the allocation of resources at post primary level for the 2007/2008 school year and it will be issuing guidelines on this process to the schools shortly. Copies may also be accessed on the NCSE's website within the coming days.

#### **Languages Programme.**

68. **Caoimhghín Ó Caoláin** asked the Minister for Education and Science if, in view of the 550 additional language teachers recently promised, newcomer children will still only receive two hours per week English tuition for a maximum of two years. [10808/07]

**Minister for Education and Science (Ms Hanafin):** The Deputy will be aware that recently I announced the schools which are to benefit from the 200 extra language support posts provided for in the 2007 Estimates. These extra 200 posts will bring the total number of language support teachers in our schools to 1,450. These new resources are intended for schools with large numbers of pupils who do not have English as a first language. Under the revised arrangements, depending on the number of eligible pupils enrolled, schools may now have up to six language support teachers. In addition, the limit of two years' support for an individual pupil no longer applies.

The additional 200 teachers are part of the Government's commitment in Towards 2016 to provide an extra 550 language support teachers by 2009 and to reform the limit of two teachers per school. It is intended that a further 350 language support teachers will be provided between 2008 and 2009.

In order to ensure that schools can accurately and objectively assess the language requirement of children, my Department will be sending to primary schools assessment materials which have been developed by Integrate Ireland Language and Training (IILT). The assessment materials will enable schools to ensure that the specific language requirements of children needing support are met in a targeted way. The IILT materials will also enable accurate initial and on-going assessment of the language proficiency of the child and his or her need for continued language support.

The deployment of language resource teachers will depend on the specific needs of the pupils and this is left to the discretion of the school authorities.

*Question No. 69 answered with Question No. 27.*

#### **Literacy Levels.**

70. **Mr. Hayes** asked the Minister for Education and Science the number of children from disadvantaged backgrounds with serious literacy difficulties; and if she will make a statement on the matter. [10770/07]

**Minister for Education and Science (Ms Hanafin):** The achievement of high literacy standards is one of the primary goals of education. I am very conscious of the fact that high levels of literacy are fundamental prerequisites for full educational, social and economic participation, and the Government is redoubling its efforts to promote these. Schools generally have relatively low proportions of children with significant literacy difficulties as evidenced by comparatively high overall achievement levels in successive international surveys of reading of 15-year-olds under PISA (Programme for International Student Assessment). The most significant levels

of literacy difficulties tend to be concentrated in school serving disadvantaged communities.

The Educational Research Centre in their report on Reading Literacy in Disadvantaged Primary Schools (2004) found that the proportion of pupils with serious literacy difficulties in schools serving disadvantaged communities averages in the region of 27-30% or about three times the national average. The report recommended, inter alia, a new ten year target to reduce to between 14%-15% the proportion of pupils with serious literacy difficulties in schools serving disadvantaged communities.

One of the high-level goals under the new National Development Plan 2007-13, and the recently published National Action Plan for Social Inclusion, 2007-16, is to reduce the proportion of pupils with serious literacy difficulties in primary schools serving disadvantaged communities from the current level of 27-30% to less than 15% by 2016.

To achieve this goal significant resources to address literacy and numeracy difficulties in schools serving disadvantaged communities are being provided through DEIS (Delivering Equality of Opportunity in Schools), the action plan for educational inclusion. These measures include a maximum class size of 20:1 in junior classes and 24:1 in senior classes in the 190 urban/town primary schools serving the most disadvantaged communities and increased access to literacy and numeracy support services and programmes for all urban/town primary schools. Additional literacy and numeracy tutors are being recruited to provide in-school support and guidance to all teachers in these schools. In addition, training in “Reading Recovery”, “First Steps” and “Maths Recovery” are being made available to all urban/town primary schools.

The Junior Certificate School Programme’s Demonstration Library Project is also being extended on a phased basis to second-level schools with the highest concentrations of disadvantage. Extra resources will also be made available for intensive professional development programmes for principals and teachers in DEIS schools. A new Family Literacy Project is also being implemented. Finally, the School Development Planning service will support schools in developing their plans and policies for teaching literacy and numeracy and in setting measurable targets for the reduction of serious literacy and numeracy difficulties.

I believe that these measures will equip our teachers and schools to tackle the outstanding literacy and numeracy problems in schools serving disadvantaged communities. I am confident that under the measures being provided under the DEIS action plan the goal that we have set ourselves for substantially reducing literacy problems will be achieved.

*Question No. 71 answered with Question No. 37.*

#### **Physical Education Facilities.**

72. **Mr. Hogan** asked the Minister for Education and Science the number of primary schools with an indoor sports hall or similar facility; and if she will make a statement on the matter. [10775/07]

**Minister for Education and Science (Ms Hanafin):** The specific information sought by the Deputy is not readily available. However, the Deputy can be assured that my Department fully recognises the key role of physical exercise within the school environment and continues to respond to the need to improve PE facilities for all pupils attending primary schools. My Department’s design guidelines include, where appropriate for PE Halls, general purpose rooms and outdoor hard play areas such as basketball courts.

PE facilities have been provided, where appropriate, as part of my Department’s record school building programme which between 2000 and 2006 involved the delivery of over 7,800 projects with an investment of €2.6 billion. The budget of over €540 million to improve school infrastructure for 2007 is the first year of the roll out of the new NDP which will involve an investment of over €4.5 billion in school buildings over the next 7 years. This multi-annual funding will enable my Department to continue to take a proactive approach to the provision of modern school accommodation including PE facilities.

#### **Departmental Programmes.**

73. **Mr. G. Mitchell** asked the Minister for Education and Science the number of breakfast clubs, operated by charities, community groups or other groups, which are supported by her Department; and if she will make a statement on the matter. [10785/07]

**Minister for Education and Science (Ms Hanafin):** The majority of the 412 schools currently participating in the School Completion Programme operate breakfast clubs or other meal provision, in accordance with the Nutritional Guidelines issued by the Department of Social and Family Affairs. In addition to the funding provided through the School Completion Programme, the provision of school meals is primarily funded by the School Meals Programme, administered by my colleague, the Minister for Social and Family Affairs, and involving both an urban scheme operated by local authorities and a local projects scheme.

Educational research has shown that good nutrition improves concentration levels of students and that students from low-income families are less likely to have access to an adequate diet. The social aspect of breakfast

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clubs cannot be overestimated and access to such clubs is offered on a whole class/whole school basis to encourage integration of children and young people giving them an opportunity to mix and relax before classes commence.

Breakfast clubs provide a caring and supportive environment where young people can engage with their peers and discuss things in a social setting. This also provides an opportunity to prepare for the school day. Parents are encouraged to become involved in running breakfast clubs, many of which are also supported by charitable agencies which bring with them expertise such as family support.

The School Meals Programme aims to supplement the nutritional intake of pupils from disadvantaged backgrounds in order to allow them to fulfil their potential within the educational system and also to reduce the risk of early school leaving. In 2006, it is estimated that 69,903 children benefited in 1,008 schools under the local projects scheme and the urban scheme provided support for more than 386 primary schools, with 55,000 pupils. The Department of Social and Family Affairs is providing funding of €16.6 million for the programme in 2007 — an increase of almost 60% on the 2006 provision of €10.4 million.

My Department has been working in close cooperation with the Department of Social and Family Affairs to ensure that the resources available for school meals are used to best effect and to further expand school meals provision in schools serving disadvantaged communities. Each of the 873 schools participating in the new School Support Programme under DEIS (Delivering Equality of Opportunity in Schools), the new Action Plan for Educational Inclusion will have access to the School Meals Programme. A total of €18 million has been made available to my Department from the Dormant Accounts Fund and the RAPID Leverage Fund to fund projects that aim to counteract educational disadvantage. One of the measures under this scheme provides for the enhancement of school dining areas via either the upgrading of existing facilities or the development of new dining areas. The measure also provides for small grants for schools participating or proposing to participate in the Department of Social and Family Affairs' School Meals Schemes.

The provision of breakfast clubs will continue to be a priority for the Government in tackling educational disadvantage.

#### **Educational Disadvantage.**

74. **Mr. Noonan** asked the Minister for Education and Science the number of schools to receive funding under the DEIS scheme; when such funding will come on stream; and if she will make a statement on the matter. [10762/07]

**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 DEIS plan states that as well as provision being made 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.

DEIS is designed to ensure that the schools serving the most disadvantaged communities benefit from the maximum level of support available. Schools which have not qualified for inclusion in DEIS, and which are receiving additional resources under pre-existing schemes for addressing disadvantage, can be assured that they will continue to get support to enable them to maintain services for their disadvantaged pupils.

As a result of the identification and review processes, 873 schools have been invited to participate in the new Programme. These comprise 670 primary schools (338 urban/town schools and 332 rural schools) and 203 second-level schools. In respect of the 2006/07 school year, grants amounting to approximately €7.7 million due to the 670 Primary schools which are participating in the DEIS Initiative were lodged to their schools' bank accounts on 17 November 2006. This is in addition to payments totalling €1 million which issued to those schools in June 2006. In the order of €4.7 million was paid in the course of the 2006/2007 school year in respect of the 203 Post Primary schools participating in the initiative and 80 Post Primary Schools receiving grants under pre-existing schemes.

Also on 17 November 2006, approximately another 1,900 primary schools received some €4.1 million of grant assistance to assist them with their respective levels of dispersed disadvantage. In addition to supplementary financial assistance which is provided to schools in DEIS, schools will benefit from additional measures which range from pre-school interventions, supports for tackling children's literacy problems, reduced pupil teacher ratios, allocation of administrative principals on lower enrolment, measures to tackle early school leaving, measures to strengthen ties between the school, the family and the community and provision of continuing professional development for teachers.

#### **Computerisation Programme.**

75. **Mr. G. Mitchell** asked the Minister for Education and Science when a schools information and communications technology policy will be announced; and if she will make a statement on the matter. [10756/07]

77. **Aengus Ó Snodaigh** asked the Minister for Education and Science her Department's proposed information and communications technology strategy; when it will be published; if it will address the current situation whereby over 86% of schools have a significant proportion of their ICT equipment in need of repair or updating. [10803/07]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 75 and 77 together.

As the Deputies will be aware, the National Development Plan 2007-2013 provides for investment of €252m in the ICT in Schools Programme and I will be publishing a comprehensive new strategy for ICT in Schools covering the period to 2013. The new strategy will aim to develop an e-Learning culture in our schools that will ensure that ICT usage is embedded in teaching and learning across the curriculum.

I have recently announced the appointment of a Strategy Planning Group to advise me on the prioritisation of measures under the planned investment over the period of the NDP. The new strategy will address teacher professional development, the maintenance of the national broadband network for schools, technical maintenance and support requirements and the upgrading and renewal of hardware along with the provision of software and digital content for learning. I have asked the Strategy Planning Group to look at the critical success factors for those schools that are successfully integrating ICT into their teaching and learning and to take account of the full range of educational supports and funding available to further the integration of ICT into teaching and learning.

The Strategy Planning Group is chaired by Mr Jerome Morrissey, Director of the National Centre for Technology in Education and its membership comprises individuals with a range of complementary experiences and expertise in education, industry and the public service. It is expected that the Group will report in May.

*Question No. 76 answered with Question No. 48.*

*Question No. 77 answered with Question No. 75.*

*Question No. 78 answered with Question No. 18.*

*Question No. 79 answered with Question No. 40.*

#### **Schools Refurbishment.**

80. **Mr. McCormack** asked the Minister for Education and Science the level of investment to be allocated by her Department in 2007 towards the refurbishment of science buildings and facili-

ties at second level schools; and if she will make a statement on the matter. [10758/07]

**Minister for Education and Science (Ms Hanafin):** As part of the multi-annual school building programme my Department has invested heavily in modernising school facilities throughout the country including science facilities in post-primary schools. Typically this investment involves the provision of modern science facilities in new post-primary schools or the upgrading of science facilities in existing schools either as part of a school building project or as a dedicated investment to facilitate the teaching of science.

Additionally I have provided for class materials, basic general equipment and chemicals for practical work for the Sciences. My Department also spent in excess of €13m in 2004 to facilitate the introduction of a revised Junior Science syllabus. Schools received a basic grant of €3,500 per science laboratory to enable them to provide the new curriculum. Additional funding was made available to schools where other specified equipment was required. In addition, certain schools identified as needing new or refurbished science laboratories as a result of a 1998 national survey received funding. Funding continues to be available to schools that had not originally applied for the basic grant of €3,500 per science laboratory and for other specified equipment to enable them to provide the new curriculum. Over 60 schools have also been approved for funding in 2006 and 2007 under my Department's Summer Works Scheme to enable them to get science laboratories refurbished on a devolved basis.

Provision of science facilities is an intrinsic part of many school building projects at post-primary level and it is not easily possible to break down this cost in the format requested by the Deputy. However, the Deputy can be assured that my Department will continue to take a proactive approach in the provision of the necessary facilities for the teaching of science in schools.

Science facilities have been provided/improved as part of my Department's record school building programme which between 2000 to 2006 involved the delivery of over 7,800 projects with an investment of €2.6 billion. The budget for 2007 is the first year of the roll out of the new NDP which will involve an investment of over €4.5 billion in school buildings over the next 7 years. This multi-annual funding will enable my Department to continue to take a proactive approach to the provision of modern school accommodation including science facilities.

#### **Departmental Expenditure.**

81. **Mr. Allen** asked the Minister for Education and Science the number of departmental initiatives in which expenditure has been evaluated since the beginning of 2007; and if she will make a statement on the matter. [10789/07]

**Minister for Education and Science (Ms Hanafin):** The main manner in which expenditure is formally evaluated in my Department is through the Government programme of Value for Money Reviews, formerly called Expenditure Reviews. The objectives of these reviews, which were introduced in 1997, are to analyse Exchequer funding in a systematic manner and to provide a basis on which more informed policy and expenditure decisions can be made.

At present, expenditure on five policy areas is being evaluated as follows: Review of Teacher Education and Development; Review of ICT Undergraduate Skills Programme; Review of Youthreach and Senior Travelling Training Centres; Review of the ICT Schools Support Service; and Review of the Youth Encounter Projects. In addition, two further Value for Money Reviews will be undertaken in 2007, as follows: Review of Insurance Arrangements for Schools; and Review of the Summer Works Scheme.

Over and above this, my Department, through its line management divisions, examines on an ongoing basis particular issues and programmes as part of the general obligation on public sector managers to ensure that State funds are utilised in an efficient and effective manner.

#### Capitation Grants.

82. **Mr. Crowe** asked the Minister for Education and Science her views on the criticism from the Irish Primary Principal's Network that the capitation grant provided is only enough to cover approximately half the running costs of primary schools and that such schools are reliant on fundraising activities. [10802/07]

**Minister for Education and Science (Ms Hanafin):** Primary schools' running costs are met by my Department's scheme of capitation grants. These grants are intended to contribute towards the general operating costs of schools which would include heating, lighting, cleaning, insurance, painting, teaching aids and other miscellaneous charges.

The primary school capitation grant has been increased substantially in recent years. Since 1997 the standard rate of capitation grant has been increased from €57.14 per pupil to €163.58 with effect from 1st January, 2007. This represents an increase of over 186% in the standard rate of capitation grant since 1997. Furthermore enhanced rates of capitation funding are paid in respect of children with special educational needs who attend special schools or special classes attached to mainstream schools. The current rates range from €400 to €805 per pupil.

The standard rate of capitation grant is paid to all primary schools except Gaelscoileanna located outside of Gaeltacht areas which receive an additional €25.39 per pupil over and above the standard rate grant. The capitation grant is in addition to the Ancillary Services Grant which

provides additional funding for primary schools towards the cost of secretarial and caretaking services. The standard rate of grant per pupil under the scheme was increased from €102 per pupil in 2002 to the current rate of €145.50 per pupil.

This Government has shown a strong commitment to improving primary school funding in recent years and I will continue to prioritise this area in the context of available resources.

#### Pupil-Teacher Ratio.

83. **Mr. Perry** asked the Minister for Education and Science the method through which the number of teachers to be allocated to all primary schools is calculated by her Department; and if she will make a statement on the matter. [10769/07]

**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 30th 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.

The Staffing Schedule (Primary Circular 0020/2007) for the 2007/2008 school year is available on my Department's website [www.education.ie](http://www.education.ie) since the 12th March 2007. The circular is currently being printed and hard copies of the circular will be issued to all primary schools when they become available.

My Department has in the past operated a number of schemes to tackle educational disadvantage and reduce class sizes in schools in disadvantaged areas. These existing schemes are being integrated into the new action plan for educational inclusion, DEIS (Delivering Equality of Opportunity in Schools) which I launched in 2005, one aspect of which will be more staffing for the most disadvantaged schools. Under the plan, there has been a reduction in class sizes to 24:1 at senior level and 20:1 at junior level in the 190 primary schools serving communities with the highest concentrations of disadvantage.

School authorities have been reminded that my Department allocates adequate staffing to schools to ensure that the maximum class size guidelines under DEIS are implemented in both junior and senior classes. If schools are unable to operate within these guidelines, due for example to increased enrolments, they may make a submission on the matter to my Department for consideration.

Children who have been assessed as having special educational needs have access to a range of special support services. The services range from special schools dedicated to particular disability groups, through special classes or units attached to ordinary schools, to placement on an

integrated basis in ordinary schools, with special back-up supports.

The Deputy will be aware that the National Council for Special Education (NCSE), through the local special educational needs organisers (SENOs), is responsible for processing applications from primary and post primary schools for special needs supports such as resource teaching hours.

Primary schools are also supported by means of the general allocation model whereby additional teaching support is provided to cater for pupils with high incidence special educational needs, such as dyslexia, and those with low attainments. Second level schools continue to be supported by the allocation of additional teaching hours, where appropriate, for each pupil enrolled who is assessed as having a special educational need. In order to meet the language needs of students in our schools whose first language is not English or Irish, additional support is given to their schools which can take the form of financial assistance, additional teaching posts or portions of posts.

The level of extra financial or teaching support provided to any school is determined by the numbers of eligible non-English speaking students enrolled. Schools with between 3 and 13 eligible pupils receive grant assistance towards the cost of employing part-time teachers. Over €4 million is being provided for such grants in 2007.

Schools with 14 or more such pupils are entitled to one or more language support teachers, the number of which has increased dramatically in recent years. There are now approximately 1,450 language support teachers in our schools, including the 200 additional posts allocated this year as part of the Government's commitments under the 'Towards 2016' partnership agreement. In line with this commitment, a further 350 language support teachers will be provided between 2008 and 2009.

#### **Early School Leavers.**

84. **Mr. Morgan** asked the Minister for Education and Science the number of children who fail to make the transition from primary to secondary school. [10806/07]

**Minister for Education and Science (Ms Hanafin):** On the annual census form filled in by primary school principals we ask them to provide information on:

(A) The number of leavers (excluding those who emigrated) who did not go to any school within the State, and;

(B) The number of leavers whose destination is unknown.

Data compiled from the census forms shows that in the 12 month period ending 30 September 2005, 263 children left who as far as the primary principal was aware did not go to any school within the State, while a further 543 children were

declared as 'destination unknown'. It is not possible to be certain about where the children declared as 'destination unknown' went so it would be inaccurate to claim that all of these failed to transfer to post-primary education. The development of an individualised database for primary pupils 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 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. I am anxious that a strengthening of such programmes be prioritised under the new Action Plan.

*Question No. 85 answered with Question No. 45.*

#### **Departmental Programmes.**

86. **Ms Burton** asked the Minister for Education and Science the contribution her Department will make to implement the One Step Up recommendation in the fifth report of the expert group on future skills needs; and if she will make a statement on the matter. [10708/07]

**Minister for Education and Science (Ms Hanafin):** Implementation of the recommendation of the fifth report of the Expert Group on Future Skills Needs presents challenges which span the entire education system. These challenges relate to the output and quality of further and higher education, raising school completion rates and educational attainment, ensuring that we enhance the educational outcomes for young people, and providing alternative additional and

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flexible educational opportunities for those already in the workforce or who have finished formal education.

The National Qualifications Framework is an important element of the One Step Up initiative, in providing the opportunity for all learners to access national accreditation. The framework covers all awards in the State, ranging from basic literacy and education to post doctorate level, in the education and training sectors. It makes provision for major, minor, supplemental and special purpose awards and enables learners to accumulate credits towards an award.

OECD research highlights key areas where qualifications systems can promote change and development in such areas as widening access to learning, promoting progression, accumulating credits towards awards, widening modes of assessment, enhancing quality assurance, clarifying learning outcomes, levels and relationships between awards, promoting relevance and access to the workplace, and supporting recognition, and transparency.

The Expert Group Report highlights the importance of speedy progress in the implementation of mechanisms for accreditation of prior learning. In that context, the National Qualifications Authority of Ireland has published a set of Principles and Operational Guidelines for the Recognition of Prior Learning in Further and Higher Education. These require that all providers develop statements of their policies, practices and processes for recognition of prior learning, that this should be embedded within their quality assurance procedures, that assessment criteria should be fair and consistent, that learners should meet the standards set out in the framework, and that guidance and support should be available for applicants, and an appropriate appeals mechanism. There are a range of contributions which my Department will make in relation to primary, second level and continuing education. Under Towards 2016, the Government and the social partners have agreed to work together over the next ten years towards a number of long-term goals for children including the goal that every child should complete a senior cycle or equivalent programme appropriate to their capacity and interests.

One of the high-level goals under the new National Development Plan 2007-13, and the recently published National Action Plan for Social Inclusion, 2007-16, is to work to ensure that the proportion of the population aged 20-24 completing upper second level education or equivalent will exceed 90% by 2013. The Education Welfare Act and the establishment of the National Educational Welfare Board is an important part in the campaign to keep students at school and will provide a comprehensive framework for promoting regular school attend-

ance and tackling the problems of absenteeism and early school leaving.

The key principle of early intervention underpins both the early childhood education measure and many of the literacy and numeracy measures being adopted under DEIS, the action plan for educational inclusion. The action plan will place a renewed emphasis on the involvement of parents and families in children's education in schools. The Department and the National Educational Welfare Board will work together to ensure that an integrated approach to children at risk is adopted.

Progression from primary to second-level is recognised as a crucial transition period in a child's education. Under the action plan, a continuing emphasis will be placed on the development of effective transfer programmes by building on the existing work of the Home School Community Liaison Scheme and the School Completion Programme. In addition, increased integration will be promoted between the work of second-level schools and centres catering for young early school leavers, particularly Youthreach centres and Senior Traveller Training Centres.

In the area of adult and further education, most of the elements of the recommendation are already in place to some extent. Policy on adult and further education is based on the premise that raising the basic skills of all individuals can have a larger impact on economic growth than investing in improving the skills of a select group of high-skilled individuals. The objective is to increase participation in Lifelong Learning, in particular among the workforce categorised as low-skilled/low paid, by enhancing opportunities to access education and training, the development of new skills, the acquisition of recognised qualifications and progression to higher level qualifications to equip all individuals with the skills, capacity and potential to participate fully in the knowledge-based society and progress to better quality jobs.

An adult guidance service is being developed and is available in most areas. It is designed to support access to Adult Literacy, VTOS, BTEI and community education programmes. The development of the guidance service in education also provides an important contact point for providers in the FAS Employment Services.

Adult and further education are funded by the Department and delivered locally by Vocational Education Committees (VECs) are responsible for ensuring that their courses are publicised and all the evidence suggests that they discharge this duty conscientiously. They are also encouraged to form local networks with other local organisations, such as FAS, the Local Employment Services, social welfare offices, Gardaí, the probation services, church authorities etc. to ensure that the availability of courses are brought to the attention of potential students.

In the higher education area, there are a number of strategies which will contribute to achieving the One Step Up approach set out by the ESFGN in its fifth report. The National Development Plan underlines our commitment to lifelong learning. One of the high level objectives is enhancing access to training, development of new skills, the acquisition of recognised qualifications and progression to higher-level qualifications. The implementation of policy in these areas will be supported through providing second chance education and training for those with low skills and addressing barriers through a strengthening of supports, guidance, counselling, child-care services and increased flexibility of provision.

I would also draw the attention of the Deputy to the Strategic Innovation Fund which has also been established by Government. The Strategic Innovation Fund is a multi-annual fund, which is directed towards support for innovation in higher education institutions. It will support new approaches to enhancing quality and effectiveness within higher education and research, incorporating the use of existing resources (including capital resources) more effectively, as well as new funding.

Following an independent and competitive evaluation process, in the 3rd quarter of 2006, €42 million was allocated to projects for institutions from both the University and Institute of Technology sectors. The projects approved are aimed at enhancing collaboration between higher education institutions, improving teaching and learning, supporting institutional reform, promoting access and lifelong learning and supporting the development of fourth level education. €60 million has been allocated in the 2007 estimate for the Strategic Innovation Fund, with a further €75 million available annually until 2013. This is subject to a major review of the SIF in 2010 to assess progress against the SIF objectives.

My Department has been working closely with the Higher Education Authority to develop a framework for a national Modular Accreditation Programme (MAP) which will focus on the upskilling of those in employment. Work is well advanced in the Department and the HEA on the development of this programme, with a view to commencement in 2007. Under the MAP, institutions would offer individual modules, rather than whole programmes, which would enable individuals to access higher education in a flexible way. The programme will also feature recognition of prior learning, to enable those with experience but not formal qualifications, to gain recognition and credit to pursue higher education courses.

#### **Commercial Promotions.**

87. **Mr. Crowe** asked the Minister for Education and Science if she will initiate legislation to prevent commercialism in schools and to halt the increasing commercial promotions that have

become an accepted and expanding part of school life. [10801/07]

**Minister for Education and Science (Ms Hanafin):** Three official Circulars (i.e. Circulars 23/84, 7/87 and 38/91) have issued from my Department to school authorities concerning the promotion and marketing of commercial products through schools. The Circulars noted concern at the pressure on schools from time to time to become involved in the marketing and promotion of commercial products.

Private companies are free to promote their business in accordance with accepted marketing practices. There are also accepted marketing standards, such as compliance with advertising regulations which guide, inform and control the relationship between the vendor and the potential customers. My Department recognises the sensitivities attached to the issue of promotion initiatives linking schools, pupils and parents to commercial activity. However, it would be inappropriate to prohibit marketing or sponsorship initiatives, provided that such schemes do not place undue pressure on parents in terms of additional expenditure, that children are protected from engagement in inappropriate promotional activity and that the schemes are linked to desirable projects serving national educational initiatives.

School authorities are required to ensure, as is outlined in the circulars to which I have already referred, that pressure is not placed on parents to purchase or engage in activities in respect of particular commercial products. In this context, Circular 38/91 specifically requests school authorities, following consultation with staff, to formulate agreed school policies in relation to commercial promotions. Such policies can assist school authorities to act prudently in taking steps to ensure that certain commercial products are not promoted and marketed through their schools.

In view of this, I am satisfied that due awareness and vigilance already exists in relation to this matter. However, my Department is reviewing the position on this topic and, as part of this process, will be consulting with the education partners with a view, if necessary, to issuing a further circular on the matter.

#### **School Accommodation.**

88. **Mr. English** asked the Minister for Education and Science the position with regard to the development of new school facilities at Newbridge, County Kildare; and if she will make a statement on the matter. [10795/07]

**Minister for Education and Science (Ms Hanafin):** A new primary school will be commencing operation in Newbridge in September 2007 under Catholic Patronage. The VEC has agreed to the use of a portion of its existing school site



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for a temporary location for the school and planning permission is being sought for this accommodation solution. The Department is pursuing a reserved site for the permanent location for the school.

#### **Central Applications Office.**

89. **Mr. Sherlock** asked the Minister for Education and Science if there has been an examination of the problems that arose with the capacity of the computer system of the CAO at the time of closure of applications in 2007; the changes proposed; and if she will make a statement on the matter. [10741/07]

**Minister for Education and Science (Ms Hanafin):** The Central Applications Office (CAO) is a private company limited by guarantee which processes applications centrally on behalf of third level institutions. My Department does not have any function in relation to the operational arrangements of the CAO. However, I have made my concerns known to the CAO in relation to the difficulties it experienced with its computer facilities and the need to ensure that this does not recur in the future.

#### **School Curriculum.**

90. **Mr. Hogan** asked the Minister for Education and Science the number of schools which now offer music to leaving certificate level; and if she will make a statement on the matter. [10751/07]

**Minister for Education and Science (Ms Hanafin):** The latest information available to my Department on the number of schools offering specific subjects relates to the 2005/06 school year and 449 second-level schools offered music in senior cycle in 2005/06. The Deputy will be aware that the decision as to which subjects to offer is made at the level of the individual school, subject to compliance with my Department's regulations concerning provision of the core curriculum. Demand will of course depend on the number of students that want to take other subject options.

91. **Mr. Callely** asked the Minister for Education and Science the progress made to include road safety education on the curriculum particularly in second level; and if she will make a statement on the matter. [10654/07]

**Minister for Education and Science (Ms Hanafin):** The Road Safety Authority has already commenced work on a number of key areas including the development of a Road Safety programme for use in Transition Year. This work is being undertaken in co-operation with my Department and the National Council for Curriculum and Assessment.

I believe that schools have a role to play both in teaching students about road safety issues and in helping them to develop the attitudes necessary to promote safe behaviour on the roads.

The Social Personal and Health Education (SPHE) programme, which is mandatory in primary schools and at junior cycle level, provides a framework under which the generic values and skills which underpin responsible decision-making, and respect for the rights and safety of others, can be developed and promoted among students. SPHE has a specific personal safety strand within the programme, and this provides a mechanism through which road safety issues for all can be best dealt with in an age appropriate way.

Specific materials for teaching young people about road safety have also been given to schools. 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. This is also supplemented by Garda visits to primary and second level schools during which the themes of crime, road safety, personal safety and substance abuse are explored as part of the SPHE programme. There were some 1900 school visits in 2005.

So, not only is there a curricular framework in place already in which the importance of road safety can be taught to our young people, but this is supplemented by specific teaching materials and by a comprehensive programme of Garda visits to schools.

My Department will continue to work with the Road Safety Authority to strengthen the role of schools in promoting road safety even further.

#### **Early Childhood Education.**

92. **Mr. Quinn** asked the Minister for Education and Science her plans to expand the Early Start programme; and if she will make a statement on the matter. [10731/07]

**Minister for Education and Science (Ms Hanafin):** As the Deputy may be aware, the vast majority of support for childcare, including pre-school education, is not provided by my Department, but is now provided by the Office of the

Minister for Children under the Equal Opportunities Childcare Programme (EOCP) 2000 — 2006 and its successor programme, the National Childcare Investment Programme.

Under the EOCP programme, close to €500 million has been expended on childcare and places created will be in the region of 41,000 by the time the programme has been exhausted.

Investment of €575 million under the National Childcare Investment Programme 2006-2010 aims to create an additional 50,000 places. 10,000 of these places will be for pre-school children.

My Department's main role in the area of early years education encompasses targeted pre-school provision for children from disadvantaged areas, for traveller children and for those with special needs.

The Early Start Programme is a one-year preventative intervention scheme offered in selected schools in designated disadvantaged areas in Ireland. The objective of the programme, which is managed, funded and evaluated by my Department, is to tackle educational disadvantage by targeting children who are at risk of not reaching their potential within the school system.

The programme currently provides some 1,680 places in 40 primary schools in designated areas of urban disadvantage in Dublin, Cork, Limerick, Waterford, Galway, Drogheda and Dundalk.

Targeted early childhood education provision is a key element of the School Support Programme (SSP) under DEIS (Delivering Equality of Opportunity in Schools), the action plan for educational inclusion. The School Support Programme will bring together, and build upon, a number of existing interventions in schools with a concentrated level of disadvantage. While there are no immediate plans to expand the Early Start programme in its current format, it is intended that interventions in the area of early childhood education provision are subsumed into the DEIS action plan and form part of an integrated package of supports for schools identified through the Educational Research Council as experiencing a concentrated level of disadvantage.

### **Education Welfare Service.**

93. **Mr. Broughan** asked the Minister for Education and Science when the full complement of 300 welfare officers will be sanctioned for the education welfare board in order that it can fulfil its statutory duty with regard to school attendance; her views on that body's assertion that it is only intervening in 10% of cases referred to it; and if she will make a statement on the matter. [10705/07]

**Minister of State at the Department of Education and Science (Mr. B. Lenihan):** The National Educational Welfare 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 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, 5 regional managers, 12 Senior EWO's and 61 EWO's. Since September 2005 every county in Ireland is served by an educational welfare service.

The Board operates through 5 regional teams, with bases in Dublin, Cork, Limerick, Galway and Waterford. A service is provided from 26 locations nationwide. Staff are deployed in areas of greatest disadvantage and in areas designated under the Government's RAPID programme. In addition, the Board follows up on urgent cases nationally where children are not currently receiving an education. Educational Welfare Officers play a pivotal role in implementing the service provided by the NEWB through monitoring school attendance and working to improve it. The EWOs also help parents that are experiencing a difficulty with getting a school place for their child.

In addition to the NEWB personnel there are some 490 staff, within the education sector, deployed in education disadvantage programmes whose work involves an element of school attendance and significant scope exists for integrated working between these personnel and Educational Welfare Officers. 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 all agencies and services to work together in collaboration and to ensure that optimum use is made of the resources deployed including NEWB resources. It is anticipated that the outcome of this work will inform my Department on the staffing requirement for the NEWB into the future.

Since January 2004, 20,000 cases involving students with reported school attendance difficulties have been resolved by the Board. The NEWB has also issued an Information Leaflet to every family with children of school going age advising them of their rights and responsibilities in relation to education and school attendance and where they can get help.

The first national data on school attendance has been collected and is being used to inform the Board's work.

In relation to the effectiveness of the service, it is encouraging to note research findings that attendance at school in the areas where EWOs are working intensively improved by 4% in 2004/05 compared with the previous year.

Attendance data relating to the 2005/06 school year is currently being analysed by the NEWB.

I am pleased to advise the Deputy that my Department's Estimates for 2007 includes a pro-

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vision of €9.808 million for the National Educational Welfare Board. This represents an increase of 20% on the 2006 allocation and of 50% on the 2004 level.

This substantial increase in funding is a clear indication of this Government's commitment to prioritise investment in favour of those most at risk. Through increased investment and improved services we are determined to optimise access, participation and educational outcomes at every level of the system for disadvantaged groups.

The partnership agreement "Towards 2016" includes provision for an additional 100 posts in total for the NEWB and the National Educational Psychological Service by 2009.

I am pleased to announce that under the 1st Phase of the agreement, an additional 15 staff have been allocated to the NEWB in 2007. These staff are to be deployed mainly in the area of service delivery. The NEWB has agreed that this increase will facilitate the Board in meeting its obligations under the law.

This government is determined to do all that is possible to ensure that every child gets all the opportunities and support they need to enable them to achieve their potential and participate fully in education. I will be keeping the issue of the NEWB's staffing under review in light of the roll out of services, the scope for integrated working and any proposals that the Board may put to me in relation to clearly identified priority needs.

*Question No. 94 answered with Question No. 40.*

### Schools Building Projects.

95. **Mr. Bruton** asked the Minister for Education and Science when a decision will be made regarding the provision of a new school at Edenderry, County Offaly; and if she will make a statement on the matter. [10755/07]

**Minister for Education and Science (Ms Hanafin):** The application for the proposed new school in Edenderry is being assessed by the New Schools Advisory Committee (NSAC) at present. I understand that the Committee's report and recommendations will be submitted to me in the coming weeks. A decision regarding the application will be made upon receipt of the NSAC report.

### Higher Education Grants.

96. **Aengus Ó Snodaigh** asked the Minister for Education and Science her views on whether student teachers should receive State financial assistance in view of recent research that shows on average, trainee teachers spend €87.61 per week in order to cover costs of travel, photocopying and actual classroom material. [10804/07]

**Minister for Education and Science (Ms Hanafin):** Teacher education programmes, provided in approved third level institutions, are recognised for the purposes of the Higher Education Grants Scheme. Under the terms of the Scheme, grant holders who are required to participate in off-campus placement, including teaching practice, as part of their course of study continue to receive their entitlements during this period.

My Department funds four maintenance grant schemes for third level and further education students which are administered by the Local Authorities and the Vocational Education Committees. The Higher Education Grant Scheme operates under the Local Authorities (Higher Education Grants) Acts, 1968 to 1992.

Generally speaking, students who are entering approved courses for the first time are eligible for maintenance grants where they satisfy the relevant conditions as to age, residence, means and nationality.

An approved third level course for the purpose of the HEG and the VEC Scholarship Schemes means a full-time undergraduate course of not less than two years duration and a full-time postgraduate course of not less than one year's duration pursued in an approved institution. The Schemes outline the respective courses which are approved for grant purposes.

In addition, my Department allocates funding each year to third level institutions under the Student Assistance Fund. This fund is available in order to assist students who may be experiencing difficulties in continuing their studies because of financial hardship. The disbursement of this funding is a matter for individual institutions in line with guidelines issued by my Department.

My Department has no plans to introduce an additional scheme of financial assistance, over and above the current provision, in relation to the training of teachers. However, my Department reviews the amount of grant payable under the schemes each year, taking into account the cost of living index and related factors.

*Question No. 97 answered with Question No. 42.*

### Teacher Training.

98. **Mr. M. Higgins** asked the Minister for Education and Science the number of teachers who graduated from all colleges of education including on-line courses and postgraduate courses in 2006; and if she will make a statement on the matter. [10713/07]

**Minister for Education and Science (Ms Hanafin):** The Number of graduates from the Colleges of Education and the on-line postgraduate courses in 2006 are as follows:

Graduates from the Colleges of Education:

B.Ed Programme: 1,009 Graduates.

Post-Graduate Programme: 274 Graduates.

I am told that the number of graduates from the Hibernia on-line Post-Graduate Programme in 2006 is 470.

*Question No. 99 answered with Question No. 57.*

### Health and Safety.

100. **Mr. Penrose** asked the Minister for Education and Science the support her Department gives to schools and parents' associations to encourage more children to walk to school; and if she will make a statement on the matter. [10729/07]

**Minister for Education and Science (Ms Hanafin):** The question of whether children walk to and from school is a matter for decision by their parents. However, it is clear that walking to school can make an important contribution to children's health and to developing their sense of road safety as well as decreasing traffic congestion around school routes. Many local authorities develop schemes to encourage walking to school, through initiatives such as the organisation of a 'walking bus', the provision of school traffic wardens, the organisation of Walk to School Weeks, and the development of 'park and stride' initiatives.

The Social Personal and Health Education (SPHE) Programme in all primary schools includes a specific 'safety and protection' strand which is designed to develop in children an increasing sense of personal responsibility for their own safety and that of others. The learning objectives of this strand specifically include such issues as safety strategies for crossing the road, using the bus or being a pedestrian, crossing the road with an adult, and being familiar with the rules for travelling in a car or bus, or on a bicycle.

SPHE is also a mandatory junior cycle subject at second-level. The SPHE curriculum at both primary level and in the junior cycle at second-level stresses the importance of daily exercise and a healthy diet to maintaining health and well being. The 'personal safety' strand of the junior cycle programme includes such issues as road safety and is supported by a range of curriculum materials. In addition, a road safety programme for use in Transition Year is currently being developed by the Road Safety Authority in collaboration with my Department, the NCCA and the Second Level Support Service.

On 6th February, the Road Safety Authority launched the RSA MACE "Safe to School" campaign at primary level, which is aimed at helping primary school children learn effective road safety lessons. The first part of this campaign is about walking to school safely and as part of this initiative educational packs and DVDs have been

distributed to all primary schools and a Walking to School Guide has been produced. A dedicated website, [www.safetoschool.ie](http://www.safetoschool.ie), has also been launched as part of the campaign.

### School Transport.

101. **Mr. S. Ryan** asked the Minister for Education and Science where responsibility lies in relation to the safety of children who have been brought to school by a bus funded under the school transport scheme in the period of time between the arrival and departure of the bus and the opening and closing of the school; and if she will make a statement on the matter. [10739/07]

**Minister of State at the Department of Education and Science (Mr. Haughey):** In the organisation of the school transport system, buses are normally required to operate a number of runs. This is to provide a basic level of service, while achieving optimum value from available resources. In order to facilitate the operation of services, children may be required to wait some time, both morning and evening, for their service. This is a feature of the School Transport Scheme, as operated throughout the country.

Essentially, it is a matter for the managerial authorities of primary schools to arrange adequate supervision and insurance cover for children while they are on the school premises. Subject to the authority of the board of management, it is the responsibility of the principal teacher to organise and participate in the effective supervision of pupils during breaks, lunch periods, assembly and dismissal.

### Education Welfare Service.

102. **Mr. Deasy** asked the Minister for Education and Science the number of cases referred to the National Educational Welfare Board in the school year 2005/2006; and if she will make a statement on the matter. [10771/07]

**Minister of State at the Department of Education and Science (Mr. B. Lenihan):** The Education (Welfare) Act, 2000 established the National Educational Welfare Board (NEWB) 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.

In January 2005, the National Educational Welfare Board (NEWB) issued guidelines to the management authorities of all primary and post primary schools on reporting student absences, suspensions and expulsions. These guidelines advise

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that a school must report to the NEWB where a decision has been taken to expel a student.

Schools are also required to periodically report to the NEWB on student absences. There are seven possible categories of absence which are reported on.

With regard to the specific information requested by the Deputy on the number of the number of cases referred to the National Educational Welfare Board in the school year 2005/2006, I have requested the NEWB to supply me with this data as a matter of urgency and I will convey this information to the Deputy when available.

### Early School Leavers.

103. **Mr. Quinn** asked the Minister for Education and Science if her Department has made a commitment that 90% of students will remain in school for the full senior cycle by 2010; the specific measures that will be taken to reach this target; and if she will make a statement on the matter. [10732/07]

**Minister for Education and Science (Ms Hanafin):** Under Towards 2016, the Government and the social partners have agreed to work together over the next ten years towards a number of long-term goals for children including the goal that every child should complete a senior cycle or equivalent programme appropriate to their capacity and interests. A key focus of the Government's education policy is to prioritise investment in favour of those most at risk and to optimise access, participation and outcomes at every level of the system for disadvantaged groups.

One of the high-level goals under the new National Development Plan 2007-13, and the recently published National Action Plan for Social Inclusion, 2007-16, is to work to ensure that the proportion of the population aged 20-24 completing upper second level education or equivalent will exceed 90% by 2013.

CSO data show that the educational profile of 20-24 year olds in Ireland has improved steadily over the last five years, as increasing opportunities have been made available in the further education and training sector. By 2005, 85.8% of 20-24 year olds had attained upper second-level education or equivalent, up from 82.6% in 2000 and putting Ireland way ahead of the EU average of 77.5%. The EU has set a benchmark in the context of progress towards the Lisbon objectives in education and training, that at least 85% of 22 year-olds in the EU should have completed upper secondary education by 2010.

The total provision for educational inclusion programmes in 2007 is nearly €730 million across all levels of education. This represents an increase of nearly €95 million on the comparable 2006 figure. The 2007 provision includes additional fund-

ing for the implementation of measures under the DEIS action plan at pre-school, primary and second-level, additional funding for further education programmes and an increase in provision for third-level student support schemes.

This Government has pursued a dual strategy of both encouraging more young people to finish school and ensuring much greater second chance and further education opportunities for those who have left school early. This kind of strategy ensures that young people are empowered to achieve their full potential, be that by sitting the Leaving Cert or by pursuing qualifications through other pathways such as Youthreach or FAS apprenticeships which may be more appropriate to their individual interests.

With regard to curriculum, my Department's strategies have included widening the educational experience available to students, which aim to achieve a greater level of inclusiveness in curricular provision and meet the needs of the diversity of pupils in our second level schools, by expanding funding for programmes such as the Leaving Certificate Vocational Programme (LCVP), Vocational Preparation Training (VPT) and the Leaving Certificate Applied (LCA). The Education Welfare Act and the establishment of the National Educational Welfare Board is an important part in the campaign to keep students at school and will provide a comprehensive framework for promoting regular school attendance and tackling the problems of absenteeism and early school leaving.

The key principle of early intervention underpins both the early childhood education measure and many of the literacy and numeracy measures being adopted under DEIS, the action plan for educational inclusion. The action plan will place a renewed emphasis on the involvement of parents and families in children's education in schools. The Department and the National Educational Welfare Board will work together to ensure that an integrated approach to children at risk is adopted.

Progression from primary to second-level is recognised as a crucial transition period in a child's education. Under the action plan, a continuing emphasis will be placed on the development of effective transfer programmes by building on the existing work of the Home School Community Liaison Scheme and the School Completion Programme. Home School Community Liaison and School Completion Programme services are being extended to all urban primary and second-level schools participating in a new integrated School Support Programme under DEIS.

Other measures such as extending access to Schools' Business Partnerships, school meals, guidance counselling and student councils will also be facilitated through the action plan. In addition, increased integration will be promoted between the work of second-level schools and

centres catering for young early school leavers, particularly Youthreach centres and Senior Traveller Training Centres.

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.

#### **Languages Programme.**

104. **Mr. Penrose** asked the Minister for Education and Science her plans to extend or mainstream the pilot project for modern languages in primary schools which was launched in 1997; and if she will make a statement on the matter. [10730/07]

**Minister for Education and Science (Ms Hanafin):** It has been decided, in the current year, to extend participation in the Modern Languages Initiative referred to by the Deputy to approximately 70 primary schools that were on the waiting list for inclusion in the Initiative, and that have staff members with relevant expertise in modern languages having completed one of the special courses in this area provided by the Institutes of Technology.

There are no plans at present for any further extension of the Initiative.

*Question No. 105 answered with Question No. 10.*

#### **School Discipline.**

106. **Mr. Stagg** asked the Minister for Education and Science her timeframe for implementing the recommendations of the task force on student behaviour; and if she will make a statement on the matter. [10726/07]

**Minister for Education and Science (Ms Hanafin):** In early 2006, I announced an implementation strategy following publication of "School Matters" the Report of the Task Force on Student Behaviour in Second Level Schools, and that strategy is now well advanced.

At the core of the recommendations of the Task Force was the putting in place of a National Behaviour Support Service (NBSS). This has now happened with the appointment of a National Co-ordinator and four Assistant National Co-ordinators. In addition, nine Regional Development Officers and twenty part-time Associates have been recruited to ensure the success of this significant initiative. A key feature of the composition of the National Behaviour Support Service is the assignment to it of a senior psychologist and three psychologists. These have been seconded from the National Educational Psychological Service and their presence will ensure that the team operates in a multidisciplinary way. A full-

time administrator is based in Navan Education Centre.

Since their appointment, the team has been working on a number of key issues: The development of a Draft National Framework for Behaviour Improvement; The development of models of good practice for systems in schools which assist with and impact on classroom and whole school behaviour; Ongoing training for the NBSS team and; Research into and communication with behaviour support systems in other jurisdictions.

The NBSS commenced its engagement with schools through a series of information seminars organised throughout the country. As part of this initial engagement, the NBSS invited schools across the country to formally make application to benefit from its services. As a result of this process, the NBSS has now completed its consideration of 124 applications that were received from individual schools for support from the service, including the establishment of Behaviour Support Classrooms. The applicant schools are drawn from each of the school sectors and represent a good geographic and gender profile mix.

Based on careful consideration of each application, fifty schools have now been identified to receive support as part of a phased roll out of activity under the new service. Each of these fifty schools will be notified of their participation and a progressive roll-out of services to these schools will shortly commence.

It is my intention that this new service will work intensively with those schools initially selected for inclusion in this development. I have already announced that part of this work will see us trialling the concept of a behaviour support classroom in up to 30 schools this year. I want to emphasise however that these classrooms cannot be, in themselves, a solution to the issue of poor student behaviour. They must be one part of a holistic response which should see a school, actively supported by the Behaviour Support Team, defining for itself a pathway to improvement.

The Deputy will be aware that I recently published the Education (Miscellaneous Provisions) Bill. The Bill will give effect to the Task Force recommendations and set out criteria to be taken into account in the section 29 appeal process. These will include consideration of the right of the individual student to an inclusive education as well as the right of the general body of students and the whole school community to the maintenance of a school and classroom environment which is conducive to learning.

In the 2007 Estimates, I have provided €8 million to support the work of the NBSS, in helping schools promote positive student behaviour at second level.

#### **Pupil-Teacher Ratio.**

107. **Mr. Naughten** asked the Minister for Education and Science the steps she is taking to

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reduce class sizes; and if she will make a statement on the matter. [10593/07]

**Minister for Education and Science (Ms Hanafin):** Major improvements have been made in staffing at primary level in recent years. There are now 5,000 more primary teachers than there were in 2002. The average class size in our primary schools is 24 and there is now one teacher for 17 pupils at primary level, including resource teachers etc.

Children with special needs and those from disadvantaged areas are getting more support than ever before to help them to make the most of their time at school.

Indeed, with the thousands of extra primary teachers hired by this Government, recent years have seen the largest expansion in teacher numbers since the expansion of free education. Furthermore, the Government is committed to providing even more primary teachers next year to reduce class sizes.

As you know all primary schools are staffed on a general rule of at least one classroom teacher for every 28 children. 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 and so on — but the general rule is that there is at least one classroom teacher for every 28 children in the school. Next September this will reduce to 27 children per classroom teacher.

School authorities are requested to ensure that the number of pupils in any class is kept as low as possible, taking all relevant contextual factors into account (e.g. classroom accommodation, fluctuating enrolment). In particular, school authorities should ensure that there is an equitable distribution of pupils in mainstream classes and that the differential between the largest and smallest classes is kept to a minimum.

A further initiative that has been of direct benefit to primary schools has been the change in the criteria for developing schools. For the current school year the threshold for getting a developing school post was reduced specifically to help schools that are seeing large increases in enrolments each year. Over 280 such posts were sanctioned in the 2006/07 school year compared to 170 in 2005/06.

While the improvements we have made in school staffing in recent years are absolutely unparalleled, we are determined to go even further, and so the 2007 Estimates include provision for another 800 primary teachers. About 500 of these will be classroom teachers, which includes our commitment to reduce class sizes.

I assure the Deputy that we will continue to prioritise further improvements in school staffing going forward. We will also continue our focus on measures to improve the quality of education in our primary schools to ensure that increased

resources lead to better outcomes for our children.

#### **Adult Education.**

108. **Mr. Costello** asked the Minister for Education and Science the way she will support the further education sector to contribute to implementing the recommendations of the fifth report of the expert group on future skills needs; and if she will make a statement on the matter. [10709/07]

**Minister of State at the Department of Education and Science (Mr. Haughey):** I welcome the Report of the Expert Group on Future Skills Needs, “Tomorrow’s Skills: Towards a National Skills Strategy”. It complements and reinforces policy for upskilling the workforce in accordance with the recommendations of the White Paper on Adult Education, “Learning for Life” (2000), the Report of the Task Force on Lifelong Learning (2002) and the OECD Report, “Promoting Adult Learning” (2005). Policy on adult and further education is based on the premise that raising the basic skills of all individuals can have a larger impact on economic growth than investing in improving the skills of a select group of high-skilled individuals. The objective is to increase participation in Lifelong Learning, in particular among the workforce categorised as low-skilled/low paid, by enhancing opportunities to access education and training, the development of new skills, the acquisition of recognised qualifications and progression to higher level qualifications to equip all individuals with the skills, capacity and potential to participate fully in the knowledge-based society and progress to better quality jobs.

Recent actions and commitments in this area, arising from the social partnership document “Towards 2016”, the National Development Plan 2007-2013 and the National Action Plan for Social Inclusion, have identified another group where investing in further support measures in the areas of further and higher education will enhance participation by those from disadvantaged backgrounds, in particular: socio-economically disadvantaged school leavers, members of the Traveller community and ethnic minorities, mature students, lone parents and students with a disability. These measures will include needs assessment, technology support, community-based strategies, child-care supports and access routes.

The aim of Adult and Further Education over the next 10 years will be in:

- Prioritising adult literacy in the area of adult education, including workplace literacy. The proportion of the population aged 16-64 with restricted literacy will be reduced to between 10%-15% by 2016, from the level of 25% found in 1997.

Vocational Education Committees will provide an additional 7,000 places in literacy by 2009, from the current level of 35,000 participants annually. There will be a particular focus on increasing the number of migrants receiving an English language service;

- The provision of an additional 1,000 Youthreach places by 2009. €574 m. is being made available for Youthreach over the period 2007-2013;
- The provision of guidance/counselling to literacy and language learners;
- The Back to Education Initiative (BTEI), which will be expanded by 2,000 places by 2009;
- Maximising the opportunities for older people to participate in education, employment and other aspects of economic and social life;
- The post-leaving certificate sector, where a total of €1 billion will be invested over the period 2007-2013 to provide participants with specific vocational skills to enhance their prospects of securing employment and support progression to other studies;
- Introducing an active case-management approach to support those on long-term social welfare into education, training and employment. The target is to support 50,000 such people, including lone-parents and the long-term unemployed, with an overall aim of reducing by 20% the number of those whose total income is derived from long-term social welfare payments by 2016.

Adult and Further Education policy will work towards achieving these aims.

#### Residency Permits.

109. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Justice, Equality and Law Reform the status of the residency application of a person (details supplied); the reason for the delay in this case in view of the six month requirement to process residency applications for families of EU citizens; if the decision can be expedited and the applicant's documents returned to them immediately as they wish to travel to El Salvador to visit a gravely ill family member. [10860/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Immigration Division of my Department that the persons concerned have recently been granted permission to remain in the State and that all original documents submitted have been returned to them.

110. **Mr. Timmins** asked the Tánaiste and Minister for Justice, Equality and Law Reform the position in relation to persons (details supplied) in County Wicklow; if the necessary letter can be forwarded to the Garda in Baltinglass; and if he will make a statement on the matter. [10870/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I understand that the Immigration Division of my Department has been in contact with the person concerned, informing her of the decision regarding her application for permission to remain in the State.

#### Crime Levels.

111. **Mr. Gormley** asked the Tánaiste and Minister for Justice, Equality and Law Reform if his attention has been drawn to the increase in crime and vandalism in an area (details supplied); the steps he plans to take to control such behaviour; and if he will make a statement on the matter. [10908/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that local Garda management is aware of the ongoing public order and anti social behaviour problems being experienced by residents in the area referred to. Some of the incidents reported to the Garda authorities related to a number of derelict buildings being left insecure by their owners. The Garda authorities have advised the owners of these buildings of their responsibilities in respect of these properties and these premises have now been secured.

I am further informed by the Garda authorities that, following an analysis of crime trends in the area and working in conjunction with the local authority, local residents' groups and local public representatives, an initiative has been put in place by local Garda management whereby dedicated foot and mountain bike patrols have been introduced, particularly between 8 p.m. and 2 a.m., Wednesday to Sunday, to reduce incidents of public disorder and anti-social behaviour. The incidence of crime in the area and the allocation of personnel resources are kept under constant review by local Garda management.

Current policing policy is predicated on the prevention of crime including crimes of violence against persons and property, the prevention of public order offences and the maintenance of an environment conducive to the improvement of quality of life of the residents. This strategy is, and will continue to be, central to the delivery of a policing service in the area concerned.

#### Courts Service.

112. **Mr. J. Breen** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of bench warrants issued in the court districts, clerked by staff operating out of Ennis Dis-



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strict Court Office that remain unexecuted; and if he will make a statement on the matter. [10909/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** Under the provisions of the Courts Service Act 1998, it is a function of the Court Service to provide appropriate information on the courts. I have therefore arranged to have the matter raised by the Deputy referred to the Courts Service, which has informed me that it will reply directly to the Deputy.

#### Crime Levels.

113. **Ms Shortall** asked the Tánaiste and Minister for Justice, Equality and Law Reform the number of headline offences recorded and detected in the Blanchardstown Garda district and the Santry Garda district for 2006 with a breakdown for each of the ten headline offence categories. [10931/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** Following the submission to me in 2004 of a report and recommendations by an expert group on crime statistics, I decided that the compilation and publication of crime statistics should be taken over by the Central Statistics Office, as the national statistical agency, from the Garda Síochána. The Garda Síochána Act, 2005 consequently makes provision for this and the CSO has established a dedicated unit for this purpose.

Following the setting up of the necessary technical systems and auditing of the data from which the statistics are compiled, I am pleased to note that the CSO is now compiling and publishing criminal statistics and has published provisional headline crime statistics for the third and fourth quarters of 2006. In addition, it has compiled and published a series of quarterly and annual statistics for the period starting with the first quarter of 2003. I understand that the CSO are examining how the crime statistics published might be expanded and made more comprehensive.

I have requested the CSO to provide the information sought by the Deputy directly to her.

#### Probation and Welfare Service.

114. **Dr. Upton** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he will review the funding needs of an organisation (details supplied) in Dublin 10; and if he will make a statement on the matter. [10932/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The organisation, the subject of this Parliamentary Question is one of 65 Community based projects which my Department, through the Probation Service, provides funding to operate a range of services to

offenders in local communities, e.g. pre-industrial training and education, offender management programmes, residential accommodation, drug and alcohol abuse treatment / intervention / awareness programmes etc.

In 2006, the project received a grant from my Department of €195,830 towards running costs. In addition to current funding, an additional supplementary grant of €26,505 was provided in 2006 to cover a deficit incurred over recent years. In the current year, the project received a substantial increase in its grant to €220,000. The Deputy may be aware that the project in question is also in receipt of funding from other sources such as FÁS, CDYSB and the VEC. As my Department already provides substantial funding to this project, I have no plans at this time, to further increase funding.

#### Sexual Offences.

115. **Mr. Gregory** asked the Tánaiste and Minister for Justice, Equality and Law Reform his views on the concerns of local communities when a convicted paedophile is reported to be living very close to a national school (details supplied) in Dublin 7; if he will initiate procedures to respond to such concerns; and if he will make a statement on the matter. [10990/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Sex Offenders Act, 2001 sets out the obligations on persons convicted of a range of sexual offences. A convicted sex offender must notify his/her name(s), date of birth and current home address to the Garda Síochána within seven days of the conviction for the sexual offence concerned or, where the offender is sentenced to imprisonment, from the date of full release from prison.

Thereafter, the offender must notify the Garda of any change of name or address within seven days of that change. Notification of any address where the offender spends either as much as seven days or two or more periods amounting to seven days in any 12-month period must also be given to the Garda. If the offender intends to leave the State for a period of seven days or more s/he must inform the Garda of this fact and the address at which s/he intends to stay and also notify the Garda of his/her return. If s/he did not intend to stay away for more than seven days but did, s/he must inform the Garda within a further seven days. The provisions of the Act extend to any sex offenders entering this jurisdiction from abroad who have an obligation to register in their own countries.

The Domestic Violence and Sexual Assault Unit of An Garda Síochána monitor and manage the notification provisions. There are nominated Garda Inspectors in each Garda Division who have responsibility for the monitoring of persons subject to the requirements of the Sex Offenders Act, 2001 in their Divisions.

The address provided by a person subject to the requirements of the Sex Offenders' Act, 2001 is always checked by An Garda Síochána under the direction of the local Inspector with responsibility for the monitoring of sex offenders and if child protection issues are identified the local Health Service Executive is informed, as provided for in the Children First Guidelines.

The Sex Offenders Act, 2001 makes it mandatory for a convicted sex offender to inform their employer or future employer of their conviction if their job entails having unsupervised access to children. The Act also allows for a Chief Superintendent of An Garda Síochána to request the court to make a sex offender order, whereby a sex offender can be prohibited from behaving in a particular way, where such behaviour is perceived by the court as having a potential danger to the welfare of children. It should be noted that Garda clearance is now required for potential employees in a number of occupations which entail access to, or authority over, children.

I share the desire of local communities that the strongest possible protection is afforded to children. This desire is also shared by An Garda Síochána, which pursues all cases which come to their attention of persons who also do not fulfil the obligations placed on them by the Act and who utilise fully the powers available to them under the Act.

Furthermore, based on five years experience in the operation of the Act, I am proposing a series of changes to the Act with the aim of strengthening the protection it offers to the community. These will include raising the penalty for failure to register from 12 months to five years imprisonment, thus making it an arrestable offence, and giving probation officers power to prosecute offenders who fail to comply with the terms of a post release supervision order.

#### **Garda Deployment.**

116. **Mr. Naughten** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he will furnish a response to correspondence (details supplied); and if he will make a statement on the matter. [10991/07]

**Tánaiste and 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 An Garda Síochána increased to a record 13,178 following the attestation of 273 new members on Wednesday 14 March, 2007. This compares with a total strength of 10,702 (all ranks) on 30 June 1997 and represents an increase of 2,476 (or over 23%) in the personnel strength of the Force during that period. The combined strength (all ranks), of both attested gardaí and recruits in training on 14 March 2007 was 14,258. Furthermore, on 19

December 2006, as part of a package of anti-crime measures, the Government approved the continuation of the existing Garda recruitment programme to achieve a total Garda strength of 15,000. The accelerated intake of approximately 1,100 new recruits per annum into the Garda College will continue until this target is met. The Garda Budget now stands at €1.4 billion, an 11% increase on 2006 and a 96% increase since 1997 in real terms.

I have been further informed by the Garda authorities that the personnel strength of Stokestown Garda Station on 22 March 2007 was 3 (all ranks). Strokestown Garda Station forms part of the Roscommon Garda District. The personnel strength of the Roscommon Garda District on 22 March 2007 was 70 (all ranks).

It is the responsibility of Garda management to allocate personnel to and within Divisions. These personnel allocations are determined by a number of factors including demographics, crime trends and other operational policing needs. Such allocations are continually monitored and reviewed along with overall policing arrangements and operational strategy. This ensures that optimum use is made of Garda resources and that the best possible service is provided to the public.

The opening hours of Strokestown Garda Station are 10 a.m. to 11 a.m. Monday to Friday and 6 p.m. to 7 p.m. Saturday, subject to manpower availability. Outside of these hours, the call diversion system and Public Access Call Box (P.A.C.B) are in operation and linked to the District Headquarters at Roscommon Garda Station.

The extension of the opening hours at Strokestown Garda Station would necessitate the employment of additional personnel on indoor administrative duties who may be more effectively employed on outdoor policing duties.

Local Garda Management state that the sub-district of Strokestown is patrolled on a regular basis by the District patrol car attached to Roscommon Garda Station, the District Detective Unit, the Divisional Traffic Unit and Community Policing. Resources are augmented within the District/Division as required. All incidents reported to Garda are fully investigated and investigation files are submitted to the Law Officers.

I am informed that, to date in 2007, there has been one incident of criminal damage reported to the Garda. In 2006 there were eight, none of which, the Garda authorities advise, were reported by the person referred to. However, an incident of criminal damage to the Community Hall was reported by the person in 2005. The incident was thoroughly investigated and resulted in a number of persons being arrested who were subsequently dealt with under the Juvenile Diversion Programme.

Following an analysis of burglary, criminal damage and theft-related offences a number of suspects from the locality were identified. I am

[Mr. McDowell.]

informed that local Garda Management put initiatives in place under Operation 'Anvil' including additional patrols by plain-clothes personnel in place which have resulted in a reduction in the number of these types of crime committed.

Investigations are continuing into the incidents reported in Roscommon Garda District.

### Gangland Killings.

117. **Mr. Curran** asked the Tánaiste and Minister for Justice, Equality and Law Reform if in view of what appears to be a suspected gangland murder in Clondalkin, which is now the third such murder in the area, to date in 2007, he will meet urgently with the Garda Commissioner with a view to increasing the number of gardaí in both the Clondalkin and Ronanstown Garda Stations and the numbers of gardaí operating with other special units in and around Clondalkin. [10992/07]

**Tánaiste and 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

	31/12/97	20/03/07	Increase (%)	
Clondalkin Station	56	95	39	(69.6%)
Ronanstown Station	85	91	6	(7%)
D.M.R. West Division	513	735	222	(43.2%)

Local Garda Management report that gardaí in the Clondalkin and Ronanstown sub-districts are assisted in policing these areas by marked patrol cars from the Lucan and Ballyfermot Districts, the District Detective Units, Divisional Crime Task Force Units and the Divisional Traffic Unit. The assistance of the Special Detective Unit, Emergency Response Unit, Operational Support Units, other National Units and the Criminal Assets Bureau are also availed of in the policing of the Clondalkin and Ronanstown areas.

Garda Management further report that initiatives under Operation "Anvil" are regularly put in place by local Garda Management in the Clondalkin and Ronanstown sub-districts, targeting specific locations and individuals. The operation is an intelligence-led policing initiative, the focus of which is the targeting of active criminals and their associates involved in serious crime by preventing and disrupting this criminal activity, through extensive additional overt patrolling, static checkpoints, by uniform mobile and foot patrols, supported by armed plain-clothes patrols.

Garda Management states that all killings, regardless of the circumstances involved are the subject of a rigorous investigation. The identification of the motive and the evidence available in its support are key elements of the investi-

resources, including personnel, that the personnel strength (all ranks) of An Garda Síochána increased to a record 13,178 following the attestation of 273 new members on Wednesday 14 March, 2007. This compares with a total strength of 10,702 (all ranks) on 30 June 1997 and represents an increase of 2,476 (or over 23%) in the personnel strength of the Force during that period. The combined strength (all ranks), of both attested gardaí and recruits in training on 14 March 2007 was 14,258. Furthermore, on 19 December 2006, as part of a package of anti-crime measures, the Government approved the continuation of the existing Garda recruitment programme to achieve a total Garda strength of 15,000. The accelerated intake of approximately 1,100 new recruits per annum into the Garda College will continue until this target is met. The Garda Budget now stands at €1.4 billion, an 11% increase on 2006 and a 96% increase since 1997 in real terms.

I have been further informed by the Garda authorities that the personnel strength (all ranks) of Clondalkin and Ronanstown Garda Stations and the Dublin Metropolitan Region West Division on 31 December 1997 and on 20 March 2007 was as set out in the table.

gation and prosecution process. Speculation as to the nature of the motive could serve to jeopardise successful investigation and prosecution of these serious crimes. Therefore, it is not possible to comment on those cases that may involve motives that accord with the media terms "drug related or gangland".

Local Garda Management also state that they are satisfied with the number of personnel allocated to Clondalkin and Ronanstown Garda Stations and will keep levels under review regularly in light of ongoing developments in these areas.

It is the responsibility of Garda management to allocate personnel to and within Divisions. These personnel allocations are determined by a number of factors including demographics, crime trends and other operational policing needs. Such allocations are continually monitored and reviewed along with overall policing arrangements and operational strategy. This ensures that optimum use is made of Garda resources and that the best possible service is provided to the public.

I regularly meet with the Garda Commissioner regarding all policing matters in order to keep the measures and resources for tackling crime under continued review.

### EU Directives.

118. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Justice, Equality and Law Reform the laws and statutory instruments introduced on foot of European Communities treaties or on foot of Acts, or provisions of Acts, adopted by any institution of the European Communities or other body competent under those treaties since 1972 for breach of which a penalty up to and including a maximum fine of €500,000 or a term of imprisonment not greater than three years may apply. [11056/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** In the time available for answering Parliamentary Questions, it has not been possible to compile the detailed information requested by the Deputy. The information sought is being compiled at present and I will forward it to the Deputy as soon as possible.

### Garda Investigations.

119. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Justice, Equality and Law Reform if his attention has been drawn to the claim by a person (details supplied) in County Wexford that they were assaulted in a Garda station and the promise in August 2006 by the Assistant Garda Commissioner that the matter would be investigated; and if he will make a statement on the matter. [11064/07]

120. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that an allegation has been made that the Office of the Director of Public Prosecutions seems to have ignored the evidence of a person (details supplied) in County Wexford regarding corruption and perjury by a solicitor, and allegations of collusion with the solicitor by members of An Garda Síochána to arrest that person to ensure they could not appear in a civil case being taken in relation to a disputed land deal; if he has had correspondence with the persons involved or discussions with the Garda Commissioner in relation to these allegations; and if he will make a statement on the matter. [11065/07]

121. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Justice, Equality and Law Reform if he will request the Garda Commissioner to explain the reason five members of An Garda Síochána were present in civil proceedings involving a person (details supplied) in County Wexford despite no criminal proceedings being dealt with on that date; and if he will make a statement on the matter. [11066/07]

122. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Justice, Equality and Law Reform if it is appropriate, in the event of the

Director of Public Prosecutions dropping a case as in the case of a person (details supplied) in County Wexford, for an apology to be issued for the hurt, loss of earnings and blight on their character resulting from the wrongful arrest; and if he will make a statement on the matter. [11067/07]

123. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Justice, Equality and Law Reform if, having been made aware of the full extent of the wrong being perpetrated against a person (details supplied) in County Wexford, he will initiate a full inquiry into the matter or refer it to the incoming Garda Síochána Ombudsman Commission when it takes office. [11068/07]

**Tánaiste and Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 119 to 123, inclusive, together.

I refer the Deputy to my answer to Parliamentary Questions Nos. 152, 153 and 154 on Wednesday, 28 February 2007. The position is unchanged.

### Tax Code.

124. **Mr. F. McGrath** asked the Minister for Finance if there are dangers of overemphasis on reducing taxes upon the quality of public and social services. [10872/07]

**Minister for Finance (Mr. Cowen):** It is possible to reduce the tax burden while extending public services provided that economic growth can provide the resources, as the last ten years of this Government has shown. To keep growing requires that we maintain and improve competitiveness and adhere to the responsible policies of this Government that have made the economy so successful.

### Driving Tests.

125. **Mr. Ring** asked the Minister for Finance if he will instruct the Office of Public Works to purchase and develop a site in County Mayo for the specific use of enabling articulated truck driving tests in view of the fact that applicants from Mayo currently have to travel to Sligo or Athlone to obtain this licence; and if he will make a statement on the matter. [10877/07]

**Minister of State at the Department of Finance (Mr. Parlon):** On behalf of the Road Safety Authority, the Commissioners of Public Works are in negotiation with land owners to secure a suitable site for the purpose of articulated truck driving tests in Castlebar.

### Tax Code.

126. **Mr. Wall** asked the Minister for Finance if within the PAYE system there are mechanisms available for persons (details supplied) in County

[Mr. Wall.]

Kildare to claim or recoup expenses paid for special education for their children; and if he will make a statement on the matter. [10888/07]

**Minister for Finance (Mr. Cowen):** I have been advised by the Revenue Commissioners that there are no mechanisms available within the PAYE system for the taxpayer to claim or recoup expenses paid in respect of tuition fees paid for children with special educational needs.

In recent years, the Government has increased significantly the supports available through the direct expenditure system for children with disabilities. In 2005, approval was given for the Department of Education and Science to move from individual allocation of resources for children with special needs, on foot of a psychological assessment, to an approach whereby all schools are allocated resources based on a weighted model — without the need for individual psychological assessments for the high incidence categories of need, such as dyslexia and mild/borderline-mild general learning disability. In all, it is projected that some €823 million of the 2007 Estimates allocation for the Department of Education and Science will be related to disability and special needs.

As with many areas where State support may be required, the question arises as to whether such support may be more effectively provided through the direct expenditure route rather than through the tax system. One advantage of the former mechanism is that the support may be better targeted at those in need, irrespective of family income, whereas support through the tax system can only benefit those whose incomes are high enough to benefit from tax relief.

As I indicated during Dáil Debates on the Finance Bill 2007 and in response to previous Parliamentary Questions on this issue, I have no plans at this time to extend tax relief to cover expenses for tuition for children with special educational needs.

#### **Disabled Drivers.**

127. **Mr. McGuinness** asked the Minister for Finance the way the primary medical certificate scheme is applied to cases where the applicant is blind and requires transport which is provided by a family member; the tax concessions available in such cases; if he will extend this scheme or introduce a new scheme to deal with such cases; and if he will make a statement on the matter. [10902/07]

**Minister for Finance (Mr. Cowen):** The Disabled Drivers and Disabled Passengers (Tax Concessions) Scheme provides relief from VAT and VRT (up to certain limit) on the purchase of a car adapted for the transport of a person with specific severe and permanent physical dis-

abilities, as well as relief from excise on the fuel used in the car up to a certain limit.

The disability criteria for eligibility for the tax concessions under this scheme are set out in the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 1994. To get the Primary Medical Certificate, an applicant must be severely and permanently disabled and satisfy one of the following conditions:

(a) be wholly or almost wholly without the use of both legs;

(b) be wholly without the use of one leg and almost wholly without the use of the other leg such that the applicant is severely restricted as to movement of the lower limbs;

(c) be without both hands or without both arms;

(d) be without one or both legs;

(e) be wholly or almost wholly without the use of both hands or arms and wholly or almost wholly without the use of one leg;

(f) have the medical condition of dwarfism and have serious difficulties of movement of the lower limbs.

A special Interdepartmental Review Group reviewed the operation of the Disabled Drivers Scheme. The terms of reference of the Group were to examine the operation of the existing scheme, including the difficulties experienced by the various groups and individuals involved with it, and to consider the feasibility of alternative schemes, with a view to assisting the Minister for Finance in determining the future direction of the scheme. The Group's Report, published on my Department's website in July 2004, sets out in detail the genesis and development of the scheme. It examines the current benefits, the qualifying medical criteria, the Exchequer costs, relationship with other schemes and similar schemes in other countries. The Report also makes a number of recommendations, both immediate and long-term, referring respectively to the operation of the appeals process and options for the future development of the scheme.

In respect of the long-term recommendations, including the qualifying disability criteria, given the scale and scope of the scheme, further changes can only be made after careful consideration. For this reason, the Government decided that the Minister for Finance would consider the recommendations contained in the Report of the Interdepartmental Review Group in the context of the annual budgetary process having regard to the existing and prospective cost of the scheme. This consideration is undertaken on a regular basis.

#### **Tax Code.**

128. **Mr. Lowry** asked the Minister for Finance

the reason, in view of the fact that capital allowances were extended to include hotels, guesthouses, holiday hostels and holiday camps, the caravan and camping sector was not included at that time; the reason he has not included such measures in the Finance Act 2007 to include registered caravan and camping parks to enable this sector of the tourist industry compete on an even playing field with other accommodation providers; and if he will make a statement on the matter. [10903/07]

**Minister for Finance (Mr. Cowen):** Section 34 of the Finance Act 2005 introduced a number of changes to the capital allowance regime for hotels, guesthouses, holiday hostels and holiday camps. Guesthouses and holiday hostels were specifically brought into the capital allowances regime for the first time. Also, the entitlement to the capital allowances was provided for the first time on the basis of buildings being registered in the appropriate Fáiite Ireland register. These changes were made to clarify what constituted a building or structure “in use for the purposes of the trade of hotel keeping”. This term had been causing problems for a number of years and lead to many appeals in relation to “hotel-type” capital allowances being claimed for various types of accommodation facilities — whether or not they were included in any Fáiite Ireland register.

Following the Finance Act 2005 changes, the Revenue administrative practice of granting capital allowances in respect of buildings and structures erected in registered caravan parks was reviewed in consultation with my Department and the Department of Arts, Sport and Tourism. As a result of these deliberations, and of the basis on which “hotel-type” capital allowances had been put on a statutory footing, it was decided that retention of a non-statutory scheme on behalf of caravan parks was not appropriate. This non-statutory practice was withdrawn by way of publication in the Revenue Commissioners’ Tax Briefing No. 60 (dated August 2005) with effect from 1 January 2006. Allowances in respect of expenditure incurred before that date are not affected.

It should be noted that some of the expenditure that would typically be incurred by these caravan park operators may be eligible for the “plant and machinery” capital allowances but this would not generally include any buildings or structures. I have no plans at this time to extend the existing regime of capital allowances to registered caravan and camping parks. However, I will bear this matter in mind for future consideration.

#### **Special Savings Incentive Scheme.**

129. **Mr. Lowry** asked the Minister for Finance if plans exist within his Department to launch a new savings scheme similar to the SSIA scheme; the reason for this decision; and if he will make a statement on the matter. [10904/07]

**Minister for Finance (Mr. Cowen):** The SSIA scheme opened on 1 May 2001 and entry to it closed on 30 April 2002. The accounts mature between May 2006 and April 2007. A total of 1.17 million accounts were opened during the period outlined.

The specific goal of the SSIA scheme was to encourage people to save over a period of at least five years. Its effect has been to stimulate such savings over varying income ranges which is evident in the extensive take-up by many low-income earners. The scheme has been a success in those terms. The scheme has a specific duration. The findings of various surveys undertaken domestically would tend to suggest that, upon maturity, a large portion of the existing SSIA funds will continue to be saved. Therefore, there is much less need or justification to introduce a new tax-based savings scheme and I am not convinced that a further SSIA type scheme is the appropriate way forward.

#### **Tax Certificates.**

130. **Mr. Wall** asked the Minister for Finance if a person (details supplied) in County Kildare can be furnished with a P21 balancing statement for 2006; and if he will make a statement on the matter. [10924/07]

**Minister for Finance (Mr. Cowen):** I have been advised by the Revenue Commissioners that a PAYE balancing statement form P21 issued to the taxpayer on 21 March 2007.

#### **Tax Code.**

131. **Mr. N. O’Keeffe** asked the Minister for Finance if payments made to fishermen under the hardship scheme buy-out are taxable. [11015/07]

**Minister for Finance (Mr. Cowen):** I am informed by the Revenue Commissioners that individual payments from the scheme in question will have two identifiable component parts and that one part will be taxable while the other will not. The taxable component will be that part of the payment which is based on a fisherman’s catch and this will be taxable on recipients in the year of receipt. Accordingly, commercial fishermen should include this part of any payment as a receipt in their accounts. The part of the payment which is based on the 2006 licence fee will not be liable to tax. Before making payments it is expected that BIM will identify the amount of the payment relating to the 2006 licence fee so that this may be excluded from income tax returns.

I am also informed that to facilitate recipients wishing to spread the taxable amount over three years, eligible applicants may opt under the scheme to receive their payment in one sum or alternatively to have it paid in three equal amounts over a three-year period.

### EU Directives.

132. **Aengus Ó Snodaigh** asked the Minister for Finance the laws and statutory instruments introduced on foot of European Communities treaties or on foot of Acts, or provisions of Acts, adopted by any institution of the European Communities or other body competent under those treaties since 1972 for breach of which a penalty up to and including a maximum fine of €500,000 or a term of imprisonment not greater than three years may apply. [11053/07]

**Minister for Finance (Mr. Cowen):** The information requested by the Deputy covers an extensive time period and range of legislation, and it will consequently take time to compile a comprehensive response to the Deputy's question. A definitive reply will issue directly to the Deputy in due course.

### Health Services.

133. **Mr. Durkan** asked the Minister for Health and Children when she will fully address speech and language therapy requirements to the extent that all outstanding requests are fully met and adequate provision is made for the future; and if she will make a statement on the matter. [11019/07]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** A particular priority for my Department and the Department of Education and Science in recent years has been the expansion of the supply of therapy graduates, including speech and language therapists. In response to concerns regarding labour shortages, my Department commissioned a report from Dr. Peter Bacon and Associates on current and future supply and demand conditions to 2015 in the labour market for speech and language therapists, occupational therapists and physiotherapists (Bacon Report).

The report was published in 2001 and arising from its recommendations additional courses in speech and language therapy providing 75 places were established in three universities. UCC, NUIG and UL each established courses in speech and language therapy with 25 places on each of the 3 courses. The first cohort of graduates from the UL masters level course in speech and language therapy graduated in 2005 and the first cohort from the bachelor degree programmes in UCC and NUIG will graduate this year. This investment represents an increase in training capacity of 300% in speech and language therapy. The total number of speech and language therapy training places now stands at 100, the level at which the Bacon Report recommended as being sufficient to meet current and future demand to 2015 for speech and language therapists.

An issue has recently come to my attention whereby physiotherapy graduates have had some difficulties in finding employment. I want to

ensure that the combination of factors which have led to this situation are addressed urgently and do not impact on the other therapy professions. My Department is addressing this situation in a proactive manner and is working closely with the HSE to tackle the various factors which are contributing to this situation. A working group made up of the Department, the HSE and the profession themselves, including nominees from the unions, is continuing to work to tackle this situation in preparation for the 2007 graduates.

The Deputy's question also 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.

134. **Mr. Durkan** asked the Minister for Health and Children if her attention has been drawn to the need for the provision of extra speech and language therapy services at schools throughout County Kildare; her intentions to meet such requirements in full in the near future; and if she will make a statement on the matter. [11028/07]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** As the Deputy may be aware, a sum of €75m for revenue purposes was provided to the Health Service Executive for Disability Services in the 2007 Budget. This sum incorporates the 2007 element of the Government's multi-annual investment programme for the National Disability Strategy. This Strategy is committed to enhancing the level and range of multi-disciplinary support services to adults and children with an intellectual, physical and sensory disability and those with autism.

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.

### Palliative Care.

135. **Mr. Kenny** asked the Minister for Health and Children if her attention has been drawn to the fact that palliative care for cancer sufferers is being provided by charities in a number of cases around the country; and if she will make a statement on the matter. [10861/07]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The Department and the Health Services Executive (HSE) are actively committed to working with the voluntary sector in planning for the development of palliative care services in line with the recom-

mendations in the report of the National Advisory Committee on Palliative Care (2001). The Department continues to support the development of a partnership model when dealing with both the voluntary and statutory sector which provides important opportunities for hospice and palliative care services.

Since October 2001, almost €22 million has been invested in palliative care services. Funding of €13 million (€9m in 2006, €4m in 2007) was provided by the Government for palliative care in Budget 2006. A further €5 million is being allocated in Budget 2007, to develop services. This funding is being used to improve palliative care services in consultation with the newly established Regional Development Committees and in line with the recommendations made in the National Advisory Committee report.

The partnership approach between the statutory and voluntary sectors has facilitated the provision of additional specialist in-patient beds around the country. Examples include ten specialist in-patient beds provided in Milford Hospice in Limerick. There has also been agreement to establish four additional specialist in-patient beds in Galway Hospice. Furthermore, provision has been made for extra community support beds for palliative care in Tuam, Co Galway. The Laois Hospice has provided funding for two additional beds in Mountmellick in Co. Laois, with the staffing cost to be borne by the HSE.

#### Health Services.

136. **Mr. Howlin** asked the Minister for Health and Children the plans she will put in place to enable two persons (details supplied) in County Wexford to get the speech therapy they need, in view of the fact that the replacement speech therapist is not taking on any extra clients and that one person is due to start school in September 2007 and the other who was due to be assessed in January 2007 has still not been assessed. [10862/07]

**Minister for Health and Children (Ms Harney):** Over 120,000 people work full-time or part-time in our public health services. In recent years, the Government's ongoing high level of investment in health has achieved and maintained significant increases in the numbers of doctors, nurses and other health care professionals employed in the public health services. The Government has also invested heavily in the education and training of such personnel in order to secure a good supply of graduates to provide for the health care needs of the population into the future.

Subject to overall parameters set by Government, the Health Service Executive has the responsibility for determining the composition of its staffing complement. In that regard, it is a matter for the Executive to manage and deploy its human resources to best meet the require-

ments of its Annual Service Plan for the delivery of health and personal social services to the public. The Executive is the appropriate body to consider the matter raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

137. **Mr. Connaughton** asked the Minister for Health and Children the reason a person (details supplied) in County Galway has not been provided with transport to University College Hospital Galway for a consultation with a surgeon on 26 April 2007; and if she will make a statement on the matter. [10865/07]

**Minister for Health and Children (Ms Harney):** Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

#### Departmental Expenditure.

138. **Mr. McEntee** asked the Minister for Health and Children the extent of finances provided by her Department in each of the years 2003 to date in 2007 to the Health Service Executive for child and family services. [10867/07]

139. **Mr. McEntee** asked the Minister for Health and Children the extent of finances provided in each of the years 2003 to date in 2007 by her Department to the Health Service Executive for adolescent service provision. [10868/07]

140. **Mr. McEntee** asked the Minister for Health and Children the level of funding provided by her Department to the Health Service Executive for the development in 2007 of adolescent services. [10869/07]

**Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 138 to 140, inclusive, together.

The Revised Estimates Volume for 2007 sets out the gross current expenditure for 2006 and estimated expenditure for 2007 in relation to Children and Families (including Adolescents). These figures, which are within Vote 40 for the Health Services Executive, are set out in the table together with the corresponding figures for 2005, 2004 and 2003.



[Ms Harney.]

	2007	2006	2005	2004	2003
	€000	€000	€000	€000	€000
Children Residential Services	168,103	160,976	152,835	144,595	133,963
Immunisation	12,459	11,931	11,327	10,717	9,929
Foster Care	93,412	89,451	84,928	80,349	74,441
Orthodontic Services	19,922	19,077	18,113	17,136	15,876
Other Child Care Services	338,547	324,192	307,797	291,203	269,791
Total	632,443	605,627	575,000	544,000	504,000

It should also be noted that the expenditure by programme does not reflect the full extent of spending on each care group. In this way funding for Children and Family Services reflects only the direct expenditure in this area. It does not take account of the expenditure for individuals who are also receiving services from the primary care service, acute hospitals programme, multi care group services etc.

In addition, the Revised Estimates Volume provides gross current funding of €484 million in 2007 for Vote 41 for the Office of the Minister for Children. This funding provides for the Early Childcare Payment and other Childcare Programmes.

#### Health Services.

141. **Mr. F. McGrath** asked the Minister for Health and Children if she will develop services for young people, particularly teenagers in the northside of Dublin; and if she will make this a priority. [10871/07]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

In addition, the Deputy might also wish to note that other Government Departments administer a range of services and programmes for young people. These include, for example, the Department of Arts, Sport and Tourism which administers the Sports Capital Programme and the Local Authority Swimming Pool Programmes, the Department of Community, Rural and Gaeltacht Affairs which supports facilities and services for young people in disadvantaged areas through the Young Person's Facilities and Services Fund and the Department of Education and Science which assists the general youth work sector through a variety of youth programmes and services.

#### Care of the Elderly.

142. **Mr. Ferris** asked the Minister for Health and Children if there are plans to appoint a psycho-geriatrician to Kerry General Hospital; and if so, when. [10874/07]

**Minister of State at the Department of Health and Children (Mr. S. Power):** Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

#### Health Services.

143. **Ms O. Mitchell** asked the Minister for Health and Children if an additional speech therapists could be provided at a school (details supplied) in County Dublin; and if she will make a statement on the matter. [10905/07]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** 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.

144. **Mr. Kehoe** asked the Minister for Health and Children when the funding will be provided for a house (details supplied) in County Wexford; and if she will make a statement on the matter. [10906/07]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** 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.

#### **Food Safety.**

145. **Mr. Gormley** asked the Minister for Health and Children if her attention has been drawn to the serious concern within a group (details supplied) in relation to the response from the Food Safety Authority of Ireland to the discussion paper on the setting of maximum and minimum amounts for vitamins and minerals for foodstuffs under the EU food supplements directive; if she will listen to the reasonable arguments put forward by the group and defend its interests in relation to this matter; and if she will make a statement on the matter. [10907/07]

**Minister of State at the Department of Health and Children (Mr. S. Power):** In June 2006 the European Commission issued a discussion paper on the setting of maximum and minimum amounts for vitamins and minerals in foodstuffs and invited the views of stakeholders. During August and September 2006, at the request of my Department, the Food Safety Authority of Ireland undertook a public consultation exercise on the discussion paper and a response, which was prepared in my Department and which took account of the comments received, was forwarded to the Commission in November 2006.

As is normal practice, officials in my Department are available to engage with relevant stakeholders — including the Irish Association of Health Food Stores. My Department has been in contact with the Association with a view to arranging a meeting to discuss the Association's concerns.

#### **Health Services.**

146. **Mr. F. McGrath** asked the Minister for Health and Children if she will support the harbour group (details supplied) in 2007. [10925/07]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** 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.

147. **Mr. Morgan** asked the Minister for Health and Children when a place will be provided at the eating clinic, Clontarf, Dublin for a person (details supplied) in County Louth; and when essential occupational therapy will be provided to this person; and if she will make a statement on the matter. [10926/07]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. The Executive, therefore, is the appropriate body to consider the particular matter raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

#### **Care of the Elderly.**

148. **Dr. Upton** asked the Minister for Health and Children if a person [details supplied] in Dublin 10 had completed their acute care episode at the time they were transferred to a nursing home outside of the county of their residence against the wishes of their family; if they had completed their acute care episode, the reason they needed to be admitted into a hospital near that nursing home within ten days of being transferred. [10927/07]

149. **Dr. Upton** asked the Minister for Health and Children the files that accompanied a person (details supplied) in Dublin 10 when they were transferred from a Dublin hospital to a nursing home in County Kildare; the extent to which the nursing home in County Kildare was aware of the persons medical condition at the time of their transfer; the reason the person had to wait without a bed for up to 12 hours after they had been admitted to that hospital; the reason doctors in that hospital did not have possession of the person's medical records when they were admitted to that hospital; the reason that hospital apparently had to source the drugs necessary to treat them from the hospital in Dublin from which they had been discharged ten days earlier. [10928/07]

**Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 148 and 149 together.

Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. Therefore the Executive is the appropriate body to consider the particular issues raised by the Deputy. My Department has asked the Parliamentary Affairs Division of the Executive to arrange to have this matter investigated and to have a reply issued directly to the Deputy.

150. **Dr. Upton** asked the Minister for Health and Children if she will provide documentary evidence that a person (details supplied) in Dublin 10 refused a place in a nursing home on behalf of their son; and if she will provide written evidence

[Dr. Upton.]

that the nursing home accepts patients who need to be fed through a peg or who have MRSA. [10929/07]

151. **Dr. Upton** asked the Minister for Health and Children if she will confirm that a family meeting with the multi-disciplinary team and the family took place on 9 February 2007, as distinct from 7 February 2007; if she will provide documentary evidence of the statement in the response that the family accepted the person (details supplied) needed to be discharged to a nursing home. [10930/07]

**Minister of State at the Department of Health and Children (Mr. S. Power):** I propose to take Questions Nos. 150 and 151 together.

The Department of Health & Children does not hold documents in relation to individual cases, including the case referred to by the Deputy. Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004. Therefore, the Executive is the appropriate body to respond to the particular issues raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

152. **Dr. Upton** asked the Minister for Health and Children the number of individuals in need of long term care who have been moved directly from Dublin hospitals to non-acute care homes outside the county of Dublin during each of the past 12 months; and the number of those moved who were incapable of expressing consent or withholding consent to medical procedures and operations under the meaning of the relevant Acts. [10938/07]

**Minister for Health and Children (Ms Harney):** Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. Therefore, the Executive is the appropriate body to address the particular issues raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

#### **Services for People with Disabilities.**

153. **Mr. F. McGrath** asked the Minister for Health and Children if she will put in place support for a person (details supplied) in Dublin 3; and if she will put in a care plan for this family. [10939/07]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** 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 Service Staff.**

154. **Ms McManus** asked the Minister for Health and Children the number of positions for EMTs in each of the eight Health Service Executive areas; the number of vacancies for EMTs in each of the eight areas of the HSE; when she proposes to fill these posts; and if she will make a statement on the matter. [10940/07]

#### **Minister for Health and Children (Ms Harney):**

Over 120,000 people work full-time or part-time in our public health services. In recent years, the Government's ongoing high level of investment in health has achieved and maintained significant increases in the number of doctors, nurses and other health care professionals employed in the public health services. The Government has also invested heavily in the education and training of such personnel in order to secure a good supply of graduates to provide for the health care needs of the population into the future.

Subject to overall parameters set by Government, the Health Service Executive has the responsibility for determining the composition of its staffing complement. In that regard, it is a matter for the Executive to manage and deploy its human resources to best meet the requirements of the Actual Service Plan for the delivery of health and personal social services to the public. The Executive is the appropriate body to consider the matter raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued to the Deputy.

#### **Ambulance Service.**

155. **Ms McManus** asked the Minister for Health and Children the number of ambulances in each of the eight Health Service Executive areas; the number in service; and if she will make a statement on the matter. [10942/07]

#### **Minister for Health and Children (Ms Harney):**

Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular issue raised by the Deputy. My Department

has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

#### Health Services.

156. **Mr. Gormley** asked the Minister for Health and Children the reason there has been no epidemiological study of brain injury here; the steps she plans to take in order to carry out such a study; and if she will make a statement on the matter. [10964/07]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** 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.

#### Hospital Waiting Lists.

157. **Mr. Wall** asked the Minister for Health and Children when a person (details supplied) in County Carlow will receive an appointment date at the National Childrens Hospital, Tallaght; and if she will make a statement on the matter. [10978/07]

**Minister for Health and Children (Ms Harney):** Operational responsibility for the management and delivery of health and personal social services is a matter for the Health Service Executive and funding for all health services has been provided as part of its overall Vote. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

#### Health Services.

158. **Mr. Gregory** asked the Minister for Health and Children if she will initiate an epidemiological study of brain injury here as requested by the Headway organisation; and if she will make a statement on the matter. [10989/07]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** 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.

#### Care of the Elderly.

159. **Mr. Timmins** asked the Minister for Health and Children the position in relation to home help for the west Wicklow area, if the regular person is not available at short notice or on holidays; the position in relation to a replacement person; if there is a list of replacement people available to stand in or if there is a shortage of people; if there is a shortage, if it is due to a lack of funding; and if she will make a statement on the matter. [11017/07]

**Minister of State at the Department of Health and Children (Mr. S. Power):** The Home Help Service provides personal, social and practical care to meet a persons needs within their community. This service is an essential component of a wider range of community services which support families and informal carers. It makes a critical contribution in the prevention of unnecessary admissions and facilitation of early discharge from the Acute Sector. It also contributes to the avoidance and/or delaying admission to long term and continuing care. The Home Help Service by its nature is a flexible service, which responds to clients needs and assists them to remain living in their own homes independently with dignity and a good quality of life.

Home Helps are replaced to vulnerable clients during annual leave and short term sick leave. In certain circumstances it may not be possible to replace the regular Home Help at short notice due to existing service demands. In these situations every effort will be made to provide alternatives such as access to respite day service or increase in Home Care Attendant hours. The replacement of existing home care provision due to leave absence is provided for within current funding arrangements.

The provision of home help services in the West Wicklow area is a matter for the Health Service Executive. Therefore, the Executive is the appropriate body to respond to the particular issues raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued directly to the Deputy.

#### Services for People with Disabilities.

160. **Mr. Durkan** asked the Minister for Health and Children the extent to which it is intended to provide financial support and assistance to ensure the continued operation of the full range of facilities at a school (details supplied) in County Kildare; her views on the commitments, the ongoing needs and the future requirements of children and adults in this category; her further views on the need to make substantially increased provision in the future in view of the expected requirements; and if she will make a statement on the matter. [11042/07]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** As the Deputy may be aware, a sum of €75m for revenue purposes was provided to the Health Service Executive for Disability Services in the 2007 Budget. This sum incorporates the 2007 element of the Government's multi-annual investment programme for the National Disability Strategy. This Strategy is committed to enhancing the level and range of multi-disciplinary support services to adults and children with an intellectual, physical and sensory disability and those with autism.

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.

#### EU Directives.

161. **Aengus Ó Snodaigh** asked the Minister for Health and Children the laws and statutory instruments introduced on foot of European Communities treaties or on foot of Acts, or provisions of Acts, adopted by any institution of the European Communities or other body competent under those treaties since 1972 for breach of which a penalty up to and including a maximum fine of €500,000 or a term of imprisonment not greater than three years may apply. [11055/07]

**Minister for Health and Children (Ms Harney):** This information is not readily available in the format requested by the Deputy. Officials in my Department are examining the relevant legislation and statutory instruments and will forward the information requested to the Deputy as soon as this process has been completed.

#### Health Repayment Scheme.

162. **Mr. F. McGrath** asked the Minister for Health and Children if she will urgently assist persons (details supplied) in Dublin 3; and if she will repay the money. [11063/07]

**Minister for Health and Children (Ms Harney):** The Health Service Executive has responsibility for administering the Repayment Scheme and the information sought by the Deputy relates to matters within the area of responsibility of the Executive. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the matter investigated and to have a reply issued to the Deputy.

#### Coastal Protection.

163. **Mr. Ring** asked the Minister for Communications, Marine and Natural Resources when funding will be made available for an application from a local authority under coastal protection

measures (details supplied); and if he will make a statement on the matter. [10894/07]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne):** Roscahill, Kilmeeena, Westport, Co. Mayo is owned by Mayo County Council and responsibility for its maintenance and development is a matter for the local authority in the first instance.

The Department is currently preparing the 2007 Harbours & Coastal Infrastructure Programme and has received an application for funding from Mayo County Council for sea wall repair at Roscahill, Westport, Co. Mayo. The project is expected to cost €50,000. Funding for projects under the 2007 Harbours & Coastal Infrastructure Programme will be allocated taking account of Exchequer funding and overall national priorities going forward. The Department will shortly be in a position to announce the 2007 Harbours & Coastal Development Programme.

#### Fishing Vessel Licences.

164. **Mr. Deasy** asked the Minister for Communications, Marine and Natural Resources if he will include holders of licences for bi-valve vessels in any new decommissioning scheme for fishing vessels; if his attention has been drawn to the fact that many holders of such licences have been fishing full-time for over 50 years; and if he will make a statement on the matter. [10941/07]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Browne):** As you know the Government launched in January, the strategic report of the Seafood Strategy Review Group, SSRG, on the seafood industry, *Steering A New Course*. The report, which took on board the views of fishermen, fish farmers, processors, marketers and other stakeholders, focuses on ten core themes and outlines specific actions to be taken in order to achieve a sustainable seafood industry.

In line with the decommissioning scheme introduced under the outgoing NDP, and the recommendations of the report of the SSRG, *Steering a New Course*, the emphasis for decommissioning will continue to be on the permanent removal of excess capacity from the over 18 m section of the whitefish fleet in order to support stock recovery programmes and the long term viability of that section of the fleet. The report of the SSRG also recommends investigation of the need for a targeted decommissioning scheme for vessels less than 18 m in the polyvalent segment of the fleet. However, the SSRG report specifically states that the introduction of a decommissioning scheme for vessels in the Specific Segment of the fleet is not warranted, vessels in this segment of the fleet are limited to targeting bivalve molluscs. Based on this recommendation, I do not see scope for the introduction of a decommissioning scheme for this part of the fishing fleet.

### EU Directives.

165. **Aengus Ó Snodaigh** asked the Minister for Communications, Marine and Natural Resources the laws and statutory instruments introduced on foot of European Communities treaties or on foot of Acts, or provisions of Acts, adopted by any institution of the European Communities or other body competent under those treaties since 1972 for breach of which a penalty up to and including a maximum fine of €500,000 or a term of imprisonment not greater than three years may apply. [11047/07]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** Given the very detailed nature of the Deputy's query it has not been possible to identify the information requested in the time available. My Department is looking into the matter and I will revert to him as soon as possible.

166. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs the laws and statutory instruments introduced on foot of European Communities treaties or on foot of Acts, or provisions of Acts, adopted by any institution of the European Communities or other body competent under those treaties since 1972 for breach of which a penalty up to and including a maximum fine of €500,000 or a term of imprisonment not greater than three years may apply. [11054/07]

**Minister for Foreign Affairs (Mr. D. Ahern):** My Department has never introduced secondary legislation on foot of the EC Treaties or on foot of measures adopted by the EU Institutions that create penalties, including penalties of the kind referred to in the Deputy's question.

Insofar as primary legislation is concerned, my Department has recently introduced the European Communities Bill 2006 (Seanad), which seeks to address the implications of the Supreme Court judgements in the Browne and Kennedy cases on the way EC measures are transposed into domestic law. The European Communities Bill will not, in itself, create offences for breaches of EC law, but will provide Ministers with a new power to create indictable offences by statutory instrument, where this is necessary to implement EC law. The Bill will also validate a range of secondary legislation adopted in good faith by successive Governments since 1973 in order to give effect to EC law. Finally, the Bill will permit Ministers to use existing primary legislation to create new regulations to implement EC measures, provided that the existing legislation relates to those areas covered by the EC measure.

### Sports Capital Programme.

167. **Mr. F. McGrath** asked the Minister for Arts, Sport and Tourism if he will support a company (details supplied) in Dublin 3 with funding in 2007 in order to develop its community services

which are important to the local community. [10873/07]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** The information supplied in relation to the organisation in question is limited, but I can state that funding is provided to community organisations by my Department under its sports capital programme. This programme provides funding for sports facilities to sports clubs and organisations, voluntary and community organisations and, in certain circumstances, schools and local authorities. Applications for funding under the programme be of a capital nature, which, for the purpose of the programme, is defined as: improving or building an asset; or buying non-personal sports equipment that will be used for at least five years.

The programme is advertised on an annual basis. The 2007 round of the sports capital programme was advertised on Sunday, 15 and Monday, 16 October last with a closing date for receipt of applications of 24 November 2006. Officials in the Sports Capital Unit of my Department will give advice to prospective applicants on any aspect of the programme should they wish to submit an application under the 2008 programme which is likely to be announced towards the end of this year. However, I must point out to the Deputy that only sporting applications will be considered for funding under the sports capital programme, that funding is not allocated to commercial enterprises and that that is also not provided for the purchase of sites or premises.

### Tax Code.

168. **Mr. Lowry** asked the Minister for Arts, Sport and Tourism if he has had discussions with the Department of Finance encouraging it to include the caravan and camping providers under the capital allowances scheme; if he will insist on including the sector in the scheme; and if he will make a statement on the matter. [10893/07]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** Taxation matters are a matter for the Minister for Finance. I have been in touch with him and my Department also continues to be in contact with the Department of Finance on the issue. The position of the Minister for Finance is as follows.

Section 34 of the Finance Act 2005 introduced a number of changes to the capital allowance regime for hotels, guest houses, holiday hostels and holiday camps. Guest houses and holiday hostels were specifically brought into the capital allowances regime for the first time. Also, the entitlement to the capital allowances was provided for the first time on the basis of buildings being registered in the appropriate Fáilte Ireland register.

These changes were made to clarify what constituted a building or structure "in use for the purposes of the trade of hotel keeping".

[Mr. O'Donoghue.]

This term had been causing problems for a number of years and led to many appeals in relation to “hotel-type” capital allowances being claimed for various types of accommodation facilities — whether or not they were included in any Fáilte Ireland register.

Following the Finance Act 2005 changes, the Revenue administrative practice of granting capital allowances in respect of buildings and structures erected in registered caravan parks was reviewed. As a result of this review and on the basis on which “hotel-type” capital allowances had been put on a statutory footing, it was decided that retention of a non-statutory scheme on behalf of caravan parks was not appropriate.

This non-statutory practice was withdrawn by way of publication in the Revenue Commissioners' Tax Briefing No. 60 (dated August 2005) with effect from 1 January 2006. Allowances in respect of expenditure incurred before that date are not affected.

It is important to be clear that, with the removal of accelerated capital allowances which gave a write-off of capital expenditure over 7 years, the capital allowances now sought would only allow for a write-off over 20 years. I also understand, from the Minister for Finance, that some of the expenditure, that would typically be incurred by caravan park operators, may be eligible as “plant and machinery” expenditure but this would not generally include any buildings or structures. The caravan and camping park operators would be advised to explore the issue with the Revenue Commissioners.

#### National Lottery Funding.

169. **Mr. Ring** asked the Minister for Arts, Sport and Tourism if an application for national lottery funding will be approved for a club (details supplied) in County Mayo. [10914/07]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** The 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. The programme is advertised on an annual basis.

Applications for funding under the 2007 programme were invited through advertisements in the Press on 15 and 16 October last. The closing date for receipt of applications was 24 November 2006. All applications received before the deadline, including one from the organisation in question, are currently being evaluated against the programme's assessment criteria, which are outlined 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.

#### EU Directives.

170. **Aengus Ó Snodaigh** asked the Minister for Arts, Sport and Tourism the laws and statutory instruments introduced on foot of European Communities treaties or on foot of Acts, or provisions of Acts, adopted by any institution of the European Communities or other body competent under those treaties since 1972 for breach of which a penalty up to and including a maximum fine of €500,000 or a term of imprisonment not greater than three years may apply. [11046/07]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** As the Deputy is aware my Department was not established until mid June 2002. Since then I have not introduced any laws or statutory instruments on foot of European Communities treaties, Acts or provisions of Acts with the conditions referred to by the Deputy attached.

171. **Aengus Ó Snodaigh** asked the Minister for Enterprise, Trade and Employment the laws and statutory instruments introduced on foot of European Communities treaties or on foot of Acts, or provisions of Acts, adopted by any institution of the European Communities or other body competent under those treaties since 1972 for breach of which a penalty up to and including a maximum fine of €500,000 or a term of imprisonment not greater than three years may apply. [11051/07]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** Officials in my Department are currently compiling the information sought by the Deputy. However, due to the large amount of work involved it will not be possible to supply the material within the time scale requested. A full response will be forwarded to the Deputy as soon as possible.

#### Social Welfare Benefits.

172. **Mr. McCormack** asked the Minister for Social and Family Affairs the amount spent in rent supplement in each county and city for 2006; and if he will make a statement on the matter. [10937/07]

**Minister for Social and Family Affairs (Mr. Brennan):** The supplementary welfare allowance scheme, which includes rent supplement, is administered on my behalf by the Community Welfare division of the Health Service Executive. The purpose of the scheme is to provide short-term income support, in the form of a weekly or monthly payment, to eligible people living in private rented accommodation whose means are insufficient to meet their accommodation costs and who do not have accommodation available to them from any other source.

Details of the expenditure on rent supplement by county or city are not available. However, the tables provide details of the expenditure in 2006

for rent supplement by former Health Board Area and the number of recipients of rent supplement by county for that year.

Appendix 1: Expenditure on Rent Supplement by Former Health Board Area 2006

Former HB Area	€000
Eastern	213,656
Midland	11,945
Mid-Western	21,541
North Eastern	15,272
North Western	12,999
South Eastern	34,443
Southern	46,303
Western	31,844
Total	388,003

Appendix 2: Number of Recipients of Rent Supplement by County, 2006

County	Recipients
Carlow	960
Cavan	523
Clare	1,120
Cork	7,068
Donegal	2,301
Dublin	21,572
Galway	3,427
Kerry	1,840
Kildare	2,549
Kilkenny	821
Laois	358
Leitrim	214
Limerick	2,351
Longford	405
Louth	1,513
Mayo	1,930
Meath	782
Monaghan	342
Offaly	603
Roscommon	660
Sligo	471
Tipperary	1,726
Waterford	1,737
Westmeath	933
Wexford	1,966
Wicklow	1,689
Total	59,861

173. **Mr. Bruton** asked the Minister for Social and Family Affairs the reason there are two identification numbers attached to a travel pass; and if his attention has been drawn to the fact

that the form for the smart travel card is causing confusion for applicants as to which number is supposed to be included on the front of the form. [10943/07]

**Minister for Social and Family Affairs (Mr. Brennan):** Most free travel passes currently in circulation contain a client number which is an internal reference number used by my Department's computer systems. Passes issued since May 2006, however, use the PPS number as the reference number. This change was introduced in the context of my Department updating its computer systems as part of a programme of modernizing service delivery. This new system is based on the Personal Public Service (PPS) number as the main reference number for customers.

It should be noted that each free travel pass only has one reference number, either the PPS No. or the client number, but not both. The vast majority of free travel users, however, still have the client number, rather than the PPS number, on their free travel pass. Until all existing free travel passes are replaced, the situation will continue where customers may have either the client number or the PPS number on their pass.

I recently announced the implementation of the all-Ireland free travel scheme commencing from 2 April, which will enable pensioners resident here and in Northern Ireland to travel free of charge on all eligible transport services on the island. People who wish to avail of this scheme must apply for a special travel card, called a smart pass. They must bring relevant documentation, including photographs, to a Social Welfare Local Office so that their applications can be processed. In this connection they are asked to include on their application forms both their PPS number and the reference number that appears on their current pass if different. Inclusion of both numbers on the application form will allow for linking the issue of the smart pass to the existing Free Travel Card. Staff are available in our local offices to assist customers in completing the forms and in ensuring the correct identification numbers are provided.

#### **Pension Provisions.**

174. **Mr. Naughten** asked the Minister for Social and Family Affairs if he will extend the home-maker's credit beyond 6 April 1994; and if he will make a statement on the matter. [10962/07]

**Minister for Social and Family Affairs (Mr. Brennan):** The social welfare pension rights of those who take time out of the workforce for caring duties are protected by the home-maker's scheme which was introduced in and took effect from 1994. The scheme allows up to 20 years spent caring for children or incapacitated adults to be disregarded when a person's social



[Mr. Brennan.]

insurance record is being averaged for pension purposes. However, the scheme will not of itself qualify a person for a pension. The standard qualifying conditions, which require a person to enter insurance 10 years before pension age, pay a minimum of 260 contributions at the correct rate and achieve a yearly average of at least 10 contributions on their record from the time they enter insurance until they reach pension age must also be satisfied.

For any year to be disregarded, a home-maker must be out of the workforce for a complete year (52 weeks) from 6 April 1994. Provision is also made for the award of credited contributions in the year in which a person commences or ceases to be a home-maker.

The question of backdating the home-maker's scheme gives rise to difficult and complex issues, not least of which is the position of other groups excluded from social insurance cover over the years and who do not qualify for contributory pensions. In general, changes to insurability of employment are not backdated and the same principle was applied to the home-maker's scheme when it was introduced in 1994.

A Green Paper on pensions is currently being prepared and will deal with the full range of issues and challenges associated with the pensions system including the issues relating to backdating the home-makers scheme. Following the publication of the Green Paper there will be a consultation process leading to the development of a long-term policy framework on pensions.

#### Departmental Staff.

175. **Mr. Penrose** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Westmeath has not been appointed to a permanent position with his Department despite the fact that same has been approved by the relevant union involved; if he will take steps to have this person duly appointed; and if he will make a statement on the matter.

[10976/07]

**Minister for Social and Family Affairs (Mr. Brennan):** The person concerned has been employed on a temporary basis at various times to cover various staff absences in the location concerned. Under current agreements, however, all permanent clerical posts in this location must be filled from a central transfer list under arrangements agreed at Civil Service General Council. The names of civil servants wishing to relocate are noted in order of their date of application and there are currently 163 people on this particular list. Following consultation with the Department of Finance, I am advised that it is not possible to offer an appointment for this location outside the provisions of the central transfer scheme.

#### EU Directives.

176. **Aengus Ó Snodaigh** asked the Minister for Social and Family Affairs the laws and statutory instruments introduced on foot of European Communities treaties or on foot of Acts, or provisions of Acts, adopted by any institution of the European Communities or other body competent under those treaties since 1972 for breach of which a penalty up to and including a maximum fine of €500,000 or a term of imprisonment not greater than three years may apply. [11057/07]

**Minister for Social and Family Affairs (Mr. Brennan):** An examination of national legislation by officials of my Department has found no laws or statutory instruments introduced on foot of EU legislative provisions which, if breached, would attract penalties at the level outlined.

#### Galileo Project.

177. **Mr. Eamon Ryan** asked the Minister for Transport the reason for his decision not to apply to the Director-General for Energy and Transport for the location of the technical agency of the Galileo project in Ireland, following the DG's correspondence with his Department in 2006. [10934/07]

**Minister for Transport (Mr. Cullen):** I presume that the Deputy's question relates to the location of the Galileo Supervisory Authority. The Galileo project is an EU initiative which will provide Europe with its own independent global satellite navigation system. My Department co-ordinates Ireland's position in relation to Galileo at EU level and contacts are maintained with all relevant Government Departments on this issue. Ireland supports the European Commission's efforts to progress the development and deployment of the Galileo system. The project is being managed by the Galileo Supervisory Authority (GSA), which was established on 1 January 2007 following the winding up of the Galileo Joint Undertaking. The GSA is a Community agency and will be located in one of the EU Member States. Until a final decision on the location is taken, the provisional location for the GSA is Brussels. Eleven Member States have made bids to secure the location of the GSA, and no agreement has been reached to date. It is understood that the German Presidency will be seeking to make progress in relation to this issue.

Ireland's decision not to make a bid was influenced by the December 2003 European Council conclusion to give priority to newer Member States in the distribution of the seats of the agencies to be set up in the future.

#### Rail Network.

178. **Mr. Sargent** asked the Minister for Transport the estimated deficit there will be each year on the Ennis to Athenry rail line according to the

business case submitted to his Department by Irish Rail; his views on whether arising from the business case the new rail link will be loss making; and if his Department will provide the necessary funding to cover Irish Rail's annual expenditure on the new route. [10993/07]

**Minister for Transport (Mr. Cullen):** Iarnród Éireann has estimated that there may be an annual operating deficit of approx. €2.4m on the Ennis/Athenry section of the Western Rail Corridor depending on passenger volumes. On the other hand an independent review of the business case for that project indicated that Iarnród Éireann may have underestimated the likely demand somewhat which would tend to overstate the estimated deficit. The extent of the subvention required to meet the deficit will become clear when services commence operation. At that stage the subvention required will be determined in the context of the overall subvention requirements of Iarnród Éireann and CIE. This is determined annually as part of the estimates and budgetary process.

#### EU Directives.

179. **Aengus Ó Snodaigh** asked the Minister for Transport the laws and statutory instruments introduced on foot of European Communities treaties or on foot of Acts, or provisions of Acts, adopted by any institution of the European Communities or other body competent under those treaties since 1972 for breach of which a penalty up to and including a maximum fine of €500,000 or a term of imprisonment not greater than three years may apply. [11059/07]

**Minister for Transport (Mr. Cullen):** I understand that the Deputy is seeking information on all penalties, within the limits indicated, stretching over a thirty-five year period. I have asked my officials to examine the feasibility of carrying out such an exercise and I will communicate directly with the Deputy on the matter as soon as possible.

#### Rural Transport Initiative.

180. **Mr. Connaughton** asked the Minister for Community, Rural and Gaeltacht Affairs when it is proposed to provide transport under the rural transport initiative for villages and towns such as Monivea, Athenry, Loughrea and Tuam; and if he will make a statement on the matter. [10864/07]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** The operation of the Rural Transport Programme (formerly known as the Rural Transport Initiative) is a matter for my colleague Minister of State Pat the Cope Gallagher TD, Department of Transport. Separately, my Department is developing proposals to establish a pilot night-time transport scheme

which will be additional to the Rural Transport Programme and I hope to make an announcement in this regard in the coming weeks.

#### Departmental Programmes.

181. **Mr. Connaughton** asked the Minister for Community, Rural and Gaeltacht Affairs if Castlegar, Mountbellew and Ballinasloe, County Galway are included in the CLÁR area; and if he will make a statement on the matter. [10866/07]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I can confirm that Mountbellew Electoral Division ID number 27146 is within the designated CLÁR area. However, Castlegar and Ballinasloe are not within the designated CLÁR area for County Galway. The Deputy should note that details of all CLÁR EDs for County Galway are available on my Department's website at [www.pobail.ie](http://www.pobail.ie).

#### Community Development.

182. **Caoimhghín Ó Caoláin** asked the Minister for Community, Rural and Gaeltacht Affairs if his attention has been drawn to the valuable work done by a project (details supplied) in Dublin 11; if he will ensure that State funding is provided for its much needed fourth project; if additional funds can be made available to help the project expand; and if he will make a statement on the matter. [10883/07]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** The group referred to by the Deputy have made an application for funding to my Department under the 2006 Programme of Grants for Locally-Based Community and Voluntary Organisations. The processing of the approximately 1,300 applications received by my Department is nearing completion and I have already to date announced two tranches of funding under this Programme. This group is not amongst those so far processed but I will be announcing further allocations of funding in the coming weeks.

#### Rural Social Scheme.

183. **Mr. Ring** asked the Minister for Community, Rural and Gaeltacht Affairs the number of people on the rural social scheme at present; his views on increasing the number of people who can be on that scheme; and the changes proposed to take place in this scheme. [10915/07]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** Overall, there is provision for 2,600 participants and a further 130 supervisors on the Rural Social Scheme (RSS). Currently, there are 2,587 participants and 121 supervisors on the Scheme.

[Éamon Ó Cuív.]

All available places at both participant and supervisor level have now been allocated. In order to assess the ongoing demand for places and to ensure that places do not remain vacant over a protracted period of time, Implementing Bodies have been encouraged to form waiting lists of suitable eligible applicants, which can then be used to fill vacancies as and when they arise. My Department monitors the situation on an ongoing basis to ensure that any vacancies arising are filled without delay.

Since its introduction, the RSS has become a key part of many rural communities and is very popular with both participants and local sponsors. In this context, the Deputy should note that funding for the RSS for the period 2007-2013 is included in the National Development Plan which clearly confirms the Government's continued and on-going commitment to the Scheme in the coming years. At present, I have no plans to make any further changes to the Scheme.

#### Road Network.

184. **Mr. Penrose** asked the Minister for Community, Rural and Gaeltacht Affairs if his Department will take steps via Waterways Ireland to provide the necessary funding for the cost of replacing the Green Bridge, Mullingar which has been deemed by Waterways Ireland to be unsafe for any vehicle with a weight in excess of three tonnes which has led to a weight restriction on this bridge which is extremely important in the context of traffic movements in and out of the town of Mullingar; and if he will make a statement on the matter. [10977/07]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I am informed by Waterways Ireland that replacement of the bridge in question is a matter for Westmeath County Council and not for the Body. While Waterways Ireland will assist the County Council in any way possible, in relation to site access, for example, the provision of funding for works to bridges to meet modern road loading standards is not within the remit of the Body.

#### EU Directives.

185. **Aengus Ó Snodaigh** asked the Minister for Community, Rural and Gaeltacht Affairs the laws and statutory instruments introduced on foot of European Communities treaties or on foot of Acts, or provisions of Acts, adopted by any institution of the European Communities or other body competent under those treaties since 1972 for breach of which a penalty up to and including a maximum fine of €500,000 or a term of imprisonment not greater than three years may apply. [11048/07]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** My Department since

its foundation the 6th June 2002 has not introduced any laws and statutory instruments, on foot of European Communities treaties or on foot of Acts, or provisions of Acts, adopted by any institution of the European Communities or other body competent under those treaties for breach of which a penalty up to and including a maximum fine of €500,000 or a term of imprisonment not greater than three years may apply.

#### Grant Payments.

186. **Mr. Lowry** asked the Minister for Agriculture and Food when approval will be given to a person (details supplied) in County Tipperary; the reasons for delays to date; and if she will make a statement on the matter. [10890/07]

**Minister for Agriculture and Food (Mary Coughlan):** The site in question is in an area which the Department of Environmental, Heritage and Local Government has identified as one of a number of areas around the country which are important for the survival of the Hen Harrier, which is a protected species. The European Commission has expressed the gravest concern at any further planting within these areas until it is possible to fully assess the impact of forestry on the species.

In order to do that, it is necessary to work out what type of management regime needs to be put in place to accommodate both forestry and the hen harrier in the areas being proposed as Special Protection Areas. The Department of Environment, Heritage and Local Government has established a working group, on which the forestry and farming interests are represented, as well as my Department, to help with the development of such a management regime. Good progress is being made and I hope that matters can be brought to an early resolution.

187. **Mr. Lowry** asked the Minister for Agriculture and Food if a payment will be made to persons (details supplied) in County Tipperary; and if she will make a statement on the matter. [10891/07]

**Minister for Agriculture and Food (Mary Coughlan):** The persons named submitted separate Applications in respect of the 2004 Area Aid Scheme. Following the processing of these applications it was established that both applicants over declared their areas. In accordance with the provisions of the relevant EU Regulations, both applications were subject to a 100% penalty. They appealed these decisions to the Agriculture Appeals Office, but the appeals were rejected.

The applicants subsequently sought a review of the determinations of the Appeals Office. Both cases are currently under review by the Director of the Appeals Office and are awaiting a decision.

188. **Mr. McEllistrim** asked the Minister for Agriculture and Food the reason a person (details

supplied) in County Kerry has not been granted their entitlements from the national reserve under the single payment scheme; and if she will make a statement on the matter. [10892/07]

**Minister for Agriculture and Food (Mary Coughlan):** The person named submitted an application for an allocation of entitlements from the Single Payment Scheme National Reserve under Category B.

Category B caters for farmers who, between 1 January 2000 and 19 October 2003, made an investment in production capacity in a farming sector for which a direct payment under Live-stock Premia and /or Arable Aid schemes would have been payable during the reference period 2000 — 2002. Investments can include purchase or long term lease of land, purchase of suckler and/or ewe quota or other investments.

The person named applied under Category B (iv) (reclamation of land). He was initially deemed unsuccessful as the investment did not result in an increase in production for which a direct payment under the Livestock and/or Arable Aid Schemes would have been payable during the reference period 2000 to 2002. The person named subsequently submitted an appeal against this decision. The Appeal was forwarded to the Independent Payment Appeal's Committee who determined that the person named was eligible for an allocation from the National Reserve. The person named was also successful under the Force Majeure measure of the Single Payment Scheme — his Single Payment was based on a two-year average rather than the normal three-year average. The Regulations governing the Single Payment Scheme provide that checks must be made to ensure that an allocation from the National Reserve to an applicant who has already benefited under other measures associated with the Single Payment Scheme does not result in double benefit. In such circumstances the applicant is given the benefit of the other measure or the National Reserve whichever is more financially beneficial. My Department is satisfied that double benefit will not accrue in this case and an allocation has been made from the National Reserve. A letter outlining my Department's decision and relevant payment due will issue shortly.

189. **Mr. Naughten** asked the Minister for Agriculture and Food when a person (details supplied) in County Leitrim will be approved under the farm waste management scheme; and if she will make a statement on the matter. [10961/07]

**Minister for Agriculture and Food (Mary Coughlan):** The person concerned is an applicant under the Farm Waste Management Scheme. The required written evidence of full planning permission for the proposed works was received by the Department from the applicant recently. A

decision will be made in respect of the application as soon as possible.

*Question No. 190 withdrawn.*

#### **EU Directives.**

191. **Aengus Ó Snodaigh** asked the Minister for Agriculture and Food the laws and statutory instruments introduced on foot of European Communities treaties or on foot of Acts, or provisions of Acts, adopted by any institution of the European Communities or other body competent under those treaties since 1972 for breach of which a penalty up to and including a maximum fine of €500,000 or a term of imprisonment not greater than three years may apply. [11045/07]

**Minister for Agriculture and Food (Mary Coughlan):** It is not possible to provide the Deputy with this information in the time available and I will issue a response direct to the Deputy as soon as possible.

#### **Grant Payments.**

192. **Mr. N. O'Keeffe** asked the Minister for Agriculture and Food if a person (details supplied) in County Cork who applied for installation aid in 2006 can be approved for the new payment rate. [11060/07]

**Minister for Agriculture and Food (Mary Coughlan):** Applications for aid under the 2000-2006 Installation Aid Scheme, which applies to young farmers set-up for the first time in farming on or before 31 December 2006, will be considered in accordance with the terms and conditions of that Scheme. The Installation Aid Scheme to be applied in Ireland as part of the 2007-2013 Rural Development Programme will be introduced as soon as EU approval is received for that Programme.

#### **Capitation Grants.**

193. **Mr. Gogarty** asked the Minister for Education and Science the reason the capitation grant is much lower in primary schools than at second level; her plans to redress this situation; and if she will make a statement on the matter. [10857/07]

**Minister for Education and Science (Ms Hanafin):** Each sector in the education system has specific funding requirements which derive from the length, complexity and nature of the education/training courses being provided. My aim is to ensure that all sectors have adequate resources, including financial resources, to enable schools and colleges to effectively deliver quality education and training programmes.

The Deputy will be pleased to know that overall provision for primary education has increased dramatically in recent years — from circa €1.9 billion in 2002 to almost €2.9 billion in 2006. The 2007 Estimate provides nearly €3.2 billion for

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primary education — this represents a 70% increase since 2002. The corresponding increases between 2002 and 2007 for the second and third level sectors are 54% and 40% respectively.

The Deputy will be aware that staffing levels in our primary schools have improved dramatically in recent years, with 5,000 extra primary teachers put in place since 2002. Particular attention has also been paid to improving funding to primary schools to meet their day-to-day running costs. Since 1997 the standard rate of capitation grant at primary level was increased from €57.14 to €163.58 per pupil. This represents an increase of 186% in the standard rate of capitation grant since 1997. In addition, the already enhanced rates of capitation grant payable in respect of pupils enrolled in special schools and special classes in ordinary primary schools have been significantly increased. Depending on the particular category of special need involved, increases in this area range from 30% to 53% with an increase of 96% applying to the physical disability category.

The latest increases in the level of capitation grant are a clear demonstration of my commitment to improve the financial position of schools in the primary sector.

#### Psychological Service.

194. **Ms Enright** asked the Minister for Education and Science the number of primary schools now covered by the National Educational Psychological Service; and if she will make a statement on the matter. [10996/07]

**Minister for Education and Science (Ms Hanafin):** The Deputy will be aware that all primary and post primary schools have access to psychological assessments either directly through the National Educational Psychological Service (NEPS) or through the Scheme for Commissioning Psychological Assessments (SCPA), full details of which are available on my Department's website. 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. The prioritisation of urgent cases for assessment is a matter for the school principal in the first instance.

In addition NEPS provides assistance to all schools and school communities that experience critical incidents, regardless of whether or not they have a NEPS psychologist assigned to them. Also, in relation to all schools, NEPS processes applications for Reasonable Accommodation in Certificate Examinations and responds to queries in relation to individual children from other sections of my Department and from the specialist agencies.

Since the establishment of the NEPS in 1999, the number of NEPS psychologists has increased from 43 to 127 at present. I have recently been pleased to announce an increase of 31 posts in 2007 in NEPS psychologist staffing. My Department is currently in discussions with the Public Appointments Service in an effort to recruiting these individuals as soon as possible in this regard. It is envisaged that these appointments will allow for further expansion of coverage by NEPS psychologists across all regions. Additionally under the Towards 2016 Agreement commitments I have further announced that NEPS psychologist numbers shall expand by an additional 35 posts in the following two years.

Most recent returns indicate that some 1,550 primary schools have a NEPS psychologist assigned to them representing some 47% of all primary schools and 58% of pupils.

#### Pupil-Teacher Ratio.

195. **Mr. Crowe** asked the Minister for Education and Science the amount it would cost for the Government to deliver its promise made in the programme for government in 2002 to reduce class sizes to under 20 pupils for children under nine. [11044/07]

**Minister for Education and Science (Ms Hanafin):** It is difficult to predict the number of additional posts that will be created because of demographic changes and the uncertainty as to how any increases in enrolment will be spread over individual schools. Schools have flexibility in the way in which they assign pupils and teachers to classes and the Department does not allocate teachers to specific classes or age groups.

However, on the basis of current enrolments, it is estimated that in the order of 2,900 additional mainstream teaching posts would be required to reduce class sizes to under 20 pupils for children under 9 at an estimated salary cost of €174million. Statistics are not compiled on an age basis. It is therefore assumed, for the purpose of providing the information sought by the Deputy, that all of the pupils in junior classes (junior infants to second class inclusive) are under 9 years of age.

Provision of accommodation to cater for these additional teachers would cost in the order of €360m. This does not include provision for the additional costs which would arise if teacher numbers increased in terms of services and training for the additional teachers in the system. This would include the cost of additional inspectors required to carry out inspections (including probation), additional teacher training places required in the teacher education colleges, provision of additional inservice training and the additional administrative costs for the Department of Education and Science associated with processing payment of salary, pension etc for extra teachers. Neither does it include the additional costs on the capital side in terms of

ongoing maintenance of any additional classroom accommodation provided.

The salary cost given does not include provision for the necessary pension costs which would increase the salary cost by approximately 25%-30% per annum.

#### **Teachers' Remuneration.**

196. **Mr. Crowe** asked the Minister for Education and Science the percentage of the education budget devoted to teachers' salaries. [10859/07]

**Minister for Education and Science (Ms Hanafin):** The percentage of the 2007 Education & Science budget devoted to teacher salaries by sector is as follows:

Primary 20.92%

Post-primary 20.72%

The post-primary total includes salaries in Voluntary Secondary, Community, Comprehensive and VEC schools.

#### **Departmental Expenditure.**

197. **Mr. Crowe** asked the Minister for Education and Science the amount the Government spends on primary education in relation to the EU average. [10863/07]

**Minister for Education and Science (Ms Hanafin):** It is important to note that the international comparisons given below draw on 2003 data in most instances, and, that as a result significant advances in Ireland's performance on a number of fronts over the last three years are not reflected in the figures. For example, total expenditure by the Department of Education and Science has increased from 4.9% to 5.2% of national income (Gross National Income) between 2003 and 2005 arising from a 23% increase in overall spending.

The 2006 budget for my Department is €7.9 billion, compared to €5.4 billion in 2002 and €2.9 billion in 1997. Education expenditure at primary level in 2005 was €2.6 billion. In terms of European comparisons, total public expenditure on education as % of GDP, at Primary level in Ireland in 2003 was 1.5, higher than the EU25 average of 1.2. As the Deputy will be aware, the increased investment in education provided by this Government has allowed for major progress to be made in areas such as special education provision, falling pupil-teacher ratios, large increases in the numbers of teaching staff and higher levels of spending per student in real terms.

We will continue to give a high priority to investment in education in the overall allocation of national resources. Clearly, different tax levels and proportions of national income devoted to public spending impact on these results. It should be noted that, in 2003, 13.2% of total public spending in Ireland went on education compared

to an average of 11.0 across the EU25 average. On this particular comparison Ireland has the 6th highest proportion for education out of 25 EU Member States. Our aim is to strike a balance between a relatively low level of taxation by international comparisons and the provision of adequate public services and measures to address socio-economic disadvantage.

The future of our society depends on the extent and quality of our investment in children — not least in their education and early care and development. The case for greater investment in education is overwhelming. In the past, investment in public services was severely restrained by resources and public indebtedness. Today, with the highly successful economic policies pursued by this Government, Ireland is a relatively more prosperous nation and we have greater scope to make further improvements to public infrastructure and provision. It is my firm intention to continue to provide for additional resources for education at all levels.

#### **Pupil-Teacher Ratio.**

198. **Mr. Crowe** asked the Minister for Education and Science the amount that would have to be spent on teachers and school buildings and accommodation to ensure that all primary school children are in classes of 15 pupils to one teacher. [10875/07]

**Minister for Education and Science (Ms Hanafin):** It is difficult to predict the number of additional posts that will be created because of demographic changes and the uncertainty as to how any increases in enrolment will be spread over individual schools. Schools have flexibility in the way in which they assign pupils and teachers to classes and the Department does not allocate teachers to specific classes or age groups. However, on the basis of current enrolments, it is estimated that in the order of 14,000 additional mainstream teaching posts would be required to reduce class size in all primary schools to 15, at an estimated salary cost of €840million.

Provision of accommodation to cater for these additional teachers would cost an estimated €1,680 million. It should be stressed that the estimated capital cost is tentative because, at this scale of expansion, it is very difficult to estimate the incremental land acquisition costs that would be involved for schools throughout the country.

This does not include provision for the additional costs which would arise if teacher numbers increased in terms of services and training for the additional teachers in the system. This would include the cost of additional inspectors required to carry out inspections (including probation), additional teacher training places required in the teacher education colleges, provision of additional inservice training and the additional administrative costs for the Department of Education and Science associated with processing payment of salary, pension etc for

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extra teachers. Neither does it include the additional costs on the capital side in terms of ongoing maintenance of any additional classroom accommodation provided. The salary cost given does not include provision for the necessary pension costs which would increase the salary cost by approximately 25%-30% per annum.

199. **Mr. Crowe** asked the Minister for Education and Science the number of extra teachers needed for the Government to achieve a 20:1 ratio for all children in primary school. [10876/07]

**Minister for Education and Science (Ms Hanafin):** It is difficult to predict the number of additional posts that will be created because of demographic changes and the uncertainty as to how any increases in enrolment will be spread over individual schools. Schools have flexibility in the way in which they assign pupils and teachers to classes and the Department does not allocate teachers to specific classes or age groups.

The pupil teacher ratio in primary schools in the 2005/06 school year was 17:1. The ratio for the current school year is not yet available. However, on the basis of current enrolments, it is estimated that in the order of 5,800 additional mainstream teaching posts would be required to reduce class size in all primary schools to 20.

#### Special Educational Needs.

200. **Caoimhghín Ó Caoláin** asked the Minister for Education and Science if her attention has been drawn to the case of a person (details supplied) in County Kilkenny; if she will provide the funding that the person urgently needs; and if she will make a statement on the matter. [10880/07]

219. **Ms Enright** asked the Minister for Education and Science if an application for home tuition from a person (details supplied) in County Kilkenny has been received in respect of an autistic child; and if so, the status of the application; and if she will make a statement on the matter. [10960/07]

233. **Ms O'Sullivan** asked the Minister for Education and Science if she will ensure that a home tuition grant is awarded to a person (details supplied) in County Kilkenny who had to be withdrawn from a special school because they had no access to an occupational therapist which they require; and if she will make a statement on the matter. [10982/07]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 200, 219, 233 together.

I am pleased to advise that my Department recently sanctioned home tuition for the child in

question and a letter to this effect has issued to the family.

#### Child Abuse.

201. **Ms O'Sullivan** asked the Minister for Education and Science if her attention has been drawn to allegations of abuse of children in a school (details supplied) which have resulted in a Health Service Executive psychologist's report in relation to corporal punishment in the school concerned; and if she will make a statement on the matter. [10884/07]

**Minister for Education and Science (Ms Hanafin):** It would be inappropriate for me to comment on individual cases such as that referred to by the Deputy. However, I would like to assure the Deputy that where allegations of child abuse are reported to my Department, whether current or having occurred in the past, these are brought to the attention of both the relevant school authority and the Health Service Executive. Child Protection Guidelines for primary and post-primary schools, which were distributed to primary and post-primary schools in 2001 and 2004 respectively, were produced in consultation with the Partners in Education to meet the needs for schools to have in place clear procedures which teachers and other school staff should follow where they suspect, or are alerted to, possible child abuse. The guidelines cover four different types of abuse; neglect, emotional abuse, physical abuse and sexual abuse. The guidelines provide management authorities and staff with guidance in relation to recognising the signs and symptoms of child abuse and with procedures for dealing immediately with such concerns.

A central facet of the Guidelines is the requirement for each Board of Management to designate a senior member of staff as the "Designated Liaison Person" for the school. The Designated Liaison Person will act as a liaison for the school in all dealings with the Health Service Executive, An Garda Síochána and other parties, in connection with allegations of and/or concerns about child abuse and as a resource person to staff who may have child protection concerns.

#### Special Educational Needs.

202. **Mr. Wall** asked the Minister for Education and Science if her Department has sanctioned the provision of classroom assistants in any infant primary school within her Department's remit; if so the location of same; her plans to provide such assistants as requested in documentation (details supplied); and if she will make a statement on the matter. [10885/07]

203. **Mr. Wall** asked the Minister for Education and Science the action she will take to overcome the problems at a school (details supplied) in County Kildare; and if she will make a statement on the matter. [10886/07]

204. **Mr. Wall** asked the Minister for Education and Science if she will sanction the appointment of special needs assistants to a school (details supplied) in County Kildare as requested in a submission; and if she will make a statement on the matter. [10887/07]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 202, 203, 204 together.

The Deputy will be aware that the National Council for Special Education (NCSE), through the local special educational needs organisers (SENOs), is responsible for processing applications from schools for special needs resources such as resource teaching hours and special needs assistant (SNA) support on the basis of applications in respect of individual pupils. These supports are intended to enable schools to meet the needs of pupils as outlined in psychological and other professional reports.

I understand that the school in question had an allocation of 4 SNAs for the current school year. I understand also that the SENO has recently allocated an additional SNA to the school for a junior infant child. This will bring the total support in the school to 5 SNAs. SNA support in schools is intended to address the care needs of pupils with special educational needs. The nature and level of support provided is based on the assessed needs of the individual child having regard to the criteria set out in my Department's circulars and the other resources available to these pupils within the school.

My Department has not sanctioned classrooms assistants, as distinct from special needs assistants, in infant primary schools and I have no plans to do so in the immediate future.

#### **Institutes of Technology.**

205. **Mr. O'Shea** asked the Minister for Education and Science the position regarding the application of Waterford Institute of Technology for upgrading to university status; and if she will make a statement on the matter. [10895/07]

206. **Mr. O'Shea** asked the Minister for Education and Science when the Port report in regard to the upgrading of Waterford Institute of Technology to university status will be completed; and if she will make a statement on the matter. [10896/07]

207. **Mr. O'Shea** asked the Minister for Education and Science the discussions she has had with the Higher Education Authority in relation to the application from Waterford Institute of Technology for university status; and if she will make a statement on the matter. [10897/07]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 205 to 207, inclusive, together.

Dr. Jim Port has been asked to assess the submission made by the Governing Body of Waterford Institute of Technology having regard to (i) national strategy for the development of Irish higher education; (ii) implications for regional development in the South East in the context of the National Spatial Strategy and (iii) any likely implications for the overall structure of higher education in Ireland.

While I have not set a specific deadline for the completion of his work, I do expect to receive Dr. Port's advice in the first half of this year. I understand that Dr. Port has been in contact with the management of Waterford Institute of Technology. My Department's contact with the Higher Education Authority in this matter to date has related solely to the engagement of Dr. Port.

#### **Special Educational Needs.**

208. **Ms O. Mitchell** asked the Minister for Education and Science the plans she has, when taking into account the current poor teaching and counselling supports available for primary school children with severe dyslexia, to improve supports for this condition; and if she will make a statement on the matter. [10898/07]

**Minister for Education and Science (Ms Hanafin):** I do not accept that the teaching supports available for children with dyslexia are poor. My Department has given a very high priority to the provision of resources to address the learning difficulties of children with low levels of achievement in reading. As the Deputy is aware, my Department implemented a general allocation system in all primary schools in September 2005 to ensure that every school has learning support/resource teaching support available to meet the needs of children with high-incidence special educational needs, including dyslexia. There are now over 5,500 teachers in our primary schools working directly with children with special educational needs, including those requiring learning support. This compares to fewer than 1,500 in 1998.

In addition, where a pupil's condition is of a more serious nature, provision can be made in one of the 4 special schools, or 23 special classes attached to ordinary primary schools, dedicated to the needs of children with dyslexia. All special schools and special classes for such children operate at a reduced pupil teacher ratio of 9:1 and pupils attending such facilities attract a special increased level of capitation grant. My Department also provides funding to schools for the purchase of assistive technology such as computers to assist children with special educational needs, including those with dyslexia, with their education once relevant professionals recommend the equipment. Schools can apply to the local special educational needs organiser (SENO) directly for this support.

In relation to funding, my Department has been providing the Dyslexia Association of



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Ireland with annual funding of €63,500 since 1999. This funding helps the organisation operate an information service for members and the public. In addition, part of the funding assists in meeting the costs associated with the attendance of some children from disadvantaged backgrounds at workshops and programmes organised by the association.

Furthermore, a grant is awarded annually to the Dyslexia Association of Ireland towards the cost of their adult education activities. The activities funded by the grant include literacy training, pre-course assessment, teaching materials and educational and administrative support. In 2006, this grant amounted to €93,000.

In September 2003, my Department established the Special Education Support Service (SESS) to manage, co-ordinate and develop a range of supports in response to identified training needs. As part of its response to the growing demand from teachers for support and training, the SESS is currently developing teams of trainers to deliver training in four specific areas: Autism, Challenging Behaviour, Dyslexia, and Inclusion. This training will be delivered locally through the Education Centre network and/or through whole-staff in-school support. The SESS provides fees subsidies for the on-line training course, "Dyslexia: Identification and Early Interventions". Fee subsidies are also provided for teachers to enable them to avail of the Dyslexia Association of Ireland courses.

Training is available through the 21 Teacher Education Centres nationally for teachers using ICT and assistive technologies to support pupils with special educational needs, including those with dyslexia. The Deputy may be aware that my Department has developed an information resource pack on dyslexia in CD-Rom, DVD and video format, in association with the Department of Education in Northern Ireland. This product has been made available to all primary and post-primary schools. The DVD and video provides support for parents of pupils with dyslexia while the CD-Rom assists teachers who are teaching children with dyslexia in the mainstream classroom.

My Department will continue to prioritise educational provision for children with special educational needs, including children with dyslexia.

#### **School Accommodation.**

209. **Mr. Lowry** asked the Minister for Education and Science her views on financial support for the purchase of additional space to accommodate a play area at a primary school (details supplied) in County Tipperary; the reasons for her decision; and if she will make a statement on the matter. [10899/07]

**Minister for Education and Science (Ms Hanafin):** I am aware that the school in question was invited to participate in the 2006 Permanent

Accommodation Scheme and accepted the invitation. This Scheme allows schools to proceed with small scale permanent building projects with minimum interaction with my Department.

The grant-aid awarded is to cover construction costs only and the conditions attaching to the grant does not cover the cost of any additional land which may be required. The existing site of the school in question is not owned by my Department. The securing of such additional land is a matter for the Board of management of the school.

210. **Mr. Callely** asked the Minister for Education and Science the progress regarding the programme of work for new and refurbished science laboratories in the Dublin area; the works outstanding in the Dublin 3, 5 and 9 areas; and if she will make a statement on the matter. [10917/07]

**Minister for Education and Science (Ms Hanafin):** The information requested is not available in the format sought by the Deputy. However science facilities have been provided/improved as part of my Department's record school building programme which from 2000 to 2006 involved the delivery of over 7,800 projects with an investment of €2.6 billion. Typically this investment involved the provision of modern science facilities in new post-primary schools or the upgrading of science facilities in existing schools either as part of a school building project or as a dedicated investment to facilitate the teaching of science.

In addition between 2006 and 2007 over 60 schools were approved for funding under my Department's Summer Works Scheme to enable them to get science laboratories refurbished on a devolved basis. Additionally I have provided for class materials, basic general equipment and chemicals for practical work for the Sciences. My Department also spent in excess of €13m in 2004 to facilitate the introduction of a revised Junior Science syllabus. Schools received a basic grant of €3,500 per science laboratory to enable them to provide the new curriculum. Additional funding was made available to schools where other specified equipment was required. In addition, certain schools identified as needing new or refurbished science laboratories as a result of a 1998 national survey received funding. Funding continues to be available to schools that had not originally applied for the basic grant of €3,500 per science laboratory and for other specified equipment to enable them to provide the new curriculum.

The budget for 2007 is the first year of the roll out of the new NDP which will involve an investment of over €4.5 billion in school buildings over the next 7 years. This multi-annual funding will enable my Department to continue to take a proactive approach to the provision of modern school accommodation including science facilities.

### Vocational Training Opportunities Scheme.

211. **Mr. Callely** asked the Minister for Education and Science the level of demand for VTOS placement; the additional places that will be available in 2007; the basis on which the VTOS education and training opportunities will expand; and if she will make a statement on the matter. [10918/07]

**Minister of State at the Department of Education and Science (Mr. Haughey):** The Vocational Training and Opportunities Scheme is a second-chance education and training programme available to people who are over 21 years of age and in receipt of certain Social Welfare payments, especially people who are long-term unemployed. The objective of the Scheme is to enhance their prospects of employment.

The Scheme is funded by my Department and is delivered locally by Vocational Education Committees (VECs) at 104 centres throughout the country. Regulations governing the Scheme restrict the number of places to be filled annually to 5,000 places nationwide. Each VEC is authorised to fill a number of places. The VECs are the recipients of applications for enrolment. In cases where demand for places exceeds supply, VECs select the successful applicants. Accordingly, the records of my Department do not quantify the demand for VTOS places. I am, however, aware that overall demand outstrips supply.

There are no plans at present to expand the scheme or increase the number of places. It is important to note that VTOS is just one of a number of Further Education programmes available to adults. In all, approximately 100,000 adults are participating in these State-funded programmes.

### Teachers' Remuneration.

212. **Mr. Callely** asked the Minister for Education and Science the consideration she has given to amend the incremental credit scheme as per circular 10/01 or to introduce a new package for teacher remuneration; and if she will make a statement on the matter. [10919/07]

**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 the terms of revised Circular 10/01, in order for service to be recognised for the award of incremental credit, the service must have been remunerated, full-time, satisfactory and be relevant to primary teaching.

Any teacher whose incremental credit application is declined can appeal to an independent Incremental Credit Appeal Board. The Incremental Credit Appeal Board operates independently of the Minister and the 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. There are no proposals to change the current arrangements.

### Psychological Service.

213. **Mr. J. O'Keeffe** asked the Minister for Education and Science if her attention has been drawn to concerns that many educational psychologists are no longer available to do work under the scheme for the commissioning of psychological assessments due to the fact that the rate set for assessments in 2001 has not been increased, despite inflation and the cost of new tests; if her attention has further been drawn to the fact that many psychologists on the panel will not take on behavioural difficulty cases, as they involve such an enormous number of hours; and if she has proposals to confront the situation, in order that the SCPA scheme can operate fully and effectively. [10920/07]

**Minister for Education and Science (Ms Hanafin):** The Deputy will be aware that all primary and post primary schools have access to psychological assessments either directly through the National Educational Psychological Service (NEPS) or through the Scheme for Commissioning Psychological Assessments (SCPA), full details of which are available on my Department's website. 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. The prioritisation of urgent cases for assessment is a matter for the school principal in the first instance.

In addition NEPS provides assistance to all schools and school communities that experience critical incidents, regardless of whether or not they have a NEPS psychologist assigned to them. Also, in relation to all schools, NEPS processes applications for Reasonable Accommodation in Certificate Examinations and responds to queries in relation to individual children from other sections of my Department and from the specialist agencies.

The SCPA was established, pending the expansion to all schools of the service provided by NEPS psychologists, specifically to undertake assessments with individual children and young people. Schools are allowed annual access to the scheme at a level commensurate with 2% of school enrolment. A panel of private psychologists was established and has been refreshed annually and currently has 149 psychologists listed. A number of applicants for inclusion on the panel is currently being considered within NEPS. Since 2001 over 20,000 assessments have been commissioned under the scheme at a cost of some €6.8m. In 2006 some 4,250 assessments were

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provided in this regard and to date in 2007 almost 800 assessments have been billed to NEPS, which is up to par with the same period last year. NEPS has reviewed the operation of the scheme and schools generally have expressed a high level of satisfaction with it. The scheme does allow for the cognitive assessment and appraisal of the learning and attainments of a child with emotional/behavioural difficulties. Normally other agencies would be expected to be involved in severe cases of this nature. Questions have been raised in relation to the assessment fee allowed under SCPA and the matter is currently being considered within my Department.

In the wider context I have recently been pleased to announce an increase of 31 posts in 2007 in NEPS psychologist staffing. My Department is currently in discussions with the Public Appointments Service in an effort to recruiting these individuals as soon as possible in this regard. It is envisaged that these appointments will allow for further expansion of coverage by NEPS psychologists across all regions. Additionally under the Towards 2016 Agreement commitments I have further announced that NEPS psychologist.

#### **Schools Refurbishment.**

214. **Mr. McGinley** asked the Minister for Education and Science if a devolved grant has been applied for by a school (details supplied) in County Donegal; if the application is being considered; if the grant will be approved; and if she will make a statement on the matter. [10921/07]

**Minister for Education and Science (Ms Hanafin):** An application was received in the Department, under the Small Schools Scheme 2007, from the school referred to by the Deputy. On 5 March 2007, I announced details of the schools to receive funding under this Scheme. Due to the volume of applications received in the Department it was not possible to allocate funding to all proposed projects and the school referred to by the Deputy was not successful in this instance. However, it is open to the school authority to apply for funding under the 2008 scheme, details of which will be announced later this year.

215. **Mr. McGinley** asked the Minister for Education and Science if an application for refurbishment and extension to a school (details supplied) has been received in her Department; the date the application was received; if it is being considered at present; if a grant is or has been approved; and if she will make a statement on the matter. [10922/07]

**Minister for Education and Science (Ms Hanafin):** An application was received in the Department, under the Small Schools Scheme 2007, from the school referred to by the Deputy.

On 5 March 2007, I announced details of the schools to receive funding under this Scheme. Due to the volume of applications received in the Department it was not possible to allocate funding to all proposed projects and the school referred to by the Deputy was not successful in this instance. However, it is open to the school authority to apply for funding under the 2008 scheme, details of which will be announced later this year.

#### **Special Educational Needs.**

216. **Mr. Ó Fearghaíl** asked the Minister for Education and Science if her attention has been drawn to the situation regarding a person (details supplied) in County Kildare; when a school place will be provided for this person; if home tuition hours will be provided for them; and if she will make a statement on the matter. [10935/07]

**Minister for Education and Science (Ms Hanafin):** The National Council for Special Education has confirmed that the local special educational needs organiser (SENO) sanctioned 5 hours resource teaching and full time special needs assistant support for the child on 11 October 2006. A school place is available to the child and therefore the question of home tuition does not arise. I understand that the SENO and Education Welfare Officer met with the family on 17th March to discuss the child's return to school and it is hoped that this can happen on a phased basis commencing this week.

#### **School Transport.**

217. **Mr. Perry** asked the Minister for Education and Science the financial assistance that will be provided by her Department officials for the school transport of a person (details supplied) in County Sligo as their nearest school is closing and is not accepting first year students; and if she will make a statement on the matter. [10936/07]

**Minister of State at the Department of Education and Science (Mr. Haughey):** If the Deputy can provide the name of the pupil's nearest school, my Department will investigate the matter and revert to the Deputy.

#### **Computerisation Programme.**

218. **Ms Enright** asked the Minister for Education and Science the funding available for a school (details supplied) in County Dublin to purchase computers; and if she will make a statement on the matter. [10959/07]

**Minister for Education and Science (Ms Hanafin):** The recent investment priorities under the ICT in schools programme have been the provision of networking grants to schools and the schools broadband access programme. In this context, the school concerned received networking grants of €17,000 and €1,797 in 2004 and

2006, respectively, and has had its broadband connectivity installed.

I am aware of the benefits that good use of ICT can bring to our children's education and I am conscious of the need for further investment to ensure we realise the full potential of ICT to improve the learning experience for our young people. To that end, I intend to publish a new ICT strategy in 2007 covering the period of the national development plan to 2013. The latter contains a provision of €252 million for ICT in schools, the essential purpose of which is to advance the embedding of an e-learning culture in teaching and learning in our schools.

*Question No. 219 answered with Question No. 200.*

### **Schools Amalgamation.**

220. **Mr. Naughten** asked the Minister for Education and Science if an organisation (details supplied) has held talks with her Department on the amalgamation of a school; when those discussions commenced; the status of the talks; if the property in question has been offered for sale to her Department and her Department's response; and if she will make a statement on the matter. [10963/07]

**Minister for Education and Science (Ms Hanafin):** Officials from my Department met with the trustees of the schools referred to by the Deputy in 2006, at which the trustees outlined details of their discussions to date in relation to the proposed amalgamation. As with any proposed amalgamation, a decision to amalgamate is a matter solely for the school's patron or trustees. My Department's role is to facilitate any such proposals or discussions between the relevant parties.

### **School Enrolments.**

221. **Ms Enright** asked the Minister for Education and Science if her attention has been drawn to a case of a person (details supplied) where a family have been told there is no place available at a local school; the proposals she has to expand or provide additional school places in this area; and if she will make a statement on the matter. [10965/07]

**Minister for Education and Science (Ms Hanafin):** Enrolment in individual schools is the responsibility of the managerial authority of those schools, and the Department does not seek to intervene in decisions made by schools in such matters. The Department's main responsibility is to ensure 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.

The Department has examined the availability of primary school places in the area concerned. It emerges that enrolments are in considerable

decline. In the circumstances, the Department is satisfied, in compliance with its remit, that there are ample places for those seeking them in this particular area.

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. In this regard, 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. In formulating an admissions policy a school must, however, ensure it is lawful. In particular, it must act in accordance with section 7 of the Equal Status Act 2000 which, subject to limited exceptions, prohibits schools from discriminating against people in relation to a number of matters, including the admission of a pupil to the school.

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 this 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. Otherwise, the National Educational Welfare Board, NEWB, is the statutory agency that can assist parents who are experiencing difficulty in securing a school place for their child.

### **Languages Programme.**

222. **Mr. Kenny** asked the Minister for Education and Science if the two teacher rule and the two year rule no longer apply from 26 January 2007 as outlined in her reply to Parliamentary Question No. 497 of 27 February 2007; and if she will make a statement on the matter. [10966/07]

**Minister for Education and Science (Ms Hanafin):** I recently announced the schools that are to benefit from the 200 extra language support posts provided for in the 2007 Estimates. These extra 200 posts will bring the total number of language support teachers in our schools to 1,450. These new resources are intended for schools with large numbers of pupils who do not have English as a first language. Under the revised arrangements, depending on the number of eligible pupils enrolled, schools may now have up to six language support teachers.

The additional 200 teachers are part of the Government's commitment in Towards 2016 to provide an extra 550 language support teachers by 2009 and to reform the limit of two teachers per school. It is intended that a further 350 language support teachers will be provided between 2008 and 2009. Under current arrangements, the additional language support to an individual pupil is generally given for a period of two years. However, it is accepted that children have differ-

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ent levels of language and different levels of aptitude for language learning.

In order to ensure that schools can accurately and objectively assess the language requirement of children, my Department will be sending to primary schools assessment materials that have been developed by Integrate Ireland Language and Training, IILT. The assessment materials will enable schools to ensure that the specific language requirements of children needing support are met in a targeted way. The IILT materials will also enable accurate initial and ongoing assessment of the language proficiency of the child and his or her need for continued language support.

The deployment of language resource teachers will depend on the specific needs of the pupils and this is left to the discretion of the school authorities.

#### **Educational Disadvantage.**

223. **Mr. Kenny** asked the Minister for Education and Science if a school (details supplied) in County Mayo has been removed from the DEIS programme; and if her attention has been drawn to the fact that this decision will result in the cumulative loss to the school of disadvantage post, enhanced capitation, home school community officer, direct entry to access programme for third level entry, reduced contribution to building projects and food subsidy; her views on whether this is appropriate in view of the circumstances that apply in this school; and if she will make a statement on the matter. [10967/07]

224. **Mr. Kenny** asked the Minister for Education and Science if a school (details supplied) in County Mayo has been removed from the DEIS programme; and if her attention has been drawn to the fact that this decision will result in the cumulative loss to the school of disadvantage post, enhanced capitation, home school community officer, direct entry to access programme for third level entry, reduced contribution to building projects and food subsidy; her views on whether this is appropriate in view of the circumstances that apply in this school; and if she will make a statement on the matter. [10968/07]

225. **Mr. Kenny** asked the Minister for Education and Science if a school (details supplied) in County Mayo has been removed from the DEIS programme; and if her attention has been drawn to the fact that this decision will result in the cumulative loss to the school of disadvantage post, enhanced capitation, home school community officer, direct entry to access programme for third level entry, reduced contribution to building projects and food subsidy; her views on whether this is appropriate in view of the circumstances that apply in this school; and if she will make a statement on the matter. [10969/07]

226. **Mr. Kenny** asked the Minister for Education and Science if a school (details supplied) in County Mayo has been removed from the DEIS programme; and if her attention has been drawn to the fact that this decision will result in the cumulative loss to the school of disadvantage post, enhanced capitation, home school community officer, direct entry to access programme for third level entry, reduced contribution to building projects and food subsidy; her views on whether this is appropriate in view of the circumstances that apply in this school; and if she will make a statement on the matter. [10970/07]

227. **Mr. Kenny** asked the Minister for Education and Science if a school (details supplied) in County Mayo has been removed from the DEIS programme; and if her attention has been drawn to the fact that this decision will result in the cumulative loss to the school of disadvantage post, enhanced capitation, home school community officer, direct entry to access programme for third level entry, reduced contribution to building projects and food subsidy; her views on whether this is appropriate in view of the circumstances that apply in this school; and if she will make a statement on the matter. [10971/07]

228. **Mr. Kenny** asked the Minister for Education and Science if a school (details supplied) in County Mayo has been removed from the DEIS programme; and if her attention has been drawn to the fact that this decision will result in the cumulative loss to the school of disadvantage post, enhanced capitation, home school community officer, direct entry to access programme for third level entry, reduced contribution to building projects and food subsidy; her views on whether this is appropriate in view of the circumstances that apply in this school; and if she will make a statement on the matter. [10972/07]

229. **Mr. Kenny** asked the Minister for Education and Science if a school (details supplied) in County Mayo has been removed from the DEIS programme; and if her attention has been drawn to the fact that this decision will result in the cumulative loss to the school of disadvantage post, enhanced capitation, home school community officer, direct entry to access programme for third level entry, reduced contribution to building projects and food subsidy; her views on whether this is appropriate in view of the circumstances that apply in this school; and if she will make a statement on the matter. [10973/07]

230. **Mr. Kenny** asked the Minister for Education and Science if a school (details supplied) in County Mayo has been removed from the DEIS programme; and if her attention has been drawn to the fact that this decision will result in the cumulative loss to the school of disadvantage post, enhanced capitation, home school community officer, direct entry to access programme

for third level entry, reduced contribution to building projects and food subsidy; her views on whether this is appropriate in view of the circumstances that apply in this school; and if she will make a statement on the matter. [10974/07]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 223 to 230, inclusive, together.

Delivering equality of opportunity in schools, DEIS, the action plan for educational inclusion, provides for a standardised system for identifying levels of disadvantage and a new integrated school support programme. DEIS will bring together, and build upon, a number of existing interventions in schools with a concentrated level of disadvantage. As a result of the identification and review process, 873 schools have been included under the DEIS action plan. These comprise 670 primary schools and 203 second-level schools. In relation to schools that did not qualify for the new programme, it is important to note that an independent review process was available to them.

The eight schools referred to by the Deputy applied for review but were unsuccessful. Additional schools were added to the programme as a result of making successful review applications. I am satisfied that all schools have been assessed on the basis of the best information available, have been ranked in terms of the right criteria and have been given a fair opportunity to appeal. Unsuccessful schools were advised at an early stage that they would be allowed to keep the supports they have under pre-existing schemes for the current school year.

My Department is now in the process of informing these schools that they will retain additional teaching resources for the duration of the DEIS action plan. The effectiveness of these posts will be reviewed in line with the ongoing review process being put in place for DEIS schools. It will be a condition of the retention of such posts that schools comply with any reasonable requirements of the review process.

Schools which currently participate in the home school community liaison scheme, will continue to avail of HSCL services for the duration of the DEIS initiative. Following a full review of HSCL clustering arrangements by the Department in 2007, the level of service to schools will be commensurate with both the size of the school as well as its relative level of disadvantage. Any changes made in the HSCL clustering arrangements in schools, which will take effect from 1 September 2008, will facilitate local HSCL coordinators working with families of disadvantaged children across both primary and second level.

Many schools at present retain additional capitation from previous schemes that have now been subsumed into DEIS. From the beginning of the 2007-2008 school year this capitation will be offset against increases in the rate of general capitation. This process will take four years and will

ensure that no school will experience a reduction in annual capitation as a result of this measure. Changes may of course arise from other factors such as enrolments. Schools that were formerly classed as having disadvantaged status but were not included in the DEIS scheme will continue to benefit from the reduced rate of local contribution for building work on hand.

With regard to ACCESS programmes, the aim under DEIS is to strengthen progression and access to higher education for those from disadvantaged communities through co-operation between third level institutions and schools serving the communities concerned. The National Office for Equity of Access to Higher Education has published an action plan for the period 2005-2007, *Achieving Equity of Access to Higher Education in Ireland*.

The areas for action identified by the plan include the development of a national framework of equity of access policies, initiatives to widen access by under-represented learners and the provision of supports for higher education institutions in pursuing a practical agenda for achieving equity of access as a core part of institutional strategy. The work carried out in these areas will complement the new approach being adopted under the DEIS initiative. My Department and the national office will work together in this regard.

I am assured by my colleague, the Minister for Social and Family Affairs, that schools which participate in the school meals programme and which have not qualified for inclusion in DEIS will not be removed from the programme.

#### Departmental Staff.

231. **Mr. Naughten** asked the Minister for Education and Science the reason degree qualifications are given a higher weighting than being unemployed for persons applying for temporary summer clerical positions in her Department's offices in Athlone and the State Examinations Board; if she will review this policy; and if she will make a statement on the matter. [10980/07]

**Minister for Education and Science (Ms Hanafin):** The recent competition advertised to recruit Temporary Clerical Officers for my Department's offices in Athlone and Tullamore along with the State Examinations Commission is being conducted in accordance with the Commission for Public Service Appointments' Code of Practice for External Recruitment for Appointments to Positions in the Civil Service. This Code places great emphasis on the recruitment of persons on the basis of merit.

This competition attracted 1,221 applications. Due to the high number of applications for this competition, it was not possible to interview all applicants, thereby, necessitating a short-listing process. The short-listing process entailed a detailed examination of the information supplied by applicants on their application forms. Apart

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from a candidate's highest educational attainment, marks were also awarded for previous work experience, computer skills and other relevant information.

In accordance with the above Code of Practice, applicants not included on the short-list were given the opportunity to seek a review of the decision. The closing date for receipt of such requests for reviews was Tuesday 20th March 2007.

232. **Mr. Naughten** asked the Minister for Education and Science the reason persons who failed to be called for an interview for temporary summer clerical positions in her Department's offices in Athlone and the State Examinations Board were only given three working days to submit an appeal; her views on whether this is acceptable; if she will review this policy; and if she will make a statement on the matter. [10981/07]

**Minister for Education and Science (Ms Hanafin):** The competition to recruit Temporary Clerical Officers for my Department's offices in Athlone and Tullamore along with the State Examinations Commission is being conducted in accordance with the Commission for Public Service Appointments' Code of Practice for External Recruitment for Appointment to Positions in the Civil Service.

As decisions in relation to the short-listing for interviews relate to an interim stage of the recruitment process, three working days were provided to candidates to seek a review of the decision in accordance with paragraph 7.6 of the above Code of Practice. The three day deadline is necessary to ensure that delays in the recruitment process are avoided.

*Question No. 233 answered with Question No. 200.*

#### **Schools Refurbishment.**

234. **Ms O'Sullivan** asked the Minister for Education and Science when a decision will be made on an appeal for funding under the summer works scheme to provide an outdoor play area for a school (details supplied) in County Limerick which has less than two square feet of play space per child; and if she will make a statement on the matter. [10983/07]

**Minister for Education and Science (Ms Hanafin):** The school to which the Deputy refers made an application under the Summer Works Scheme 2007 for provision of a hard court play area. On the 8th January last, I announced details of the schools to receive funding to improve facilities under the Summer Works Scheme 2007. Under the published prioritisation criteria governing the Scheme, external environment projects fall into category ten. However, due to the volume of applications received it was not possible

to allocate funding to all proposed projects. The Department has received an appeal on this decision from school authorities which will be considered further.

#### **School Accommodation.**

235. **Ms O'Sullivan** asked the Minister for Education and Science if she will address as a matter of urgency the need for an extra classroom for a school (details supplied) in County Meath which has had to refuse local children places; and if she will make a statement on the matter. [10984/07]

**Minister for Education and Science (Ms Hanafin):** I am pleased to inform the Deputy that the Department has approved additional temporary accommodation for the school to which she refers to cater for increased enrolments for next September. The Department has also approved the replacement of accommodation for shared learning support and language support teachers. The school has been notified of this development.

#### **Youth Services.**

236. **Mr. O'Shea** asked the Minister for Education and Science if she will provide the €132,000 which a project (details supplied) has applied for to cover the provision of two youth workers with associated costs for one year; and if she will make a statement on the matter. [10985/07]

**Minister of State at the Department of Education and Science (Mr. Haughey):** The Youth Affairs Section of my Department has received an application for funding on behalf of the project in question. This application was submitted for consideration in the 2007 round of grants under the Special Projects for Youth Scheme.

Funding allocations for 2007 are currently being examined by my Department and consideration will be given to this application in light of available financial resources, existing commitments and other applications. My Department's objective is to finalise decisions on such applications before the end of the Spring.

#### **Schools Refurbishment.**

237. **Mr. Kehoe** asked the Minister for Education and Science when payment will be made to persons (details supplied), who have done work and are owed money for the new extension and refurbishment of an existing school; if her attention has been drawn to the fact that the school in question is waiting for a new school building since 2000. [10986/07]

**Minister for Education and Science (Ms Hanafin):** The original plan for the school referred to by the Deputy was to extend and refurbish the existing school building. However, due to increasing enrolments and the limited size of the existing site, it was decided that the best

way forward was to build a complete new 16 classroom Generic Repeat Design school building on a new site.

At present my Department's Technical Staff are working out a fee proposal for the Design Team in relation to the new school building plus the level of fees that are due for work already carried out on the original design. It is envisaged that this fee proposal will be issued to the school before the end of this month. Once the fees are agreed any outstanding monies will be paid without delay. I can assure the Deputy that there has been no unnecessary delay in the matter and that the school and its Design Team are fully aware of the position.

#### School Accommodation.

238. **Mr. Durkan** asked the Minister for Education and Science the degree to which current and future accommodation and other requirements are met or are expected to be met at a school (details supplied) in County Kildare; and if she will make a statement on the matter. [10999/07]

**Minister for Education and Science (Ms Hanafin):** The Department has no record of the school to which the Deputy refers. If the Deputy provides the School Planning Section of the Department with a roll number for the school, it will reply to him directly on the matter.

239. **Mr. Durkan** asked the Minister for Education and Science the degree to which current and future accommodation and other requirements are met or are expected to be met at a school (details supplied) in County Kildare; and if she will make a statement on the matter. [11000/07]

**Minister for Education and Science (Ms Hanafin):** The school to which the Deputy refers has not applied to the Department for additional accommodation.

#### Schools Building Projects.

240. **Mr. Durkan** asked the Minister for Education and Science the degree to which current and future accommodation and other requirements are met or are expected to be met at a school (details supplied) in County Kildare; and if she will make a statement on the matter. [11001/07]

241. **Mr. Durkan** asked the Minister for Education and Science the degree to which current and future accommodation and other requirements are met or are expected to be met at a school (details supplied) in County Kildare; and if she will make a statement on the matter. [11002/07]

243. **Mr. Durkan** asked the Minister for Education and Science the position in relation to an

application for major capital funding from a school (details supplied) in County Kildare; her plans to progress this matter in the next six months; and if she will make a statement on the matter. [11004/07]

244. **Mr. Durkan** asked the Minister for Education and Science the position in relation to an application for major capital funding from a school (details supplied) in County Kildare; her plans to progress this matter in the next six months; and if she will make a statement on the matter. [11005/07]

245. **Mr. Durkan** asked the Minister for Education and Science the position in relation to an application for major capital funding from a school (details supplied) in County Kildare; her plans to progress this matter in the next six months; and if she will make a statement on the matter. [11006/07]

269. **Mr. Durkan** asked the Minister for Education and Science her proposals to meet the current and future requirements in respect of accommodation and other facilities at a school (details supplied) in County Kildare; and if she will make a statement on the matter. [11036/07]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 240, 241, 243, 244, 245 and 269 together.

I can confirm to the Deputy that the Department is in receipt of applications for major capital funding from the management authorities of the schools to which he refers. The applications have been assessed in accordance with the published prioritisation criteria for large scale projects. Progress on the proposed works is being considered in the context of the multi-annual School Building and Modernisation Programme.

242. **Mr. Durkan** asked the Minister for Education and Science the position in relation to an application for major capital funding for a school (details supplied) in County Kildare; her plans to progress this matter in the next six months; and if she will make a statement on the matter. [11003/07]

248. **Mr. Durkan** asked the Minister for Education and Science the position in relation to an application for large scale funding for a school (details supplied) in County Kildare under the school building and modernisation programme 2007; when it is expected this project will progress in view of the urgent and pressing needs of the school in question; and if she will make a statement on the matter. [11009/07]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 242 and 248 together.

I can confirm to the Deputy that the Department is in receipt of an application for major



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capital funding from the management authority of the school to which he refers. The applications have been assessed in accordance with the published prioritisation criteria for large scale projects. Progress on the proposed works is being considered in the context of the multi-annual School Building and Modernisation Programme.

*Questions Nos. 243 to 245, inclusive, answered with Question No. 240.*

246. **Mr. Durkan** asked the Minister for Education and Science if a design team has been appointed to a school (details supplied) following an information seminar attended by representatives of the board of management in December 2006; her plans to progress this matter in early date; and if she will make a statement on the matter. [11007/07]

268. **Mr. Durkan** asked the Minister for Education and Science the position in regard to the provision of the new school at a school (details supplied) in County Kildare; the extent to which she will accelerate the process; and if she will make a statement on the matter. [11035/07]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 246, 268 together.

As the Deputy will be aware, the project to provide a new building for the school to which he refers is one of 80 projects which I approved to commence architectural planning in 2007. Officials in the School Building Section will be in contact shortly with the school authority with regard to the appointment of a design team to commence architectural planning for this project.

#### School Accommodation.

247. **Mr. Durkan** asked the Minister for Education and Science when a decision will be made regarding an application by a school (details supplied) in County Kildare for additional classroom accommodation under the permanent accommodation scheme 2007 in view of the urgent and pressing needs of the school in question; and if she will make a statement on the matter. [11008/07]

**Minister for Education and Science (Ms Hanafin):** On 5 March 2007, I announced details of the schools to receive funding under the Permanent Accommodation Scheme for 2007. I am pleased to inform the Deputy that the school to which he refers was among the successful applicants. Officials in the School Building Section will be in contact with the school authority with regard to drawing down the funding.

*Question No. 248 answered with Question No. 242.*

#### Special Educational Needs.

249. **Mr. Durkan** asked the Minister for Education and Science if she has received an up to date report from the NCSE citing recommendations as to how to proceed to enable the special autism unit at a school (details supplied) in County Kildare to become fully operational in view of the fact that this unit was completed over three years ago; and if she will make a statement on the matter. [11010/07]

**Minister for Education and Science (Ms Hanafin):** I wish to advise the Deputy that officials from the National Council Special met with the school authorities concerned last week and have updated my Department in this regard. I share the Deputy's desire to see this purpose built facility for children with autism utilized to full potential and given the commitment of all concerned to the unit I am confident of a future resolution of remaining issues.

#### School Accommodation.

250. **Mr. Durkan** asked the Minister for Education and Science the position in regard to the provision of classroom accommodation at a school (details supplied) in County Kildare; if she has received the stage one and two submission; if a subsequent meeting has taken place or will be arranged with the school authorities and design team to evaluate same; when authorisation of the project to progress to the next stages of architectural planning will be given; and if she will make a statement on the matter. [11011/07]

**Minister for Education and Science (Ms Hanafin):** The permanent School Building project referred to by the Deputy is at an early stage of architectural planning. My Department wrote to the Design Team on the project on the 20th September 2006 requesting a stage 1/2 submission (Outline sketch scheme with costings) and this submission is expected in my Department by the end of April this year.

When this stage 1/2 submission is received in my Department, my Officials will arrange a meeting with the School Authorities and their Design Team in order to evaluate the documentation. It is envisaged that unless there are very exceptional circumstances involved, the meeting will be sufficient to authorise the project to progress to the next stages of architectural planning. Progression of all projects to tender and construction will be considered in the context of my Department's multi-annual School Building and Modernisation Programme.

251. **Mr. Durkan** asked the Minister for Education and Science the position in regard to the provision of permanent classroom accommodation at a school (details supplied) in County Kildare; if her Department has received stage three documentation from the school authorities; her plans to progress this matter in the next six

months; and if she will make a statement on the matter. [11012/07]

**Minister for Education and Science (Ms Hanafin):** The building project for the School referred to by the Deputy was one of the sixty two projects that I announced to start the architectural planning process in January of 2006 and to proceed to tender and construction as per my announcement of November 2006.

The brief for the project consists of a 16 classroom Generic Repeat Design with an additional bolt-on Special Education Tuition room. A Design Team was appointed on the project in July last year and, following a briefing seminar in my Department's Offices in Tullamore, the Design Team were instructed to proceed to stage 3 (detailed design with costings) of my Department's Design Team Procedures. The stage 3 documentation is now awaited and when this is received in my Department, my Officials will, if necessary, arrange a meeting with the School Authorities and their Design Team in order to evaluate the documentation.

Once the stage 3 is approved, the new School building project will proceed, in accordance with the School Building and Modernisation Programme 2007-2011, to advanced design and subsequently to tender and construction.

#### School Placement.

252. **Mr. Bruton** asked the Minister for Education and Science if there are school places at second level for a person (details supplied) in Dublin 5; and if she will assist in finding a suitable placement for the person. [11013/07]

**Minister for Education and Science (Ms Hanafin):** Enrolment decisions are the responsibility of the Board of Management of each individual school. My Department has no role in relation to processing applications for enrolment by schools.

Section 29 of the Education Act 1998, provides parents with an appeal process where a Board of Management of a school or a person acting on behalf of the Board refuses enrolment to a student. Where a school refuses to enrol a pupil, the school is obliged to inform parents of their right under Section 29 of Education Act 1998 to appeal that decision to the Secretary General of my Department. Where an appeal under Section 29 is upheld, the Secretary General of my Department may direct a school to enrol a pupil.

The National Educational Welfare Board (NEWB) is the statutory agency which can assist parents who are experiencing difficulty in securing a school place for their child. The NEWB can be contacted at National Educational Welfare Board, National Headquarters, 16-22 Green Street, Dublin 7 or by telephone at 01-8738700.

#### Special Educational Needs.

253. **Mr. Durkan** asked the Minister for Edu-

cation and Science if she has received communications from school authorities, boards of management or parents groups in regard to the provision of the necessary facilities to meet the requirements of children with autism; the extent to which she has responded favourably to such requests; her intended response in the future; if she expects all such matters to be resolved prior to the beginning of the 2007/08 school year; and if she will make a statement on the matter. [11018/07]

265. **Mr. Durkan** asked the Minister for Education and Science if her attention has been drawn to the children with autism currently requiring teaching facilities throughout County Kildare; her plans to meet such requirements in full in view of the obvious availability of resources; and if she will make a statement on the matter. [11032/07]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 253 and 265 together.

The Deputy will be aware that the National Council for Special Education (NCSE) was established under the Education for Persons with Special Needs Act (EPSN) to improve the delivery of education services to persons with special educational needs arising from disabilities with particular emphasis on children. Since it was established in 2005, the NCSE has been responsible for allocating resources for children with special educational needs. The NCSE has a key role in the delivery of services and operates through a network of special educational needs organisers (SENOs) who act as a focal point of contact for schools and parents. The role of the SENOs would include the processing of applications from schools to establish special classes for autism and correspondence to my Department in this regard would be directed to the NCSE. I can assure the Deputy that the NCSE will continue to establish classes for children with autism as and where required.

My Department, in conjunction with the NCSE, has established: 182 Special Classes for children with autism, attached to special and mainstream schools; 5 special Classes for children with Asperger's Syndrome; 18 early intervention provision for children on the autistic spectrum; and 14 Stand Alone facilities providing an Applied Behavioural Analysis (ABA) specific methodology on a pilot basis (2 of these facilities have yet to be established).

#### School Accommodation.

254. **Mr. Durkan** asked the Minister for Education and Science when she will meet in full the requirements at primary school level as set out by the various school authorities in regard to the provision of extra permanent classrooms sufficient to meet the expanded population

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requirements; and if she will make a statement on the matter. [11020/07]

256. **Mr. Durkan** asked the Minister for Education and Science when, in view of the obvious availability of adequate funds, she will be in a position to provide the necessary resources to ensure the provision of permanent classrooms in all schools throughout the country with particular reference to those primary or secondary schools in respect of which she has long since received notification in respect of precise requirements arising from overcrowding; and if she will make a statement on the matter. [11022/07]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 254 and 256 together.

Between 2000 and 2006 the Department has delivered over 7,800 projects in schools throughout the country with an investment of €2.6 billion. The investment in school buildings under the new NDP for 2007 to 2013 is over €4.5 billion. This multi-annual funding will enable the Department to continue to take a proactive approach in the provision of modern school accommodation particularly in rapidly developing areas on an on-going basis.

#### **Pupil-Teacher Ratio.**

255. **Mr. Durkan** asked the Minister for Education and Science the extent to which she or her Department has carried out an evaluation of the unacceptably large classes in primary schools in Dublin and in the immediately adjoining areas of Wicklow, Kildare and Meath; her proposals by way of emergency action to address this issue; and if she will make a statement on the matter. [11021/07]

**Minister for Education and Science (Ms Hanafin):** Major improvements have been made in staffing at primary level in recent years. There are now 5,000 more primary teachers than there were in 2002. The average class size in our primary schools is 24 and there is now one teacher for 17 pupils at primary level, including resource teachers etc.

Children with special needs and those from disadvantaged areas are getting more support than ever before to help them to make the most of their time at school. Indeed, with the thousands of extra primary teachers hired by this Government, recent years have seen the largest expansion in teacher numbers since the expansion of free education. Furthermore, the Government is committed to providing even more primary teachers next year to reduce class sizes.

As you know all primary schools are staffed on a general rule of at least one classroom teacher for every 28 children. 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 and so on — but the general rule is that there is at least one classroom teacher for every 28 children in the school. Next September this will reduce to 27 children per classroom teacher. School authorities are requested to ensure that the number of pupils in any class is kept as low as possible, taking all relevant contextual factors into account (e.g. classroom accommodation, fluctuating enrolment). In particular, school authorities should ensure that there is an equitable distribution of pupils in mainstream classes and that the differential between the largest and smallest classes is kept to a minimum.

A further initiative that has been of direct benefit to primary schools has been the change in the criteria for developing schools. For the current school year the threshold for getting a developing school post was reduced specifically to help schools that are seeing large increases in enrolments each year. Over 280 such posts were sanctioned in the 2006/07 school year compared to 170 in 2005/06.

The improvements we have made in school staffing in recent years are absolutely unparalleled. But we are determined to go even further, and so the 2007 Estimates include provision for another 800 primary teachers. About 500 of these will be classroom teachers, which includes our commitment to reduce class sizes. I assure the Deputy that we will continue to prioritise further improvements in school staffing going forward. We will also continue our focus on measures to improve the quality of education in our primary schools to ensure that increased resources lead to better outcomes for our children.

The demand for additional accommodation in schools has risen significantly over the last number of years mainly due to the rapid expansion in teacher numbers particularly in the area of special needs, the growth in the school-going population in rapidly developing areas including the impact of inward migration and the demands to cater for diversity through the recognition of new Gaelscoileanna and Educate Together schools.

As you will be aware, the local area development plan for the N4/M4 corridor (running from Leixlip to Kilbeggan and including Maynooth, Celbridge, Kilcock, Edenderry, Enfield, Longwood, Kinnegad, Killucan, Milltownpass, Rochfortbridge and Tyrellspass), which was published in May 2005 by the Commission on School Accommodation, is the framework document for the Department's long-term educational strategy at both primary and post-primary level for the area concerned. The recommendations in the plan are being actioned in the context of the School Building and Modernisation Programme subject to the published prioritisation criteria for large scale building projects. In addition, the Department recently published an Area Development Plan (which is available on the Department's website, [www.education.ie](http://www.education.ie)) in draft for-

mat which sets out the educational infrastructural requirements of the North Dublin, East Meath and South Louth area into the future.

The Commission on School accommodation has commenced a public consultation process on the draft document. Interested parties can participate in this process by either forwarding written submissions and/or by making oral presentations to the Commission. Arrangements will be made to hear oral presentations locally. The first series is expected to start on Monday 26th March 2007. The consultation process will culminate in a final infrastructural Plan which will become the framework against which capital investment for the area will be made for the foreseeable future.

*Question No. 256 answered with Question No. 254.*

257. **Mr. Durkan** asked the Minister for Education and Science the reason she has not made the necessary provisions to reduce class sizes in line with the Government's commitment prior to the 2002 general election; and if she will make a statement on the matter. [11023/07]

**Minister for Education and Science (Ms Hanafin):** Information in relation to class sizes is provided in the annual census of primary schools. The census for the current school year (2006/2007) is currently being worked on. Major improvements have been made in staffing at primary level in recent years. There are now 5,000 more primary teachers than there were in 2002. The average class size in our primary schools is 24 and there is now one teacher for 17 pupils at primary level, including resource teachers etc.

Children with special needs and those from disadvantaged areas are getting more support than ever before to help them to make the most of their time at school. Indeed, with the thousands of extra primary teachers hired by this Government, recent years have seen the largest expansion in teacher numbers since the expansion of free education. Furthermore, the Government is committed to providing even more primary teachers next year to reduce class sizes.

As you know all primary schools are staffed on a general rule of at least one classroom teacher for every 28 children. 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 and so on — but the general rule is that there is at least one classroom teacher for every 28 children in the school. Next September this will reduce to 27 children per classroom teacher.

School authorities are requested to ensure that the number of pupils in any class is kept as low as possible, taking all relevant contextual factors into account (e.g. classroom accommodation, fluctuating enrolment). In particular, school authorities should ensure that there is an equitable distribution of pupils in mainstream classes and

that the differential between the largest and smallest classes is kept to a minimum.

A further initiative that has been of direct benefit to primary schools has been the change in the criteria for developing schools. For the current school year the threshold for getting a developing school post was reduced specifically to help schools that are seeing large increases in enrolments each year. Over 280 such posts were sanctioned in the 2006/07 school year compared to 170 in 2005/06.

The improvements we have made in school staffing in recent years are absolutely unparalleled. But we are determined to go even further, and so the 2007 Estimates include provision for another 800 primary teachers. About 500 of these will be classroom teachers, which includes our commitment to reduce class sizes. I assure the Deputy that we will continue to prioritise further improvements in school staffing going forward. We will also continue our focus on measures to improve the quality of education in our primary schools to ensure that increased resources lead to better outcomes for our children.

#### **Special Educational Needs.**

258. **Mr. Durkan** asked the Minister for Education and Science when she expects to be in a position to meet in full the special needs teaching requirements in all schools throughout the country with particular reference to the submissions made to her by the various school authorities; and if she will make a statement on the matter. [11024/07]

262. **Mr. Durkan** asked the Minister for Education and Science her intentions to meet the special needs teaching requirements in all schools throughout north Kildare in the near future; and if she will make a statement on the matter. [11029/07]

263. **Mr. Durkan** asked the Minister for Education and Science the extent to which she proposes to meet in full remedial, resource, special needs teachers and classroom assistants in respect of the various schools throughout north Kildare; and if she will make a statement on the matter. [11030/07]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 258, 262 and 263 together.

The Deputy will be aware that the National Council for Special Education (NCSE) was established under the Education for Persons with Special Needs Act (EPSN) to improve the delivery of education services to persons with special educational needs arising from disabilities with particular emphasis on children. Since it was established in 2005, the NCSE has been responsible for allocating resources for children with special educational needs. The NCSE has a key role in the delivery of services and operates

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through a network of special educational needs organisers (SENOs) who act as a focal point of contact for schools and parents.

Schools should continue to contact their local SENO for resources to meet the needs of pupils with special educational needs. 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. Second level schools continue to be supported by the allocation of additional teaching hours, where appropriate, for each pupil enrolled who is assessed as having a special educational need. Special need assistant support is allocated, as appropriate, to all schools where there are confirmed assessed care needs in respect of students.

There has been enormous progress made over the past number of years in relation to increasing the number of teachers in our schools who are specifically dedicated to providing education for children with special educational needs. At primary level, there are now over 5,500 teachers in our primary schools working directly with children with special needs, including those requiring learning support. At second level, over 2,400 whole time equivalent additional teachers are in place to support pupils with special educational needs with 533 of these being learning support teachers. In addition, there are in excess of 8,200 special needs assistants in our primary and post primary schools.

#### Higher Education Grants.

259. **Mr. Durkan** asked the Minister for Education and Science when higher education grants will be paid in sufficient time to ensure that students are not kept waiting unnecessarily and thereby causing anxiety for them and the institutions they attend; and if she will make a statement on the matter. [11025/07]

**Minister for Education and Science (Ms Hanafin):** The Third Level maintenance Grant Schemes, which my Department revises annually, are administered by the Local Authorities and VECs.

The arrangement for the payment of grants under the Grant Schemes are a matter for the Local Authorities/VECs. The terms of the Higher Education Grants Scheme and the V.E.C. Scholarships Scheme for the 2006/07 academic year provide for the payment by the Local Authorities/VECs of each maintenance grant in three equal instalments as early as possible in each term with the individual payable orders being addressed to the grant holder c/c the Bursar's Office of the College.

The Deputy will be aware that, in accordance with the commitment in the Agreed Programme for Government, I plan to introduce a single unified scheme of maintenance grants for students in

higher education. This will, I believe, provide for a more coherent administration system which will facilitate consistency of application, improved client accessibility and ensure the timely delivery of grants to those who need them most. This is part of my overall plan to introduce service improvements in the administration of the student grant schemes. These will include guaranteed timeframes for the earlier payment of grants, an independent appeals procedure and more efficient arrangements for handling applications and making payments.

#### Psychological Service.

260. **Mr. Durkan** asked the Minister for Education and Science the reason adequate psychological assessment facilities are not being provided as required throughout the country; and if she will make a statement on the matter. [11026/07]

**Minister for Education and Science (Ms Hanafin):** The Deputy will be aware that all primary and post primary schools have access to psychological assessments either directly through the National Educational Psychological Service (NEPS) or through the Scheme for Commissioning Psychological Assessments (SCPA). 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. The prioritisation of urgent cases for assessment is a matter for the school principal in the first instance.

In addition NEPS provides assistance to all schools and school communities that experience critical incidents, regardless of whether or not they have a NEPS psychologist assigned to them. Also, in relation to all schools, NEPS processes applications for Reasonable Accommodation in Certificate Examinations and responds to queries in relation to individual children from other sections of my Department and from the specialist agencies.

As the Deputy will be aware, this Government has given a very high priority to providing better supports for children with special needs. This year, we are providing over €820 million for special education — an increase of 30% or €180 million on last year's allocation. Amongst other improvements, this increased investment covers the cost of 31 extra NEPS psychologists, including our commitments under 'Towards 2016'.

I can inform the Deputy that the number of psychologists in the Department has increased from 43 since the establishment of NEPS in 1999 to a current figure of 127, including 4 psychologists assigned to the National Behavioural Support Service. There are also a further 16 Whole-time-equivalent educational psychologists providing a service through the Dublin City and County

VECs. Taken together, there are currently 143 educational psychologists working in services paid for by my Department. The expansion of the number of NEPS psychologists by a further 31 in 2007 will represent a significant increase in the numbers in NEPS and bring the total number of psychologists in the system to 174.

I am pleased to inform the Deputy that in line with the Government's 'Towards 2016' commitments, the number of NEPS psychologists will be increased even further in each of 2008 and 2009, to a total of 193. At this point, including the 16 psychologists in the Dublin VEC areas, it is expected that the number of educational psychologists in the system as a whole will be 209. Hence the number of schools covered directly by NEPS psychologists will increase substantially. The number of schools served directly by NEPS is only half the picture, as schools that aren't covered by the service can commission private assessments paid for by NEPS.

More than 4,000 such private assessments were funded in the 2005/06 academic year. In addition, NEPS psychologists themselves carried out 6,700 assessments. So, in total, nearly 11,000 children had assessments paid for by my Department last year. It should be noted that since the Government provided for a guaranteed allocation of resource teaching hours to all primary schools in 2005, the majority of primary school children do not now need psychological assessments in order to get extra support.

It should also be noted that in common with many other psychological services, NEPS encourages a staged assessment process, whereby each school takes responsibility for initial assessment, educational planning and remedial intervention, in consultation with their assigned NEPS psychologist. Only if there is a failure to make reasonable progress in spite of the school's best efforts, will a child be referred for individual psychological assessment. It is important that such a system is used in order to ensure that children are not referred unnecessarily for psychological intervention.

With the huge increases in investment in special education services in recent years, I am confident that all children with special needs can access resources in an appropriate and speedy manner.

261. **Mr. Durkan** asked the Minister for Education and Science the extent to which she has been notified regarding the psychological assessment requirements in respect of the various schools throughout County Kildare; her intentions to meet such requirements in full in early date; and if she will make a statement on the matter. [11027/07]

**Minister for Education and Science (Ms Hanafin):** The Deputy will be aware that all primary and post primary schools have access to psychological assessments either directly through the National Educational Psychological Service

(NEPS) or through the Scheme for Commissioning Psychological Assessments (SCPA), full details of which are available on my Department's website. 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. The prioritisation of urgent cases for assessment is a matter for the school principal in the first instance.

In addition NEPS provides assistance to all schools and school communities that experience critical incidents, regardless of whether or not they have a NEPS psychologist assigned to them. Also, in relation to all schools, NEPS processes applications for Reasonable Accommodation in Certificate Examinations and responds to queries in relation to individual children from other sections of my Department and from the specialist agencies.

The current position in relation to Co. Kildare schools is that some 45% of primary schools (representing some 53% of pupils) and 89% of post-primary schools (representing 91% of students) have a NEPS psychologist assigned to them.

Since the establishment of the NEPS in 1999, the number of NEPS psychologists has increased from 43 to 127 at present.

I have recently been pleased to announce an increase of 31 posts in 2007 in NEPS psychologist staffing. My Department is currently in discussions with the Public Appointments Service in an effort to recruiting these individuals as soon as possible in this regard. It is envisaged that these appointments will allow for further expansion of coverage by NEPS psychologists across all regions. Additionally under the Towards 2016 Agreement commitments I have further announced that NEPS psychologist numbers shall expand by a further 35 posts in the following two years.

*Questions Nos. 262 and 263 answered with Question No. 258.*

#### **Special Educational Needs.**

264. **Mr. Durkan** asked the Minister for Education and Science when the specific accommodation for children with autism first became available at a school (details supplied) in County Kildare; the reason the teaching and other facilities were not provided; if she will take steps to ensure the immediate provision of such facilities at this school; and if she will make a statement on the matter. [11031/07]

**Minister for Education and Science (Ms Hanafin):** The Deputy will be aware of my commitment to ensuring that all children included those with autism receive an education appropriate to their needs. The unit referred to by the

[Ms Hanafin.]

Deputy which is designed to cater for up to 12 pupils was completed in 2003. Such an enrolment would attract a staffing allocation of 2 full time teachers and 4 Special Needs Assistants.

The school authorities have been reluctant to open this unit pending clarification of issues. I wish to advise the Deputy that officials from the National Council Special met with the school authorities concerned last week and have updated my Department in this regard. I share the Deputy's desire to see this purpose built facility for children with autism utilised to full potential and given the commitment of all concerned to the unit I am confident of a future resolution of remaining issues.

*Question No. 265 answered with Question No. 253.*

#### Site Acquisitions.

266. **Mr. Durkan** asked the Minister for Education and Science the stage of the negotiations between her Department, the Office of Public Works and Kildare County Council in regard to the finalisation of the acquisition of a site for the new school at Kill, County Kildare; her intention to accelerate the process with a view to meeting the accommodation requirements of the school in early date; and if she will make a statement on the matter. [11033/07]

267. **Mr. Durkan** asked the Minister for Education and Science the position in regard to the provision of the new school and facilities at Kill, County Kildare; the reason for the delay in view of the urgency of the situation; and if she will make a statement on the matter. [11034/07]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 266 and 267 together.

The Office of Public Works, which acts on behalf of the Department generally on the acquisitions of sites for schools, has identified a suitable site for the school in question. Agreement on the site acquisition has been reached subject to contract. While draft contracts have been exchanged, I am advised that the conveyancing process continues to be delayed pending the outcome of a planning application by the vendor.

In November, 2006 I announced that this project was to commence architectural design so that preliminary progress can be made on the delivery of the new building. Subject to securing the site, School Building Section is examining options, including the use of generic design, to speed up delivery of this project. When the best method of delivery is determined it will be possible to describe the stages that have to be concluded and to give an indicative time frame for delivery.

With regard to current enrolments and enrolments for September 2007, the school has taken

steps to ensure that all eligible pupils can be accommodated.

*Question No. 268 answered with Question No. 246.*

*Question No. 269 answered with Question No. 240.*

#### School Accommodation.

270. **Mr. Durkan** asked the Minister for Education and Science her proposals to meet the urgent and well documented requirements in respect of permanent accommodation and other facilities at a school (details supplied) in County Kildare; and if she will make a statement on the matter. [11037/07]

**Minister for Education and Science (Ms Hanafin):** The permanent School Building project referred to by the Deputy is at early stage of architectural planning. My Department wrote to the Design Team on the project on the 20th September 2006 requesting a stage 1/2 submission (Outline sketch scheme with costings) and this submission is expected in my Department by the end of April this year.

When this stage 1/2 submission is received in my Department, my Officials will arrange a meeting with the School Authorities and their Design Team in order to evaluate the documentation. It is envisaged that unless there are very exceptional circumstances involved, the meeting will be sufficient to authorise the project to progress to the next stages of architectural planning. Progression of all projects to tender and construction will be considered in the context of my Department's multi-annual School Building and Modernisation Programme.

271. **Mr. Durkan** asked the Minister for Education and Science her proposals to meet the urgent and well documented requirements in respect of permanent accommodation and other facilities at a school (details supplied) in County Kildare; and if she will make a statement on the matter. [11038/07]

**Minister for Education and Science (Ms Hanafin):** A Design Team was appointed on the School referred to by the Deputy on the 28th November last and the School Authorities were instructed to inform their Design Team to prepare a stage 1/2 submission (Outline sketch scheme with costings).

The stage 1/2 documentation is now awaited and when this is received in my Department, my Officials will arrange a meeting with the School Authorities and their Design Team in order to evaluate the documentation. It is envisaged that unless there are very exceptional circumstances involved, the meeting will be sufficient to authorise the project to progress to the next stages of architectural planning. Progression of all projects

to tender and construction will be considered in the context of my Department's multi-annual School Building and Modernisation Programme.

### Schools Building Projects.

272. **Mr. Durkan** asked the Minister for Education and Science when a school (details supplied) in County Kildare will be officially opened; and if she will make a statement on the matter. [11039/07]

**Minister for Education and Science (Ms Hanafin):** Construction on the school building project referred to by the Deputy commenced in May 2006. The project is currently on target and it is envisaged that the school will be ready for occupation in September 2007.

### School Accommodation.

273. **Mr. Durkan** asked the Minister for Education and Science the degree to which current and future accommodation and other requirements are met or are expected to be met at a school (details supplied) in County Kildare; and if she will make a statement on the matter. [11040/07]

**Minister for Education and Science (Ms Hanafin):** The school to which the Deputy refers has not applied to the Department for additional accommodation. However, I am pleased to inform the Deputy that approval has been given to the Board of Management to replace a boiler at the school under the Department's Summer Works Scheme for 2007.

### Special Educational Needs.

274. **Mr. Durkan** asked the Minister for Education and Science the extent to which it is intended to provide financial support and assistance to ensure the continued operation of the full range of facilities at a school (details supplied) in County Kildare; her views on the commitments, the ongoing needs and the future requirements of children and adults in this category; her further views on the need to make substantially increased provision in the future in view of the expected requirements; and if she will make a statement on the matter. [11041/07]

**Minister for Education and Science (Ms Hanafin):** The special school referred to by the Deputy is a designated school for pupils with a moderate general learning disability. The school currently has significant educational resources. The staffing level consists of a principal, 8 teachers and 21 special needs assistants supporting 44 pupils aged between 5 and 18 years. Students progress through the school from the primary to post-primary classes in accordance with their ages, normally transferring to post-primary level at age twelve/thirteen. The pro-

vision of therapy support for pupils in the school is a matter for the Health Service Executive.

Special schools funded by my Department are intended to cater for children and young persons with special education needs (SEN) from 4 years until the end of the school year in which they reach their 18th year. The Department of Health and Children assumes responsibility for young adults with SEN who are over 18 years. The Department of Education & Science provides funding towards the education component of such provision.

My Department recognises the unique contribution of special schools to the education of children with SEN and is committed to further developing this area. For example, my announcement in November 2006 of a 30% increase in the already-enhanced capitation rates in respect of pupils attending special schools and special classes in mainstream schools, is a clear demonstration of my commitment to supporting the important role of special schools.

I can confirm that my Department has commenced a review of special schools and special classes attached to mainstream schools. The initial part of the review, which commenced in 2006, was undertaken on behalf of my Department by St Patrick's College, Drumcondra. One of the purposes of the review is to examine how the role and potential of special schools can be optimised. The second phase of the review will be managed by the National Council for Special Education and will involve wider consultation with the schools and other partners.

As you may also be aware, the National Council for Special Education (NCSE), through the local special educational needs organisers (SENOs), is responsible for processing applications from schools for special needs supports, including special needs assistant (SNA) support and financial support towards assistive technology that may be required. The NCSE through the local SENO remains available to all schools to provide support and advice on matters relating to the SEN of children.

My Department will continue to prioritise the development of the network of special educational provision for children with SEN and I believe that the steps taken in recent years and those currently in hand represent significant progress in the development of those services.

### EU Directives.

275. **Aengus Ó Snodaigh** asked the Minister for Education and Science the laws and statutory instruments introduced on foot of European Communities treaties or on foot of Acts, or provisions of Acts, adopted by any institution of the European Communities or other body competent under those treaties since 1972 for breach of which a penalty up to and including a maximum fine of €500,000 or a term of imprisonment not greater than three years may apply. [11050/07]



**Minister for Education and Science (Ms Hanafin):** Insofar as the area of education is concerned, there are no laws or statutory instruments introduced on foot of European Communities Treaties or on foot of Acts adopted by institutions of the European Communities for breach of which the penalties outlined in the question may apply.

#### Site Acquisitions.

276. **Mr. McEntee** asked the Minister for Education and Science when the site for a new national school in Laytown will be purchased and contracts signed for the building of the school; and if she will make a statement on the matter. [11061/07]

277. **Mr. McEntee** asked the Minister for Education and Science when the site for a new second level school in Laytown will be purchased and contracts signed for the building of the school; and if she will make a statement on the matter. [11062/07]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 276 and 277 together.

My Department is working at a senior level with Meath County Council and the schools in Laytown in order to deal with the school accommodation needs of the area for September 2007 and onwards.

A site of approx. 15.5 acres was reserved by Meath County Council in the Laytown Local Area Plan for education provision. The land is in the ownership of two individuals. It was originally planned to use the two parcels of land for the provision of the temporary accommodation required by the Junior primary school for September 2007, but as difficulties have arisen in relation to one parcel, my Department has put into effect its contingency plan. This involves a new planning application, lodged on the 16th March, for the temporary accommodation sited entirely on the much larger second parcel of land. The owner of this land has given his written consent to the planning application.

Meath County Council has agreed that the planning application will be dealt with very speedily and, provided there is a smooth run through the planning phase, construction on the temporary school and temporary road will start at an early date. The Department is satisfied that the temporary primary school will be ready to open in September on the new site.

My Department has appointed a firm of Project Managers to oversee and master-plan its project to provide an education campus for Laytown/Bettystown. The education campus will not only provide for a 24 classroom primary school but also for a 1,000 pupil post-primary school (under the auspices of Co. Meath Vocational Education Committee) and shared community and sports facilities. The master-plan

for the campus has been approved by Meath County Council Planning Department.

The 24 classroom permanent school building will be delivered for September 2008 under a Design and Build contract. Tenders are currently being sought from short listed contractors. Obviously, the achievement of the 2008 target date will be contingent on the successful completion of the site acquisition and my Officials are working towards that end.

In addition, my Department will be doing a technical inspection of the existing senior primary school building on 11th April next to determine how best to utilise existing accommodation and bring it to a 24 classroom school.

My Department has briefed the two schools on the master-plan and project timescales. The post-primary school project is being tendered as part of a bundle of three post-primary schools in the east Meath and north County Dublin area. The selection process is underway for the appointment of a Design Team to do the outline designs. A Design and Build contract will then be used to deliver the projects, with a target delivery date of 2010 for the Laytown school.

I can assure the Deputy that I am absolutely committed to delivering the new schools for Laytown on schedule.

#### EU Directives.

278. **Aengus Ó Snodaigh** asked the Minister for Defence the laws and statutory instruments introduced on foot of European Communities treaties or on foot of Acts, or provisions of Acts, adopted by any institution of the European Communities or other body competent under those treaties since 1972 for breach of which a penalty up to and including a maximum fine of €500,000 or a term of imprisonment not greater than three years may apply. [11049/07]

**Minister for Defence (Mr. O'Dea):** There have been no such laws or statutory instruments introduced by my Department.

#### Grant Payments.

279. **Mr. Stanton** asked the Minister for the Environment, Heritage and Local Government if a mechanism exists to appeal the granting of a disabled person's grant when the applicant feels that the amount granted is not enough; and if he will make a statement on the matter. [10882/07]

#### Minister of State at the Department of the Environment, Heritage and Local Government

**(Mr. N. Ahern):** The administration of the Disabled Persons Grant scheme, including the processing and approval of individual applications, is assigned to local authorities within the framework laid down in statutory regulations. If any applicant is dissatisfied with a decision made in relation to an application for a Disabled Persons Grant, it is open to them to specify their case and to request a review of the matter by the local

authority concerned. Such a request would normally be reviewed and adjudicated upon by a more senior local authority official and the outcome of the appeal would be notified to the applicant as quickly as possible.

The issue of an independent appeals procedure has been considered in the context of the review of the Disabled Persons Grant scheme which was recently completed within my Department. A Housing (Miscellaneous Provisions) Bill, which is currently being drafted, will include provision for internal local authority reviews of prescribed housing decisions relating to individual households. The Bill is expected to be published by early summer.

#### **Vehicle Registration.**

280. **Mr. McCormack** asked the Minister for the Environment, Heritage and Local Government if his Department has plans to change the regulations in relation to the issuing of a vehicle registration certificate which only permits one name to be issued on the certificate as opposed to two names in the case of a couple purchasing a vehicle; and if he will make a statement on the matter. [10900/07]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Section 60 of the Finance Act 1993 provides the legal basis for the records contained in the National Vehicle and Driver File database (NVDF). The NVDF contains the records of keepers of vehicles rather than titled owners and the Minister for the Environment, Heritage and Local Government may determine the content of the records. In this regard it is the practice that a vehicle record is limited to one named registered owner (keeper) and joint or multiple owners are not permitted. This approach takes account of judicial comment and decisions by the Courts, that prosecutions for road traffic and other vehicle related offences, including penalty points offences, cannot be successfully obtained against joint or multiple owners. A number of prosecutions have been dismissed on this basis.

The name entered on Vehicle Registration Certificates is extracted from the NVDF records and consequently there are no plans to change the current practice of issuing these Certificates in the name of one registered owner.

#### **Road Signage.**

281. **Mr. Lowry** asked the Minister for the Environment, Heritage and Local Government if he has received an application for funding (details supplied); when he expects to have a decision; and if he will make a statement on the matter. [10901/07]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** My Department introduced a 5 year Regional Road Signposting Programme in 2003 with the aim of providing

directional signposts on all significant junctions on all regional roads in county council areas. In 2007, a sum of €7 million has been provided for this programme of which €250,000 has been allocated to North Tipperary County Council.

Before contracts may be placed by a local authority under this scheme, the authority is required to submit design details to my Department for approval. Design details in respect of the 2007 North Tipperary County Council grant have not yet been received in my Department.

#### **Proposed Legislation.**

282. **Ms Lynch** asked the Minister for the Environment, Heritage and Local Government the timeframe for the introduction of legislation to allow for the sale of local authority flats by Cork City Council to its tenants; if such legislation is due to come before the Dáil in this session; and if he will make a statement on the matter. [10923/07]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** I refer to the reply to Question No. 266 of 8 February 2007. The position is unchanged.

#### **Road Network.**

283. **Mr. Penrose** asked the Minister for the Environment, Heritage and Local Government if he will take steps in conjunction with Waterways Ireland to provide the necessary funding to enable the Green Bridge at Mullingar, County Westmeath to be replaced as same has been deemed by Waterways Ireland to be unsafe for any vehicle in excess of 3 tonnes and which has led to a weight restriction on the bridge; if, in this context, immediate steps will be taken to liaise with Westmeath County Council to provide a replacement of this important canal bridge in the centre of Mullingar which is extremely important in relation to the commercial life of the town centre; and if he will make a statement on the matter. [10979/07]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The provision and improvement of non-national roads, including bridges, in County Westmeath is a matter for Westmeath County Council to be funded from its own resources supplemented by State grants provided by my Department.

In July last year, my Department sought applications from local authorities for funding under the 2007 Specific Improvements Grant Scheme. The initial selection of projects to be submitted for consideration for funding under this scheme is a matter for local authorities. Westmeath County Council submitted a number of applications but these did not include an application for works on the Green Bridge, Mullingar. My Department will again be seeking applications under the Specific Improvements Grant Scheme later this year

[Mr. Roche.]

and it will, of course, be open to the Council to submit applications for consideration for funding under this scheme in 2008.

Local authorities may also use their discretionary improvement grant allocations from my Department to fund eligible road and bridge improvement schemes. The 2007 discretionary improvement grant allocation to Westmeath County Council is €563,000, which is an increase of 13% on the corresponding 2006 grant payment to the Council. The selection of works to be funded from this allocation is entirely a matter for the local authority.

#### **Turbary Rights.**

284. **Mr. Naughten** asked the Minister for the Environment, Heritage and Local Government the reason his Department is trying to stop turf cutting on Crosswood Bog County Westmeath even though there is an agreement to allow turf cutting on all designated bogs for a ten year period; if he will ensure that all turf cutters are treated in a similar manner; and if he will make a statement on the matter. [10987/07]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I understand that a number of landowners at Crosswood Bog met with an official from my Department last month concerning works carried out by Coillte Teoranta in adjoining lands. My Department has not requested the landowners to cease cutting turf for domestic use in the bog.

The 1999 Agreement to allow turf cutting on designated bogs for a ten year period applies throughout the country. Under the Agreement turf cutting is subject to a number of conditions, including that the areas harvested are not in highly sensitive areas of bog and that the turf cut is solely for personal domestic use. Turf cutting for any other use is not permitted.

#### **Road Network.**

285. **Mr. Durkan** asked the Minister for the Environment, Heritage and Local Government the moneys allocated to Kildare County Council for the maintenance, upkeep and improvement of non-national roads in 2005, 2006 and 2007; the extent to which such allocations are in line with the requirements as set out by the local authority, based on assessment by the local authority; if it is intended to offer further funding in 2007 for this purpose; and if he will make a statement on the matter. [10988/07]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The improvement and maintenance of non-national roads in County Kildare is a matter for Kildare County Council to be funded from its own resources supplemented by State grants provided by my

Department. Details of total non-national road grants paid to Kildare County Council in 2005 and 2006 and the initial allocation for 2007 are set out in the table.

Year	Total GrantPayment
	€
2005	22,210,525
2006	23,041,196
2007 (allocation)	23,531,054

My Department provides grants to local authorities for works on non-national roads under a number of grant categories. The level of grants allocated to individual authorities is determined each year having regard to a number of factors including the total funds available in a particular year, eligibility criteria for the different grant schemes, road pavement conditions, length of road network, the need to prioritise projects and competing demands from other local authorities. In determining the annual non-national road grant allocations, the overall objective is to resource each local authority appropriately in relation to their ongoing and special needs.

I am satisfied that the significant level of State funding provided to Kildare County Council over the period 2005 to 2007, supplemented by the Council's own resources, has provided appropriately for the Council's ongoing non-national road requirements in those years.

All non-national road grants for 2007 have now been committed and there are no additional funds at my disposal from which further grant allocations could be made at this time.

#### **EU Directives.**

286. **Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government the laws and statutory instruments introduced on foot of European Communities treaties or on foot of Acts, or provisions of Acts, adopted by any institution of the European Communities or other body competent under those treaties since 1972 for breach of which a penalty up to and including a maximum fine of €500,000 or a term of imprisonment not greater than three years may apply. [11052/07]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The information sought is not readily available and its compilation would involve a disproportionate amount of time and work. Some 200 items of EU environmental legislation, including more than 140 Directives, have by now been transposed in this country. A wide range of penalties applies for offences under the relevant national legislation including fines of up to €15 million and terms of imprisonment of up to 10 years.