



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Dé Céadaoin, 9 Aibreán 2008.

Wednesday, 9 April 2008.

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

Paidir.

Prayer.

Leaders' Questions.

Deputy Enda Kenny: I was struck by a statement of the late Martin Luther King Jr., who was buried on this date. He said: "Our lives begin to end once we become silent about things that matter". The Taoiseach will be reflecting on his years as Taoiseach and head of the country in the next period and he must look back on how we as a nation have treated our elderly. A number of years ago Deputy O'Dowd exposed a number of scandals in the area of care of the elderly.

I took the opportunity to visit a hospital not far from here. I looked out the window and saw the skyline crowded with high-tower cranes and new buildings in close proximity. This is a hospital in Leopardstown, with four wards in an old house with added extensions. The wards are called after local townlands: Tibbradden, Enniskerry, Kilternan and Kilgobbin. Each of these wards has 21 beds, 13 inches apart, which is less than the width of an A4 page. There is neither privacy, dignity nor respect. The medical staff and carers look after these people to the best of their ability. At 8.30 a.m. every day, when one talks of the Celtic tiger and the huge amounts of money generated in this country over the past 20 years, reality dawns in this institution more than in any other.

There are ten to 15 commodes operating in each ward, where there is neither respect, dignity nor integrity. It has been stripped away by the physical limitations of the building. The management board has spoken to the HSE for a number of years but nothing has happened. They have not gotten beyond the starting blocks. The hospital is located in an area where land is worth multi-million euro sums per acre. This is not the symbol of the Celtic tiger that the Taoiseach wishes to leave behind when he moves on. This is not the way our elderly people should be treated. This is not what they should have at the end of their days: cramped space, curtains at the end of the bed and neither respect, dignity nor integrity.

I know the Taoiseach is a caring person. I have not made many personal requests to the Taoiseach but I make this one. In his remaining tenure as Taoiseach, will he visit Leopardstown hospital, meet the management and staff and meet the patients who bear their indignity with great fortitude? I was shocked to see the proximity of bed to bed. It is not the symbol of the Celtic tiger or of Ireland that the Taoiseach wishes to leave behind. I ask him to visit and return to the House to tell us what he can do about this.

The Taoiseach: I thank Deputy Kenny for raising the matter of the particular hospital. In my tenure as Taoiseach I have been in hospitals, homes and community homes up and down the

[The Taoiseach.]

country. I have seen the enormous improvements and successes but also the enormous challenges. I have seen some of the community hospitals that, by their location or the age of the clientele, have pressing needs. I have also seen enormous increases in staffing ratios, medical and paramedical cover, ancillary facilities, improvements in life expectancy and the physical improvements in the buildings. I will not say that of every last hospital, institution and home, many of which date back to the foundation times. The hospital at Leopardstown is one of them. Most of the hospitals in this city were built from 1860-90 and had their foundation in religious orders. Most have physical challenges in their structures. I note what Deputy Kenny has said referred to physical structure. He is acknowledging that the staffing and loving care and attention level people need in older age is very adequate and that the infrastructure problem is the issue. I will get an update on that.

Specifically on elderly care, the Governments I have been honoured to lead have substantially increased resources for care for the elderly and the capital programme of the health service every year. We must understand that life expectancy has dramatically increased in this country, a fact we should all be proud of, including our health professionals, policy makers and politicians. Because of this, the number of people requiring inpatient and community care is rising dramatically and will continue to rise. The figures for the next 20 years are already known and this is not in doubt. This will take a greater part of the capital budget and resources. A large number of the 30,000 extra people who have been recruited into the health service have gone into care of the elderly. It is good that we can resource that, but it is a challenge. The Deputy asked me about a request and I would be glad to get an update on it.

Deputy Enda Kenny: I hope the Taoiseach takes the opportunity to go out there.

In respect of the elderly in general, every Deputy has serious problems with the HSE. Deputy Naughten received two letters from the HSE in the last period, one of which told him that two weeks of respite care in a nursing home had been withdrawn because there were adequate home help allowances and home care packages whereas the other, which he received from the other wing of the HSE, told him that the allowances and packages were no longer available because of a shortage of money.

If one goes to the hospital in Leopardstown at 8.30 a.m., one will find cramped and confined conditions and staff who are doing the best they can. Of the commodes in operation, there are four toilets, two washbasins and two showers for every 20 people if they are ambulant. It is concerning that, if anything occurs in the hospital at night when there are only two night nurses on duty, there will be a catastrophe. It is physically impossible to remove people in time were something to go wrong. The HSE has never inspected the premises and there has been no health and safety or fire check. When staff have met HSE officials to discuss the physical building — there is plenty of land on which to build — they have never got past the starting blocks.

Why does it take so long for action to be taken after the Government has decided on something? The Government has introduced legislation after 11 years, but there are still no regulations for the hospitals and homes *in situ*. How long does it take for there to be action? The cranes along the skyline that those being cared for will look at this morning will still be there when the people are being carried out of the hospital. The situation, cramped and physically intimidating conditions and the stripping away of dignity, respect and integrity, should concern every Member of the House. I would like to believe that, when the Government makes a decision, it is carried through effectively. I would like to believe that the HSE's officials will listen to these words and see to it that a catastrophe does not occur in the four wards in question, that the institution receives the attention it deserves and that the elderly, as a micro-

cosm of many other situations around the country, are given some sense of dignity and respect in their remaining days on this earth.

Deputy Noel J. Coonan: Hear, hear.

The Taoiseach: As I said, the hospital in Leopardstown is a particular hospital. I think that Deputy Kenny knows we have 53 acute hospitals across the country and very few of those have not had major capital refurbishments and an injection of capital in recent years. Leopardstown has its own development plans. Recently, it has had its own campaign in inviting Deputies from all sides of the House to look at those plans and to see what can be done to improve them. What we have done and what we must continue to do relates to a large part of the increase. We have increased the health budget from €4 billion to €16 billion. It is not the billions that count, it is the staff numbers, and there has been a huge increase in staff numbers to give that care.

Deputy Pádraic McCormack: Why are beds empty in St. Francis Private Hospital in Galway and St. Anne's Home in Clifden?

A Deputy: The Deputy will not be leader for another few weeks.

Deputy Bernard J. Durkan: Deputy Johnny Brady should go easy. We are watching him.

The Taoiseach: There has been an increase of almost 45,000 staff in recent years in the health service.

Deputy Pádraic McCormack: No money.

The Taoiseach: In a short number of years, there has been an increase of 30,000 staff and many of those people have gone into dedicated sectors.

As to why it takes so long, as Deputy Kenny knows, a lot of the difficulties lie in the fact that it takes a long time from an approval being given by the Department of Health and Children or the HSE and the appointment of a design team to going through the stages of development and undertaking construction. There are procedures in our public capital programme that we have tightened down in recent years because people were always concerned about what abuse might exist. One of the reasons we wanted to move on the issue of campus beds, to get more beds in and make more space, was for that reason, because it would greatly speed up matters.

Deputy Pádraic McCormack: The Government should use the ones it has.

The Taoiseach: The reality is that any major development from start to finish takes seven or eight years. That is the lifespan involved. There is also incessant demand. Even when one improves the facilities to cater for the numbers that one wants, people come back and look for far more additional staff to do the same work in a new building. That has its own difficulties and delays. It has delayed and continues to delay a number of projects. I have raised with the trade unions and others the matter of avoiding those problems. There is also the cost that accrues over a long period.

In all our acute hospitals there is a huge capital budget today as compared to five years ago and that budget is improving wards, outpatient facilities and accident and emergency units.

Deputy Pádraic McCormack: It is closing wards.

The Taoiseach: In practically every part of the country we are seeing new facilities. Leopardstown has its own development plan and is going through its own phases with the HSE and the Department of Health and Children to try to get its plan. I will get an update on how that stands.

From the Government's point of view, in this year's capital programme, even in tougher times, we are pushing ahead with the staff numbers and staff approvals in the areas that require them and we will continue to do that.

Deputy Eamon Gilmore: I want to raise with the Taoiseach a tax scam that was first raised by my colleague, Deputy Burton, and that cost the Exchequer approximately €250 million in 2006. This is the tax scam whereby developers purchasing development land can get away with paying no stamp duty. As I understand it, the developer pays the money to the land owner who enters into a licence agreement with the developer to allow the latter to develop the land and grants power of attorney to the developer. The sale is not formally completed to the point where title is formally transferred. Therefore, it is not stamped and stamp duty is not payable.

Deputy Burton spotted this loophole in our tax code first and drew the Minister for Finance's attention to it. The Revenue Commissioners recommended that the loophole be closed and the Minister for Finance introduced legislation in 2007 to close it. However, it appears that the boys in the Galway tent got to work as the relevant section of the Act was never commenced. It is estimated that the amount lost to the Exchequer in 2006 was €250 million, a great deal of money for a Government that the Minister for Foreign Affairs, Deputy Dermot Ahern, tells the House does not have a red cent to build a hospital.

Will the Taoiseach explain to home buyers who needed to pay stamp duty for the purchase of their homes — some paid stamp duty for homes that are now worth much less than the purchase prices — or to those who are still paying stamp duty due to trading up and so on why people buying family homes have been required to pay stamp duty whereas big developers buying land for development purposes can get away without paying stamp duty and why that provision of the Finance Act 2007 has not been commenced?

The Taoiseach: This matter has been around for some time. It is not true to say that it has only been raised in the past year or two.

Buyers of development land can reduce stamp duty liability through mechanisms such as licensing, resting on contract and long-term lease arrangements. Under these mechanisms, land is purchased for development without conveyancing, transfer of legal title or submission of stamping by Revenue. It thereby avoids, rather than evades, stamp duty liability. A number of anti-avoidance measures were included in the Finance Bill last year to enable the Minister to deal with such practices whenever it was deemed appropriate to do so, having regard to the state of the housing sector and market conditions. This is the reason the provisions were subject to the introduction of a commencement order, as are many of these areas.

Goodbody Economic Consultants was commissioned to examine independently the economic and market consequences of commencing the provisions, while taking into account the changes that occurred in the housing market from the time the Finance Act 2007 became law at this time last year. In line with prior commitments, the report was published by the Department in either late December 2007 or January 2008. Its main points were that the commencement of such anti-avoidance provisions might increase the cost of land by approximately 10%, which would result in a decline in transactions and would increase house prices; and that the impact of the section, which is known by the industry and to the tax authorities as section 110, would result in driving activity levels far below long-term housing requirements, thereby contributing to a spiral of increasing prices for first-time buyers as fewer units would be built.

The report recommended not commencing section 110 because it risks “exacerbating the downturn in the property market”, which would have a negative impact on employment and tax revenues.

Deputy Róisín Shortall: Rubbish.

The Taoiseach: There are arrangements for maintaining the current arrangements in the long term, because of the negative impact of the provision on the availability of development land and the supply of housing. The Government must weigh up the balance between the benefits of the tax revenues that would arise from the introduction of this section and the potential loss to the Exchequer——

Deputy Joe Costello: The Government will retain the scam.

The Taoiseach: ——of the reduction of activity in the building sector and its impact on society and the economy.

Deputy Kathleen Lynch: The Government will take the hit, lest the lads become nervous.

Deputy Emmet Stagg: It is a scam. Will the Government think up a few more scams?

The Taoiseach: As the Deputies in the Labour Party may recall, yesterday I referred to the first quarter. Deputy Gilmore asked me about the income figures for the first quarter and I replied the issue did not pertain to the taxes from employment, which have increased by 5%, but to the area of capital gains. This is because there is insufficient purchasing and development going on.

Deputy Kathleen Lynch: Despite the breaks, they still are not working.

The Taoiseach: The difficulty lies in stimulating the industry. One cannot worry about construction employment on Tuesday and then try on Wednesday to trigger something that will affect construction employment.

Deputy Emmet Stagg: The Taoiseach should get out of it. He is trying to suggest the scam is a good thing.

The Taoiseach: Consistency in this regard might at least last for 24 hours. It was recommended that the provisions should not be commenced at this time——

Deputy Emmet Stagg: Unbelievable.

The Taoiseach: ——and this recommendation has been accepted by the Government.

Deputy Róisín Shortall: This typifies everything that is wrong with the Government.

The Taoiseach: It must be emphasised that the matter is being kept under review to take into account changes in the property market.

Deputy Ciarán Lynch: The Government will ensure it continues.

Deputy Joe Costello: Hold on to your scam.

Deputy Eamon Gilmore: Perhaps my understanding of basic economics is less than that of the Taoiseach, but I do not understand the reason the Taoiseach can retain stamp duty, albeit at a changed rate, on the purchase of houses. He states that will not affect the property market,

[Deputy Eamon Gilmore.]

but a developer buying development land who has to pay stamp duty on land he or she might not develop for many years to come somehow will have a catastrophic effect on the market. Given the amount of hoarding that has taken place of development land, particularly in Dublin, Members are aware of the length of time that elapses between the purchase and development of land. This is rubbish.

Deputy Pádraic McCormack: Hear, hear.

Deputy Eamon Gilmore: The Taoiseach is providing a shelter for people who are buying. This pertains to the major developers; big high-rolling development land purchases are what is being protected. To tell Members this practice has been around for some time makes it worse. It means it has been around since the time when serious money was being made from those who tried to make a home for themselves by purchasing their first homes in the face of the amount of profiteering that took place in the property market. This does not offer any comfort.

The Taoiseach has reminded Members of yesterday's exchanges. I asked him yesterday about the statement made last week by the Minister for the Environment, Heritage and Local Government, Deputy John Gormley, who is absent, to the effect the Government intended to introduce a new windfall tax on land and the sale of land. How does the Taoiseach expect Members to believe that the Government will introduce a new windfall tax on development land when it will not even implement the taxes that are already on the Statute Book? This does not make sense.

Deputy Kathleen Lynch: It is a windfall all right.

Deputy Eamon Gilmore: This is a gift to people who are making big money on the exchange of development land and who have made massive profits on it.

Deputy Pádraic McCormack: They should give some of it back.

Deputy Eamon Gilmore: The Taoiseach is giving them something back at a time when Government finances are tightening. The Government is failing to implement a measure that is on the Statute Book. As for the report from Goodbody Economic Consultants, it was nothing more than a survey of developers.

Deputy Joan Burton: They were the only ones consulted.

Deputy Eamon Gilmore: What else would they have told Goodbody Economic Consultants, other than they did not wish to see the measure implemented?

The Taoiseach: Members should examine what is an independent report carried out on the basis of the entire industry and the situation as a whole.

Deputy Eamon Gilmore: It was a survey of the developers.

The Taoiseach: It is not by any means a survey of developers.

A Deputy: Was advice received from the Revenue Commissioners?

The Taoiseach: I will make a number of points. As I noted previously, it is incorrect that nothing has been done on this matter. The survey points out the full detail in this regard and there is no need for me to go into it. However, the Finance Act introduced these provisions and the Government stated it would consider the matter. My point to Deputy Gilmore is that

since 1999, the Government has been attempting to stabilise the housing market. This week, the Central Bank for the first time stated that this had been achieved. The Government is trying to keep employment in construction as strong as possible. It is trying to ensure that at a time when there are affordability issues, it is at least getting on top of that for first-time buyers.

Deputy Dermot Ahern: Hear, hear.

The Taoiseach: I refer to what has happened in the market, in respect of stamp duty and the actions of the Tánaiste and Minister for Finance regarding mortgage relief. We are giving them a break.

While it is possible to introduce this measure, there would be a corresponding and immediate large increase in the price of a house. What is the point in achieving that?

Deputy Eamon Gilmore: It is okay for the——

Deputy Dermot Ahern: The Opposition would have increased the prices.

Deputy Kathleen Lynch: If this measure is not introduced, will they bring down the prices?

The Taoiseach: As for the figures used in the various assumptions that are being put forward, a point that has been lost is that they are based on the premise that all developers have put in place arrangements so that no stamp duty liability could have arisen in respect of any conveyancing. This pertains to the projected figures that I have read in articles recently.

11 o'clock However, this does not represent reality because developers take conveyances on property for various reasons. As the report points out, these reasons include security where a property may be in the process of being assembled to ensure long-term certainty or a requirement from financial institutions prior to advancing funding. In reality, the tax at issue is taken to be a small percentage of this. Were Members to examine the report, they would learn there is no sum of €200 million or €400 million being lost in this regard.

Deputy Eamon Gilmore: The Revenue Commissioners——

The Taoiseach: Stamp duty statistics are taken from instruments presented to the Revenue Commissioners from stamping. This is where it applies and if there is no obligation to present documents for stamping, there is no way to estimate accurately the amount of duty that could have been collected, had the provisions been changed.

Deputy Eamon Gilmore: The Taoiseach is defending a loophole. He should abolish it.

The Taoiseach: The Goodbody report points out there are no official data sources on the value of development land sales. Therefore, it gives an indicative estimate of the total value of development land in 2006 of between €7 billion and €8 billion. It goes on to point out how one can calculate the figures in a realistic manner, in so far as is possible. It is nothing like the projected figures.

As I stated at the outset, the provision is on the Statute Book. When the situation in respect of the property and housing markets will enable the Government to implement it, I am sure it will so do. To do so now would——

Deputy Eamon Gilmore: Why not apply principles?

The Taoiseach: ——be negative for the market, employment and first-time buyers. An independent analysis has vindicated that position.

Ceisteanna — Questions.

Official Engagements.

1. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach if he will make a statement on his visit to eastern Europe. [8732/08]
2. **Deputy Eamon Gilmore** asked the Taoiseach if he will make a statement on his visit to Poland and his discussions with political leaders there. [8733/08]
3. **Deputy Eamon Gilmore** asked the Taoiseach if he will make a statement on his visit to Slovenia and his discussions with political leaders there. [8734/08]
4. **Deputy Eamon Gilmore** asked the Taoiseach if he will make a statement on his visit to Austria and his discussions with political leaders there. [8735/08]
5. **Deputy Enda Kenny** asked the Taoiseach if he will report on his recent visit to Slovenia; and if he will make a statement on the matter. [9105/08]
6. **Deputy Enda Kenny** asked the Taoiseach if he will report on his recent visit to Austria; and if he will make a statement on the matter. [9106/08]
7. **Deputy Enda Kenny** asked the Taoiseach if he will report on his recent visit to Poland; and if he will make a statement on the matter. [9107/08]
8. **Deputy Enda Kenny** asked the Taoiseach if he will report on his attendance at the spring 2008 meeting of the European Council in Brussels; and if he will make a statement on the matter. [10740/08]
9. **Deputy Enda Kenny** asked the Taoiseach the bilateral meetings he held on the margins of the recent European Council meeting in Brussels; and if he will make a statement on the matter. [10741/08]
10. **Deputy Eamon Gilmore** asked the Taoiseach if he will make a statement on the outcome of the spring EU Summit on 13/14 March 2008. [10893/08]
11. **Deputy Eamon Gilmore** asked the Taoiseach the details of meetings he had with other EU leaders on the margins of the spring EU summit on 13 and 14 March 2008; and if he will make a statement on the matter. [10894/08]
12. **Deputy Eamon Gilmore** asked the Taoiseach if he will make a statement on his meeting on 10 March 2008 with the Prime Minister of Vietnam, Mr. Nguyen Tan Dun. [11396/08]
13. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach if he will make a statement on his participation in the European Council meeting in Brussels. [11532/08]

The Taoiseach: I propose to take Questions Nos. 1 to 13, inclusive, together.

I travelled to three European capitals between 26 and 28 February. On 26 February, I travelled to Ljubljana for a bilateral meeting with Prime Minister Janša. Slovenia currently holds the European Presidency. During our discussions, we covered a wide range of issues including bilateral relations between our two countries, Slovenia's preparations for the spring European

Council and the reform treaty. We also discussed developments following Kosovo's declaration of independence on 17 February and the wider issue of stability in the western Balkans, as well as deployment of the UN mandated EU peacekeeping force in the Republic of Chad to which both Ireland and Slovenia are troop contributors. While in Ljubljana, I paid a call on President Türk. Developments in Kosovo were the main topic of our conversation.

On 27 February, I travelled to Austria to meet Chancellor Alfred Gusenbauer. Our discussions concentrated on EU issues including the ratification of the reform treaty and developments following Kosovo's declaration of independence. Chancellor Gusenbauer and I also discussed the UN mandated EU peacekeeping mission to Chad, in which Austria is also participating. I called on President Fischer and our discussions again centred on key EU issues.

Separately while in Vienna, I addressed the Permanent Council of the Organisation for Security and Co-operation in Europe. In my address, I recalled the OSCE's significant achievements and the positive changes in European security to date. I signalled Ireland's strong desire that the OSCE should continue to be an important actor in the areas of security, conflict prevention and resolution, democracy and human rights.

On 28 February, I travelled to Poland for a meeting with Prime Minister Donald Tusk. This was my first bilateral meeting with Prime Minister Tusk since his election and it provided us with an opportunity to review recent and rapid developments in bilateral relations between Ireland and Poland. We also discussed a range of current EU economic and foreign policy issues including the reform treaty and Kosovo. We exchanged views on the peacekeeping operation in Chad, to which Poland is contributing significantly. While in Warsaw, I paid a call on President Lech Kaczynski and our discussions centred on foreign policy issues. I also attended a reception at the Irish Embassy for the local Irish-Polish business community, where I heard first-hand of the growing links and the potential for further development of the relationship between Irish and Polish businesses.

Overall, my meetings in the three countries proved very useful both in terms of bilateral relations and in deepening contacts within the EU.

On 13 March, I travelled to Brussels for the spring European Council. I was accompanied by the Minister for Foreign Affairs, Deputy Dermot Ahern. As I will make a statement to the House on the Council later today, I will at this stage merely give a summary account of its proceedings. The spring European Council focused on the Lisbon strategy for jobs and growth and provided Heads of States and Governments with their first opportunity to discuss the European Commission's package of draft legislative proposals on climate and energy, which was published last January. The Council reaffirmed its commitment to the targets agreed last year. Financial market stability was also discussed. At the Council, I indicated that Ireland remains fully committed to working with the other member states on an ambitious programme to address climate change and on seeking to persuade the wider international community to take action. I had no bilateral meetings in the margins of the Council.

On 10 March, I met with Prime Minister Dung of Vietnam. During our meeting, a memorandum of understanding on development assistance and an agreement on double taxation were signed between our two countries. The double taxation agreement should significantly assist future Irish business and investment in Vietnam and help to facilitate trade between the two countries. During our meeting, we also discussed UN reform, Irish Aid's programme in Vietnam, human rights, the cluster munitions conference to be held in Dublin later this year and the EU-Vietnam partnership co-operation agreement.

Deputy Caoimhghín Ó Caoláin: In the course of the Taoiseach's engagements, did he at any time raise or discuss the continued expansion of NATO into eastern Europe? Does he have

[Deputy Caoimhghín Ó Caoláin.]

concerns about the expansion of a nuclear armed alliance such as NATO across the continent of Europe? Did he outline to those whom he met the Government's opposition to nuclear armaments? Did he avail of the opportunity to explain what Irish neutrality has traditionally stood for and the Irish people's understanding of what it represents? Did he encourage consideration of the importance of addressing defence and security matters through the United Nations as a first course rather than by means of NATO?

During the course of his visit to eastern Europe, was the issue of labour affairs addressed at any time? In particular, was the exploitation of eastern European workers in the more developed economies of western Europe raised with him or did he seek to have the issue addressed with those whom he met? In the context of the inferior pay and conditions to which many workers from eastern Europe are subjected in western European economies through the collaborative efforts of employment agencies and unscrupulous employers, of whom examples exist in this jurisdiction, has the Taoiseach concerns about the Laval case, in which the European Court of Justice has ruled that collective actions by unions to push for equal pay and conditions for migrant and indigineous workers in member states could amount to an obstacle to free movement of services and, therefore, be unlawful? Where does the Government stand in regard to that ruling and what actions have been taken or considered to address this serious development, which clearly has the potential to undermine indigineous agreements negotiated within the respective independent economies within the EU? Issues in that regard were raised in this Chamber in the recent past by several Deputies, including this representative. Does he agree that action to address this ruling is required on an EU basis if we are to restore the position that existed heretofore?

The Taoiseach: I raised many of the issues to which Deputy Ó Caoláin referred, although not all of them. The Deputy asked a large number of questions.

Regarding the first general group and the review, the Minister for Foreign Affairs has continually pressed and prepared for the review of the nuclear non-proliferation treaty, which is due in two years time. Our position has been strongly opposed to these issues and we continue to argue this vehemently within the European Union. I never discuss NATO issues because it is well known that our position is that we are not part of it nor do we wish to be. Our positions on the use of and co-operation with the UN and involving ourselves in humanitarian and crisis management issues and the Petersberg Tasks are well known and our discussions are always held on that basis rather than dealing with NATO or the NATO alliance, of which we are not part and to which we are opposed. All our involvements, and given that we are working in Chad with some of the countries I visited, are based on full and comprehensive co-operation on providing humanitarian assistance to the refugees who are in a serious plight and have moved from Darfur. The Minister has visited that region and has maintained contact with it over the past number of years. I hope our troops will have a positive and active engagement with the region. I met the force commander, Lieutenant General Nash, last week and I met the troops on two recent occasions as they prepare to take up their positions shortly.

On the issue of employment, in all of these countries there is great thanks and praise for Irish people, business and industry for giving so many of their people employment. The jobs are seen as being hugely important to them, and the welcome they get here and the conditions they work under are all matters for which we are thanked everywhere, without exception. This has been the case for the past four years since we opened up our borders to what were then the new member states and are now a large part of the bloc of 27 member states of the European Union.

On the issue of domestic legislation, as part of Towards 2016 we have worked with the trade union movement to bring forward the legislation which is now before the House, which will ensure that this country is not abused in any way and that there are strong labour powers and labour laws to deal with this issue. This has already been developed on a non-statutory basis for the past few years, with an additional office and staff and the additional examination of company records. Wherever reports are made by the trade unions, they are diligently followed up. The trade union movement is happy with these arrangements and, obviously, it wants to see the Bill enacted, which will hopefully happen in the current session.

Deputy Caoimhghín Ó Caoláin: The Taoiseach says the trade union movement is happy. In terms of many of his responses over the years, everybody is happy as far as he is concerned — here we are again today. Does the Taoiseach not recognise there is great concern that there is a continual effort to undermine hard fought for and long negotiated workers' rights in this jurisdiction and elsewhere, and that the advent of the European Court of Justice ruling in the Laval case spells real difficulties for the pay and many of the conditions and protections that Irish workers currently enjoy? Does the Taoiseach accept there is a clear onslaught on trade union representation rights, collective bargaining and minimum wages that needs to be faced up to domestically and collectively? It was in regard to the latter that I asked specifically whether the Taoiseach was prepared to have this matter addressed at European Union level, where it is imperative. Will the Taoiseach clarify this point?

We must recognise that much of what I have just described is in keeping with the Lisbon strategy, which puts competitiveness before people — there can be no question or doubt about that. I can in part anticipate the Taoiseach's response in terms of the upcoming referendum on the Lisbon treaty. However, leaving aside his preference for one particular outcome, and mine, what is his position on the call by the European Trade Union Confederation that in the event that the Lisbon treaty falls and a renegotiation must take place, a social progress clause should be negotiated into any new agreement?

The Taoiseach: On the last question, Deputy Ó Caoláin would acknowledge that I fought very hard to make sure the Charter of Fundamental Rights, which is the main benchmark for probably the next 20 or 30 years, was part of the constitution treaty and by extension is now part of the arrangements for the reform treaty. This gives the protections for the future that are key to everybody's rights, workers included.

On the Deputy's particular question, we have brought an enormous number of people to work in this country in the past few years. A decade ago, the non-Irish, or the new Irish as I would rather say, made up 1.5% of the workforce. The figure is now just a whisker short of 15% at 14.8% on the latest CSO figures. There are tens and hundreds of thousands of workers but there have been very few reports from workers, the trade unions or anybody else. It is recognised both outside and inside the country that the abuses are less common than in other countries. Does this mean there are no abuses? Of course not. There are abuses, some of which happen in the likely areas where there would be abuse even if it were not of migrant workers. There will always be those who try to take short cuts.

To be fair to the trade union movement, it has been vigilant in putting forward a coherent argument that the existing legislation in these areas needed to be significantly updated and that we needed a new agency to do this. This has been done. The National Employment Rights Authority, NERA, is now in place on a non-statutory basis and the legislation in that regard will soon be passed by this House. Perhaps not every last line of that legislation is liked by the trade union movement but the broad thrust of what was agreed in Towards 2016 is being implemented in it. It is necessary so that anybody who thinks about abusing can be dealt with. The old legislation was not good enough because we are dealing with a very different situation

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whereby 15% and rising of the workforce are new Irish, which brings new challenges. It is also necessary to protect Irish workers who would be abused by the selfsame employers given half a chance. There would be nobody stronger than I in ensuring the conditions that have been set out in the various legislative measures or directives from Europe are dealt with.

On the question of negotiating these issues in European law, many of our rights have been part of what was negotiated in Europe and then brought into the directives. I am not suggesting Europe will continue to debate the directives. However, our voluntary system of collective negotiations has worked very well since 1946, and the involvement of a very active and vigilant trade union movement in the direct negotiations between employers, unions and the Government, as employers, has worked very well.

Whatever happens in Europe will happen and we will have to implement whatever directives are passed. This country has a good record with regard to implementing directives — it is one of the best of the 27 member states. However, the direct negotiations should take place between our own people. I would like to think that social partnership or, if not that, another form of negotiation — it was not always social partnership — should happen and the collective negotiations between the Irish Congress of Trade Unions, the employers and the Government of the day should continue. That is what has happened in this instance.

On the Lisbon strategy, while I know Deputy Ó Caoláin did not mean to say it, to correct him, it is not about competitiveness at the price of people.

Deputy Caoimhghín Ó Caoláin: I absolutely did mean to say that.

The Taoiseach: I know the Deputy does not believe that. The reality is that the continued progress on growth and jobs in the European Union is the issue, which is very welcome. That is what the Lisbon strategy has been about, particularly at a time when much of the globe is experiencing financial uncertainty. The key objective of the new cycle that we agreed at the Council meeting in March is to build on what has been achieved, maintain the key priority areas, as we did in the 2007 Spring Council, and further implement what is proving to be very successful. The reality of the whole Lisbon strategy is that it is an employment strategy to foster good and sustainable employment for the people of Europe. For that reason I support it.

Deputy Joan Burton: I am pleased to hear the Taoiseach defend the rights of workers in an EU context. It is something he has done with distinction throughout his political career.

In regard to the sets of rights of another group of people, there is no direct reference to Tibet in the conclusions but there are indications that during the meeting there was a discussion on Tibet. Does the Taoiseach agree it is important for the European Union to have a strong position on human rights? The Taoiseach referred to the rights of workers and offered to vindicate them, as he has done throughout his career. I refer, however, to the rights of the people of Tibet in the context of the events that have happened recently and the implications for the Government and our participation in a European Union which is committed to the defence of human rights, and which believes that human rights should be upheld no matter where in the world and that they cannot be completely subordinated to the interests of trade.

I heard the Minister for Foreign Affairs speak briefly on the media last night. It seemed he was almost shrugging his shoulders that because China is a great power and a great trading nation it should therefore have the freedom to not have to pay as much attention to human rights issues as perhaps other countries do and as we in Ireland always profess to do.

Why has the Government been so silent on the issue of Tibet and why has it not asked the Chinese Government if it could use its great power and influence in Africa to bring to an end

the genocidal conditions that now prevail in the Darfur area? As the Taoiseach is aware, those genocidal conditions apply in particular to women as one of the weapons of the conflict in Darfur is rape. Why is the Government so silent and why has the Taoiseach been able to talk at European Union summits to other European leaders about a collective approach? Nobody wants to see the athletes being deprived of the right to participate in the Olympic Games but, equally, do any of us in the Parliament have the right to stay silent while what is happening in Tibet appears on a daily basis on our television screens?

Is it the case that if the Government stays silent we are seen therefore to condone what is happening in Tibet? I do not think that is so. I hope the Government is concerned. Does the Taoiseach envisage a role for the Government in setting out a forthright position to the Chinese Government, with respect, bearing in mind that we are interested in carrying out trade with China and that there are trade and commercial considerations? As the Irish person at the EU table, does the Taoiseach anticipate urging his fellow EU Heads of State to negotiate with the Chinese to bring an end to what we have seen in Tibet and to ask the Chinese, with respect, to use its influence to bring an end to the genocide that is taking place currently in Darfur?

In the context of the EU referendum, was the Taoiseach surprised by the statement from the French Minister for Finance that in the context of the upcoming French Presidency, which starts in July, she intends to introduce aggressive proposals for changes in the common tax base of the European Union. In particular, I understand that Madame Lagarde proposes that we would change to a consolidated tax base which would include an element of sales by destination, in other words tax would flow to those European countries where the sales take place as opposed to those European countries where production or initiation of the tax transactions take place.

An Ceann Comhairle: As I have often said in the past, Question Time is for asking questions, not for imparting information.

Deputy Joan Burton: Does the Taoiseach feel this is helpful in the context of the forthcoming European referendum and has he had an opportunity to be briefed on these proposals by President Sarkozy? We have defended the Irish corporation tax rate as it gives us as an island some relative advantage in the context of mainland European Union states. Was the Taoiseach surprised by this development, coming as it does in the run-up to our referendum?

Regarding the discussions that took place on carbon emissions, has the Taoiseach got a costed indication of what are the implications for Ireland? The French representatives referred in particular to carbon leakage, whereby they are concerned about heavy industry moving from Europe to avoid carbon reduction regimes and perhaps to concentrate manufacturing and production, for example, of cement in countries which do not have the same approach to emissions reductions as the European Union.

The Taoiseach: I thank the Deputy for her remarks about the employment laws and the issues with which I have been involved over the years. I appreciate her remarks. She asked me about four issues. Tibet was not discussed at the meeting of the Heads of State, it was discussed by the foreign Ministers at the European Council. It was discussed also last weekend at a very lengthy and important informal Council meeting. The Minister for Foreign Affairs has been forthright in his views, not just in this period but also over a number of years when this issue did not receive as much prominence, that we should try to work towards an EU position; that we should engage in dialogue with the Dalai Lama and that we should fight and articulate the cause of proper human rights standards. In the European Council meeting which I attended the Minister was probably in a group of three or four Ministers who pressed this issue perhaps more than others and he continued that policy very strongly last weekend. He also spoke in

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public many times but perhaps this issue does not get all the publicity it deserves. I have seen him speak on the issue several times in recent weeks.

I share the Deputy's views. I do not think there is any dispute on this matter. China is a very important nation, it is a very important location and it is a very important place for business and investment, but that does not stop any of us from articulating our views about human rights, dealing with the Dalai Lama, having proper dialogue and negotiations and trying to make real progress on what is a real issue. There is continuous engagement between the Minister for Foreign Affairs and his officials and the embassy, and that will continue.

I understand and have no difficulty with people making their points of view, protesting and using this opportunity to make this case a world issue at this time for the obvious reasons. Equally, I have always been opposed to sports people being used as a pawn in political arguments. I took that view 30 years ago when an Irish person was president of the worldwide Olympic movement. All that does is provide the next excuse for the next difficulty for the Olympic movement and the sporting movement. It does not solve anything in the end but obviously people want to highlight the issues.

I think Deputy Burton will support, as I do, everything the Minister for Foreign Affairs has said in Darfur. He was the first Minister from Europe to travel to Darfur following the peace agreement to articulate what we were required to do and one of the first Ministers to visit Chad. As the Deputy correctly said, the unfortunate people of these regions include women who have been raped and tortured by the regimes. It is a difficult and costly mission to which we are committing substantial resources — €60 million is a lot of money to spend on a mission. Irish troops will play an active role in trying to protect people. The unfortunate people are spread out in villages, which makes it very difficult. Sometimes it appears from the press that the refugees, of whom there are 400,000 or 500,000, are all in one camp in one location. They are spread out over an area larger than Ireland. A mission of 3,750 troops will, therefore, be stretched but there is huge support for assisting their work and we will continue to be at the forefront of that argument.

On the carbon issue, there was a long debate at the European Council on the issue of climate change and the progress that has been made in this area. I indicated our support for the Commission's proposals but in fairness to the industries involved I also put forward the concerns they are raising. In this country, these industries centre around the cement sector, including CRH and others, heavy industries in Limerick and a few other companies around the country. Aughinish Alumina and the cement industry have particular difficulties and I put forward their concerns. Both industries are investing heavily in capital requirements to try to improve their position. Their concern is that they will lose competitive advantage if plants move out of Europe and export their products into Europe, which would not be fair.

In the years up to 2011, when the negotiations have to conclude, the Commission must take account of the concerns of these industries and work with them to ensure fairness. They are following investment plans which is where the carbon leakage issues arise. I do not envisage any change in the broad thrust of the Commission proposals. The Commission has fixed its mind on where it is going on this issue and we must all subscribe to that and make the necessary plans and arrangements. However, we must also give these industries time to invest the huge resources required. Between them, those two companies will invest in the region of €500 million in the next few years. They are not in any way against the proposals but need time to be able to compete, reinvest and prepare themselves for the time ahead.

Deputy Enda Kenny: The greatest migration in human history is under way as 400,000 million people in China move from rural areas into towns and cities. They do not want to continue to

eat only rice but want to eat meat and similar products. This development is having an extraordinary impact in other parts of the world, for example, in terms of cutting down rainforests and changing agricultural patterns. In view of its recognition of the issue of food security and significant increases in food prices, did the European Council have a view on this issue?

The Council noted there should not be any distortionary policies. In that context, what was its view in respect of the World Trade Organisation? As the Taoiseach will be aware, Mr. Mandelson handles the trade area, an issue of particular concern to Ireland. Obviously the agricultural lobby, particularly the farming community, does not want the concept of the family farm, which for so many years has determined the nature of our farming, to be distorted or destroyed. If implemented, the proposals to reduce tariffs by up to 70% would have a devastating effect on Ireland. Was any other decision taken in respect of food security arising from the migration phenomenon in China and food price inflation as a consequence therefrom? What is the Taoiseach's view on the World Trade Organisation talks?

As a sporting man, does the Taoiseach have a view on whether the practice of carrying the Olympic torch through countries should cease? It is perfectly obvious that since the commencement of the run in Greece, the protests have been gathering considerable momentum. The Taoiseach is aware from extensive briefings over the years that to be associated with activities of this nature, all one needs is a video camera and access to the Internet. Whether they involve kidnapping at an event, engaging in a riot or other actions, all these activities can be associated with various movements. Does the Taoiseach have a view on the issue? As one who does not believe that sport and politics should mix, I believe matters will get worse.

I do not know if the Government has expressed an opinion as to whether Ireland should participate in the opening ceremony of the Olympic Games. For athletes who have trained in their respective disciplines over the years, it will be a lifetime achievement to be able to perform at the event. The Taoiseach will recall that in 1980, President Carter refused to allow US athletes to compete in Moscow. What is his view on this matter?

Deputy Timmins has introduced a Bill on cluster munitions. Will the Taoiseach confirm that the Government supports the position that State funds should not be invested in firms or manufacturing outfits involved with components of munitions which might be used abroad? Having accepted the principle of Deputy Timmins's Bill, what is the Government position on this issue?

In respect of Deputy Burton's comments, clarification is required on Ireland's right of veto in the area of tax harmonisation. I do not understand the timing of the French Minister's intervention yesterday. President Barroso has clearly stated on a number of occasions that unanimity is required on this issue and there is no intention or proposal on the horizon in respect of the harmonisation of corporate tax rates. The Government needs to be clear on this matter. As a member state of the European Union, we have a right of veto on this issue and, as I pointed out to the French yesterday, tax harmonisation will not take place. When the EPP group meets in Dublin at the weekend, I will again make this point strongly.

Deputy Simon Coveney: I will not repeat any of the questions. On the issue of the Olympics, I agree we should try to keep sport out of politics. Athletes should not have to do the work of politicians. Does the Government have plans to use the occasion of the Beijing Olympics to raise genuine human rights concerns about a series of human rights abuses in China?

Will the Taoiseach provide more detail on the discussions by European leaders of UN reform, specifically on the effectiveness of the new United Nations Human Rights Council and the way in which European countries are working the system, if one likes, to raise human rights concerns? Were these issues discussed because there are problems in these areas? What other

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areas were discussed in the context of UN reform? Does the European Union plan any new initiatives in this area, in which the Minister for Foreign Affairs has been involved?

The Taoiseach: Regarding UN reform, they should try to implement the work left over by Kofi Annan and the work done on a regional basis around the world before starting on any new initiative. Much effort has been put into this since 2000 up to the appointment of the new secretary general. It is crucial these are implemented over the next few years.

On the Chinese situation and the protests over the Olympics, as I said recently, in line with the one China policy followed by the EU partners, on which all are agreed, we regard Tibet as part of China, as does the Dalai Lama. We have expressed strongly our concerns regarding human rights in China. We raised them, as I said at the weekend, at the informal European Council meeting. The European Council is raising them in bilateral contacts with the Chinese authorities, including at official level in Dublin and Beijing. During these discussions we will continue to raise our concerns about freedoms of religious practice and expression and the preservation of cultural identity in Tibet.

There will continue to be difficulties and problems for China, the Olympic flame procession and the games. It would seem far more sensible to have real engagement within the one China policy to deal with these issues. These are fundamental human rights issues. It does not take away from what the Chinese policy is about, which we all know. However, there will be no progress unless they engage with the Dalai Lama. This is the crucial issue.

The Cluster Munitions Bill, a Private Members' Bill from Deputy Timmins, is before the House. The Government has outlined its support but there is broad acceptance that it would be best dealt with on the other side of the forthcoming Dublin conference. The Minister stated that after the conference we would be able to bring in a Bill in nine months.

I apologise to Deputy Burton that I did not raise the tax issue which Deputy Kenny raised again. Yesterday morning after it was raised, I had it checked immediately. I understand Christine Lagarde, the French Finance Minister, made an opening speech at a Brussels tax reform forum. The theme of her speech was taxation policy and enhancing competitiveness and growth in the EU. She also spoke about the themes for the forthcoming French EU presidency which included environmental taxation and the savings directive as well as company taxation.

She admitted the common consolidated corporate tax base, the CCCTB, is a controversial issue and there may be no swift agreement on it. She said France supports the concept and she would like a debate on it. As Deputy Burton knows, I have been having a debate on the issue since 1992, so I have no problem with the French having one now.

Needless to say, we will use the opportunity, along with other member states, to give our clear position that our corporate tax regime is unambiguous and will remain protected in the EU context by the principle of unanimity in taxation matters. That principle is underpinned in the Lisbon reform treaty. The treaty will not undermine member states' national discretion in this regard in any way. Our position on CCCTB, on which the House is united, is that we will continue to highlight the difficulties that such a proposal will cause for individual member states and for overall EU competitiveness.

Any presentation of this as Ireland against Europe is simply wrong. Based on my own meetings and understanding, the majority of member states are either against or highly sceptical of it. Deputy Kenny will have an opportunity to make that clear this week at his European Parliament group meeting.

Christine Lagarde is a good Minister and I wish her well in her forthcoming EU Presidency. I will not be there to tell her I think it is a load of nonsense. If I were, I would tell her to do

something more useful with her presidency with which she might have a chance of succeeding. CCCTB, in my view, will not get anywhere during the French EU Presidency or any after it.

Death of Former Member: Expressions of Sympathy.

An Ceann Comhairle: The House will now hear expressions of sympathy on the death of former Member, Mr. Gene Fitzgerald. I extend a warm welcome to Mrs. Noreen Fitzgerald and her family to the Distinguished Visitors Gallery to hear tributes to their esteemed late husband and father.

The Taoiseach: I thank the House for providing an occasion for expressions of sympathy to one of the House's distinguished and liked Members for many years, Mr. Gene Fitzgerald. I convey my sincere condolences, and those of my Fianna Fáil colleagues, to his widow, Noreen, his children, Áine, Aileen, Aindrias, Niamh and Eimear, his sister, Mamie, his brother, Dan, and his grandchildren on their loss at Christmas time.

Gene was one of politics' most decent individuals. I sadly miss him because he was, until his death, the honorary secretary of the Fianna Fáil Party and I had contact with him, if not on a daily basis a weekly one, over the past several years.

Gene graced this House for many years. He had a great appreciation for the dignity and traditions of our national Parliament. I am delighted his family are present as it is a privilege for me to lead the tributes in the Dáil for a man who touched so many hearts and delivered so much.

Gene was born in 1932, the same year Franklin D. Roosevelt was elected President of the United States. Roosevelt was a consummate politician; so too was Gene in his time and special way. Roosevelt devoted his life to the betterment of his country; so too did Gene. When Roosevelt wrote his famous maxim, "That there is no greater calling than public service", he could well have opined a final description of the life and work of Gene Fitzgerald, what he did for Cork, nationally and in Europe. He had a great love for our national games and gave great support to Cumann Lúthchleas Gael in both Cork and the country.

Gene epitomised the traditional Cork values of decency, pride of place and solidarity with one's neighbours. These were qualities Gene learned as a young man and which stood him well in a life dominated by his active early career in business and human resources and his later service to his community and country.

He was first elected to the Dáil in a by-election in August 1972, representing the old constituency of Mid-Cork. He entered politics at the behest of Jack Lynch who admired him greatly and knew him from his community and GAA activities. Gene was a natural on the campaign trail. His by-election victory was a landslide.

At Gene's removal at Christmas time, I read a newspaper report of the by-election count which described how Gene thanked all of the Opposition parties for a cleanly fought and fair campaign. It described how he embraced the Labour Party candidate, Eileen Desmond, when she congratulated him. It also recounted how Gene refused to take any personal credit for his massive vote, saying it was an endorsement of the policies and position of Jack Lynch in those difficult days of Northern problems.

The article summed up what was the enduring appeal of Gene. Respect for his opponents, graciousness, modesty and loyalty were the qualities that defined Gene Fitzgerald. His ability was such that from the moment he entered the House, he was a rising star. He had already a successful professional career outside the House. In 1977, he was appointed Minister for Labour by Jack Lynch because of his knowledge and skills in human resources. Everyone in the House called him Gene or Gene Fitz. He was never really called "Minister" or "Deputy" — everyone

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here knew him as Gene Fitz. He was a great man of courtesy and approachability, and his words of encouragement made a huge impression on me. He was well able to fight his corner, of course, and he could turn into a very tough opponent if crossed. That was his job and what he had to do.

He was highly respected by trade unions and employers, which he had to deal with in very difficult times. Gene Fitz worked night and day for the people of the country and justified the faith given to him through massive votes in so many elections. It is worth recording that Gene's budget, delivered in January 1981, was at the height of a world recession but he still managed to increase long-term welfare payments by 25% and unemployment benefits by 20%. They were times of tough inflation and of chasing a spiral. It was hard for a Minister for Finance to try to get resources to chase that spiral.

At the core of Gene Fitz's politics was a real humanity and concern for the most vulnerable in society, to whom he bravely gave. Gene put a shoulder to the national wheel at a time when it would have been easier to opt out. That was because he was a doer and not one to snipe on the sidelines. He knew it would be a tough job to build up the economy and he was brave enough to roll up his sleeves and get stuck into the work.

I remember those times well, when I was at the Cabinet table as Government Whip, and I knew the difficulties and problems he had to deal with. He was a colleague who successive Fianna Fáil Taoisigh knew could be relied on to carry out his duties with the minimum of fuss and maximum dedication. Gene was a great source of counsel over the years, especially as I followed many of his tracks. I was Minister for Labour and Minister for Finance and Gene was in those positions before me. He was always available either to listen to the problems we were facing or to give wise words. He was very kind in doing so.

His role of Fianna Fáil honorary secretary was not in any way an honorary position. Gene was very active and served on many committees. Even when his health was not as good in recent years, he hated to miss a meeting. He felt it absolutely essential to get to meetings and if he could not get there he would ring several times to make sure he could get a member personally or he would send a long letter giving his views for the meeting. He took such matters very seriously right up to this past winter.

After his passing we have missed him very much in our national executive and party rooms. The House will also miss him because a large number of people would have known Gene. He continued to come to Dublin on various activities and in filling various board positions. He continued to have an interest in this House.

If a person ever wanted to find out how any of the matches went in Cork or Munster in the GAA, not alone could one get the result on a Monday or Tuesday but one would get the full report from Gene. Deputy Coveney knows I like to know what is happening in Tracton because we can not always get it in newspapers. Gene would always give me the report on the Tracton matches and what happened in the south-east leagues or in parts of the country from where my family hail.

We will miss him and I will miss his notes of encouragement. Not a week went by when I did not get a handwritten letter. We acknowledge his work in Europe. When he left us prior to Christmas, national politics lost one of its finest gentlemen, who loved this House, politics and the action and buzz in the place. He was a very committed politician with friends on all sides of the House, a fact of which he was very proud. We have lost one of our most noblest ever public representatives on these benches.

I thank Gene's family for cherished memories of their husband, father, grandfather and brother. They have lost someone special to them and their loss is the greatest. We thank them

for having given Gene to Fianna Fáil and to national and European politics. He will long be remembered in these Houses and we are glad the family can be with us today. Ar dheis Dé go raibh a anam dílis.

Deputy Enda Kenny: On behalf of the Fine Gael Party I offer sympathy and commiseration to Fianna Fáil on the loss of one of their stalwarts. To Noreen Fitzgerald, her children and family, as well as the extended family, I express our deepest sympathy at the loss of Gene, a husband, father, politician and friend.

He had a most distinctive voice, hoarse and rasping. One would certainly know when he was around because one would probably hear the voice coming along the corridors. I came in here three years after Gene Fitzgerald in the mid 1970s, although it seems like centuries ago.

I recall in particular his involvement in Private Members' debates. Whether in Government or Opposition, he had a habit of coming in here in the evening. Depending on the side Fianna Fáil were on, he would either sit on the steps beside me or those opposite. He was ably assisted by another veteran, Mark Killilea. If people on the backbenches here, in Fianna Fáil or any other party were to get awards from the media for heckling qualities, they would have had to face down Gene Fitzgerald and Mark Killilea. There was no issue, motion or political item that these two were not locked into and could not give forth with gusto — and did in this House — in defending Fianna Fáil's position or attempting to make hay while people were speaking.

I regarded Noreen Fitzgerald's husband as a thoroughly decent family man and as somebody one would be proud to be associated with. He did his duty for his constituents in Cork and was a quintessential GAA man. I would say the old State car, in the days they were not scrutinised as heavily as they are now, was certainly filled with good GAA supporters, who
12 o'clock may have been Fianna Fáil supporters at the same time, heading to matches all over Munster. It was always a privilege to get a lift to the match in the old black car long before the emissions rules of the Minister, Deputy John Gormley, began to take effect.

He served here for 15 years in three ministries: public service, labour and finance. He also served twice in the European Parliament and was always somebody who was exceptionally approachable, affable and would give whatever information was possible.

I do not know if I told Noreen Fitzgerald the following story. In 1982, the late John Callanan passed away in Galway and a by-election was held, from which Deputy Noel Treacy was elected. I was given the doubtful privilege of looking after the Tuam area for our party. This was shared by John Donlon, who was certainly not behind the fence when speaking. We had arrangements to speak at Cortoon church outside Dunmore on a beautiful summer morning.

When I arrived at the church the State car was backed up against the gate. The speaker for our party was none other than that brilliant academic and constitutional lawyer, a most colourful man, the late John Kelly. He loved Gene Fitzgerald and that sort of characteristic and personality. There were 60 at mass and with Fianna Fáil in Government, Gene Fitzgerald spoke first.

He rasped on about labour rates and days, man hours and industrial strikes etc. People took note of it. The late John Kelly then paid him a tribute, as the Taoiseach will recall it was a difficult time in Irish politics. John Kelly stated that Gene Fitzgerald was one of the nicest people in the Fianna Fáil party. He said "Of course, he does not have much opposition for that title". He proceeded to say: "What did they promise you? That the sun would shine and so it does. That the birds would sing on the trees and so they do. And every economic indicator points to zero." When he finished his contribution, Gene Fitzgerald approached me and said "God, wasn't he great?".

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To Gene's wife, Noreen, I wish to express the sympathy of the Fine Gael Party. Guím rath Dé ar Gene agus guím go mbeidh sé ar dheis lámh Dé go síoraí. He was a gentleman. During the time I knew him in these Houses, he was courteous, approachable and affable. I am glad to have known him.

Deputy Joan Burton: I wish to offer my sincere sympathies and those of the Labour Party to Gene Fitzgerald's family — his wife, Noreen, and his son and daughters. I did not have an opportunity to know him while he was a Member of the House. However, I met him on a number of occasions after my election and he was kind enough to wish me well.

As the Taoiseach stated, there was a relationship between the Labour Party and Fianna Fáil in Cork. This was probably due to the fact that in those days elections were so frequent — at times it seemed that they were happening on a continual basis — that politicians almost lived in each other's pockets. Gene Fitzgerald was extremely kind to me, as a new Deputy, and offered his advice.

Gene Fitzgerald served Cork, the country and Fianna Fáil with distinction. He served as Minister for Labour at a time when an enormous number of strikes were taking place in bodies such as the ESB. He was involved in the genesis of the concept of national understandings, which subsequently led to the development of the social partnership model that has proved so successful.

Gene Fitzgerald served as Minister for Finance under Charles Haughey. Having been raised, as it were, with Jack Lynch and the GAA and Fianna Fáil traditions in Cork, it must have been quite an interesting experience for him to serve as chief financial lieutenant to Mr. Haughey, who was a tough task master. Gene was, however, able to fill the position. Having served under Jack Lynch — whom people, regardless of their party affiliations, recognise as having possessed a special kind of magic — it is quite a tribute to Gene that he went on to serve with distinction under Mr. Haughey and in the European Parliament.

It is nice to see Gene's family gathered here today. When one serves as a Member of the Houses, one loses out on spending time with one's family and friends. In general elections, and depending on the circumstances, either 165 or 166 people are chosen by their fellow citizens to serve in the Dáil. It is great that his family is present to recall the distinction and integrity with which he served politics in Ireland. It is also great to see the younger generation of the Fitzgerald family present to recall and celebrate the contribution he made.

I offer my condolences and those of the Labour Party to Gene's family. Ar dheis Dé go raibh a anam dílis.

Deputy Caoimhghín Ó Caoláin: On behalf of the Sinn Féin Dáil and Seanad teams, I wish to be associated with the offering of condolences to the Fitzgerald family and I want to pay tribute to the service of the late Gene Fitzgerald.

Like Deputy Burton, I did not have the pleasure of knowing Gene Fitzgerald during his 15 years of service as a Member of the House. It is obvious from his record that he enjoyed considerable success, not only as an elected representative for the people of the then Dáil constituency of Cork Mid-Central — subsequently Cork South-Central — and the then European Parliamentary constituency of Munster but also as a Minister at a time when the country experienced much greater difficulties and economic problems. The fact that he won six Dáil and two European elections is indicative of the significant respect and appreciation afforded to him by the electorates in the constituencies he represented.

I wish to offer the sympathy of the Sinn Féin team to his wife, Noreen, his son and daughters, his brother and sister, his grandchildren and all of the Fitzgerald family. I also take this opportunity to convey our sympathy to his colleagues in the Fianna Fáil Party, an organisation to which he continued to give significant service after his decision to stand down as an elected political representative. This is an important day in that respect because we must convey our sympathies to both the current Taoiseach, Deputy Bertie Ahern, and, as of this morning, the new leader of the Fianna Fáil Party, Deputy Cowen. Ar lámh dheis Dé go raibh a anam dílis.

Deputy Mary Alexandra White: On behalf of the Green Party, I wish to pay tribute to the long legacy of Gene Fitzgerald. Mr. Fitzgerald had left national politics and even the European stage by the time of my entry into the former arena. Unlike others present, therefore, I did not know him personally. However, I am well aware of his legacy.

I spoke to those who did know Gene Fitzgerald and several themes continually came to the fore. I refer here to his passion for the GAA, his heartfelt republican roots, his pride in all things Cork but mostly his pleasant demeanour. As previous speakers stated, his phenomenal electoral record allowed his political career to span three decades. During this time, while he progressed from Deputy to the holder of various ministerial portfolios and eventually became an MEP, he never forgot his home turf. It is fair to say that those who live there never forgot him. His eight election victories on the trot, from a by-election in 1972 through to his second European election in 1999, stand as a testimony to this. As a first-time Deputy, I can only marvel at his achievement.

Gene Fitzgerald's elevation under Jack Lynch and subsequent rise under Charles Haughey saw him eventually reach the position of Minister for Finance, albeit for a short time during a period of great financial anxiety for this country. After two terms in Brussels representing the then constituency of Munster as an MEP, he took the advice he had advocated as Minister for Labour by taking early retirement to spend more time with family and friends. He did not, however, remove himself entirely from the political scene. I have no doubt that his electoral and general experience and vast grass roots knowledge — which he was able to continue to provide in his position as honorary secretary — were of much assistance to his party in the Cork area.

I wish to extend my condolences and those of my colleagues in the Green Party to his wife, Noreen, and his children, Aileen, Áine, Aindrias, Niamh and Eimear.

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): Ba mhaith liom comhbhrón a dhéanamh arís le Nóirín agus clann MacGearailt ar bhás Gene Fitzgerald. Gan amhras, ba pholaiteoir den chéad scoth a bhí ann. Gaeilgeoir den chéad scoth ab ea é agus bhí sé cóngarach i gcónaí don ghnáth duine. Níl aon amhras orm ach go raibh dea-thionchar aige ar mhuintir Corcaigh agus ar mhuintir na tíre, ní amháin sa Dáil ach mar Aire agus, go háirithe, mar Ball de Pharlaimint na hEorpa. Go pearsanta, thug sé dea-chomhairle domsa i rith mo shaol, go háirithe i rith mo shaol polaitiúil.

It is my privilege to pay a warm tribute to my colleague and friend, the late Gene Fitzgerald. I wish to place on record my deepest sympathies to Noreen and the Fitzgerald family on the loss of Gene, who they loved so much. Gene was a colossus in Cork society. He started out in the GAA world as secretary of his local club, Cloughduv, at the very young age of 17. He was extremely enthusiastic and committed.

Many recall him cycling through the villages, byways and laneways — this was in the days before mobile phones — with a bag of hurleys on one shoulder and the jerseys on the back of the bike. He would personally call on every player and always got to the match on time. He brought that enthusiasm and commitment to political life also.

[Deputy Micheál Martin.]

He probably has one of the best electoral records of any politician since the foundation of the State. He gave an extraordinary poll performance in his first election, the mid-Cork by-election in 1972. As his great friend and colleague Willie O'Brien told me, they had only a few days to prepare for the convention but got an extraordinary vote at the convention and went on to get an enormous vote for the party in the by-election at a time when the party's fortunes were not too good, prior to the 1973 election. He went against the national grain electorally, which was a testament to his popularity among his people. He was then able to move in, again at a difficult time, to the Cork South-Central constituency, which, due to Boundary Commission changes and so on, was a significant personal change for him. He was asked to do this on behalf of the party in order to become the political and electoral leader in the city of Cork, and of course he did extremely well, polling exceptionally well in view of the changed political environment.

As Minister for Labour, his basic trade union connections and principles and his involvement in the GAA stood him in good stead. Long before the sophistication of the Labour Relations Commission and the Labour Court, Gene had his own unique way of resolving disputes. One of his colleagues in CIE told me a great story about how he solved one particular dispute — he invited those involved to Dublin and locked them in a hotel room with refreshments, telling them not to come out until they had a solution. This is one of the unorthodox interventions that solved many disputes in those days. As Minister for Labour and subsequently as Minister for Finance, he had a strong sense of his origins and his background in terms of looking after the less well off in society, particularly the elderly and those without employment. That was a strong principle that Gene always espoused in his political career, and he followed through on this in the European Parliament. This was in the era of Jacques Delors and the emergence of a social Europe, to which Gene was very committed and which has made a significant difference to the ordinary man or woman on the street in this country. We salute that commitment.

I wish to mention the personal guidance he gave us in the Fianna Fáil Party. The late 1980s were a turbulent time and in Cork we were under much pressure with the formation of new parties and so on. However, Gene held the people's nerve and the party's nerve during that period and gave great time and effort. Long after his retirement from politics he became president of the party in the constituency. He retained a genuine interest in politics — he loved the conventions and put forward names of potential candidates that would be good for the future. He had a great interest in the welfare of the people and gave much of his time to politics long after he had served in the House, which was a noble thing to do. Many of us in the party and many in Cork reflect that this indicated his genuine calling to the noble profession that is politics. We remember his contribution with pride and we remember his good sense of humour. At times, he would correct one in an effort to move on with something and get it done.

He will be missed deeply by Noreen and all the family. We in the Fianna Fáil Party will miss him, and the people of Cork will remember him with great fondness and affection in the months and years to come.

Deputy Simon Coveney: I am glad to be associated with the expressions of sympathy and tributes to Gene Fitzgerald. I am aware of the range of emotions that a family goes through when they look down on the Dáil Chamber and listen to politicians, some of whom they know and others whom they have seen on television or do not know personally, talking about somebody who was special to them. It is a strange feeling of pride and sadness at the same time. I am pleased to speak on behalf of people in Cork who may be of a different political leaning to the Fitzgerald family but who had much respect for Gene Fitzgerald.

He left politics before I entered politics — in fact, he entered politics the year I was born. I am conscious of the fact that I am from a different generation. That is not to say, however, that I did not know and hear a lot about Gene Fitzgerald. I grew up in a political family and I remember fighting elections and canvassing in areas such as Blackrock, and he was at the time — in the early 1980s — a giant of politics in Cork. We do not get too many Ministers for Finance in Cork, although we may get another one soon. He certainly made an impact on Cork politics locally, nationally and internationally over almost three decades. I can relate to his decision to go into European politics, which I am sure was not an easy one for him considering he gave priority to local politics and working with local Fianna Fáil Party networks within Cork city.

I pay tribute to Gene Fitzgerald and say to his family that even outside Fianna Fáil he was hugely respected. The Fitzgerald family is respected within Cork for their contribution and the sacrifices they have made, as a family, for political life. Those sacrifices that a family makes are often not recognised. I wish the Fitzgerald family well and offer my sincere condolences on the passing of Gene Fitzgerald.

Deputy Ciarán Lynch: I wish to be associated with the comments made by the Taoiseach, the Minister for Enterprise, Trade and Employment, the leader of Fine Gael and my own party spokesperson. I have an image in my head of the first election I recall in Ireland, which was the 1977 general election. At that time, election posters did not show photographs of politicians. The Fianna Fáil poster at that time had a series of names. It is a mark of the significance and stature of Gene Fitzgerald in Cork that he did not need a photograph on a poster. Everybody in Cork knew who he was. He was the type of character who overcame political differences. People in my own party, including the former Labour Party TD for Cork South-Central, Toddy O'Sullivan, would speak very fondly of their times in this House with him.

He leaves a legacy that, as a new TD, I can only admire, and his successes fill one with humility. As the Minister, Deputy Martin, mentioned, his successes in elections were immense and would be envied by anybody no matter what his or her party. As a personality, he straddled the broad expanse of politics. Like the Taoiseach, his personality was greater than his political leaning, and his popularity was similar to that of the Taoiseach. On behalf of the Labour Party, I offer condolences to the Fitzgerald family. I acknowledge the contribution of Gene Fitzgerald to the House and to the European Parliament, and acknowledge the loss to both his family and to the people of Cork South-Central caused by his departure.

Deputy Deirdre Clune: I wish to be associated with the tributes to former Deputy and former MEP Gene Fitzgerald, who was a great Cork man. It is lovely to see Noreen and the Fitzgerald family here today. Gene Fitzgerald had left politics before I entered it as a public representative, but I have long been aware of him in my home and in my political life. He made a wonderful contribution both here in the Chamber and in the European Parliament. He always represented Cork and had a great interest in it. Whenever I met him he was very positive and interested. As the Minister mentioned, he always had a word of encouragement and support for those on the other side of the Chamber. I have memories of my parents being involved with both Gene and Noreen Fitzgerald. First names were used in our house, rather than formal titles such as Gene Fitzgerald TD or MEP. They were involved socially and had a lot of contact on many political occasions also. Gene and Noreen were a wonderful team and a great partnership. They both made a great contribution to politics in Cork. He is sadly missed by his family and by the wider public. It was wonderful, at his removal and his funeral, to see such a huge crowd turning out to pay tribute. People came from far and wide across the country, including former public representatives and others who had come across Gene in political, sporting and social circles. That brought much comfort to his family. We remember him well

[Deputy Deirdre Clune.]

and he will always be remembered by his family. As Deputy Coveney said, this is a sad day but also an important one when we mark his contribution to Irish public life.

Deputy Christy O’Sullivan: I would like to be associated with the tributes paid here to Gene Fitzgerald. I happened to be at his final rally in Macroom in 1972 and my abiding memory of him was the way in which he went about his business and made contact with people. He was a fantastic canvasser and always made that vital contact, which stood him in good stead throughout his political life. People always came first for Gene Fitzgerald. I thank him for the friendliness he showed to my family over the years. He was a great friend to my late brother, Dave O’Sullivan. I extend my sympathy to Noreen Fitzgerald and her family. We will miss Gene Fitzgerald but his family will miss him most of all. I thank him for all the efforts he devoted to politics.

Deputy Kathleen Lynch: We should take time to remember Gene Fitzgerald. As Deputy Burton said, at any general election — God knows, we have had fewer of them in recent years than when Gene was in his prime — only 166 Members are returned to this House. They may not all be the cream of the crop, but in general they are. They are enthusiastic people who are determined about the political process. I am staggered and amazed that Gene Fitzgerald was a Member of the House for only 15 years because it seemed longer. I have known about Gene Fitzgerald’s involvement in politics for as long as I can remember. It seems as if he was here forever because he was so enthusiastic and energetic and contributed so much. Some people may have been in the House for 20, 25 or even 30 years but they will not make the same impression as Gene Fitzgerald did. In his case it was about more than being a politician.

I was involved in elections with him on the south side of Cork and indeed on the north side when counts were held in the parochial hall. I am sure Noreen and his family will remember that awful, drafty hall. If one did not die during the election campaign there was a good chance it would happen on the day of the count. He always had enthusiasm, drive and a love of politics. Gene’s style of canvassing was quite unique. He went at it as if he was going into battle and he approached everyone as if they were to be captured. We can all learn from that type of enthusiasm, which has gone from politics, although not in certain parts of the north side of Cork city. Gene Fitzgerald and Willie O’Brien were legends. Willie was as legendary as Gene was in many ways because they both had that enthusiasm for politics.

I echo what the Taoiseach said, that when one was in an election with Gene one knew one was in a battle. Once the election was over and the count began, however, Gene would say “How are you going to do?”, “How’s it been?”, “You put up a great show”, or “The posters were great”. He always had that friendly word, which meant letting go once the election was over, and we may not see a lot of that in future. It is important to remember it.

My memories of Gene Fitzgerald are very defined. One could see him coming and sometimes one could hear him beforehand. He had a robust personality that was unique. If he had to describe himself, he would probably say “Ah, sure why wouldn’t we, wasn’t I from Cork?” To a great extent that was part and parcel of his personality and part of what he felt he had to contribute. He will be missed, particularly by his family. I often remind myself that, at the end of the day, one could probably count on two hands the people who will genuinely miss one. All of us here should remember that everyday. Gene will be missed most by his children and grandchildren and particularly his wife. He made a worthwhile contribution and above all else he took great joy in doing so. We should not forget that. May he rest in peace.

Deputy Michael Ahern: As many of us who knew him were aware, Gene Fitzgerald was not a quiet, retiring man. He had forceful views and was not afraid to express them. At the same

time, he was respected and liked by everybody with whom he dealt. He attained high office, both here and in Europe. One of the reasons he obtained such great election results was that he always remained a man of the people and never lost the run of himself. He always had the common touch and was able to deal equally with kings and beggars. He was a great Fianna Fáil man and kept the party as a central part of his life up to the day he died. He was also a great GAA man. Over the years, I attended many matches with him and things could get exciting, especially if we were not supporting the same team.

He always gave credit where credit was due. From the time I was first elected to this House in 1982, I found Gene Fitzgerald to be a great mentor for young politicians. He kept advising us up to the very last. He will be missed by the Fianna Fáil Party and everybody who was in touch with him through his work. Most of all he will be missed by Noreen, his daughters and his son. I will miss him personally as a friend. Ar dheis Dé go raibh a anam dílis.

Members rose.

Requests to move Adjournment of Dáil under Standing Order 32.

Deputy James Bannon: I wish to seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the extraordinarily remiss action of the Government in not availing of the exemption from water charges under Article 9(4) of the EU water framework directive, with the result that schools, hospitals and farms around the country are being forced to pay exorbitant charges. Why is the Government ignoring this exemption from these crippling but avoidable charges? The EU has left this matter to the discretion of the Minister for the Environment, Heritage and Local Government so the Government is solely responsible for what is just another stealth tax, placing a huge burden on already overstretched and underfunded schools, hospitals and farms.

Deputy Arthur Morgan: I wish to seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the urgent need for the Government to end confusion among Ministers and within the Health Service Executive, HSE, on whether a regional hospital will be provided for the HSE north-east area. What will be the location of any such regional hospital, with the aim of serving all the people of the area? Will funding be provided for such an essential service in light of the revelation by the Minister for Foreign Affairs that not a red cent is in the coffers for a regional hospital? Will essential services continue to be withdrawn in light of the revelation that no regional hospital will be provided for at least 20 years? The need for clarity on health care services available to people in the HSE north-east area is urgent.

As the Ceann Comhairle and I are back on speaking terms, I hope he can provide some time for this important debate.

An Ceann Comhairle: We were always on speaking terms.

Deputy Arthur Morgan: Sometimes we were on shouting terms.

An Ceann Comhairle: Having given the matters raised full consideration, I do not consider them to be in order under Standing Order 32.

Order of Business.

The Taoiseach: It is proposed to take No. 19, statements on European Council, Brussels, and No. 18, Twenty-eighth Amendment to the Constitution Bill 2008 — Second Stage (resumed).

[The Taoiseach.]

It is proposed, notwithstanding anything in Standing Orders, that (1) the proceedings on No. 19 shall, if not previously concluded, be brought to a conclusion after 80 minutes and the following arrangements shall apply. The statements shall, if not previously concluded, be brought to a conclusion after 60 minutes, shall be confined to the Taoiseach and the main spokespersons for the Fine Gael Party, the Labour Party and Sinn Féin, who will be called upon in that order and who may share time, and shall not exceed 15 minutes in each case. Immediately following the statements a Minister or Minister of State shall take questions for a period not exceeding 20 minutes. It is proposed that (2) the suspension of sitting under Standing Order 23(1) shall take place at 1.30 p.m. or on the conclusion of No. 19, whichever is later, until 2.30 p.m.

Private Members' business, which shall be No. 27, Cluster Munitions Bill 2008 — Second Stage (resumed), shall conclude at 8.30 p.m., if not previously concluded.

An Ceann Comhairle: There are two proposals to be put to the House. Is the proposal relating to No. 19 agreed? Agreed. Is the proposal relating to suspension of sitting under Standing Order 23(1) agreed? Agreed.

Deputy Enda Kenny: I understand that the Minister for Finance, Deputy Brian Cowen, has been nominated and selected as leader of the Fianna Fáil Party and, I assume, Uachtarán Fianna Fáil. I congratulate him on the unique honour that has been bestowed on him by his parliamentary colleagues and wish him the best of luck. We will have many opportunities to debate and discuss matters in this House and outside.

I was going to ask the Taoiseach when the Explosives Bill is likely to be produced, but that may not be appropriate today. Does the Taoiseach expect the Dublin Transport Authority Bill to be published shortly and to come before the House before this session ends in June?

The Taoiseach: The Dublin Transport Authority Bill will be published in a few weeks.

Deputy Joan Burton: This must be an emotional day for the Taoiseach and listening to the tributes to the late former Member, Mr. Gene Fitzgerald, puts us all in a reflective mood. I wish the Taoiseach well when he stands down and wish his successor, Deputy Brian Cowen, all the best as leader designate of Fianna Fáil.

While the Taoiseach still holds his office and represents the north side of Dublin, I wish to ask him about transport matters, specifically the Dublin Transport Authority Bill. Dublin buses are barred from using the port tunnel, which means people from the Swords area can spend up to half an hour extra trying to get to work in the city centre.

An Ceann Comhairle: The Deputy should not use the Order of Business to make speeches about transport in Dublin. She should confine her questions to legislative matters.

Deputy Joan Burton: The tunnel is open to private buses but the taxpayer paid for it. It is not open to the public bus service that is the major service provider for taxpayers. Will the Taoiseach address this matter with the Minister for Transport? I do not think solving this issue requires the enactment of the Dublin Transport Authority Bill. There has been much dawdling because various pieces of bureaucracy must be overcome. Will the Taoiseach address this matter before he leaves office?

The Taoiseach: The Dublin Transport Authority Bill will be published in a few weeks' time.

Deputy Joan Burton: The Taoiseach promised legislation relating to the Civil Unions Bill, which was due before the end of March. It is almost the middle of April and there is no sign of the Bill. What is the Government's position on the Civil Unions Bill?

The Taoiseach: The legislation is being prepared and is to be published, though I am not sure of the date for its publication.

Deputy Kieran O'Donnell: I wish the Taoiseach well. I refer to the criminal justice miscellaneous provisions Bill, which was brought up in the context of the criminal justice (forensic sampling and evidence) Bill. The Taoiseach mentioned yesterday that that Bill would be dealt with during this session but I wish to know when. The funeral of Mr. Mark Moloney is now taking place in Limerick and in light of this I want specific provisions dealing with gangland crime to be introduced under this Bill.

Gardaí in Limerick are doing excellent work but they feel their hands are tied. I ask the Taoiseach to introduce legislation that will allow gardaí to get exclusion orders from the courts when they feel individuals are involved in criminal activities and should be barred from specific areas of the city.

An Ceann Comhairle: The Deputy is dealing in specifics and I ask him to confine his contribution to a question on legislation.

Deputy Kieran O'Donnell: Gardaí need surveillance equipment also. When will this legislation come before the House because this should be a matter of urgency?

The Taoiseach: The legislation will come before the House during this session.

Deputy Kieran O'Donnell: Everyone in the media is debating gangland crime but nothing is being done about it in this House.

An Ceann Comhairle: The Taoiseach has answered.

Deputy Kieran O'Donnell: When exactly will this come before the House? "This session" could mean 3 July. This matter is too serious for such a vague answer and I ask the Taoiseach for a specific date.

An Ceann Comhairle: The Taoiseach cannot give a date and has answered that it will come before the House during this session.

Deputy Kieran O'Donnell: Is this legislation not urgent enough to warrant a specific date for publication?

The Taoiseach: The heads of the Bill have been cleared and it went for drafting some time ago. It is due during this session.

Deputy Kieran O'Donnell: Can the Taoiseach not give a date? This issue should be prioritised and debated in the House.

An Ceann Comhairle: The Deputy has made his point.

Deputy Charles Flanagan: Yesterday Deputy O'Donnell sought the adjournment of the Dáil under Standing Order 32 on a matter relating to the serious crime situation and the total breakdown of law and order, but the Ceann Comhairle did not consider it to be in order.

An Ceann Comhairle: We cannot go into this now as there are more appropriate methods for raising these matters.

Deputy Charles Flanagan: The Government's response so far has amounted to interviews from the constituency given by the Minister for Defence, Deputy O'Dea, that are closer to reports from a war zone than a response to the issues involved.

Deputy Kieran O'Donnell: This matter is important and I wish to raise it on the Adjournment debate in the House tonight.

An Ceann Comhairle: That will be given consideration but I must enforce Standing Orders or we will be here all night.

Deputy Charles Flanagan: Between pink sheets and white sheets, there is a total of 42 justice Bills. More legislation is promised by the Department of Justice, Equality and Law Reform than by any other Department. Despite this, an independent committee appointed by the Government and the former Minister for Justice, Equality and Law Reform, Mr. McDowell, reported this morning for the first time that Garda resources are insufficient to deal with the problem.

An Ceann Comhairle: The Deputy will have to find a different way to raise that issue.

Deputy Charles Flanagan: I ask you, a Cheann Comhairle, as well as the Taoiseach, to facilitate a debate in the House where the Minister for Justice, Equality and Law Reform can present his appropriate plan of action, if any, to deal with this matter. I have submitted a private notice question to you for later in the afternoon. I beg your indulgence to allow these issues to be discussed.

An Ceann Comhairle: That matter is not for consideration.

Deputy Charles Flanagan: Week after week, every Tuesday, we come up to this House——

An Ceann Comhairle: The Deputy cannot go into the matter now.

Deputy Charles Flanagan: The Minister for Justice, Equality and Law Reform is not present.

An Ceann Comhairle: That does not matter.

Deputy Charles Flanagan: His colleague, the Minister for Defence, who is acting as more of a reporter on the sideline is a player.

An Ceann Comhairle: The Deputy knows he cannot go into that now.

Deputy Charles Flanagan: I ask you, a Cheann Comhairle, to facilitate a debate under Standing Order 32, a private notice question or on the Adjournment, as requested by Deputy O'Donnell.

An Ceann Comhairle: We will look at that in the normal way.

Deputy Bernard J. Durkan: On a similar subject, it transpires, having watched "Nightly News with Vincent Browne" last night that in some quarters it is believed that crime levels have dropped in this country.

An Ceann Comhairle: The Deputy cannot discuss that matter now.

Deputy Bernard J. Durkan: I am about to mention the legislation in two seconds.

An Ceann Comhairle: Mention it now, please.

Deputy Bernard J. Durkan: In view of the Government's lethargy in bringing forward the legislation on the pink sheet to combat the serious crime issue that exists in this country at present——

An Ceann Comhairle: What legislation is it?

Deputy Bernard J. Durkan: ——would the Taoiseach consider it opportune to bring in detention for their own protection——

An Ceann Comhairle: The Deputy can only ask about promised legislation.

Deputy Bernard J. Durkan: ——detention for protective custody for the people who are slaughtering each other on the streets at this moment?

An Ceann Comhairle: Does the Deputy have a question or is he making a statement?

Deputy Bernard J. Durkan: I have a question. I want to raise two other issues.

An Ceann Comhairle: Ask the question.

Deputy Bernard J. Durkan: The pharmacy No. 2 Bill has been around for some considerable time. The Minister for Health and Children is not in the House nor was she here yesterday and I do not know about next week. When will it be considered expedient to bring in that Bill in view of the ongoing concerns of the pharmacists and the damage being done to the whole structure of the provision of medicines for the general public?

An Ceann Comhairle: And the other legislation.

Deputy Bernard J. Durkan: That is promised legislation. Given that we have achieved international fame in terms of crime, legislation is promised under the white list to give legislative effect to certain provisions of the United Nations Convention on transnational organised crime. This is very appropriate in the Irish context when Irish gangland warlords are living abroad in the lap of luxury clearly with impunity. Will the Taoiseach indicate when that particular Bill is likely to come before the House as a response to the issue I have raised?

An Ceann Comhairle: I call the Taoiseach on those two pieces of legislation. The Deputy has made his point.

The Taoiseach: The pharmacy No. 2 Bill is being drafted. I do not have a date for its publication. It is dependent on the implementation of the new Act on the development of the framework for the proposed Bill as the pharmacy group recommendations relate to the pharmacy service, the contractual matters and the development of that framework. The Bill will depend on how these issues evolve at HSE level.

On the criminal justice United Nations Bill, the examination of the legislative requirements which are not being dealt with in other Bills is ongoing with a view to including heads in an appropriate Bill. I think that Bill is some time away.

Deputy Joe McHugh: In regard to No. 31, the merchant shipping miscellaneous provisions Bill, I ask the Taoiseach to use his intervention skills with his colleague the Minister for Transport, Deputy Dempsey, to introduce a training element to the Bill——

An Ceann Comhairle: We cannot discuss the content of the legislation.

Deputy Joe McHugh: —to look at deckhands, mates engineers and qualified skippers who have been forced out of the fishing industry.

An Ceann Comhairle: That is for a Second Stage speech or an amendment.

Deputy Joe McHugh: With a 16 week course they could be employed in the Merchant Navy, shipping freight and cargo shipping. We have the capabilities in the Marine Institute.

The Taoiseach: The Bill will be published later this year.

Deputy Joe McHugh: It is an employment issue. It is actually a solution to this issue. We are highlighting the issue and we have the solution. I ask the Taoiseach to use his intervention skills.

Deputy Jan O'Sullivan: A number of other people here and in the media have referred to the need for new justice legislation particularly in regard to the situation in Limerick. A number of pieces of legislation have been enacted but have not been commenced into law that could make a real difference. The former Minister for Justice, Equality and Law Reform, Mr. McDowell, was always bringing in legislation that was going to solve these problems.

An Ceann Comhairle: Does the Deputy have a specific question?

Deputy Jan O'Sullivan: Yes. A juvenile justice Act, known as the Children Act, has been passed by the Oireachtas but has not been fully commenced into law. Particular elements of that Act would make parents responsible and bring them into court in regard to young people's activities. There is a real problem in Limerick with youngsters.

An Ceann Comhairle: We cannot go into that now.

Deputy Jan O'Sullivan: Guys as young as 14 years of age are carrying machine guns.

An Ceann Comhairle: I cannot make an exception for you, Deputy O'Sullivan.

Deputy Jan O'Sullivan: I am sure I am entitled to ask when sections——

An Ceann Comhairle: Yes but the Deputy is not entitled to a prologue.

Deputy Jan O'Sullivan: ——of a piece of legislation, that is already law, will be commenced into law so that young offenders can be dealt with and do not become hardened criminals which they inevitably will if this does not happen.

An Ceann Comhairle: I ask the Taoiseach to respond in regard to the Children Act.

The Taoiseach: I will have to check with the Department. It would help if I knew the particular sections because quite a lot of the Children Act has been implemented over a period.

Deputy Jan O'Sullivan: Will the Taoiseach come back to me?

Deputy James Bannon: The recently published figures on the cost of nursing home care show a variance between——

An Ceann Comhairle: No prologues or epilogues are allowed.

Deputy James Bannon: ——€750 and €1,450 on a weekly basis.

An Ceann Comhairle: To what legislation is the Deputy referring?

Deputy James Bannon: This is becoming unmanageable for several families. I ask the Taoiseach when the health long-term resident care Bill will come before the House.

The Taoiseach: It will be this session.

Deputy James Bannon: Can he guarantee that it will come before the House before the summer recess?

Deputy Bernard J. Durkan: Hear, hear.

Deputy Leo Varadkar: I have a question on legislation and one on the programme for Government. I raised the designated land housing development Bill on the Order of Business some months ago and the Taoiseach assured me that legislation would include a provision to ensure that school sites are handed over in a more efficient and cost effective way by developers to local government. I now read in the most recent updated version of the legislative programme that this Bill is designed to provide for a use it or lose it scheme, which could be deployed by planning authorities on a selective basis to accelerate the development of appropriate land zoned for housing and to address the issue of land options. It appears to be a Bill designed to speed up housing development and there is no mention whatsoever of the provision of school sites as previously promised by the Taoiseach. Perhaps he will explain that or clarify his previous comments.

An Ceann Comhairle: Is legislation promised in this area?

The Taoiseach: The heads of the Bill have been approved. The Bill will be drafted but it will not be ready before the summer.

Deputy Leo Varadkar: Does it include reference to the provision of school sites?

An Ceann Comhairle: The matter of inclusion is another day's work.

Deputy Thomas P. Broughan: I ask the Taoiseach if we will have the chance to debate in the House the Cassells report, given the concerns in Cork.

An Ceann Comhairle: That is a matter for the Whips as the Deputy is well aware.

Deputy Thomas P. Broughan: It can be put on the agenda of the House for the man sitting behind the Taoiseach, Deputy Tom Kitt. The Whip can perhaps organise it. That is the first point. A desperate problem has arisen in the region, which will no longer have a Taoiseach, in regard to building regulations and self regulation. Has the Taoiseach any plans to ask the incoming Taoiseach to introduce legislation to bring to an end self-regulation? I appreciate the Taoiseach has answered a couple of questions on the transportation authority Bill. Is it possible that the current Minister, Deputy Dempsey, who is effectively stuck in a traffic jam in the Department of Transport for the past nine months and may be moving shortly——

An Ceann Comhairle: Come on.

Deputy Thomas P. Broughan: ——when the man sitting beside the Taoiseach, the Minister for Foreign Affairs, Deputy Dermot Ahern, is elevated, may not introduce that Bill at all?

An Ceann Comhairle: On the legislation.

The Taoiseach: That legislation is due in a few weeks. What was the other Bill?

Deputy Thomas P. Broughan: Self-regulation by builders.

An Ceann Comhairle: Is that promised legislation?

The Taoiseach: I do not have anything on that.

Deputy Emmet Stagg: I raised the issue of management companies and their abuse of householders and the fact that there is no regulation for them previously. There are five pieces of legislation listed on the pink sheet for the Department of Justice, Equality and Law Reform. One Bill, No. 15, seeks to provide for the establishment of a property services regulatory authority to give effect to the report of the auctioneering review group. I am very interested in that but, as far as I can see, it will have no effect whatever on management companies, certainly not with that title. We were told last week that there would be legislation this term from the Department of Justice, Equality and Law Reform on this matter. We were promised two other pieces of legislation, one from the Department of Enterprise, Trade and Employment and the other from the Department of the Environment, Heritage and Local Government. There is no sign of those two. All that seems to be on the horizon is a Bill to regulate auctioneers. We were promised this as a matter of urgency in the last term and were told those Bills would be coming forward but there is no sign of them. I ask the Taoiseach to find out from the Ministers what are their intentions and why they are not bringing forward the legislation.

The Taoiseach: I mentioned this yesterday. A high-level interdepartmental committee, comprising all relevant Departments, is working on this. It covers at least three policy areas. The committee hopes to identify the legislative measures required with respect to the multi-unit development report of the Law Reform Commission. The area covers justice, environment and company law so it will take three measures to address it. The committee hopes to conclude its work shortly. It is a Cabinet committee with the Minister of Justice, Equality and Law Reform, the Minister for the Environment, Heritage and Local Government, the Minister for Enterprise, Trade and Employment and the Attorney General. I understand three legislative measures will be required.

Deputy Emmet Stagg: It is urgent because people are being ripped off.

Deputy Tom Sheahan: Prior to the Taoiseach's departure, could he bring forward legislation to give legal footing to the plebiscite held in Dingle over one year ago?

An Ceann Comhairle: There is no legislation promised in this area.

Deputy Tom Sheahan: There is legislation promised on the name change from An Daingean to Dingle-Daingean Uí Chúis. Two Ministers are throwing it from one to the other and, with all due respect to the Ministers, they would embarrass Hugo McNeill with their kicking for touch.

Deputy Bernard J. Durkan: Hear, hear.

An Ceann Comhairle: Is legislation promised?

Deputy Bernard J. Durkan: Dingle cannot dangle anymore.

The Taoiseach: I do not think there is legislation promised.

Deputy Tom Sheahan: We cannot leave it.

Deputy Bernard J. Durkan: We cannot leave Dingle dangle.

Deputy Tom Sheahan: Hugo McNeill would be embarrassed.

An Ceann Comhairle: The main thing is that the ball lands in touch.

Deputy Billy Timmins: The Ceann Comhairle was very lenient with Deputy Sheahan.

An Ceann Comhairle: I was not.

Deputy Billy Timmins: The Taoiseach alluded to the Cluster Munitions Bill. His colleague and namesake, the Minister, Deputy Dermot Ahern, stated that he did not want to divide the House on the issue. I agree with him but it is within his power to decide not to divide the House.

Deputy Tom Kitt: He is doing his best.

Deputy Billy Timmins: I ask the Taoiseach to reconsider accepting our Bill before 8.30 p.m. The Government has received the kudos for banning investment of the pension fund into cluster munitions although it is not part of the motion.

An Ceann Comhairle: Deputy Timmins should not mind the kudos.

Deputy Billy Timmins: I admire the Government spin doctors for getting the message out there. I am sure the Taoiseach will reconsider before 8.30 p.m.

Deputy Charles Flanagan: This is important to the Order of Business.

Deputy Deirdre Clune: Deputy Broughan asked the Taoiseach about the Cassells report into the debt related to developments at Cork Airport. The Chief Whip indicated that there may be something happening in that area. Can we have an opportunity to discuss that?

An Ceann Comhairle: We cannot drift into that.

Deputy Deirdre Clune: The Chief Whip has something to offer, if the Ceann Comhairle will give him the opportunity.

An Ceann Comhairle: I am sure the Chief Whip has something to offer but he can offer it elsewhere. We must move on.

Deputy Tom Kitt: We will discuss it at the Whips meeting.

European Council Meeting: Statements.

The Taoiseach: I attended the spring meeting of the European Council in Brussels on Thursday and Friday, 13 and 14 March, accompanied by the Minister for Foreign Affairs, Deputy Dermot Ahern. This year's spring European Council meeting marked a critical juncture in the evolution of the European Union. Our agenda clearly showed the need for the Union to be able to act effectively on the international stage. I am pleased to report that our discussions demonstrated the Union's commitment to lead on global issues.

The Union has a major leadership role to play on the major global challenges and opportunities of the 21st century, and to ensure that we do so for the betterment of our citizens and the wider world. Managing economic growth and creating jobs, tackling climate change, ensuring food and energy security and maintaining stable financial markets are complex and interwoven issues. To respond successfully to these challenges requires the Union to act in a cohesive, efficient and effective way.

[The Taoiseach.]

The importance of these issues to Europe and to the world shows exactly why we have, and why we need, the European Union. A more effective Europe is good for Ireland, for Europe and for the world. This is why the Lisbon reform treaty is so important.

Our discussions at the spring Council meeting began with an address by the President of the European Parliament, Professor Hans-Gert Pöttering, and a valuable exchange of views with him on the key items on the Council's agenda. He also emphasised the importance of the Lisbon treaty. I am delighted that President Pöttering was able to visit us here this week, demonstrating once again that links with the European Parliament are both important and real. I met with him on Monday last and I also very much appreciated his address to the Seanad yesterday morning.

The first working session of the European Council was devoted to the Lisbon strategy for jobs and growth and with a particular focus on energy and climate change. At the outset of our discussion, President Barroso of the European Commission outlined his views on the new three-year cycle of the Lisbon strategy and on the Commission's package of proposals on climate change and energy security. The Lisbon strategy's new three-year cycle will build on the progress already made over the period 2005-08. I welcome the fact that there is continuity, with the integrated guidelines agreed in 2005 being maintained. Furthermore, the new cycle reaffirms the key priority areas agreed in 2006. These include investing in people and modernising labour markets; unlocking business potential, especially within SMEs; investing in knowledge and innovation; and energy and climate change. All of these are fully in line with our own priorities and objectives set out in the programme for government and Towards 2016. They are also consistent with the institutional and investment frameworks that we have put in place, including the national development plan.

The Council fully recognises that challenges remain. We cannot afford to be complacent, particularly in the current global economic climate. Our ability to meet these challenges depends on maintaining the modernisation and reform momentum that the Lisbon strategy is providing and will continue to provide over the next three years.

The Council also discussed the recent turmoil in the financial markets. Europe has not been impacted to the same degree as financial institutions in the United States. Nonetheless, we agreed that there is no room for complacency. The Council's conclusions reflect a shared view on the need for the Union's financial stability framework to be more robust, more transparent, with better valuation standards, and improved levels of communication and co-operation between regulators.

While the WTO was not a formal item on our agenda, I took the opportunity to emphasise to my colleagues that we had to avoid signing up to an unbalanced deal that unnecessarily damaged EU-wide food production. In the main, our discussions were dominated by energy and climate change. Secretary General and High Representative Javier Solana presented a report on the security implications of climate change that he had prepared jointly with the European Commission. He highlighted the potential security issues, but also the humanitarian implications and the very real threats to already vulnerable and conflict prone states.

The overall message of his report is clear: the impact of climate change on international security is not a future concern, it is a reality today. The EU has a vital international leadership role to play but it cannot succeed on its own. All global players must participate, both developed countries and some of the more advanced developing countries. The issues are complex and interlinked and have implications for the EU and its relations with the rest of the world.

At the 2007 spring Council, we agreed ambitious but achievable targets on energy and climate change. Ireland supported the goals and principles, including commitment to a 20% reduction in CO₂ emissions by 2020, and support for a 30% target, as part of a comprehensive international agreement. Given the importance and context of the Bali roadmap agreed last December, we proposed that the negotiations on the Commission's recent package should be advanced during 2008 in order that the Union maintains its global leadership on this issue.

We now have a credible framework for those negotiations. The Council agreed that, over the coming months, we will work out the detail of how we will do this in a way that is clear and demonstrably fair and allows sufficient flexibility. I underlined Ireland's commitment to playing its full part in Europe's response to climate change. The Commission's package will be very challenging for Ireland and implementing the level of emission reductions required has serious economic and social implications, but there will be opportunities for us as well and we must be prepared to seek these out.

The Council is very aware of that, in setting a course towards a low-carbon economy, one of the key challenges is to do so in a way that is consistent with other EU priority policies, in particular, sustainable development, food security and economic and social cohesion. In addition, account must be taken of particular concerns such as carbon leakage in various sectors, including agriculture. I am satisfied that the conclusions take account of these issues.

We also discussed the issue of energy, including external energy security. Clearly, it is in the Union's interests to create a stable, secure and predictable environment for investors in energy production and transmission. An effective, interconnected internal energy market will help with security of supply, improve competition which will impact on electricity prices and facilitate an increased contribution by renewables. In my intervention, I emphasised the need to support coherent research and development and innovation policies. The Union needs to accelerate the development and deployment of renewable energy and energy efficient technologies. I underlined the potential opportunities that the renewable sector can provide in creating jobs and growth, not least in rural areas.

At the dinner of the Heads of State and Government, President Sarkozy and Chancellor Merkel presented their outline for a union of the Mediterranean, which was approved. We agreed that the European Commission should bring forward more detailed proposals in due course.

To conclude, this year's spring meeting of the European Council was successful with significant outcomes. We agreed that we should build on the progress made to date on the Lisbon strategy and continue to focus on jobs and growth, including in the social dimensions. The Council recognised fully that, in transforming to a low carbon economy, we must ensure coherence between interlinked policy objectives, including sustainability, food and energy security and economic and social cohesion. We are fully committed to the European Union leading globally on climate change and to working towards an international agreement on a shared global response. Having set ambitious climate change targets last year, we have now agreed a credible basis for working out how they are to be achieved in a way that is demonstrably fair, efficient, clear and sufficiently flexible.

The European Council was also a success in that it demonstrated that member states can work together constructively to share the challenge and opportunities ahead for the betterment of all our citizens. I believe strongly that the European institutions should be closer to the citizen. The Council shows the relevance of the European Union and underlines the importance to all of us that we have a union that is better connected to its citizens and better able to lead on the broader international stage.

[The Taoiseach.]

I would like to conclude by mentioning that, during the summit, Chancellor Merkel and President Barroso told me that they were looking forward to their visits here next week. Chancellor Merkel will make a bilateral visit on Monday next when she and I will have discussions on the EU agenda. The Chancellor will also address the National Forum on Europe. President Barroso will visit Ireland on 17 and 18 April. His extensive programme will cover Dublin and Cork. In addition to bilateral meetings, he will have a number of speaking engagements, including the National Forum on Europe and University College Cork. I should mention that President Ilves of Estonia will also make a state visit to Ireland. I very much welcome this and am looking forward to his visit.

The number and stature of our European visitors this and next week is testament to our sharing in Europe and our standing as a country in Europe. It is an honour for me to welcome to our shores the presidents of both the Commission and the European Parliament and leading representatives of member states, new and old, large and small. These visits illustrate the growing interconnections between all of our countries so neatly evidenced by the discussions at the spring European Council, on which I have just reported. In conclusion, it is a good time to be Irish and it is a great time to be an Irish European.

Deputy Enda Kenny: I would like to share time with Deputy Timmins, if that is in order.

An Ceann Comhairle: Is that agreed? Agreed.

Deputy Enda Kenny: As we are discussing what has turned out to be the Taoiseach's last European Council meeting, I wish to pay him tribute for his work at such meetings over the years, particularly during the Irish Presidency, a significant achievement. I will discuss this later.

I welcome that the Government has determined the date for the Lisbon EU reform treaty referendum, one of the most crucial decisions faced by the people in a long time given its ramifications for Europe. At meetings across the country, I have made the point that, in explaining the treaty and in giving people as much information as possible so that they have full understanding when they vote, it is a privilege and responsibility for them to do so in the knowledge that their decisions will have an impact on the future direction and flexibility of the institutions of Europe, which deals with a population of 500 million as distinct from 250 million when there were just 15 member states.

I was glad to speak yesterday to the President of the European Parliament, Mr. Hans-Gert Pöttering, who made a substantial contribution to the Seanad. It will be followed by next weekend's visit by as many of the European People's Party's leaders as are available. Chancellor Merkel will meet the EPP and the Taoiseach on Monday. It is important for people to understand that these visits by President Pöttering, Chancellor Merkel, President Barroso and others are not a matter of campaigning on the EU reform treaty. Rather, their visits comprise a statement of Europe's interest in this country and of how important Ireland is in that context.

The issues discussed at the last Council meeting are of importance, namely, immigration, the changing demographic figures of Europe — falling birth rates compared to elsewhere — and the implications for pensions, jobs and employment opportunities in the years ahead. The Council decided and commented on matters such as food and energy security and recognised that, by 2020, there will be millions of “environmental migrants” due to the impact of climate change. I agree with the Council's decision on the targets for climate change, about which Ireland must become serious. We will not reach the targets by changing light bulbs. Rather, we will need a real drive in terms of public authorities, the State and the Government showing leadership before the average person will decide to play his or her part.

We must return to the issue of the difficulties emanating from the Middle East peace process, which is the root cause behind there being so much support for terrorism spreading out from the Middle East. I respect the right of Israel to self-defence, but clarity of statement from the European Council — that there be full negotiation and restraint in such areas — is necessary. One cannot have uncontrolled terrorist activity irrespective of from which quarter it comes. Our country is an example of having concluded agreement after 30 years of terrorist activity from a number of quarters. The European Council needs to revert to this issue on a regular basis.

I am not sure that I agree with the concept of a union of the Mediterranean tabled by President Sarkozy. If too much emphasis is placed on it, people could ask for a union of the Baltic countries, for example. Given the scale of the challenge facing the EU, we must be able to demonstrate that what worked as an initial concept at the Treaty of Rome onwards will apply in the new eastern member states. Given that the economic growth rates of the Czech Republic and Poland equal those of the Far East, one can understand that there is phenomenal potential within the Union's borders for all types of economic development and, consequently, social and personal job development.

Europe must be vigilant about the effect of the credit crunch in America, which is by no means over. Some commentators in the United States claim that the recession could continue for two years or three years and that there are unknown serious threats coming down the line. While Europe has not been directly affected by events in the US, the issue concerns us all, including the Government.

The comments of the Council and the decisions taken address Europe's main issues of the day, namely, climate change, security of energy and food, economics and future job prospects. In this context, the Taoiseach has represented Ireland ably and well and I commend him for his work over the years at European Council meetings.

Deputy Billy Timmins: I join my party leader in congratulating the Taoiseach on his excellent work overseas on Ireland's behalf and on the standing he has achieved in Europe, which has been to this country's benefit in recent years. I also congratulate him on raising the issue pertaining to the WTO. He realises the Irish beef industry considers itself to be under threat and it is important to outline the possible implications were the trade agreements to go down the line that Mr. Mandelson has been seeking to pursue.

I wish to take up some issues that were mentioned in the Taoiseach's speech. On the issue of climate change, I note there is a commitment to a 20% reduction in CO₂ emissions by 2020. While this sounds admirable, one should consider how this is to be done and what might be the possible economic implications. I believe that Ireland often signs up to such grandiose concepts that have failed in the past at EU level. While it is politically popular to do so, are they achievable and, if so, what costs must Ireland pay? In addition to making such statements, one should consider their possible implications. I make this point in the context of the importance of the European Union being able to act as a global entity. As China consumes half the world's cement, where, as Deputy Kenny mentioned, does turning off a single light bulb in Ireland fit into the overall scheme of things? The entire world, not simply various sections of it, must buy into this concept.

As for China, which I am aware is the responsibility of the Minister for Foreign Affairs rather than the Taoiseach, I agree with his policy thus far of not boycotting the Olympics. I do not believe that sport and politics should mix. An argument can be made that perhaps politicians should stay away from the opening ceremony. However, I am unsure as that might be a meaningless exercise. Diplomatic mechanisms are available and at some point the Minister should outline the response he has received from the Chinese in respect of his representations to the

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Chinese Embassy expressing his concern about the treatment of Tibetans and the riots that took place in Lhasa. I note that in 2006, Ireland exported approximately €876 million worth of items to China while in 2007 this had increased to €1.27 billion, mainly in the area of chemicals and computers. In 2006, Ireland imported from China €4.4 billion worth of produce, which increased in 2007 to €4.7 billion and consisted in the main of machinery and transport.

As for making a stand on the issue of human rights, I believe we must voice our concern, but if we are to do so, we should make a hard political decision and should not use athletes or the Olympic Games. Sport always has been a unifying force and should not be used as a force that will cause division. Many means are available to us to make known our displeasure.

The leader of Fine Gael mentioned the issue of the Middle East. It is important to put on the record once again Fine Gael's policy on the Israel-Palestine conflict. This issue causes as much division in Ireland as it does in the Middle East and, like many arguments, the extremes on both sides are those which come to light. Fine Gael's policy is based on four clear pillars. First, there should be a two-state solution. Second, there should be a return to pre-1967 borders unless amended by agreement between the two parties. Third, there must be an agreed solution to the issue of Palestinian refugees who fled or left their homes in 1948 or 1967. Fourth, Israel should cease settlement activities and should dismantle all outposts erected since March 2001.

To achieve this, all Palestinians must cease all acts of violence and commit to peace. Fine Gael also recognises Israel's right to protect its citizens from attack but in so doing it should act within international law. Fine Gael believes the EU should establish a special trade agreement with Israel and Palestine to assist in the economic development of the area. I am aware of the Hamas tactic of using children as shields and that it often considers the propaganda benefit of the death of children to be of greater importance than their safety. However, punishing an entire population is not the solution. The Middle East question always will present strong and emotive responses. There is a responsibility on the conflicting parties to put in place the conditions to allow a final solution. Often when Fine Gael issues statements of this nature, it does not approach matters in a balanced manner but on the basis of whether something is right or wrong.

It is important to use this opportunity to mention Zimbabwe. Mr. Mugabe is talking of a recount or a run-off of the election although the election results are not yet known. I note that yesterday approximately 60 farmers, both white and black, were evicted from their farms in Zimbabwe. It is important that the Minister uses every diplomatic channel open to him, including through the Southern African Development Community and by making contact with the Irish ambassador in Pretoria, to get a message to President Mbeki of South Africa that what is taking place is completely unacceptable.

One element of the Lisbon treaty that I welcome is the proposed High Representative of the Union for Foreign Affairs and Security Policy. This will facilitate an approach with one voice because there often is a disjointed view. While I acknowledge that agreeing foreign policy among 27 nations can be difficult, it is important for the European Union to be able to speak with one voice on such issues. Events in Zimbabwe are disgraceful.

While making this point, I am conscious it is a case of Pakistan yesterday, Kenya tomorrow and Zimbabwe the day after, and one can become weary of ritual condemnation. Nevertheless, one must continue to persevere and I believe that diplomacy is the way forward. Neither telling an athlete to throw off his or her jersey nor throwing petrol or water on a torch constitute the way forward. I am given to understand that the Dalai Lama will visit London in May. Perhaps the Minister will consider issuing an invitation to him to visit Ireland, if possible. While I am

unaware of the mechanisms involved and the Minister's view in this regard, such a measure often has a more positive impact than would the adoption of a negative approach.

I will revert to the Taoiseach's speech. He mentioned key priorities regarding the three-year Lisbon Agenda cycle and spoke of investing in people and modernising labour markets. At the outset of the Celtic tiger period, people always spoke of our educated workforce, our access to Europe and our ability to speak English. However, many countries, particularly China and India, have replicated this. I ask the Taoiseach, his successor and the Minister for Education and Science, to examine Ireland's language deficit. The primary education curriculum must be examined with a view to placing an emphasis on language at an early learning stage when children are most amenable to learning foreign languages.

Deputy Joe Costello: I am pleased to have the opportunity to speak on the European Union's summit meeting on 13 and 14 March 2008. In common with Deputies Kenny and Timmins, I compliment the Taoiseach, as it almost certainly was his last European Union summit meeting, at least in his capacity of Taoiseach, on his good work over the years. He has been quite involved in the European Union, as shown by his work on the constitutional treaty in the lead-up to 2004 when Ireland held the Presidency, as well as to the enlargement at that time arising from the accession of eastern European countries in particular, which was a smooth transition considering many of the difficulties that lay therein. I compliment him on his good work in that respect and wish him well in the future.

As the Taoiseach noted, Chancellor Merkel and President Barroso will honour us with visits next week and they certainly will be welcome. Mr. Hans-Gert Pöttering visited Ireland this week and his diplomacy and presentations were impressive. However, we have not had the same benefit of response from Commissioner Kovács or from the French finance Minister in respect of their ill-thought out and ill-timed statements on tax harmonisation and the common consolidated corporation tax base. The Government should make it clear to the Commission in no uncertain terms that some of the remarks of this nature are most unwelcome and inappropriate at this time. I expected France to have more sense, considering its recent experience on the constitutional treaty, than to make a statement of that nature. Every country has a veto on changes to domestic tax regimes. I hope the Minister makes that clear to the appropriate French authorities and President Sarkozy should be remonstrated with.

The summit dealt with three areas in particular. I do not intend to discuss these areas in detail but the new three year cycle of the Lisbon strategy for growth and jobs is particularly important, as is the energy and climate package. The stability of financial markets was also discussed. The presentation to the summit looked very bright. Virtually everything leading up to 2008 was positive and the assessment was quite up-beat. Public deficits in the 27 member states have reduced by more than half since 2005, public debt declined by over 60% and economic growth increased by 2.9% in 2007. In the past two years, 6.5 million jobs have been created. Unfortunately, while these are welcome figures, there has been a sharp economic slowdown globally since the end of 2007 fuelled by higher food and energy prices and the turbulence in the US economy and financial markets resulting from the sub-prime collapse. Ireland's unemployment figures have increased to more than 200,000, the sharpest rise in a decade, and our construction industry has virtually collapsed. All is not well within the European community and while the past looks good, the future is not as bright. I was glad, therefore, that the summit leaders concentrated on the new Lisbon strategy for 2008 to 2010 and emphasised the social dimension and education. I welcome the strong commitment made in the Lisbon treaty on integrating the social clause on full employment and coherence in economic structures. That will be difficult to achieve in the present global environment, especially in Ireland

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given that our unemployment rate has increased from 4.4% to more than 5% in a very short space of time.

It is important that we pay heed to the message coming from Europe on social cohesion and the integration of the social dimension with the internal market. That will be done in the context of the forthcoming social partnership talks. For a considerable period of time, the EU has had to face the vexed question of balancing workers' rights and conditions of employment against the free movement of capital and establishment. We now have an opportunity to address that question, which has arisen in respect of Irish Ferries, the Laval case, the Viking case and most recently in the Ruffert case in Germany. It is important that we have the freedoms of the European Union in terms of free movement of labour, capital and services, but we must also ensure that people count most. Where a conflict arises, the rights and conditions of employees should be strongest. While there may be difficulties on occasion in determining this at European level there should be no difficulties at national level. That is why the proposed legislation on compliance in the workplace and an enhanced inspectorate is very welcome. We have waited a long time for it and during the construction industry's good times it was almost impossible to find an inspector.

We must also go a step further by ensuring temporary, agency and permanent workers from other countries are not manipulated or exploited in ways that force them into a race to the bottom with their Irish counterparts. Governments and employers must not be allowed to use the EU principles of free movement of workers and capital to undercut the wage levels negotiated by the trade union movement and agreed to by the social partnership. The appropriate forum for addressing this issue, which has repeatedly arisen in the context of the debate on the Lisbon reform treaty, is at the national level. In the upcoming talks with the trade union movement, I hope the Government will accept the importance of the principle of equal treatment of all workers in this country. One of the first acts taken by the trade movement after our accession to the EEC was to bring a court action before the European Court of Justice in 1974 to seek equal pay for women. It is time that we are proactive in taking on board the Lisbon strategy proposals made at the March summit on putting in place a social dimension that protects the rights of workers. Rights such as equal pay, working time, minimum wages, health and safety and parental rights have been given to us through Europe but our Government should now stand up to vindicate the rights of workers.

The issue of flexicurity has to be written into our national reform programme before the end of the year, so I presume it will be addressed by the social partners. The same principles apply because the last thing we need is all flexibility and no security. If the proper balance is achieved, it will be desirable for employees to have both security and flexibility.

The other area that was emphasised strongly in the Lisbon strategy for the next three years is that of education and research, where we are seriously behind. There is a 3% increase in research and development investment targets for the European Union but Ireland is nowhere near that figure at approximately 1.3%. We are way out of kilter. The United States, China and India and other major global economies are sprinting ahead whereas Ireland has been very lax in this area. However, Ireland will have little choice but to show to the European Union how it will meet those targets and in its national reform programme it must set out its method of achieving them. I welcome this requirement because we have been totally lax in making any progress in this area.

Third level institutions are crying out for more funding. They cannot undertake the research and development they would wish, yet the Minister constantly refuses to provide funding, leaving them to complain they are the worst funded third level institutions virtually anywhere in the world. The roll-out of broadband has been ridiculously slow. At the teachers conference,

the Minister for Education and Science claimed she did not have funds to provide computers in schools, yet one of the targets at this summit was that all schools should have computers by 2010, which is a commitment entered into by the Minister for Foreign Affairs and the Taoiseach. There is not a chance we will have useful computers. Some deadweight, non-functioning computers were provided over the years but many schools do not have any modern computers. We are supposed to have good quality, high speed Internet activity in all our schools but we are way behind in this regard also.

The summit raised some desirable issues which we must address in terms of the economy, employment and the way forward for the Lisbon strategy. I hope the Government will meet its targets for 2008 to 2010. An area I did not address is that of climate change, on which I also hope the Government will meet its targets.

Acting Chairman (Deputy Seán Ardagh): The Minister will now take questions.

Deputy Billy Timmins: I wish to reiterate some of the issues raised during Question Time. With regard to the Olympic Games in China, I am sure the Minister is coming under pressure from some sources and I hope he will hold the line as he has done. We should issue an invitation to the Dalai Lama to visit Ireland. When he visits London in May, I understand he will meet the British Prime Minister. Is a visit here an option?

Have we taken measures unilaterally or through the European Union with respect to the situation in Zimbabwe? If the Minister has not done so, will he instruct his ambassador and his channels in the EU to express grave concern at what is happening in Zimbabwe?

Has the Minister information on the situation in Burma? When these issues boil up, they get publicity but the difficulty can often continue when we are unaware of it.

Minister for Foreign Affairs (Deputy Dermot Ahern): I thank the Deputies for their remarks. I take this opportunity to say a few words about the Taoiseach and his involvement at European Council meetings for the past 11 years. I have been with him on each occasion for the past four years. Suffice to say he was held in great affection and gave great support to all his colleagues. It was often a private joke between us that he was, in effect, the elder statesman of the European Council. I saw for myself the benefit of person-to-person contacts, and no better person than he in this regard. If there was ever a crisis or a big issue, he was always the one they looked to to try to assist in negotiating out of an issue. While Ireland may not have been specifically involved in the issue or did not have an interest, the Taoiseach was always heavily involved in the discussions.

I want to put on record my personal thoughts in this regard. Quite apart from all of his constituency work and national work, the incredible amount of work the Taoiseach did on the European stage is often not understood by the wider public. The European Council will be a different place for his going.

With regard to Deputy Timmins' question on the Olympics, the situation in Tibet is very difficult. Two years ago when the Darfur issue was very much on the agenda, I indicated to my colleagues that the closer we got the Olympics, the more difficult an issue participation in the games would become, and that we needed to discuss the issue in order to adopt an attitude on a bilateral basis with China but also with regard to an EU-China position. It is fair to say that people recognise that if it is not Darfur, it is something else, whether Burma or Tibet. We did not realise at the time that the Tibetan issue would come to the fore as much as it has.

I thank Deputy Timmins for the view he takes on my personal stand. I was asked for my personal opinion of a boycott. I have always been a strong believer that one should keep politics out of sport. No more than anyone else of my age who has lived through Olympic

[Deputy Dermot Ahern.]

Games and other major sporting events, I have seen how politics has intervened to a certain extent. At the end of the day, however, it does not further the situation other than by making a protest. When the games are long over, we will have to sit down with these people in a much more concentrated and long-term way.

Leaving aside the fact that our own athletes would not thank us for using the Olympics to make a political point, I do not believe a boycott of the games would be appropriate because, when they are over, we will have to sit down again with the Chinese on a bilateral basis, in an EU-China context and in the UN arena. We will have to deal with them not just on this issue, but on a myriad of issues that affect the world, including the issue of climate change, about which the EU obviously has something to say, namely, that China must get its act together on this issue. Quite apart from the issue of human rights and the difficulties in certain parts of China, it is very important we engage with the Chinese on a constant basis.

People make the point that this has something to do with economics. That is not the case. We have been very forceful in this regard but we must also accept that China has come a long way. We used to raise all sorts of issues with regard to the one-child policy in China. It was easy for us to do that in the context of populations that are on a downward trend, particularly in the rest of the Western world, whereas in China there is a very significant increase in population. Aside from the issue of sport and looking at matters from a sporting perspective, it would not be good to use the Olympics to make a political point.

There is also the issue of whether Ireland should participate in the opening ceremony. First, we have not been invited by the Chinese to participate. I understand that the Prime Ministers of some other countries have been directly invited because their Prime Minister, President or whoever has been in China or the Chinese have been there. These *ad hoc* invitations to certain Prime Ministers were personal invitations to a certain extent. We have not received a direct invitation.

The only member of Government to receive an invitation is the Minister for Arts, Sport and Tourism, Deputy Brennan, and his invitation is from the Olympic Council of Ireland. Obviously it is up to him to decide whether he will go. I understand he will make a decision based on the advice he will receive from my Department and, if necessary, from Government in regard to a boycott of the ceremony. A number of our EU colleagues have indicated whether they are going; some are going but others are not while others still are undecided. To a certain extent it may be very much a pyrrhic move in that later on we will have to meet on a bilateral basis with the Chinese. No decision has been taken in that respect.

It is not a significant issue but there is no doubt that we have to very strongly condemn what has happened. Anyone who read the recent statement by the Dalai Lama could not disagree with a word he said. He is asking for an autonomous, not independent, Tibet. He is clearly not asking for a boycott of the Olympic Games. It was wrong of the President of China to recently suggest that the Dalai Lama was in some way exhorting violence. From everything we have picked up, that is not the case.

It is not appropriate for the Government to invite the Dalai Lama because he is not a Head of State, he is a religious leader. Similarly, the Government cannot invite the Pope to Ireland; this invitation must come from the bishops and the clergy. It has never been the case that Governments have invited religious leaders to Ireland. Obviously, if the Dalai Lama came to Ireland he would receive the normal courtesies and, if necessary, meetings that would be given to any religious leader coming here. The Dalai Lama was on the island of Ireland — in our country as it were — a number of months ago. I was due to go to Derry to meet him but,

unfortunately, on the occasion I was out of the country so the Minister of State, Deputy Michael Kitt, met him.

We are very worried about Zimbabwe. There is no doubt that the situation is going from bad to worse. The fact that we are not getting full information regarding the election very much raises the question of whether the count was free and fair. Going on the facts we have, it is clear that the democratic will of the people of Zimbabwe is not being adhered to. I was personally disappointed, as were most of my colleagues in Europe, that we were not allowed to send EU observers to these elections. Many Deputies in this House, particularly Deputy Barry Andrews, exhorted me to send observers there. Unfortunately, if one does not have an invitation from the host government, it is impractical to send in observers because, in effect, one is sending them into a situation where they could be very much in danger and where they would not get access.

We worked with our colleagues in SADEC and other countries that might have some influence with the Zimbabweans to ensure that there was some monitoring of the vote. That happened to a certain extent and observers were reasonably happy that people were allowed to vote reasonably freely. The question arises in regard to the counting of votes. We instructed our ambassador to South Africa, who is also accredited to Zimbabwe, to be present there during the election period. He sent us constant reports on what was happening on the ground. That was part of an effort by the EU to have at least some presence on the ground to which the Zimbabwean Government could not object. We are examining this issue closely and putting as much pressure, separately and collectively, on the Zimbabwean Government and, through the Government, on the electoral commission to issue the results as quickly as possible.

Deputy Joe Costello: I did not realise that this was a discussion on foreign affairs; I thought the issue was the European Council meeting. I do not recollect any of those issues coming up.

Deputy Dermot Ahern: We discussed them. The Taoiseach referred to what he discussed. The conclusions——

Deputy Joe Costello: Zimbabwe and the Olympics.

Deputy Dermot Ahern: No, but we did discuss foreign affairs issues.

Deputy Joe Costello: That is by the way.

Deputy Dermot Ahern: Zimbabwe could have been discussed.

Deputy Billy Timmins: The Labour spokesperson is very flexible.

Acting Chairman: I do not think the Labour spokesperson intends to waste two minutes on this either.

Deputy Joe Costello: I will be very quick. I have three questions. The first question relates to the issue I raised at the start of my contribution. Given that the Lisbon treaty was on the agenda I would have thought it would have been made clear to the other Heads of State the manner in which Ireland was conducting its business in terms of ratification, considering that we are the only country that is engaged in a referendum. That is why I am particularly surprised that we had the inappropriate remarks from the French Minister for Finance and from the Commissioner for Competition in recent days. Tax harmonisation and a consolidated tax base are a red herring because they are not matters for those individuals to deal with in the manner in which they claim to be doing. However, it gives an injection of credibility to the eurosceptic side because people in that camp have said that something of this nature might be going on.

[Deputy Joe Costello.]

The Minister expressed concern in this regard in yesterday's newspaper. What steps does he propose to take to ensure that our concern and disappointment in this regard are brought to the appropriate authorities and to ensure that there will not be a recurrence of this for the next two months?

My second question relates to climate change. We will experience the highest reduction targets of all of the 27 European Union countries because of the manner of calculation employed. I understand that the Taoiseach raised with the Commission and with the other leaders questions about the assessment of Ireland's targets. Will the Minister indicate whether the Taoiseach has had any success in that matter? What is the attitude of the Government in terms of whether it now proposes to continue buying carbon credits or whether it intends to put the emphasis in a more proactive fashion on research and development, sustainable energy, bio-fuels, wave and wind energy etc.?

My last question relates to research and development. We are very far behind in terms of investment in research and development. By the end of this year we are supposed to clearly lay out how we are to reach the 3% target set for the European Union. What will the Government do about this? Nothing whatsoever has been done so far, even though it has been flagged on numerous occasions by the Commission that Ireland is hugely in arrears in regard to its investment in this respect.

Deputy Dermot Ahern: The referendum was not on the agenda of the meeting because the ratification process is ongoing. A number of countries — I believe the figure is six — have ratified the treaty and a further ten will ratify it by the end of May. There were some discussions on the margins of the meeting and, to the best of my recollection, the Taoiseach intervened in an off-the-cuff manner to inform colleagues around the table how the referendum was proceeding.

On the question of the type of statements and comments which will be made over the next two months, we must be careful in this regard because people are entitled to make statements. We cannot muzzle anyone, nor would it be appropriate to suggest that people should be careful in making comments. Nevertheless, statements should be factual and the statement by the French Minister for Finance was off the wall. She was speaking from a position of some ignorance in that changes to taxation are catered for in the reform treaty. Our veto regarding taxation, alongside defence and the prohibition on participation in a common defence policy or military alliance, one of our red lines, will continue. As the Taoiseach noted on the Order of Business, the French Minister for Finance can pursue this issue for many a decade but she will not get anywhere because Ireland will use its veto. If the French wish to do something else with like-minded countries, that is their business but Ireland and a number of other member states on the same wavelength as us will not participate.

It is important to state the position in blunt terms. I do not envisage that the proposal made by the French Minister for Finance will run. The Commission and most member states are under no illusion about the Irish position regarding the referendum process. Issuing statements that are factually incorrect or making proposals that are clearly not a runner reflects more on the person who makes them than on anything else.

On climate change, the Government has established a group to advise the Cabinet committee on climate change and energy security. Discussions are ongoing at EU level on the details of proposals to tackle climate change. At this point, it is not possible to assess the costs which will be associated with the measures. However, it is not the case, as some have argued, that the impact of the proposed changes will be purely negative. The measures will encourage a rapid increase in renewable energy production and research. I have observed both in my constituency

and in terms of cross-Border activity an incredible amount of commercial activity building up in the area of renewable energy. We should not view this issue from a purely negative perspective or argue that the burden is too onerous. While there will be difficulties in meeting the tough criteria and conditions, major advantages and opportunities will spring up for new business. We should see this as an opportunity.

On the Lisbon target for research and development, Ireland increased its investment in this area from 1.32% of GNP in 2000 to 1.56% of GNP in 2006 and we estimate the figure will increase to 1.9% by 2010. We are well on our way to achieving our target of investing 2.5% of GNP in research and development by 2013. While we started from a relatively low base, the Government has placed great emphasis on and heavily invested in research and development.

Sitting suspended at 1.55 p.m. and resumed at 2.30 p.m.

Ceisteanna — Questions (Resumed).

Priority Questions.

School Staffing.

62. **Deputy Brian Hayes** asked the Minister for Education and Science the primary schools, estimated to be 50 in total, which will lose a teaching post from September 2008 in view of the failure to reduce the staffing schedule from 27 children to 26 children per classroom teacher. [13470/08]

Minister for Education and Science (Deputy Mary Hanafin): The Department of Education and Science has published the staffing schedule for the 2008-09 school year. Given the increased enrolments in primary schools generally, the application of the schedule is likely to result in an increase of over 600 mainstream teaching posts for primary schools in the next school year.

Approximately 120 posts will be lost in schools that had fewer pupils enrolled on 30 September 2007 than on 30 September 2006. It is estimated that up to 50 of these posts might have been retained under a schedule that operated on the basis of a general rule of one classroom teacher for every 26 children compared to the basis of the current schedule which is a general rule of 27 children per classroom teacher. I am arranging to have provided for the Deputy a list of the schools that might fit the alternative criterion, if it had applied.

I caution, however, that the final position cannot be determined until the independent staffing appeals process that is available to boards of management of individual schools has taken place. Under this process schools can submit an appeal under certain criteria to an appeal board, specially 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. The appeal board operates independently of the Department and its decision is final.

The Government has made provision for approximately 1,200 extra primary and post-primary teachers to be appointed in the next school year. These include the net increase of circa 500 teachers referred to and others who will be employed in special education and language support posts.

Budget 2008 provided €4.6 billion, or €380 million extra, for teacher pay and pensions. This is a substantial level of additional investment in the current economic environment and reflects the huge improvements made in school staffing in recent years.

[Deputy Mary Hanafin.]

In the primary sector, approximately 6,000 more teachers are on the Department's payroll than in 2002. Extra teachers have been provided in the 2006-07 and 2007-08 school years to reduce class sizes. The programme for Government contains a commitment to provide 4,000 additional primary teachers between 2007 and 2012. With the extra teachers already put in place this year and those provided for in the budget, we are ahead of target with approximately 2,000 extra primary teachers to be delivered in just two years.

Over the lifetime of the Government, we are committed to providing more primary school teachers specifically to reduce class sizes. We will also continue our focus on measures to improve the quality of education in our primary schools to ensure increased resources lead to better outcomes for our children.

Deputy Brian Hayes: I thank the Minister for her reply but it did not address my question. I asked the Minister to name the 50 or so schools which will lose a teacher in 2008 because of her failure, and that of her colleagues in the Government, to honour promises made before the last general election and in the programme for Government.

Two months ago, I asked a similar question only to be informed there were IT problems with getting the names of the schools in question. It is some IT system that on a Priority Question from the Opposition the Minister cannot give us the list of shame.

The Minister was filleted at the INTO conference last month because of her failure to honour her promise in the programme for Government to reduce staffing schedules from 27 to 24 children over the next three years. For the 50 schools that will be affected, will the Minister examine changing the retention schedule which will allow them not to lose a much-needed teacher?

Deputy Mary Hanafin: The list of schools affected is being extracted and will be given to the Deputy presently. It would be impossible to list them all here. It is a genuine case of officials having to go through the IT system to inform us which schools will lose 120 teachers. When the information is compiled it will be forwarded to the Deputy.

We examined the possibility in-house of changing the retention schedule. In the current economic climate, however, with the extra numbers attending school in September, it is not possible to do it this year. I would like to have continued the process I started in 2006 of reducing class sizes. The Deputy, however, will accept the economic climate is not good in allowing us to achieve all of what we had set out to do. It still remains a Government commitment, however.

Deputy Brian Hayes: We do not know if the Minister will still be in the position to continue this process in a month. The very best of luck to her in the Cabinet reshuffle. Will she inform the House how much it will cost to reduce the average size by one child in the staffing schedule? My information is that it is not a large amount of money.

Will she give a guarantee to the House that she will honour the commitment made before, during and after the general election for the 2009 staffing schedule?

Is it still the Government's policy, enunciated in 2002, that children nine years of age and younger will be in class sizes of 20 or fewer?

Deputy Mary Hanafin: The cost per teacher is estimated to be €60,000. It is made up not only by the employment of the teacher but knock-on effects such as posts of responsibility, administrative principals etc.

The 50 schools in question are the only ones to lose but others may gain teachers. It must be acknowledged that a greater number of teachers would be coming into the system if those 50 schools were not affected. Some of these schools might be able to retain teachers under the appeals system.

Considering the current international economic climate, no one can say what will happen. Reducing the staffing schedule remains a Government commitment but it must be considered in the context of finances available during the Estimates process. It is a matter for which we will continue to fight.

Concerning class sizes for children aged nine and under, John Carr, general secretary of the INTO, said that reducing the class schedule from 29 to 27 children and then to 24 would enable schools to break junior infants classes from two to three groups.

Deputy Brian Hayes: That is only for one year.

School Services Staff.

63. **Deputy Ruairí Quinn** asked the Minister for Education and Science the steps she proposes to take to regularise the anomalies, including rates of pay, access to pensions and PRSAs, a sick leave scheme, procedures for grievance, disciplinary bullying and harassment, contracts of employment and issuing of pay slips surrounding the terms and conditions of employment of school secretaries and caretakers; if her Department met, in January and March 2008, IMPACT, the trade union that represents many of the school secretaries and caretakers; and if she will make a statement on the matter. [13414/08]

Deputy Mary Hanafin: In general the arrangements for supporting secretarial and caretaking services in schools mirror those for providing support funding for the schools concerned. Primary and secondary schools are funded through capitation grants and likewise secretarial and caretaking services are funded by grants related to the number of pupils in the school.

A small number of primary and post-primary schools continue to have caretaker and secretary posts funded under a scheme that was put in place in 1978. This is being phased out as it has been superseded by the grant scheme that I have mentioned. The original 1978 scheme covered a relatively small number of primary and secondary schools. The decision to phase it out was part of a policy decision to spread the support more widely and ultimately cover all primary and secondary schools with funding for such services.

The funding approach adopted for caretaking and secretarial provision in second level schools in the VEC and community and comprehensive sector schools is in line with the funding mechanisms that apply generally in those schools. The amount of funding given to primary and secondary schools is not directly linked to any particular pay rates and furthermore schools have discretion on how to apply this funding across their support service needs. The Department does not have any direct role in determining the pay and conditions under which they are engaged. These are matters to be agreed between the staff concerned and the school authorities. However, boards of management of individual schools are expected to comply with employment legislation and are advised accordingly in guidance from the Department.

In the context of discussions on the social partnership agreement, Towards 2016, an informal forum was established in the public sector to explore several staffing-related issues arising in companies-bodies operating in the voluntary-community sector that are largely funded from public funds. As part of that informal process the Department has facilitated a number of meetings between the managerial bodies of schools employing secretaries and caretakers and the IMPACT and SIPTU trade unions representing the grades concerned. The most recent meeting took place on 11 March 2008, at which my officials undertook to continue to facilitate

[Deputy Mary Hanafin.]

those discussions. In addition, representatives of the management bodies of schools agreed to meet separately the trade unions concerned on issues of concern to their members.

Deputy Ruairí Quinn: I find the Minister's response utterly irresponsible considering that the new leader-designate of Fianna Fáil, Deputy Brian Cowen, announced earlier at a press conference that Fianna Fáil would respect social partnership and an inclusive approach to society. In effect the Minister is presiding over a yellow pack form of employment. The Minister has not answered the question properly. She has not recognised the difficulties presented on 11 March to her officials and her interpretation of ongoing discussions is utterly at variance with the other impression, which was to the effect that negotiations had all but broken down. Deputy Brian Hayes might confirm it but that was the interpretation I took from the deputation which took part in the meeting.

Is the Minister indicating that ongoing discussions will continue with IMPACT and officials have been empowered to engage in constructive and positive negotiations with a view to addressing the illegal labour law anomalies in effect under the Minister's watch in schools in the Republic of Ireland? Will the Minister indicate if she proposes to increase the overall capitation grant for schools so they are not forced into yellow pack conditions of employment, which are an absolute outrage in a country that claims to have the second highest standard of living and *per capita* income in the European Union?

Deputy Mary Hanafin: With regard to the talks which have been ongoing, the Department agreed on 11 March to establish formal structures for dealing with those secretaries and caretakers under the 1978 and 1979 scheme.

Deputy Ruairí Quinn: That is being phased out.

Deputy Mary Hanafin: The Department is not the employer of those employed under the other grant systems. I would be very concerned, as would anybody, if employment legislation was being broken——

Deputy Ruairí Quinn: It is.

Deputy Mary Hanafin: ——on those matters. The management bodies specifically asked for examples of where this was happening and agreed to follow up on it.

The Department will continue to facilitate any meetings or talks between the management bodies and unions on the matter. We have issued circulars to all schools advising them of their responsibilities and roles with regard to employment legislation, which they must keep absolutely.

The second question relates to capitation. It is the case that the ancillary grants, rather than capitation, would go towards paying for secretaries and caretakers. The Deputy will be aware we have increased that significantly in recent years and we will continue to do so. We accept this is the money issued for schools. Last year the amount was €65 million and this year it will be well over that because we have increased it again.

Deputy Ruairí Quinn: Will the Minister accept that the approximately 20,000 new members of boards of management, particularly in the primary sector, who have come on board to look after the school in which their children or grandchildren may be students, and in trying to facilitate the best possible support for the principal and staff in the school, are now confronted with a position where the Minister is giving them a miserable amount of money? This forces

them into breaking labour law and proper working conditions in order for them to get basic things.

For example, the secretary of a school does not just do paperwork in a back office, he or she is also the permanent receptionist in the school. All primary schools also have a security issue regarding who goes in and out the door. The Minister is forcing boards of management to break the law or else deprive the principal of having support for a secretary. Does the Minister find her response is utterly inadequate, given the vast resources this Administration has at its disposal?

Deputy Mary Hanafin: Clearly I do not accept the Government is forcing anybody to break the law as no matter what funding is available, everybody has a responsibility, particularly with employment, to ensure the substantial legislation is adhered to. Secretaries and caretakers do a very good and important job but even the smallest of schools receive a minimum amount of money under the ancillary scheme. The larger schools get up to €75,750, the maximum amount available.

The length of a school day and school year is short. In primary schools, for example, this allows four hours work by a secretary, for example, as schools are only open five hours and 40 minutes. The school is open for 183 days. We have stated we will be happy to continue to put down formal structures for the 1978 and 1979 scheme—

Deputy Ruairí Quinn: That is being phased out. It is irrelevant.

Deputy Mary Hanafin: That was an employment creation scheme.

Deputy Ruairí Quinn: I remember it well.

Deputy Mary Hanafin: There was never any intention to spread out the numbers and increase the personnel in the public service. It is important—

Deputy Ruairí Quinn: The Department has closed down negotiations.

Deputy Mary Hanafin: We will continue to facilitate meetings between management bodies and unions to ensure the employment rights of secretaries and caretakers employed by local boards of management have effect.

Institutes of Technology.

64. **Deputy Brian Hayes** asked the Minister for Education and Science when she will make a decision following the publication of the Port report in February 2008. [13471/08]

Deputy Mary Hanafin: To date applications have been received to invoke section 9 of the Universities Act 1997 from Waterford Institute of Technology, Dublin Institute of Technology and Cork Institute of Technology. Any such application requires a detailed examination in the context not only of the detailed statutory process to which they are subject but also of their wider implications for higher education policy generally.

These applications raise significant issues regarding Government policy towards higher education, in particular the existing roles of the universities and institutes of technology which have distinctive missions from each other, provide different levels and types of academic programmes, fulfil different roles in the community and have separate academic and governance structures.

The Government wants to build on our strengths and to provide an environment where all our higher education institutions can develop in a way that best serves the country as a whole

[Deputy Mary Hanafin.]

and the regions where they are based. These issues must be central to consideration of the appropriate next steps in all applications, which I have been examining in conjunction with my Government colleagues.

Waterford IT is already making a significant contribution to the development of the south-east region. It has an excellent track record of industry collaboration, particularly in areas of applied research and curriculum design. I want to see Waterford IT further develop its strengths in these areas in line with the objectives of the Government's strategy for science technology and innovation.

In this regard one of the key development and investment priorities for the Waterford gateway in the current national development plan is the "investment in the R&D capacity of Waterford Institute of Technology to underline the importance of education to Waterford as a centre of excellence".

While Dr. Port's report is specifically on the Waterford application, it also provides a useful analysis of the wider context in which any application for designation as a university must be considered. The report provides an overview of the complex issues involved and will contribute to an informed debate, nationally and regionally, on the issue and help inform final consideration of the matter.

The options presented in the Port report are being examined carefully by officials of my Department and the Higher Education Authority with a view to developing specific proposals on the appropriate next steps in the context of wider considerations. I intend to present proposals to Government in this regard very shortly.

Deputy Brian Hayes: The net question is if the Minister supports the establishment of a university in the south east.

An Leas-Cheann Comhairle: It is a very important question.

Deputy Mary Hanafin: It is and I recall the last Question Time was allowed to run over so this matter could be taken.

Deputy Brian Hayes: I am sure it would not have if we could just have had an answer.

Deputy Mary Hanafin: The application will be considered in the context of not only the region of Waterford but also international priorities. That leaves something for Government to consider.

Deputy Brian Hayes: The WIT application dates back to 2005. The Minister commissioned Dr. Port's report to get her through the general election and she knows this was published on 20 February, the last time my colleagues put down a question on it. The Minister stated at the time she would come to a view on the report within a matter of weeks. Will the Minister please get off the fence and make up her mind on the issue?

The Cabinet is clearly affected by dissension and division on the subject, as could be noted from the rather public spat the Minister had with the Minister for Social and Family Affairs, Deputy Cullen, at the Fianna Fáil parliamentary party meeting last month. When will the Minister make up her mind on the issue? Her indecision is leading to total instability within the higher education sector and she must come to a view sooner rather than later as to the future and the responsibility and need for a university in the south east. When will we get the decision?

Deputy Mary Hanafin: I am cognisant of the OECG report, which discussed the binary system in Ireland and the distinct roles of the institutes of technology and universities. That has led to the success of regional development in this country and I want to ensure nothing impinges on that. That report indicated in particular that this system should be protected, and naturally I want to do so.

I am equally cognisant of the regional argument being made by Waterford IT and that it has developed an academic expertise. Since the application came in, a number of significant events have happened, particularly the introduction of the legislation on the institutes of technology. That addressed many of the issues raised by Waterford Institute of Technology in its application. These included monetary issues, the management structure, academic freedom and budgets. All those were addressed by the legislation, which changed the context for the Port report.

Dr. Port discusses in the report that there are no criteria in this country——

Deputy Brian Hayes: That is section 9.

Deputy Mary Hanafin: ——under section 9. It would be absolutely impossible for any Minister to start a process if there are no criteria by which it could be judged. That should be done in the first instance.

Deputy Brian Hayes: In reply to a previous question, the Minister stated that her Department will soon place proposals before the Government. The key issue on which she must decide is whether to allow the Waterford application, which was made in 2005, to be independently assessed under section 9, as it currently stands. Is she suggesting that she will, in light of the recommendations in Dr. Port's report, be reformatting section 9 in advance of allowing Waterford or any other college to seek full university status? Is that the position?

Deputy Mary Hanafin: Not only did the context change in respect of the legislation, it also changed when the Dublin and Cork institutes of technology revitalised their applications. We also received a submission from the institutes of technology in general regarding a federal structure for Ireland. The one thing the Minister for Education and Science must do is protect the status and standard of higher education in Ireland. We witnessed what happened with the polytechnics in the UK and we want to ensure that does not happen here.

Deputy Brian Hayes: We all agree with the Minister in that regard.

Deputy Mary Hanafin: In the first instance, the proposals set out in Dr. Port's report suggest that we must examine not only the regional model but also its national counterpart. We must also consider what action to take in respect of the criteria. It is not possible to kick-start a process without——

Deputy Brian Hayes: Will a decision be forthcoming before the summer?

Deputy Ruairí Quinn: The Deputy has got to be joking.

Deputy Mary Hanafin: Proposals based on the recommendations in the Port report will be put to Government shortly.

Deputy Brian Hayes: Will that happen before the summer?

Deputy Mary Hanafin: It will happen in the coming weeks.

School Governance.

65. **Deputy Ruairí Quinn** asked the Minister for Education and Science the arrangements made to date for the forum or conference on the issue of governance for the primary school sector which she announced at the Irish National Teachers Organisation conference would take place in summer 2008; and if she will make a statement on the matter. [13415/08]

Deputy Mary Hanafin: The rapid pace of social and demographic change in Ireland is reflected in a radically altered and more diverse society from which our school communities are drawn. The vast majority of primary schools are, and will continue to be, Catholic in ethos. They have historically welcomed pupils from all backgrounds and still do. More recently, other models of patronage have emerged which have widened the range of choice available to parents. As the school system evolves, we must ensure that all our schools reflect and fully represent the communities in which they are based.

In that context, it is important that we develop a common vision of how existing and new models of patronage can collectively respond to future diverse demands for primary education. The new multi-faith community national school model that is to be piloted next September aims to meet a need for plurality of provision within the framework of the single-school setting.

Deputy Ruairí Quinn: On a point of order, I tabled a succinct question on the Order Paper. A lecture on the changing nature of society is——

An Leas-Cheann Comhairle: The Minister is entitled to two minutes in which to make her reply.

Deputy Ruairí Quinn: The Minister is wasting time.

An Leas-Cheann Comhairle: The Minister is entitled to two minutes for her reply.

Deputy Mary Hanafin: I would not be holding a forum if there had not been a change in context.

Deputy Ruairí Quinn: We know there has been such a change. We are seeking details.

Deputy Mary Hanafin: It is important to place the relevant information on the record and I am entitled to do so.

The new model can provide a valuable new option in ensuring that our school system is responsive to future parental choice. In ensuring that the range of patronage models, new and existing, collectively achieve this, it is important to build on ongoing dialogue with the education partners in encouraging a wider public discussion of the issues involved. In that regard, I recently announced my intention to host a conference on the governance challenge for future primary education needs in late June. I can confirm that the conference will be held on 27 June at the Royal Hospital, Kilmainham. I have been working with my officials in considering the practical arrangements involved. Detailed arrangements for the conference will be made public.

The conference to which I refer will facilitate all stakeholders in considering together the implications for the primary education system of the changing shape of Irish society. Discussions will focus on the particular challenges of ethos and inclusion for patron bodies, under both the existing patronage models and the new patronage model to be piloted in three community national schools this September. The conference will consider the long-term challenges of organising and developing our system of school governance to accommodate new parental demands and aspirations. It will also deal with issues of capacity, choice, ensuring inclusion and

the implications for enrolment policies. I look forward to engaging collectively with stakeholders on these important issues that will shape the future of our primary education system.

Deputy Ruairí Quinn: Will the stakeholders include representatives of Opposition parties?

Deputy Mary Hanafin: Of course. They are more than welcome to attend. The relevant date is 27 June.

Deputy Brian Hayes: All the work will be done in one half day.

Deputy Ruairí Quinn: Will it be a one-day conference?

Deputy Mary Hanafin: The initial aim is to have a one-day conference. People referred to having an ongoing forum. In the past, various fora have discussed various topics for weeks and months. I cannot say that these fora have ever actually delivered anything other than——

Deputy Ruairí Quinn: What about the New Ireland Forum or the Forum for Peace and Reconciliation?

Deputy Mary Hanafin: They were part of a bigger process.

Deputy Ruairí Quinn: This is a very big process.

Deputy Mary Hanafin: Yes, but what is significant in this instance is that the conference will obviously involve a number of key presentations as well as workshops. It will allow people, including parents, to listen to each other. A key element to assisting our discussions will be the working through of the new patron model, which will be up and running in September. At that stage, we will be able to see — from the perspective of parents, teachers, principals, patrons and local communities — how the model is working. That will feed in to our discussion on this matter.

Deputy Ruairí Quinn: Will it be a forum or a conference?

Deputy Mary Hanafin: It will be a conference.

Deputy Ruairí Quinn: So it is less than a forum. In order that time will not be wasted, will the Minister request that stakeholders circulate their papers in advance in order that we do not waste time listening to material we have already heard but that we will have an opportunity to digest such material and be in a position to ask pertinent questions? If this is not done, the exercise will not be as productive as might otherwise be the case.

Deputy Brian Hayes: Hear, hear.

Deputy Mary Hanafin: The key speakers will be invited to circulate their papers. One aspect of the value of this process is that it will allow people to listen to the points being put forward by other groups. Officials of my Department and I have met the various representatives and there are also bilateral arrangements in place. In the context of the ongoing structured dialogue involving the State and the churches, education is always one of the key issues. Any one of us could probably outline what each of the individual patron bodies, the teachers, the INTO, the principals or the parents have to say on this matter. However, it is really important that each group should listen to what the others have to say.

Deputy Ruairí Quinn: Of how many hours duration will be conference be?

Deputy Mary Hanafin: We are still working through that. Asking people to circulate their papers is a good idea. The conference will not take place until 27 June. I had intended holding it earlier but it was decided to hold the forthcoming referendum on the original date selected. There is ample time in which to organise the conference. All of the bodies are anxious to participate and we will ask them to circulate their papers.

Deputy Ruairí Quinn: What does the Minister hope to get out of it?

Deputy Mary Hanafin: How many questions is the Deputy entitled to ask?

An Leas-Cheann Comhairle: There is no limit on the number of questions he may ask so long as he poses them within the time that has been allocated.

Deputy Mary Hanafin: Excellent.

(Interruptions).

Deputy Brian Hayes: The Minister has let the cat out of the bag.

Deputy Mary Hanafin: It is important that we should engage in this ongoing dialogue, rather than just having people sitting around at a forum. It is hoped that all of the different groups will realise what their counterparts, particularly the patron bodies, envisage for the future of education in this country.

We must consider a number of key areas. There is, for example, the issue of choice for parents. However, choice cannot be contemplated without there also being the capacity to deliver. That balance must be considered as part of the argument.

Deputy Ruairí Quinn: What does the Minister hope to get out of it?

An Leas-Cheann Comhairle: We must proceed to the next question. The time for this question has expired.

Deputy Mary Hanafin: The issue of enrolment policies must also be examined.

Deputy Ruairí Quinn: What does the Minister hope to get out of it?

Deputy Mary Hanafin: The enrolment policies of some groups run contrary to those of others.

An Leas-Cheann Comhairle: We must proceed to Question No. 66.

Deputy Mary Hanafin: Another issue that must be examined is that relating to the teaching of religion. I hope that—

An Leas-Cheann Comhairle: I have called Question No. 66 and we must proceed to it.

Sexual Discrimination.

66. **Deputy Brian Hayes** asked the Minister for Education and Science if the issue of discrimination against gay and lesbian teachers in schools here has been brought to her attention or that of her Department; and if she will make a statement on the matter. [13472/08]

Deputy Mary Hanafin: I am aware that the teacher unions have expressed concern about discrimination against teachers on the basis of sexual orientation. They made particular mention of the provisions of the Employment Equality Act 1998 where a denominational school

may not be regarded as discriminating against a person where action is taken to preserve the religious ethos of the school. These provisions, contained in section 37 of the Act, are not confined to schools but also apply to hospitals and any other establishments run by religious organisations. The legislation in question is the responsibility of the Minister for Justice, Equality and Law Reform. I am not aware that any denominational school has formally acted against an employee specifically under section 37 of the Act. I also understand that no teacher has brought a case to the Equality Tribunal on this issue.

If a case were brought, it would have to be looked at not just in the context of section 37 of the Employment Equality Act but also in respect of the extensive rights afforded to employees under other legislation such as the Unfair Dismissals Act. I further understand that in order to invoke the section 37 exemption, an institution would have to prove that it was necessary to protect its ethos.

On the wider issues affecting gay, lesbians and bisexuals in education, my Department has supported a number of initiatives aimed at promoting equality and tackling homophobic bullying in schools. The Deputy will be aware that all schools are required to have an anti-bullying policy and guidance has been provided to schools on this. Specific publications on tackling homophobic bullying have also been made available. School boards of management, as the employers of teachers and other staff, also have a responsibility to protect their employees from workplace bullying.

3 o'clock

Deputy Brian Hayes: As the Minister rightly said, this issue was raised at the recent teacher conferences. It is disquieting that a group of teachers feel their work is threatened by their sexual orientation. I would like a reaction to the comments made, particularly at the INTO conference, by a couple of brave teachers who feel their future employment prospects are affected by their sexual orientation or that they have been subjected to homophobic comments within or outside the school.

The Minister referred to section 37 of the Employment Equality Act 1998. I know it is a matter for the Minister for Justice, Equality and Law Reform, but I ask the Minister to work with the teachers' unions to see whether there are ways in which that section could be amended or improved to make it abundantly clear that irrespective of the patronage model of schools up and down the country, people cannot discriminate against gay or lesbian teachers. Will she engage in a constructive dialogue with the teachers' unions on that issue?

Deputy Mary Hanafin: Obviously any form of homophobic bullying or bullying in the workplace should not be tolerated by the schools themselves or by any institution. There is legislation to protect people to whom this happens and it should be invoked. The general secretary of the Catholic Primary School Management Association, Monsignor Dan O'Connor, is on record as saying that sexual orientation is only an issue if it actively undermines the ethos of the school. It is significant that no case has been taken to the Equality Tribunal.

Deputy Ruairí Quinn: Exactly.

Deputy Mary Hanafin: That speaks for itself. I can understand that people in that situation may feel a sense of fear, but the problem has not occurred to the extent that somebody has had to take a case. I hope we will never see this. The legislation does allow for schools to protect their ethos, which is a provision that exists in a number of countries. It does not apply only to schools but also to hospitals and so on.

Deputy Brian Hayes: Is it not the issue that teachers in permanent teaching positions within our schools would have considerable fear about taking a case such as the Minister has described

[Deputy Brian Hayes.]

because of their positions and their leadership roles within their communities? There is an unwritten cultural acceptance of such discrimination within our school framework. My question, which I repeat, is whether the Minister will engage with the teaching unions on this issue. While a small group of teachers had the courage to put on record their concerns about this section of the Act at the teacher conferences, I presume they represent a much wider group within the teaching profession.

Deputy Ruairí Quinn: Ten per cent of teachers.

Deputy Brian Hayes: I would have thought it was at least 10%. The Minister has an obligation to the House and particularly to the teaching profession to stand up in support of those teachers and to ensure their rights are vindicated and that there is no discrimination against them and their future prospects in our school system.

Deputy Mary Hanafin: I want to ensure there is no discrimination and no bullying, within the context of the legislation, based on sexual orientation. It is encouraging for teachers to know that none of them has been forced to take a case. A teacher would only take a case if there was a feeling that he or she had been strongly discriminated against. I hope that will encourage other teachers to be more comfortable in their teaching positions.

There have been some indications that it is not school managements that discriminate against gay and lesbian teachers but parents. Some parents can be uncomfortable with the sexual orientation of their children's teachers. Perhaps there is a wider educational issue which should include parents. Our inspectorate has been working closely with teachers, representative groups and the Equality Authority to ensure that we have school policies in place that reflect the fact that everybody should be respected. It is important to mention that young people are also learning about this issue in their RSE classes, and respect is given to them as students. Section 37 of the current Employment Equality Act allows schools to preserve their religious ethos, but they must be able to show that whatever actions are taken are necessary.

Other Questions.

School Enrolments.

67. **Deputy Denis Naughten** asked the Minister for Education and Science the specific action she will take following an audit of school enrolment policies carried out by her Department; and if she will make a statement on the matter. [13374/08]

Deputy Mary Hanafin: I have spoken on a number of occasions about the responsibility of all schools to welcome and include children of every background and need. The audit of school enrolment policies conducted at my request considered the enrolment of Traveller children, newcomers and children with special educational needs in almost 2,000 schools at primary and post-primary level. The audit also considered the written enrolment policies of a proportion of these schools and, more tellingly, how these policies translate into practice in terms of actual enrolment patterns.

At a general level, the audit found no evidence of any system-wide enrolment practices that give rise to concern. However, there are geographic pockets where, within a cluster of schools, the evidence points to certain schools' assuming a greater or lesser share of the responsibility for meeting the full range of community needs. While local factors can have an influence and an element of self-selection can also come into play, important questions remain about how

seemingly inclusive written enrolment policies can translate into less inclusive practices on the ground.

At a basic level, there is now a need to empower parents by giving them a greater understanding of their rights. As a first measure, I will be taking practical steps to achieve this. The audit gives rise to wider policy questions, such as the effectiveness of the current system of appealing against non-enrolment; the consequences for newcomer families of practices such as retaining pre-enrolment waiting lists of several years or favouring children of past pupils; the potential for improved co-operation between schools in a given area with a view to meeting the full needs of their local community; and how identified problems can best be addressed. Over the coming weeks I will be consulting with each of the education partners on the policy options available, based on related specific questions but not precluding any wider inputs or ideas that people wish to contribute.

Deputy Denis Naughten: Why is the Minister not prepared to publish the audit and release the information into the public domain? Segregation will always thrive where there is a lack of information, and there is a lack of information in this area. This does not concern only newcomers, although it is an important issue for new communities, but also indigenous communities, Travellers and children with learning difficulties. It is fundamentally important in the context of the debate on the management of schools, enrolment and so forth that all information is put into the public domain so that we can deal with this issue based on the information available rather than in a void as at present.

Deputy Mary Hanafin: I do not intend to publish the individual findings about schools for two reasons. First, the results are simply figures and do not give any background information. For example, did parents actually apply to a certain school? If a particular school in an area has a reputation for being good for children with special needs, parents may automatically enrol their children there. We do not have such background information. Second, I can foresee some of the less inclusive schools using the survey to demonstrate how good they are academically as they do not take anyone with special educational needs. They may use it to promote an exclusionary position. I will shortly be sending the audit to each of the partners with the names of the schools blotted out so that they can see the problems that pertain in certain areas.

Deputy Denis Naughten: Why not publish it with the names blotted out?

Deputy Mary Hanafin: Once it becomes available to the partners it will then be available publicly if people want it. I do not want it to be used to formulate a league table on the basis of schools that accept many pupils with special needs and those that do not.

Deputy Denis Naughten: The Minister should blot out the names and publish it.

Deputy Mary Hanafin: It is too sensitive an issue. In addition, it is something that must be dealt with at a local rather than a national level. People had the impression that there was a whole sector of schools that did not take particular children, but this is not evident from the audit. Significantly, there does not seem to be any problem at primary level. For the most part, children go to their local national schools. That is a good basis on which to work.

Deputy Denis Naughten: What about west Dublin?

Deputy Mary Hanafin: Generally, if we consider three or four schools within a town, it is far more telling. It will tell us that people from a disadvantaged area are going to one school, newcomers are going to another, and children with special needs are going somewhere else. Or, indeed, all three might be going to one of the schools.

Deputy Brian Hayes: The Minister has been going over this for the last two years and the audit has been getting headlines for the last two years at the TUI conference. We have asked the Minister to publish it. If she chooses not to do so, will she at the very least publish the details of the geographic pockets, as she called them, in which this form of selection is taking place? She said nearly 2,000 schools were included in the audit. How many were primary and how many were post-primary schools? The Minister also stated that she had come across examples of specific schools with selective enrolment policies. That is a dangerous thing to say because it raises the question of what sanctions she will impose on these schools. She is the person responsible to the House for the public funds that go to these schools, yet she admitted in public that she has come across schools with selective admission policies. What sanctions will she take against them?

Deputy Mary Hanafin: First of all, I did not say the schools had specific enrolment policies. What I said was that if one looks at figures for individual schools in a specific area, one can see where there has been a gravitation of special needs pupils towards them. That might mean that the parents of those children, recognising that a school is particularly good or has got a name of being good for these children, opt to send them there in the first place. I will be giving the details to the partners and can make them available then. However, I will not be highlighting the particular findings in towns such as, for example, Swords, Navan or Wexford because then it would be easy to identify the schools involved.

Deputy Brian Hayes: South Dublin, for instance.

Deputy Mary Hanafin: No. It is important to work through it with people because we need a more localised dynamic. If we had principals and schools talking and working more with each other on a localised region then one could solve the matter on a community level. I am not going to introduce financial sanctions against schools. We cannot stand up here one minute saying "Give the schools more money", and then turn around and penalise the rest of those schools.

Deputy Brian Hayes: If they had a selective enrolment policy, would the Minister stand over it?

Deputy Mary Hanafin: No, but nobody has said that they have a selective enrolment policy.

Deputy Brian Hayes: So what was the whole objective of doing it?

Deputy Ruairí Quinn: There is *prima facie* evidence that they have.

Deputy Mary Hanafin: We are saying that, looking at the figures, people might have gravitated towards it. We must see how we can have that localised dynamic. Can we perhaps have more peer monitoring? I want to answer the Deputy's question on the numbers. There must also be information for parents on their rights because so many parents do not appeal or do not know they can do so. That is important. There are plenty of ways one can introduce sanctions on schools concerning their enrolment policies for example, which might hit some of them far more than by looking at finances. All those issues should be examined and I will be examining them with the partners.

Deputy Brian Hayes: What was the breakdown?

Deputy Mary Hanafin: The survey was of 1,995 schools, of which 1,572 were primary and 426 post-primary. That is more than half the primary schools and two-thirds of post-primary ones.

Deputy Brian Hayes: I agree with the Minister that post-primary is the issue here, not primary.

An Leas-Cheann Comhairle: I call the Minister on Question No. 68.

Deputy Brian Hayes: Yet only a quarter of the examples were post-primary in the Minister's audit.

Deputy Mary Hanafin: Hold on. There are 750 post-primary schools, of which 426 — that is more than half of them — were audited. We took ten different counties and 17 local authority areas.

Deputy Brian Hayes: The vast majority were primary schools.

Deputy Mary Hanafin: We know that there is not a problem in the primary schools because we——

Deputy Brian Hayes: Why did the Minister not audit them?

Deputy Mary Hanafin: So that we could show that there was not.

Deputy Brian Hayes: The vast majority of the audit related to primary schools.

Deputy Mary Hanafin: It would have defeated the whole argument if we had only audited schools where we thought there was a problem. We needed to get a picture in an individual area. We got it for the individual areas and also got it for the national area.

Deputy Brian Hayes: The number of post-primary audits was very small.

Schools Building Projects.

68. **Deputy Ulick Burke** asked the Minister for Education and Science the number of representations, that is, calls, e-mails, letters and so on received by her Department to date regarding the case of a new community post-primary school in Ballinamore, County Leitrim; and if she will make a statement on the matter. [13299/08]

Deputy Mary Hanafin: My Department has received numerous representations from concerned parties regarding the provision of a new community school in Ballinamore, County Leitrim. The representations were initially concerned with the acquisition of a site and more recently concentrated on the commencement of architectural planning for the new school building.

My Department recognises the need for a new community school in Ballinamore to facilitate further the amalgamation of the three post-primary schools in the area, and has drafted a schedule of accommodation for this school. The schedule of accommodation is based on the long-term enrolment of 400 pupils and has a proposed floor area of 4,094 square metres. The schedule will provide seven general classrooms, two lecture rooms and 19 specialist rooms, as well as several offices and other ancillary accommodation. It also provides for a PE facility hall comprising a total area of 606 square metres. The external provision allows for a covered area for construction studies, four hard play courts, 32 car parking spaces, an external storage facility and a general yard. In addition, my Department has secured a site for the provision of a new school. The final legal transfer of title is currently under way. My Department is considering the most effective way of delivering this project, including examining the feasibility of allowing it to proceed in the next bundle of public private partnership projects.

[Deputy Mary Hanafin.]

I am committed to providing a new school for Ballinamore at the earliest possible date. However, at this stage it is not possible to be definitive regarding a start date for construction of the proposed new school.

Deputy Frank Feighan: That is not the answer to my question. I asked how many e-mails and letters the Department had received to date regarding the case of a new community post-primary school in Ballinamore, and if the Minister would make a statement on the matter. We all know what is happening to this school. Ballinamore has a problem in that there are three school buildings with students commuting along the streets as classes interchange. A new school has been sought for 20 years. A departmental inspector's report in 2000 cited the loss of school time due to travel between classes, major safety concerns, and the quality of education in such a difficult layout spread around the town of Ballinamore. The Office of Public Works and the Department have spent seven years looking for sites and eventually settled on a site they examined many years ago. There is not much urgency about the matter. Now the site has been acquired, contracts were signed on 7 June and the vendors have been paid. The situation is very serious.

An Leas-Cheann Comhairle: A question please, Deputy.

Deputy Frank Feighan: Will the Minister state on the record that this school will be delivered in the coming weeks under her new programme?

Deputy Mary Hanafin: Even I cannot build a school in the next few weeks.

Deputy Frank Feighan: We have been waiting for 20 years.

Deputy Mary Hanafin: The Deputy asked about the number of calls and e-mails received. Calls to my office, the Secretary-General's office and the building unit are numerous but they are not all recorded or listed for each of the various sections. One person has been particularly active on behalf of the school in ringing various offices and sending e-mails. As regards the importance of delivering this school, I met the deputation from the school and assured them that once their site was finalised they would be on the next design team list. That situation has not changed with the single exception that we are examining the most efficient and speedy way of delivering the school for the community in Ballinamore. That is why we are examining the possibility of including it in the next PPP bundle.

Deputy Frank Feighan: That is not on.

Deputy Mary Hanafin: We want to see if that would be a quicker way of doing it because we are committed to delivering this school.

Deputy Denis Naughten: When does the Minister hope to be in a position to finalise the next PPP budget? My understanding was that the legal transfer was through and that moneys have already been paid over. Is the Minister now telling us that the legal transfer is not through even though the moneys have been paid over? Why are e-mails from the community in question to the Department and the Minister's office not being responded to? How many other schools are split between three separate sites that have not been sanctioned to date? Will the Minister issue a public apology to the local community for the way she berated them in the local media when she visited there recently?

Deputy Mary Hanafin: I have not visited Ballinamore but I met a deputation from the school, comprising parents, members of the parent body, the principal and the patron. I gave them a

commitment that they would be on the next design team list. That is still the situation unless we determine that a more efficient and speedy way of doing it would be through the PPP process. We want to deliver this as quickly as possible. E-mails should be responded to but the situation has not changed since I spoke with the group. That was the determination at the time and when I met them their site had not been finalised. It is now finalised but I did not mention anything about finances or the site. I do not know what the Deputy was referring to there.

Deputy Denis Naughten: The Minister said in her reply that the legal transfer was ongoing.

Deputy Frank Feighan: Yes.

Deputy Mary Hanafin: The final contract, yes.

Deputy Denis Naughten: So is it finished or not with the OPW?

Deputy Mary Hanafin: As I understand it, the final contract papers are not finished but there is no difficulty with the site. That is why we are anxious to move ahead quickly.

Deputy Ruairí Quinn: That is a “maybe” answer.

Deputy Mary Hanafin: As regards the PPPs, the second bundle will shortly be going to the market and we will be doing the third bundle quickly after that. It may well be the best and most efficient way to proceed.

Deputy Denis Naughten: So it is not the next bundle, but the one after that.

Deputy Mary Hanafin: The second bundle has already gone, so the next one will be the third bundle, which is the one we are considering this school for.

Deputy Brian Hayes: It is a bungle all right.

Deputy Mary Hanafin: It may well be the most efficient way of doing it.

Deputy Frank Feighan: The site is currently in the school’s possession but can the Minister give a date for that third PPP bundle? The adults and children of Ballinamore are waiting for this date immediately.

Deputy Ruairí Quinn: They will learn the third secret of Fatima before they get that answer.

Deputy Mary Hanafin: I do not have an exact date for the third bundle.

Deputy Denis Naughten: Does the Minister even have a ballpark date?

Deputy Mary Hanafin: No. It is intended that the first bundle will go on site over the next couple of months. The second bundle will be moving out after that and we are preparing the third bundle at the moment. Obviously, the decision to include Ballinamore will be the first thing and then to organise a bundle of schools for inclusion.

Deputy Denis Naughten: It will be considered sometime after the local elections.

Deputy Mary Hanafin: No. It will be well done by then because we have the budget under the PPP heading and we want to ensure we get the best benefit from it.

School Enrolments.

69. **Deputy Ruairí Quinn** asked the Minister for Education and Science the primary schools

[Deputy Ruairí Quinn.]

in Dublin 2, Dublin 4, Dublin 6 and Dublin 8; the number of places available for the student year 2007-08 in each school; the enrolment for 2007-08 in each school; and if she will make a statement on the matter. [13197/08]

Deputy Mary Hanafin: The number of primary schools operating in the areas of Dublin referred to by the Deputy is as follows. Dublin 2 is served by three primary schools with a total current enrolment of 315 pupils. Dublin 4 is served by 12 primary schools, including two special schools, with a total current enrolment of 2,166 pupils. Dublin 6 is served by 19 primary schools, including three special schools, with a total current enrolment of 4,816 pupils. Dublin 8 is served by 17 primary schools, including two special schools, with a total current enrolment of 2,829 pupils.

Details of all 51 schools and their respective 2007-08 enrolments have been compiled for the Deputy and they will be forwarded to him immediately.

The exact number of places available in each school is not easily quantified given that increasing space norms and reductions in the pupil-teacher ratio, combined with significant increases in ex-quota staff in recent years effectively mean that the actual number of classrooms in a school may not directly relate to its capacity. If schools feel they do not have sufficient places to meet demand, they should contact the Department so the situation can be examined as to how best to provide whatever additional capacity is required.

It is important to point out that the Department's responsibility is to ensure that schools in any given area can, between them, cater for all pupils seeking school places. This approach ensures the use of existing accommodation is maximised and that the development and support of one school over others does not occur.

The forward planning section of my Department will keep the position in the areas outlined under review to ensure that any additional emerging needs are met as expeditiously as possible. The forward planning section is in the process of identifying the areas where significant additional accommodation will be required at primary and post-primary level for 2009 and onwards.

Factors under consideration include population growth, demographic trends, current and projected enrolments, recent and planned housing developments and capacity of existing schools to meet demand for places. Having considered these factors decisions will be taken on the means by which emerging needs will be met within an area.

Third Level Funding.

70. **Deputy Ciarán Lynch** asked the Minister for Education and Science her views on whether the seven universities here face a budget deficit of approximately €25 million, that direct Government support fell by €11,240 per student, 18% in real terms, between 1995 and 2001, that further cuts have resulted in a 32% reduction in the student core grant funding during 1995 to 2005 and that €50 million, taken out of the third level budget in the years 2002-03, has never been replaced; the steps she will take to reverse this serial reduction in gross funding for universities here; and if she will make a statement on the matter. [13214/08]

Deputy Mary Hanafin: I am aware of the annual demands for additional resources for the higher education sector and have afforded significant priority to investments in this area. Spending on higher education has increased dramatically over the periods mentioned. Over €836 million in recurrent funding has been allocated to the seven universities for 2008. This excludes separately provided programmes of funding for capital, research and development and the strategic innovation fund. It represents an increase of approximately 25% since 2005

and an increase of 152% since 1997, when recurrent funding amounted to approximately €332 million.

When all higher education funding is taken into account, the overall provision by my Department for the sector amounts to some €2 billion for 2008. This represents a 230% increase on the 1995 provision.

In terms of international comparisons, between 1995 and 2004, in real terms, allowing for inflation, total public and private spending on higher education here has increased by 74%. This scale of increase was the sixth highest of any Organisation for Economic Co-operation and Development, OECD, country. Spending per student in higher education increased by 26% compared to 9% on average in the OECD.

Support for reform and development at third level and the creation of world-class excellence at fourth level are central Government priorities. The National Development Plan 2007-2013, recognises the critical role of higher education in the national innovation system that will be the basis of Ireland's economic and social development. The plan identifies the full funding of the sector, over €13 billion through the period, as a key strategic investment.

In 2006, the Government introduced a multi-annual strategic innovation fund for higher education with significant additional recurrent funding of €510 million over the seven years of the NDP. To date, some €140 million has been allocated, of which €100 million is earmarked for the university sector. The Government's strategy for science, technology and innovation also involves major investment in higher education infrastructure and skills over the period of the NDP.

Unprecedented investment is now being made in our higher education infrastructure, in promoting excellence through system-wide collaboration and change, in widening access and in creating a vibrant fourth level sector. These are key long-term investments in Ireland's future.

I recently announced that a national strategy for higher education will be developed which will outline the national ambitions for higher education over the next number of years. This strategy, as part of a number of objectives, will review the current use of resources and identify the medium-term resource needs of the sector.

Deputy Ruairí Quinn: A famous commentator whose name escapes me once denounced a response to a question as lies, damn lies and statistics. I do not doubt the Minister's statistics but if I am to believe them I must conclude that the professor presidents of Trinity College and University College Dublin, UCD, were telling lies. Is it a lie that support fell by €11,240 per student, 18% in real terms, between 1995 and 2001? Only the Minister can answer that question. Is she lying and are the presidents telling the truth? Is it a lie that further cuts resulted in a 32% reduction in the student core grant funding during 1995 to 2005? Is the Minister telling the truth and are the presidents lying? Is it a lie that €50 million, taken out of the third level budget in the years 2002 and 2003, has never been replaced? Is the Minister telling the truth and are the presidents lying?

I am caught in the middle. I would love to believe the Minister but I respect the presidents of the two major universities in this country. Their position was further reinforced by a major article, recently published in a newspaper, under the authorship of Mr. Peter Sutherland. I do not believe he has an interest in either promoting Government policy or telling lies. There is a major gap between what the Minister has put on the record of this House and what the two presidents, in an unprecedented article, published in the newspapers. Can we have a resolution to this matter?

Deputy Mary Hanafin: The university presidents were selective in their statements on State funding because they did not include the grant in lieu of tuition fees. The figures mentioned by the presidents relating to money given to universities did not include funding given by the State to universities in lieu of fees students would otherwise pay. This type of funding came to around 32% of recurrent funding for universities in 2007. Expenditure on free fees in the third level sector came to €326 million last year.

I understand why the presidents sought more money and I feel the third level sector merits an increase in funding. In my position as Minister for Education and Science I have always increased the amount of money allocated to higher education. Not only does this apply to day-to-day grant funding but it also applies to the strategic innovation fund, which amounts to €510 million and allows universities introduce changes and modernisation. To give credit to the university presidents, they have done very well in introducing change and modernisation in the past few years.

There is no conflict over funding and nobody is telling lies in this matter. The university presidents have simply not included the substantial amount of money I mentioned in their funding calculations. Allowing for changes in the economic climate, I aim to continue the rate of increase in funding that has been seen in recent years. We often look to Scandinavian countries like Denmark and Sweden to compare levels of funding and, while they are starting from a higher base, the rates of increase there are substantially lower than ours. Our rate of increase was 74% and Denmark's was 33%; this shows the commitment of the Government to higher education, and not just at the level of research and development. Fourth level, research and development, is often highlighted but increases in funding have been made at third level, undergraduate level, also. This is where the difference lies between what I am saying and what the presidents say.

Deputy Brian Hayes: When times are hard, third level is seen as an easy target when it comes to reducing core funding in education. Does the Minister accept that the introduction of top-up fees in Northern Ireland has seen universities there gain a considerable competitive advantage over universities in the Republic? They have additional revenue that is not available to colleges here and this view was forcefully expressed by presidents of universities in this State. What is the Minister's view of the additional support universities in Northern Ireland gain from top-up fees, compared to universities here?

Deputy Mary Hanafin: I am not sure that top-up fees add to a university's competitiveness. I do not like the higher education league tables that are used internationally but the Government's investment in research and development in universities has led to Trinity College gaining a place in the top 100, UCD gaining a place in the top 200 and DCU and UL increasing their standings significantly by making it into the top 300.

The Government's investment is starting to show on the international stage but I feel it is more significant that the attainment of higher education in Ireland is far ahead of many other countries. Some 41% of Irish 25 to 34 year olds have received higher education, though the OECD average is only 32%. The outcomes of Irish education are better than the outcomes in other countries. Ireland has the second highest retention rate of all OECD countries, so the investment that has been made in support of students is working well.

Every educational institution in the country could use more money but I decided a couple of years ago that, no matter what economic demands are on other sectors, each sector of education is deserving in its own right. It is true that in 2002, as Deputy Quinn mentioned, the higher education sector suffered when things got tight but I feel it is an important part of our economy and we must continue to support it.

Deputy Ruairí Quinn: There is a clash between the figures that have gone on the record of the House today and those cited by the university presidents. Is the Minister suggesting that they failed to include core funding for students in the article they jointly signed? Do I understand the Minister correctly? As a consequence their figures, of necessity, must be inaccurate. Is that a correct understanding of what the Minister said?

An Leas-Cheann Comhairle: I call the Minister for a final reply.

Deputy Mary Hanafin: I will not refer to the particular article as I do not have it or their figures in front of me. However, I know that in a number of their statements they did not include the fees funding which is given to them.

Deputy Ruairí Quinn: I cited the article.

Deputy Mary Hanafin: Yes. I do not have it with me.

Deputy Ruairí Quinn: The reply was based on it.

Deputy Mary Hanafin: I know they have not taken into account the grant in lieu fees.

Schools Building Projects.

71. **Deputy Seán Sherlock** asked the Minister for Education and Science the position following her decision to approve the replacement of the existing temporary accommodation in a school (details supplied) in County Cork; the next stage to replace the present obsolete structures, including prefabs, with a new school within the new building approval and administrative system in the context of the multi annual school building and modernisation programme; when work will commence; when the new school buildings will be completed; and if she will make a statement on the matter. [13205/08]

Deputy Mary Hanafin: All applications for capital funding are assessed by my Department. The assessment process determines the extent and type of need presenting based on the demographics of an area, proposed housing developments, condition of buildings, site capacity etc., leading ultimately to an appropriate accommodation solution. As part of this process, a project is assigned a band rating under published prioritisation criteria for large scale building projects. These criteria were devised following consultation with the education partners.

Projects are selected for inclusion in the school building and modernisation programme on the basis of priority of need. This is reflected in the band rating assigned to a project. In other words, a proposed building project moves through the system commensurate with the band rating assigned to it.

The school to which the Deputy refers is a co-educational primary facility with a September 2007 enrolment of 91 pupils. It has a current staffing of a principal, three mainstream classroom assistants and one permanent learning support-resource teacher.

The board of management has applied for a new school building. A project of this nature attracts a band two rating. In the new school, it is intended to provide accommodation for a long-term staffing of a principal, eight mainstream classroom assistants together with appropriate ancillary accommodation. This level of accommodation has been agreed with the school authority.

The next step for the project is the appointment of a design team. Such a step will take place as part of the implementation of the current school building and modernisation programme and the timing of this appointment will reflect the fact that the project has a band two rating.

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Due to other competing priorities in the school building programme, I am not in a position at this stage to indicate when it will be possible to approve the appointment of a design team. However, as soon as it becomes possible to do so, the Department will be in contact with the school authorities.

To improve conditions at the school in the meantime, I have approved the replacement of the four existing prefabs with new ones. The Department is awaiting tenders from the school in this regard. I know the existing prefabs have been a cause of some difficulty for the school due to their condition and I want to assure the Deputy, once the tenders are received, a speedy response will issue from my Department to the board of management.

School Accommodation.

72. **Deputy Seán Sherlock** asked the Minister for Education and Science if she has details of the number of primary schools using prefab classrooms in a format that provides readily accessible cumulative information on the overall position in order to facilitate efficient and cost-effective management; and if she will make a statement on the matter. [13185/08]

Deputy Mary Hanafin: As the Deputy will be aware from previous replies over the past few weeks, the position is that while comprehensive information is held on individual school files, the Department does not yet have these details available in a format that provides readily accessible cumulative information on the overall position regarding temporary accommodation. However, this issue is being addressed as a matter of urgency and work on compiling a comprehensive database of such information is well advanced. This work is part of a general review of rental policy being undertaken. Information is being collated on approximately 900 schools which have received approval from the Department for temporary accommodation, including but not limited to prefabs. This will be used to produce a database of information which will be maintained on an ongoing basis. I will ensure the Deputy receives the information sought once it is available. I anticipate this work will be completed shortly.

The Deputy will be aware that demand for additional accommodation in schools has risen significantly over the last number of years, with the appointment of 6,000 extra teachers in the primary sector alone since 2002. In considering the need to provide extra resource and other teachers to schools in recent years, the Government could have decided to make children wait until permanent accommodation could be provided. However, we prioritised putting the extra teachers into schools as soon as possible.

Against this background, my Department has nonetheless managed to keep expenditure on temporary accommodation low. It should be noted that the amount spent on rental accommodation was still only 5.5% of the total investment in school buildings in 2007. Even when the rental and purchase of temporary accommodation is taken together, it still only comes to 6.2% of overall investment in school buildings last year. This compares with 10.8% in 2003. Suggestions that spending on prefabs has grown dramatically in recent years are therefore quite misleading.

It should also be noted that temporary accommodation is not limited to prefabs and can also involve the rental of high quality buildings. I share the Deputy's concern that expenditure on prefabs be kept as low as possible and I assure him that this is the case. The database of temporary accommodation that is currently being finalised will inform my Department's future decision-making in this area.

Deputy Ruairí Quinn: It is probably about six to seven weeks since I first asked this question. The Minister is either being economic with the truth, to borrow a phrase from a famous trial

in the southern hemisphere, or her Department is being economic with the truth with her. She will have to satisfy herself as to which of those allegations is more accurate. It is beyond belief, after three years plus in the Department, that she has no overall view of the physical inventory of the primary school infrastructure. Any other organisation that had a chief executive — she is the chief executive of a Department — faced with a growing increase in numbers of pupils in need of physical accommodation would be able to say in spring 2008 how many primary pupils are in prefabs. She cannot say what is the age of those prefabs. She cannot say what is the cost of those prefabs. She cannot say when permanent accommodation, as in her reply to the previous question, will be put in place. Instead she will waste money on new prefabs when the parents and everybody else in that school outside Mallow, albeit with 70 odd pupils, want a permanent building. Is it any wonder her Department is rated as the most incompetent and dysfunctional of the primary major Departments? Will she agree she has presided over that for the past three to four years? Her reply is an absolute disgrace. I will continue to put down the question. No managing director of a sweet shop would survive the length of time in office that she has survived if he or she did not know what was the stock on the shelves. She does not have a clue what is the school accommodation of the primary pupils. She is a disgrace or, more to the point, her Department is a disgrace.

Deputy Mary Hanafin: I thank the Deputy for his kind comments. I thought he was quite a good Minister for Finance. Those who manage my Department, the Secretary General and the senior management group, are highly efficient, highly committed, dedicated people, who give all their time to managing a budget of €9.3 billion. They oversee a system of 4,000 schools, seven universities, up to 20 higher education institutions and look after the interests of individuals from the age of three right through to adulthood. We look after youth groups, adult literacy groups, people who are within formal systems and people who are outside of formal systems. The only person who has accused the Department of Education and Science in the manner in which Deputy Quinn has done here today is Deputy Quinn.

It is most unfair to say that to a Department which runs an education system that is very efficient. Not only that, it does it in the spirit of partnership with patron bodies, management and unions — always with the interests of the students at heart. When one is trying to manage a budget of that amount where there are 4,000 boards of management, of course it presents challenges for them and for the Department. It works extremely efficiently.

We recognise that quite a number of demands have been made on the Department in recent years because of the growing population and the very positive Government policies that have ensured extra teachers have been put in place where needed without waiting for the permanent accommodation. It would have been very easy for me, two or three years ago, to decide, even though I wanted children who were slow learners and had special educational needs to have immediate access to a teacher, to wait until there was a place to put that teacher. We did not do that, we put in the teachers and that created the demand for extra temporary accommodation. We gave it at the time because the children came first and the buildings came second. I will stand over that policy any time.

An Leas-Cheann Comhairle: The Minister——

Deputy Mary Hanafin: We have written to 900 schools that have received sanction from us and we have received replies from most of them. As soon as the information is available I will give it to the Deputy. There are schools which are set up that do not get immediate permanent recognition. We will not put those in a permanent building if they do not have permanent recognition. There are schools that need temporary accommodation and they get it. There are

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schools that need accommodation immediately and they get it, because of whatever pressure is on them. We have to be flexible enough as a Department to be able to do that.

We are also taking on board the suggestions, ideas and comments made by the Comptroller and Auditor General regarding the purchase of temporary accommodation as opposed to its rental and the policy of having an inventory. That is exactly what we are doing.

An Leas-Cheann Comhairle: Go raibh maith agat a Aire.

Deputy Mary Hanafin: I will stand over and compliment the senior management group of my Department on the work they do in managing a system in the manner in which it exists, which serves the children of this country very well.

Deputy Ruairí Quinn: May I ask a supplementary question?

An Leas-Cheann Comhairle: I am afraid not, we are three minutes over time. I allowed the Minister some leeway in terms of her response.

Schools Building Projects.

73. **Deputy Denis Naughten** asked the Minister for Education and Science the steps which she will take to upgrade facilities and the capacity of science laboratories at second level; and if she will make a statement on the matter. [33288/07]

Deputy Mary Hanafin: As part of the multi-annual school building programme, the Government has invested heavily in the modernisation of school facilities throughout the country including science facilities in post-primary schools. Provision of science facilities is an intrinsic part of many school building projects at post-primary level. 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.

Schools have also received funding under the summer works schemes 2004-07 to refurbish science laboratories. There will be a summer works scheme in 2009. In the 2006 application form for the summer works scheme, post-primary schools were asked to identify specifically, and provide details of, any science and technology upgrade or refurbishment projects separate from any other projects being applied for, so that consideration could be given to approving these projects for 2006. Over 60 schools were 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.

Additionally, the Government has funded the provision of class materials, basic general equipment and chemicals for practical work for the sciences. My Department also spent in excess of €13 million 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. My Department will continue to take a proactive approach in the provision of the necessary facilities for the teaching of science in schools.

Deputy Brian Hayes: How many applications are with the Department in respect of upgrading science laboratories in the post-primary school sector?

Deputy Mary Hanafin: The only way schools would have applied for science lab upgrading was under the criteria for the summer works for this year. Given that we decided not to proceed with those, we have not analysed them and I cannot give the Deputy that figure. In 2006 and 2007 I gave funding for science labs. We do not have a budget heading for science labs but obviously in respect of extensions, refurbishments and new schools, state-of-the-art facilities are being established and much headway has been made in that respect in the past few years.

Deputy Brian Hayes: Following the previous question from Deputy Quinn about an inventory of prefabs, an issue on which he has campaigned over the past few months, can the Minister provide an inventory of applications received on this issue? It is astonishing that, while the Minister comes into this House knowing that she will be asked about this and knowing that the first supplementary question from Opposition spokespersons will be on the number of applications, she cannot give that basic information to the House. She manages one of the biggest Departments in the State and it is the most obvious question. Can she give me the information when she gets back to Marlborough Street?

I spoke last Friday to the National Parents Council in County Kildare. The condition of science laboratories is a big issue for parents. The basic core funding that the Department gives to schools is pathetic. Why has the Department failed to respond to a basic proposal from school management groups and science teachers? This would establish laboratory assistants in many schools, at least clusters, who would help science teachers to prepare experiments and laboratories and to get the best from the infrastructure that exists.

Deputy Mary Hanafin: Applications were not sought from schools for the upgrading of science laboratories so the only way we would have that information is if it was included in the summer works scheme. The applications received can be considered for next year's summer works scheme. They will be examined at the end of this year and the beginning of next year.

Deputy Brian Hayes: There will be two years of applications back to back.

Deputy Mary Hanafin: We will not seek——

Deputy Brian Hayes: There are existing applications and next year's applications.

Deputy Mary Hanafin: Yes, but in respect of the existing applications, schools will not be asked to double up.

Deputy Brian Hayes: The Department will receive more applications.

Deputy Mary Hanafin: We will not be examining the applications so I cannot give the Deputy the information because we do not have a fund for science labs this year, nor are we seeking information on or requests for science labs.

Deputy Brian Hayes: The Minister should have this information at her fingertips.

Deputy Mary Hanafin: Although it is included in the science strategy as a matter that should be considered, it is not my intention as a current priority to introduce lab assistants because of the cost and the knock-on effect. We estimate that €24 million is the cost of laboratory assistants this year. There is nothing surer than that all other practical subjects would also seek an assistant, which could come in at up to €120 million per year. It is not a priority for me or Government.

It would not work on a cluster basis and could not because all schools are in school on the same days for the same hours.

Deputy Brian Hayes: With different timetables one could have an assistant for two or three schools. The Minister should use a little imagination.

Deputy Mary Hanafin: Schools do not have different timetables, they all start between 9 a.m. and 4 p.m. I am sure the Deputy knows these are the timings of our schools. There is no way a laboratory assistant could work between a number of schools given that they have classes on the same days.

Deputy Brian Hayes: It works with career guidance.

Deputy Mary Hanafin: It is not a priority and will not happen in the immediate term. We will examine it under the science strategy over the next few years. We will continue with our commitment to upgrade the school facilities as we have been doing for the past few years.

Written Answers follow Adjournment Debate.

Adjournment Debate Matters.

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Leo Varadkar — the need for the Minister for Foreign Affairs make a statement to the Dáil on the efforts he is making to support the struggle for individual freedom, human rights, press freedom and democracy in the People's Republic of China and whether he will use the opportunity of the Olympic Games to increase pressure on the socialist regime; (2) Deputy James Bannon — the need for the Minister to give the go-ahead for Ballymahon Vocational School's refurbishment project to go to tender without further procrastination or reconsideration on her part and if she will make a statement on the matter; (3) Deputy Martin Ferris — the need for a dedicated cystic fibrosis unit at Cork University Hospital; (4) Deputy Jan O'Sullivan — to ensure that commitments to provide extra beds and community teams for child and adolescent psychiatry are fulfilled this year and to urgently address the gap in services for 16 to 18 year olds; (5) Deputy Pat Rabbitte — the provision of speech therapy for a child age 16 years who cannot access speech therapy services at St. John of Gods, Islandbridge where she attends and who is not allowed access to community speech therapy services because she attends special needs education; (6) Deputy Michael McGrath — that the new accident and emergency unit at the Mercy Hospital, Cork, be opened without further delay; (7) Deputy Caoimhghín Ó Caoláin — the need to respond to information released under the Freedom of Information Act showing that the HSE has failed to spend €25 million allocated to it in 2006 and 2007 for the provision of mental health services and the need for the Minister to ensure that a plan is put in place for the use of this funding to address acute need in this key area of health care; (8) Deputy Dan Neville — the need for funding for "A Vision for Change"; (9) Deputy Ulick Burke — the needs of the staff and pupils of Eglisk national school, Ahascragh, County Galway, the immediate replacement of the school and in the interest of health and safety to provide temporary accommodation in the meantime; (10) Deputy Alan Shatter — the failure to grant permission to the board of management of St. Colmcille's, Knocklyon, Dublin 16 to proceed to apply for planning permission for the construction of essential new primary school facilities and the Government's failure to sanction the funding required to construct the proposed new school; (11) Deputy Jim O'Keeffe — the need for a major extension to a school in County Cork; (12) Deputy Ciarán Lynch -to ask the Minister for Transport if he considers that the proposed Cork Airport Authority will be sustainable if it is forced to start life with an inherited debt of €100 million or, as proposed by the Cassells report, if it is forced to sell off its land assets to reduce the debt; (13) Deputy Kieran O'Donnell — the need to bring forward extra measures to combat the gangland crime in Limerick; and (14) Deputy Kathleen Lynch

— the provision of funding to Cork City Council for the replacement of mobile homes at halting sites.

The matters raised by Deputies Michael McGrath, Jim O’Keeffe, O’Donnell and Kathleen Lynch have been selected for discussion.

An Bille um an Ochtú Leasú is Fiche ar an mBunreacht 2008: An Dara Céim (Atógáil).

Twenty-Eighth Amendment of the Constitution Bill 2008: Second Stage (Resumed).

Aitairgeadh an cheist: “Go léifear an Bille an Dara hUair anois.”

Question again proposed: “That the Bill be now read a Second Time.”

Minister of State at the Department of the Taoiseach (Deputy Tom Kitt): I propose to share time with the Minister of State at the Department of Community Rural and Gaeltacht Affairs, Deputy Pat Carey. I am pleased to speak in favour of the Twenty-Eighth Amendment of the Constitution Bill which provides for a referendum to permit ratification of the EU reform treaty. This treaty has evolved over the years in a very structured way through a most democratic process. The European Convention prepared the way for the draft constitutional treaty which was the forerunner to the reform treaty. That convention was an important democratic innovation: it brought the process of EU treaty reform closer to the citizen. It involved representatives of EU governments, but also national parliaments, both government and opposition, the EU institutions and a civil society pillar.

Despite such a diverse and wide-ranging group, there was a remarkable degree of consensus. All participants were animated by the same concerns — how to bring Europe closer to its citizens, how to increase democratic accountability and how to make the workings of the Union more understandable and more transparent. Many of the proposals from that convention survive in the reform treaty. The treaty represents important progress in all of these areas. In addition to the emphasis which it places on the rights of the individual EU citizen, the treaty also reinforces the Union’s democratic legitimacy through the greatly enhanced role that is envisaged for national parliaments under its provisions. The treaty proposes to give Dáil Éireann, and the other national parliaments of the Union, a direct input into European legislation, through the protocol on the role of national parliaments attached to the treaty. The protocol on the application of subsidiarity and proportionality further develops these important new elements in the role of national parliaments and, for the first time, brings national parliaments directly into the EU decision-making process. The reform treaty enables national parliaments to ensure that the Union does not exceed its authority. The treaty provides for a yellow card procedure for national parliaments with regard to draft legislation. This allows for a period during which national parliaments can respond to a Commission proposal and requires the Commission to take on board the views of national parliaments. The treaty also gives national parliaments a right to veto any proposal to change voting rules from unanimity to qualified majority voting in the European Council or Council of Ministers. Special provisions have also been made for the role of national parliaments and the European Parliament in the sensitive areas of freedom, justice and security. For example, they are to be involved in the evaluation of the activities of Eurojust and Europol. These new powers will enable national parliaments to contribute more fully to the democratic life of the Union. Given that most European citizens still feel most connected to their national parliament, these measures will serve to advance the cause of democratic accountability within the Union in a practical and meaningful manner. The treaty will also strengthen democracy at the European level by increasing the number of areas in which the European Parliament will share law-making with the Council of Ministers and also by strengthening the Parliament’s budgetary role. The citizens’ initiative will give citizens

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of the Union a more direct say on European matters. The initiative has the potential to breathe new life into the democratic functioning of the Union. Under the reform treaty, a petition with at least 1 million signatures obtained from a number of member states can for the first time request the European Commission to propose new EU legislation. Taken together, this package of democratic reforms can have a real impact. It will make the Union more democratic, transparent and, by extension, effective. We have an interest in promoting democratic principles in Europe and the wider world. Without doubt, the treaty serves this interest in new and imaginative ways.

The treaty makes important steps forward in a number of areas, but is not a radical new departure for the Union. It represents the continuation of a project that originated 50 years ago. Ireland's direct involvement in the European project goes back 35 years. In those years, our world has changed greatly. However, the European Union remains as vital as ever to Ireland. It gives us a platform to develop our economy and improve the living standards of our citizens. It gives us a place at the table to put forward our opinions on the important global issues of the day. It gives us the confidence that goes with membership of a group of countries possessing shared aspirations and values and operating on the basis of mutual respect and the search for compromise and consensus.

Some in 1972 opposed membership of the then EEC, just as they continue to oppose the reform treaty today. The fears expressed at that time turned out to be unfounded. The expectations of those who favoured membership have, on the other hand, been well and truly exceeded. Any fair assessment of our experience of membership in the past 35 years would conclude that it has been overwhelmingly positive.

At its core, the Union was founded to overcome the legacy of conflict among European countries and to establish in its place a union of peace and prosperity. More than half a century later, Robert Schuman's European project, which has evolved into the European Union, has succeeded beyond all expectations. The quality of life enjoyed by EU citizens and the rights and freedoms central to our lives are testament to the power of Schuman's idea. Much of the credit for the positive changes that have occurred in Europe must go to the European Union and to the sense of solidarity it has engendered among the peoples of Europe and their political leaders. Today's Europe has been built step by step. The reform treaty represents the next necessary step in this European process. It has been a successful process and we have a vested interest in its successful continuation.

The Union is founded on a strong sense of solidarity among its membership. Over the years, Ireland has benefited from the application of this principle. It was a spirit of solidarity that saw the Union invest in Ireland's future, including our peace process. At European level, it was this spirit that provided support for the people of central and eastern Europe when the Iron Curtain finally came down. It is this spirit that will be essential for all Europeans as we seek to meet the challenges of the coming decades, challenges that go beyond the capacity of any one country to handle. It is vital to deal with difficult economic global situations and to give leadership at EU level.

Our early modest ambitions have been replaced by larger goals. Our economy has developed to a level unthinkable to even the most optimistic of the earlier generations who worked so hard to lay the foundations for a better Ireland and our social policies much better reflect the needs and aspirations of a vibrant 21st century society. Had we listened to the doubters in the mid-1980s and rejected the Single European Act, which created the Internal Market, we could easily have missed out on much of the economic advancement we have experienced in the past two decades. Similarly, the story of our economic success of recent years cannot be told without reference to the Maastricht treaty of 1992, which provided for economic and monetary union

and the guaranteed trading environment it ushered in. The 1997 Amsterdam treaty, which increased the EU's responsibility in the area of justice and home affairs, has been crucial in the fight against the growing threat of cross-border crime. Each of these treaties has brought about change that has been in Ireland's best interests.

The latest treaty, which will settle the debate about the internal workings of the Union for the foreseeable future, will also serve our national interests. As a major exporting nation, Ireland has benefited enormously from our access to the European market. Our exports to it have more than doubled since we joined in 1973 and the Lisbon treaty will ensure that the Single Market continues to develop, giving Irish companies more opportunities to grow and expand. Ireland is rightly often described as a gateway to Europe and is seen as such by many foreign investors. The fact that Ireland will continue to decide its own tax policies under this treaty will ensure that we continue to be an attractive location for foreign investment. The treaty is good for investment, business and jobs.

The treaty will give the Union the flexibility and capability to face the major challenges ahead and there can be no doubt that there is a need for reform to take account of the much larger Union and of the challenging internal and external policy issues facing us. The sheer scale of the challenges — climate change, migration, the eradication of poverty and globalisation — means that no single country can contemplate addressing them alone. The decades ahead will see us all increasingly dependent on multilateral and regional organisations. The EU is the most effective such organisation in the world by a long way. It has an important role in helping to shape a better future and has a responsibility to play that role effectively, which the reform treaty recognises. In creating a president of the European Council and a high representative for foreign affairs and security policy, the treaty aims to give the Union a clearer and more coherent voice in international affairs that will reflect the shared interests and values of European people and have democracy and human rights at its core. It will be a consensus voice that will speak on behalf of and follow the mandate of all EU member states.

We have a strong interest in preventing and resolving regional and global conflicts and in creating a fairer international order. We have an interest in bringing our influence and principles to bear, the best way for us to do which is through active engagement within the Union, which bases its external action on the principles of the United Nations charter. This is not to say that our national voice or interests will be submerged — unanimity will continue to rule with regard to the common foreign and security policy. This applies to areas with military or defence implications. There is absolutely no threat to our traditional policy of military neutrality.

The treaty will ensure that the European Union will continue to develop its vital work in the area of security and defence co-operation. Ireland is making a major contribution to peace and stability in places like Kosovo and Chad. The European Union has a particular relationship with Africa and this role will expand and develop over the next decades in promoting greater co-operation on development, trade and stability. Hopefully, high on our agenda will be helping to restore Zimbabwe to its former status as the bread basket of Africa and assisting it to grow and develop as it deserves after a decade of stagnation.

An Ceann Comhairle: The Minister of State's time has expired.

Deputy Tom Kitt: I am sharing time with my colleague, the Minister of State, Deputy Pat Carey. I will conclude in one minute.

The referendum presents us with an important decision about our future. Two different paths are available to us. The opponents of the reform treaty argue that we should turn our backs on six years of painstaking negotiations, which have produced a remarkable consensus among

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the 27 EU member states. They suggest that some better outcome could be arrived at on the back of an Irish “No” vote, but they decline to spell out what kind of Europe they want. They are wrong. This is not a path that will bring any advantage to our country. The other path, which requires a “Yes” vote, is that we should retain our national position as a positive and active EU member state moving forward within a reformed union to tackle the many issues that face us. This is the path that makes sense for Ireland’s future, for which reason I support ratification of the reform treaty strongly.

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): Like the Minister of State, Deputy Tom Kitt, I am a strong advocate of a “Yes” vote in this referendum not because everyone else wants it, but because it is the proper course of action for Ireland, Europe and the world.

With other Deputies and former Deputies, I had the pleasure of being involved in some small way in the formation of the treaty’s precursor, that is, the draft constitutional treaty. I pay tribute to those people, including the Minister of State, Deputy Roche, the former Taoiseach, John Bruton, former Deputy, Proinsias de Rossa, MEP, and the Minister for the Environment, Heritage and Local Government, Deputy Gormley. A number of others were involved. It was an opportunity for all of us to gain further insight into how Europe has evolved. I want to pay tribute to the enormous contribution of the Taoiseach during that document’s formulation and to the Lisbon reform treaty.

I will advert to three areas, the first being the area of freedom, security and justice. We would all agree that many of the challenges facing societies are transnational in nature, particularly in respect of crime. Co-operation across Europe is clearly vital and unavoidable. As everyone is aware, there has been considerable debate on Ireland’s position on these matters. Some in the legal profession take the view that we should be more adventurous whereas others have expressed caution.

I refer to Ireland’s position when negotiating the treaty. The Government decided that on balance, it would be appropriate for Ireland to avail of both opt-out and opt-in arrangements with regard to judicial co-operation in criminal matters and police co-operation.

This means that measures concerning freedom, security and justice will not apply automatically to Ireland, which can participate in proposals on a case by case basis. At the same time the Government decided that in keeping with our strong commitment to the Union, Ireland should make a political declaration stating its firm intention to participate, to the maximum extent possible, in proposals concerning judicial co-operation in matters of police co-operation and so on. The declaration, which was published with the new treaty, further states that this undertaking on the part of Ireland will apply in particular to the area of police co-operation.

In that respect and arising from my involvement in helping to co-ordinate the national drugs strategy, I wish to draw the attention of Members to an initiative that is important in its own right and which will be strengthened further on adoption of the Lisbon reform treaty. In 2007, in what constituted a significant move to foster better co-operation among the law enforcement communities, Revenue and other joint task force partners, including the Garda Síochána and the Naval Service, supported the initiative led by the Department of Justice, Equality and Law Reform regarding the development of the Maritime Analysis and Operations Centre for Narcotics, MAOC-N, in Lisbon, Portugal. My colleague, the Minister for Justice, Equality and Law Reform, Deputy Brian Lenihan, signed the relevant international agreement in Lisbon on 30 September last.

Six other EU states, as well as the US authorities, are involved in this important initiative. The parties working at the centre will pool intelligence and ascertain the availability of air and

naval resources in a concerted effort to prevent the trafficking of drugs and cocaine in particular, into Europe from South America. Most recently, western Africa has figured as a staging post for this illicit product. The MAOC-N will assist law enforcement in such developing countries to prevent their territories from being used as transit routes by the organised criminal gangs involved in this nefarious trade. The centre now is in operation and already has registered some significant successes. I am pleased to note that an Irish customs liaison officer will be assigned to work there and I am highly confident the centre will play a significant role in protecting the citizens of the EU against the scourge of drug trafficking.

Ireland has been one of the most active participants in Eurojust activity and in the field of judicial co-operation and a strong “Yes” vote will make Ireland’s position even stronger. Another good reason, among many, for Ireland to adopt a “Yes” position and for me to support a “Yes” vote arises from the treaty’s inclusion of the Charter of Fundamental Rights. The charter probably is the first democratic document to be drawn up since the foundation of the European Union. It was drawn up by the precursor to the convention that drew up the draft constitutional treaty and many Members from both sides of the House were involved in its formulation. I listened to Deputy Michael D. Higgins last night when he spoke of everyone promoting the cause of competitiveness and of an insufficient emphasis being devoted to the area of cohesion. I believe the Charter of Fundamental Rights, which is embedded in the Lisbon reform treaty, in conjunction with the Lisbon Agenda, which emphasises cohesion in addition to competitiveness, will be a key instrument in ensuring the protection and enhancement of citizens’ rights.

The charter, which was originally adopted as a political declaration by the European Union institutions on 7 December 2000 was recognised as having the same legal value as the other treaties. While many member states had supported giving the original charter legal status, others, including Ireland, believed that some further definition and explanation of its provisions was needed. I believe this refinement, which has been open to criticism in certain quarters, has strengthened the provision of the Charter of Fundamental Rights. The adapted text of the charter was formally agreed by the European Union’s institutions in Strasbourg on 12 December 2007 and this text will be given legally binding status by the treaty. The treaty makes the Charter of Fundamental Rights binding on the Union’s institutions and on the member states when they are implementing EU law. The charter makes clear that its provisions are addressed to the institutions, bodies, offices and agencies of the Union with due regard for the principle of subsidiarity and to the member states only when they are implementing Union law.

One should consider the manner in which the charter reflects the existing jurisprudence of the Court of Justice. This means the court only will review the actions of member states that fall within the scope of Union law, including fundamental rights standards. Examples of this might be in cases in which Irish Government officials enforce equal pay rules or impose restrictions on free movement of foodstuffs on public health grounds, or in which the Oireachtas enacts legislation to give effect to European directives in the field of environmental protection.

The final area to which I wish to advert briefly is in respect of the enhanced role of national parliaments. I spent two years on the Sub-Committee on European Scrutiny when it was first established in these Houses and Members often read documents which recorded that decisions already had been made by the European Council. The powers that have been conferred in this treaty to national parliaments and to the European Parliament will be stronger and more important for democracy. It is essential for Ireland that Members should promote a “Yes” vote to ensure that our position is enhanced within the European Union and the wider world.

Deputy Simon Coveney: I am pleased to have the opportunity to speak at some length on the new European Union reform treaty, or the Lisbon treaty as it is called. It is unusual to find

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all the larger parties in this House supporting one another on an issue. Although Fine Gael and Fianna Fáil disagree on one or two issues in respect of this treaty, both are backing strongly the call for a “Yes” vote, and for good reason. While trying to explain to people the reasons this treaty is needed, the manner of its construction and what it will mean for Ireland and the European Union, it is important to place the debate in context.

The European Union and its reason for being change continually. It began as a desperately-needed peace project after two world wars. It was a social and political experiment, as well as being an economic experiment, after the signing of the Treaty of Rome. However, it quickly developed into something else. It began to build trust and faith between politicians and between countries that, less than a decade earlier, had been at war. Moreover, it began to build momentum and to attract interest in other parts of Europe and elsewhere in the world as other countries considered being part of it. Essentially, people then began to see the positive by-products of the guarantee of peace and stability, which were economic opportunity, trade opportunity and the potential for wealth and economic growth. In a relatively short space of time, the entire driving force behind the European project, which was the guarantee of peace and the absence of war, became more about economics, trade and solving political problems in a new form and through new structures on the Continent of Europe. As the project evolved, the institutions which made it possible for the European Union to function also needed to be reformed. Thus, while we initially started with a peace project, we had to introduce the reforms to guarantee a single market for trade and the consequential treaty which made that a reality. We then began a new project of monetary union, which also needed a treaty on institutional reform. After gradually enlarging the European Union over a period of time, the proposition of substantial enlargement by ten new member states required further changes in rules and structures, which were facilitated by the Nice treaty.

The current reform treaty is no different in principle. It prepares the European Union for the challenges that lie ahead and provides political and economic solutions to new problems that did not exist in the past, such as climate change, cross-border crime and the role of the EU in alleviating world hunger and responding to natural disasters that occur elsewhere in the world, and the developing world in particular. It will ensure the European Union prepares itself for energy security. That is why new areas of competency are being proposed so that we can agree, where countries on their own cannot provide solutions, to work together and allow the European institutions increased competency so they can take more influential positions within these areas. At the same time, we will ensure the necessary safeguards are in place so that we do not move towards the super state federalised structure that the scaremongers would have us believe is the future. That is essentially the purpose of this treaty. It is important that people understand there is no hidden agenda to militarise the EU, to offer a political counterbalance to the power of the United States or to give more power to the faceless bureaucrats in Brussels and Strasbourg. I have worked in Brussels and Strasbourg as an MEP for three years and that agenda may be held by a tiny minority of people but it is not what drives this treaty.

The Lisbon treaty is a successor to the failed constitutional treaty, the creation of which took five or six years and involved the input of every EU member state. People have asked me whether the treaty is being foisted upon us by people we do not know and have not elected but nothing could be further from the truth. The treaty has been put together in a more democratic way than any other treaty in the history of the EU. My party has had a say on it, as has Fianna Fáil, the Green Party and the Labour Party. Influential and bright people from these parties have been at the heart of agreeing this treaty through the Convention on Europe. We are at the end of a process.

When the constitutional treaty was rejected by France and the Netherlands, the institutions, governments and people of the EU had to rethink how the Union could progress. I see that as a positive example of democracy. We have had to repackage the constitutional treaty and make changes. The Irish people will now have their say on the repackaged version, which contains some changes and certainly lacks the imagery contained in the constitutional treaty. Many people had genuinely held concerns that if we put in place a European constitution it might override our Constitution, which is emotionally as well as legally important to us. We have, therefore, returned to the standard practice of amending previous treaties, which is why this is a complex document.

The constitutional treaty could be used as — admittedly dull — bedtime reading because it was a manual or business plan for how the EU should function. This treaty requires a legal draftsman to translate it because it is in essence a series of amendments. That has given rise to a certain degree of confusion and genuine concerns, but it has also allowed people to deliberately mislead its intent.

I will now address how the treaty will affect institutional provisions, in other words, the changes we will make to the politics of the institutions within the European Union. One of the proposals in the treaty is to establish a full-time president of the European Council. Instead of the current practice whereby every six months a different country takes its turn in the Presidency and offers leadership to the Council, we are proposing a new system which allows for a seamless transition between Presidencies, thereby allowing greater consistency within the Council. That will be the primary function of the full-time president, who will be in place for an initial two and half years and will have the option of being reinstated for the remainder of the five year term of a European Parliament. That is a positive development in my view. The position will not turn into the president of Europe in the same way that George Bush is the President of the United States. The president of the Council will be a figurehead who represents the EU on the world stage and a co-ordinator who works with member states, the European Parliament and the Commission to ensure coherence on European policy.

In the past, many non-EU countries have rightly noted in respect of major foreign policy issues the importance of having a point of contact within the EU who can set out a co-ordinated position on emerging crises or economic challenges. In many cases, the new full-time president will not be able to achieve a coherent EU policy response because he or she will have only a limited role in the development of foreign policy. In most cases, individual countries will decide on their own respective responses but in the areas where the EU has competency the president will improve co-ordination on international responses on behalf of the EU. The Presidency of the Council of Ministers will also change in structure, as proposed in this treaty. At present, individual member states take on this role for a six-month period but there are always problems when one Presidency hands over to the next in terms of continuity of policy, shared information and so on, although that co-ordination has improved in recent years. Instead, however, we will now give the Presidency to three member states at one time for an 18-month period. Essentially, individual countries will still offer leadership in terms of policy development in the European Union but there will be co-ordination for a longer period and countries will work together to put together a policy agenda. This is a positive, sensible and practical solution to some of the problems of the past ten years or so.

There has been much comment on the size of the Commission and the proposal that Ireland would not have a Commissioner for five out of every ten years. There is much confusion on this issue because the people who spell out this issue as a negative point are in many cases giving half the facts. The following are the facts. The European Union is likely to continue to grow and the Commission, if it were to continue to represent each member state by having a Commissioner from each, would potentially become unwieldy and too big. It would be like

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having 35 Ministers in a Cabinet and one would essentially be creating jobs so that Commissioners could be appointed to the Commission. Therefore, the institutions and governments have agreed to try to reduce bureaucracy in the Union and slim down the Commission to make it a more efficient body that can make decisions more easily. They have stated that however many states there are in the EU in 2014, two thirds of that number will make up the Commission.

The most important point is that all states will be treated equally. Malta will get the same treatment as Germany, Britain or France, and Ireland will get the same treatment as Spain or Italy. Small states will get the exact same treatment as the larger states. This is because the EU at times deliberately slants policy in favour of small countries to ensure we do not allow a situation to develop in the Union, as developed before the European project began, where might is right and might is dominant on the Continent of Europe.

It is important to recognise how the Commission works. The Commission does not finalise policy decisions for the European Union. It brings forward proposals and it enforces and polices existing legislation and decisions that have been made. The primary decision-making capacity in the EU is a process of co-decision in the most part between the European Parliament and the European Council, with the Council representing Governments and the Parliament representing directly elected politicians from each member state. The Commission is a bit like the civil service of the EU. It makes decisions in a college system, which is why when a Commissioner goes to Brussels from Ireland, such as Mr. Charlie McCreevy, the Commissioner for the Internal Market and Services, his job is primarily to make decisions in the interests of the common market across the Union. His job is not to go to Brussels to defend and protect Irish interests as such.

It is in that context that the European Commission needs to slim down and continue to work together in the interests of the EU. Individual member states' interests will be well protected and defended either in the European Parliament or in the European Council, or through the mechanisms in national parliaments, to which I will refer shortly and which ensure there is oversight of what the European Union is doing.

The reform treaty also proposes that we would have a high representative of the Union for foreign affairs and security policy. Currently, there is a disjoint problem with foreign policy creation within the EU — I have some experience of this as I was a member of the Foreign Affairs Committee within the European Parliament. On the one hand, there is a High Representative for the Common Foreign and Security Policy and, on the other, there is also a Commissioner for External Relations. One controls the budget and the other dominates in terms of political influence. This is a problem. With the same sort of thinking that has resulted in a new full-time president of the Council, we are proposing that we would have a foreign policy figurehead within the EU who would try to co-ordinate with member states a common approach towards international relations and international issues. This is a positive development which does not sacrifice Ireland's foreign policy or Irish neutrality. It only deals with issues that countries have agreed to work on together and those within the competence of the EU.

With regard to institutional provisions, there is the European Parliament. People have said that Ireland is losing an MEP as well as a Commissioner. The reality is as follows. If a club gets bigger, one's representation gets smaller in percentage terms. It is not possible for Ireland to keep as many MEPs as we had in the past as we move from 15 to 27 EU member states, and potentially 30 within the next five years. There was a choice. Either we could keep making the European Parliament bigger or we could have a cut-off point, which is what has been

decided to ensure that the European Parliament does not get too big and unwieldy, which would make it impossible for decision-making to happen.

There is no hidden agenda with the reform treaty. Fine Gael has taken the political decision to support this treaty because it is right for Ireland and for the European Union in terms of dealing with problems that Ireland simply cannot deal with on its own. It would have been politically convenient for us to oppose Fianna Fáil in particular on this issue and try to embarrass it into a failed referendum campaign. We have decided not to do this because it would be wrong from the perspective of Irish interests. I am glad to see all of the main business bodies in Ireland, such as IBEC, strongly come out in support of the treaty in recent days, as I believe other representative organisations will do in the coming weeks. As people understand the facts with regard to what is in this treaty, they will begin to be far more positive about it as opposed to the position that has been held by many people until now, due to the absence of knowledge and understanding of what the treaty seeks to achieve.

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Tony Killeen): I wish to share time with Deputy Charlie O'Connor.

An Ceann Comhairle: Is that agreed? Agreed.

Deputy Tony Killeen: I am pleased to have the opportunity to join colleagues in debating the EU reform treaty. It is very much in Ireland's interests that the EU perform efficiently and it is clearly in Europe's interests that it do so. It is clear the institutions which undoubtedly served the Union and its people well over a long period are not suitable in the new Union with 27 member states. It is frankly impossible for the EU to perform efficiently and effectively with the current arrangements and this treaty is extremely necessary at this point. It is true to say that the treaty in its current form was largely negotiated during Ireland's Presidency in 2004. That should give people in Ireland considerable comfort because there is no doubt but the state which holds the Presidency at a particular time has a greater opportunity than other member states to ensure the considerations that are important to its own people are to the fore and are taken into account because of the level of involvement it has. That is an important consideration in the context of the current debate in the run-up to the vote on the EU reform treaty.

In the Council of Ministers the new majority voting system will considerably enhance the position not just of Ireland but of all the smaller member states. That is to be welcomed. It is very important and gives the lie to the case which is made by some of those who oppose the treaty.

If we look at the history of our involvement in Europe and the benefits it has brought us we should keep at the forefront of our minds the fact that EU membership has been good for Ireland and it can only continue to be good for us and the other citizens of Europe if we have institutions that have the capacity to deal with the challenges of the day. Undoubtedly, Ireland's enormous success in attracting foreign direct investment has been significantly enhanced by our membership of the European Union with the Single Market and the availability of 500 million customers. That is something which we frequently take for granted and we certainly ought not to because it would have been impossible in any other circumstances to have attracted US\$83 billion worth of foreign direct investment into a country of this size with its population and location were it not for it being a member of the EU and a part of the Single Market.

We sometimes take for granted that we have come into the eurozone which gives considerable trade advantages in terms of convenience, access and the capacity of the euro to avoid

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currency fluctuations which previously bedevilled the currencies of several of the smaller countries and currently some of the bigger ones.

We also take for granted the enormous advantage of peace and stability in the European Union. Despite the fact that we hear on a daily basis on news bulletins and see television coverage of the ravages of war-torn areas around the world, we take much for granted in terms of the peace and stability the European Union has brought to all of its citizens.

One issue many people fail to take into account is the considerable increase in Irish *per capita* GDP since we joined the European Union. At that time our GDP was approximately 60% of the EU average, while the current situation is that we are at 144% of the European average. That is an enormous leap forward and it manifests itself in a much better quality of life for people and a much wealthier society here. We have gone from having a workforce of just over 1 million people to considerably more than 2 million people in a very short time — a lot less than the length of time we have been members of the European Union. That is a wonderful achievement.

We should also acknowledge the value we have received from European funds, especially the Social Fund, but also the Common Agricultural Policy and the contribution to our infrastructure.

Many of those who oppose the treaty refer to their concerns in the areas of defence-neutrality and taxation. It is most important that all of us who speak on this EU reform treaty make it clear that there are no neutrality, defence or taxation implications. No matter how often that is said there are people who choose to say the opposite is the case. Anyone who makes an attempt to study the treaty will find there is no impact in each of these areas.

I reject the charge against the treaty that it is difficult to understand. As Deputy Coveney stated, it is not exactly entertaining, but it is perfectly understandable to anybody who takes the trouble to look at it.

Despite the obvious challenges posed by having 27 members in a Union that previously was much smaller, we have to examine the kind of challenges that each member state faces as a nation state and accept that we will all tackle these more effectively as members of the European Union. I refer to globalisation, which sometimes seems constant but in fact changes very quickly and in a sense that creates a much more competitive market, one in which it is only possible to deal effectively if one has the institutions which have the capacity to do so.

The treaty allows the European Union to deal on a legal basis with the challenges of climate change. It is acknowledged internationally that the EU has been to the forefront in trying to get agreement and to raise the standards in terms of our response to climate change. We need to do this because of the impact it will have on our own countries but in the immediate and short term we have to be concerned about countries in sub-Saharan Africa and elsewhere that experience famine currently as a result of the changes that have already occurred. Ireland has illustrated that it is prepared to play a proactive and leading role in Europe to address climate change. That is one of the challenges that Europe can only effectively face if it has the institutions capable of doing so.

Another difficulty that is faced internationally, no less in Ireland or Europe than elsewhere, relates to the challenge of energy costs and energy security. It would be very difficult for us to address these issues if we were operating independently, especially as we import virtually all of our fossil fuels and have a significant dependence on having access to them. We also have issues of cost. All of this is conveniently tied in to the debate on climate change. Even if we did not have to face issues in this regard, undoubtedly we would have to face issues in the areas of energy costs and security.

Another area that is of significant concern to all of us and that can be best addressed with institutions capable of doing so is that of cross-border crime. I very much welcome the provisions in the treaty that will enable our police force to work much more effectively in co-operation with police forces across Europe to address the enormous difficulties right across the western world in the areas of crime, especially cross-border crime.

We also have to face up to the fact that the international economic environment is much more difficult than it was two or three years ago. While some of our international partners did not enjoy the growth rates we had in recent years, everybody is affected by the economic downturn that is inevitable from sub-prime lending on one level and the huge increase in the cost of oil on the other. They are all challenges that Europe has to be in a position to address and certainly would have huge additional difficulty in the context of the current arrangements.

A certain amount of concern has also been expressed about the idea of having a full-time President of the Council of Europe. The role of a full-time President is effectively that of chairman of the Council of Ministers. The term is for two and a half years, renewable once for up to five years. The current system is for a rotating Presidency on a six-month basis. The ideas promoted by one country in its Presidency were frequently allowed to fall into the background by the next Presidency. That is not an ideal way to do business. The level of continuity and co-ordination that will be possible with a chairman of the Council is hugely desirable. I also think it will be enhanced by the fact that rather than six month Presidencies in the future we will 18 month Presidencies jointly with two other countries. Our partners in the Presidency will be Greece and Lithuania, both of which are some distance away and both with quite different interests and concerns. This will make for an interesting 18 months Presidency with Ireland undoubtedly having an opportunity to put its concerns to the forefront. I am very pleased to have an opportunity to support the treaty and to urge people to support it in the referendum.

Deputy Charlie O'Connor: I appreciate the opportunity to say a few words in this important debate and to make it clear that I will of course vote yes on 12 June or whatever day it will be. I thank the Minister of State, Deputy Killeen, for giving me the opportunity to say a few words. I wish him well today and for the next four weeks and beyond. As it is my birthday — please do not tell anyone — I am reminded that I am of a generation which was born when Europe was a different place.

An Ceann Comhairle: Happy birthday.

Deputy Charlie O'Connor: As a young child, I remember listening to people in the inner city who had been affected by the events of the Second World War and, in the case of my granddad's generation, the First World War. While the development of Europe in the past half century has been important economically and socially, its most important feature has been the transition from a dangerous place in the late 1940s and 1950s to a safe place, albeit one which still faces challenges.

I remember when Ireland joined the European Economic Community in 1972. Many communities can see the progress achieved through European membership. Without meaning to be parochial, my constituency of Dublin South-West has benefited in that regard. Deputies who know Tallaght will be aware of the significant European investment in the area, the third largest population centre in the State. In this respect, I refer specifically to European Union part-funding for Tallaght hospital, which opened in June 1998, and the institute of technology in Tallaght, now known as ITT Dublin, which has developed a strong relationship with the rest of Europe through the Erasmus programme and other projects. We, in Tallaght, are proud of this connection. The Luas, on which Deputy Brian Hayes and I frequently travel to the House, is a further example of European Union investment. Other communities in the Dublin region

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have also benefited from EU funding and Deputies from other counties and regions will no doubt refer to the benefits which have accrued to their areas.

I had the honour of assuming the Chair last night when the Taoiseach spoke on the Bill and noted the success of Irish membership of the European Union. I have listened to the contributions of colleagues from all sides. With some slight variations, all the main parties are singing from the same hymn book, which is good for the debate.

Questions were asked about what would have happened if the leadership of the Fianna Fáil Party had not changed. We are all committed to campaigning strongly to achieve a positive outcome to the referendum on the Lisbon reform treaty. I heard some party leaders state they are leading the campaign. The referendum is a challenge for all the main political parties.

We have all heard the arguments made by treaty opponents and seen their posters. I am sorry my face has not appeared on any of the posters around Dublin.

Deputy Olivia Mitchell: We are all sorry.

Deputy Charlie O'Connor: It is not easy to get constituents to vote in referendums but this is a vital referendum for the country and our communities. It is important, therefore, that the political parties take a unified approach to meeting this challenge.

Deputy Simon Coveney referred to MEPs. The Minister for Finance, Deputy Brian Cowen, was elected the seventh leader of the Fianna Fáil Party this morning. I am pleased Fianna Fáil Members had an opportunity to meet our party's MEPs, Mr. Seán Ó Neachtain, Mr. Liam Aylward, Mr. Brian Crowley and Mr. Eoin Ryan, at the meeting. They probably regretted having to rush back to the European Parliament because they clearly would like to have made a contribution to this important debate.

I note my good friend, Mr. Gay Mitchell MEP, has placed posters all over my constituency promoting a meeting in Terenure next week. While I will probably be too busy to attend, I wish him well.

Deputy Olivia Mitchell: The Deputy is welcome to attend.

Deputy Charlie O'Connor: It is kind of the Deputy to invite me. It is important that supporters of the treaty from all parties are seen to work together for the sake of the country once the date of the referendum is confirmed. This is especially the case in constituencies where determined opponents of the reform treaty are calling for a "no" vote.

The Minister of State at the Department of the Environment, Heritage and Local Government, Deputy Tony Killeen, referred to jobs and the economy. News is emerging that jobs will be lost in a plant on the Ballymount Road in Tallaght. These and other regrettable job losses announced in my constituency in recent months put us under pressure. I was sorry to learn of these job losses from a call from Tesco this afternoon. In the context of this debate, such announcements serve as a reminder of the importance of investment and the job creation needs of our communities. I am never afraid to talk up Tallaght in that regard. I extend my best wishes to the workers who will be affected by the announcement, which is being made as I speak.

The economy continues to benefit from the success of the Internal Market, which established a system of free movement of goods and services in the European Union. This development suited Ireland as an exporting country. The statistics bear out how well Ireland, as an active and strong member of the Internal Market, has fared. In 1998, we exported goods and services worth €39 billion to other EU member states. By 2006, this figure had jumped to €56.6 billion.

In a recent survey, 82% of Irish respondents stated they had total confidence in the workings of the Internal Market. Companies around the world use Ireland as a gateway to the European Union, a marketplace of 500 million people. The economy has developed and prospered on account of rather than despite our participation in the Internal Market. Ireland's economic success will continue if we vote "yes" in the referendum on the Lisbon reform treaty.

Several speakers referred to the need to counter the negative stories emanating from the "no" campaign. There has been a strong response to stories concerning the impact of the Lisbon reform treaty on our abortion laws. Nothing in the treaty empowers the European Union to overrule the Irish Constitution in matters such as the right to life of the unborn. Ireland has secured a specific safeguard on the issue of abortion. We must be brave and challenge stories of this nature as they emerge in the coming weeks.

I appreciate the opportunity to say a few words on the referendum and wish all sides well as we tackle this challenge. I look forward to voting "yes".

Deputy Olivia Mitchell: I wish to share time with Deputy Deirdre Clune.

An Ceann Comhairle: Is that agreed? Agreed.

Deputy Olivia Mitchell: I welcome the opportunity, at last, to speak on this Bill which will, I hope, allow us to ratify the Lisbon treaty following a referendum. I regret the delay and hesitancy about setting a date for the referendum and welcome the fact that it will, it seems, be held on 12 June. Uncertainty about the date and a lack of information allowed the "no" campaign to get a head-start. A number of people to whom I spoke recently expressed annoyance that the campaign was not under way, information was not available and a date for the referendum had not yet been announced. We must be careful there is not the same *laissez-faire* approach to this campaign. Instead it must be very vigorous.

The Lisbon reform treaty is not as far-reaching as other European treaties in the past. It does not create the changes one would equate with the Maastricht treaty which established the EMU and subsequently the euro. Neither is it like the Single European Act which provided for a single market or the Nice treaty which admitted ten member states. However, like the continuum of other treaties, it deals with the evolving nature of the Union and its response to changing circumstances. Hopefully, it will equip the Union to cope with new objectives and circumstances.

The treaty is not the be-all and end-all. Just as any other legislation or changes in government or the Constitution do not give us utopia, the Lisbon reform treaty will not bring us perfection nor will it be the last treaty we enter into with the rest of the European nations. Instead, it is all part of an evolving process. It will, however, make the work of the Union more efficient and relevant. It is hard to understand how this can be seen as a bad development by anyone. Even the most vigorous opponents of the EU, of which there are many, must want it to be efficient. Surely, they must see the benefits of increased democratisation and citizenship as a good development.

Having attended some meetings about the EU and the treaty, I was amazed at what people believe the treaty is about. It does not bring abortion to Ireland. It does not affect our neutrality. It does not increase privatisation. Neither will it introduce tax harmonisation. The recent comments by the French finance Minister on a common system to compute corporation tax in the EU were not a welcome intervention in this regard. However, no number of calls by anyone will bring about tax harmonisation or a single corporation tax.

It is not just Ireland that does not want this. Other member states recognise tax harmonisation could be seen as a step towards a federal Union which is not what the EU is about. The

[Deputy Olivia Mitchell.]

EU is a voluntary Union of independent states to which all member states aspire. The unanimity principle still applies to the tax harmonisation proposals. Every single member state can exercise its veto to prevent other member states coming together to change the EU tax regime.

The reform treaty will enhance the role of national parliaments by requiring all draft EU laws to be discussed first in member states' parliaments, a little known measure not being promulgated enough. This will allow us to give our opinions on the nature of EU proposals and state if they should go through the formal legislative process. The relevant Ministers and MEPs will know the parliaments' views and the citizens' views on legislative proposals which will inform their decisions. It will also mean better legislation. Those making the overall decisions will know of the different national circumstances and concerns about proposals.

One criticism of the EU, and a reason given by opponents of the treaty, is that decisions are imposed on us and we never hear what is coming down the line until it is a *fait accompli*. Decisions, of course, are not imposed on us but are agreed by our elected Ministers whose job it is to make them. We, as well as other parliaments, are guilty of sometimes not paying attention to what EU legislative proposals are coming down the line. The treaty will provide us with the opportunity to discuss that at parliamentary level. This change alone is a reason to support the treaty. It will change the direction of Europe's approach, development and dissemination of legislative proposals. It will involve us as national politicians and through us all citizens in a way that has not happened before. We will all have an influence on the type of legislation that goes ahead and its outcome.

Another measure that will enhance citizenship is the co-decision-making between the European Parliament and the Council of Ministers. In tandem with this increased democratisation, increased competences are given to the EU by each of the 27 member states. These competences will allow the EU to act effectively in vital areas in which our interests can be better served by acting together as a Union rather than as individual states.

Decisions in this area will be speeded up by the implementation of QMV, qualified majority voting. This will ensure efficiency and will prevent an individual member state putting a stop to a particular measure to gain leverage in another area. The *quid pro quo* for this will be a change to the numbers for QMV. It will require not just a majority of states but of population, which is just about as reflective of the views of the people of Europe as one could possibly get. The new policy areas of competence which will be subject to QMV include the environment, energy, security, justice, urgent humanitarian need and peace-making and peacekeeping.

Anyone with a grip on reality cannot deny the enormous benefits to Ireland of open borders in Europe. They have brought personal mobility and access to an enormous market for goods. The enhanced trading terms Ireland enjoys with the rest of the world are as a result of increased bargaining power from our membership of a larger Union. This will become more important as the axis of world trade shifts to Asia.

It is not just people and goods that cross borders. Drugs, criminals, terrorists, illegal arms and pollution do too. Whatever chance we have of tackling these issues as a Union, we have none as an individual state. To vote "no" to the reform treaty would copperfasten the inefficiencies and deficiencies already in place. That does not make sense to any right-thinking person.

I will vote "yes". The Fine Gael Party believes the treaty will be good for Ireland and for Europe. Ireland must remain an integral part of Europe. I do not believe in threatening people that it would be bad not to be at the heart of Europe and that the rest of the EU would react badly to a "no" vote. The arguments can stand on their own. The Lisbon reform treaty is good for all of us.

Deputy Deirdre Clune: I am glad to have the opportunity to speak in this debate as in two months the country will vote on this issue. It is very important for us and our future and I am certainly supporting the treaty and will be campaigning positively in support of it. I am very proud of Ireland's membership of the EU and the contribution we have made.

It is not all about how good the EU has been to us. Although it has helped us, we have played a very strong role in Europe. We have had very successful Presidencies and we have always played our part. We are playing our part this time as the eyes of Europe will be on us because we are the only country giving citizens the opportunity to vote on the treaty by referendum. That is good as I would welcome discussion, which is important. Issues may be raised that are not relevant to the treaty and do not arise because of it, but it is very important that they are raised.

We had a public meeting in Cork last week where members of the public could hear Fine Gael's opinion on the question and raise questions, or just come along to inform themselves. A former Deputy in this House, Alan Dukes, spoke at the meeting, as did former MEP John Cushnahan, who is now a member of the National Forum on Europe. It was heartening to see the turnout that night and that people came with concerns and questions.

Some of the issues raised had nothing whatever to do with the treaty, but they were concerns nonetheless about Europe. A number of the matters classed by some people as scaremongering were raised, thrashed out and debated on the night. A part of an opening statement that night struck me, which indicated that the two world wars focused in Europe in the first half of the last century led to 67 million people losing their lives in Europe. That is a striking statistic because over the 51 years of European integration since then there has been no such widespread war in Europe. We have turned the corner as a group of countries and we are now contributing to peacemaking and facilitating others in developing democratic structures. That is a long way from recent history.

There were originally six states grouped together, which expanded to nine to accommodate Ireland, Denmark and the United Kingdom. This group expanded to 12, taking in Greece, Portugal and Spain. Those three countries had relatively large populations and were quite poor, so there was an opportunity for them to benefit from EU Cohesion Funds. They could also establish their fledgling democracies as they were coming from military rule.

There was a contrast when Austria, Finland and Sweden joined, bringing the number to 15. They would have been relatively independent states financially that had access to Europe. They saw it in their interest to join and wanted to contribute to a united Europe and be part of a single market. More importantly, they wanted to be part of a European bloc which was playing its role on the international stage.

There was an addition of ten eastern and central European states, bringing the number to 25. Cyprus and Malta have also been added. We had the Amsterdam and Maastricht treaties, the latter having developed the European monetary union. We had the Nice treaty and now we have the Lisbon reform treaty.

The reform treaty has been a long time in its formation as it has been under discussion for the past six years. Much detail has gone into it and it is simply about reforming the institutions of the EU to accommodate what is now 27 states and likely to grow. I hope the EU will expand.

We currently have 500 million people in the EU. We should not forget this treaty is replacing the constitution rejected by the Netherlands and France. We should respect any country's opinion and the vote of their people. It is nonetheless important to acknowledge that eight countries ratified the constitution and Spain, Luxembourg and Romania did so by referendum. At this time we are the only country voting on the reform treaty, so it is important we have a

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debate. Red herrings can be raised and addressed so we can debate the issues of concern to people.

There are many such concerns. One example is whether this is part of developing a European army. It is not, as Ireland is a neutral country and its stated position as a neutral country is recognised. This is so with other countries in the EU as well. We are contributing to forces in Chad and we have done so in Kosovo. Any mission which Ireland chooses to be involved in, be it peacekeeping or crisis intervention, is subject to the triple lock and must have the approval of the Government and the Oireachtas, as well as an EU mandate. We may hear that again and again but it is important to repeat it. We look at peacekeeping missions on a case by case basis, getting involved when and if we see fit.

Social issues, including abortion and stem cell research, have been mentioned and it has been argued this treaty is opening the doors so our ability to make law and decisions in this area will be taken from us. That is absolutely untrue. This treaty sets out areas in which the EU can have a say and social issues are not mentioned. Competition regulations, commercial policy, transport, agriculture and others are included but social and moral issues are not. As a result, it could be argued that the treaty affords us greater protection on social and moral issues.

We have heard much about agriculture but this treaty will not affect the Common Agricultural Policy. It could be argued that the European Parliament and Council of Agriculture Ministers will now have a greater say, so this could be a better position for Irish agriculture and Irish farmers.

Acting Chairman (Deputy Seamus Kirk): The Deputy has one minute left.

Deputy Deirdre Clune: That was a quick ten minutes.

I wanted to cover many other positive areas of the treaty and where the EU has been positive for Ireland. For example, in the protection of the environment we have seen much investment in waste water treatment, water treatment and air quality. We have seen investment in our roads and transportation. The social policy has been very good for Ireland. We have been net beneficiaries for a number of years of financial contributions.

Our own language is official within the EU. We have seen the resurgence of Irish through young people and the learning of language within the country. Young people are proud of their identity, heritage and culture, which is Irish, and they bring it forward to the European stage. We have a new generation which is proud to be Irish, and more importantly, very proud to be European.

I will advocate a “Yes” vote on 12 June. I hope it will be accepted and Ireland will continue to play a strong role within the European Union. It is very important for this small island country on the periphery of Europe, particularly as the centre of gravity of the population shifts to the east, to be involved in the institutions of the European Union.

Minister of State at the Department of Foreign Affairs (Deputy Michael P. Kitt): I wish to share time with Deputy Aylward.

Acting Chairman: Is that agreed? Agreed.

Deputy Michael P. Kitt: I welcome the opportunity to contribute to the debate on the Twenty-Eighth Amendment of the Constitution Bill. As Deputies are aware, the Bill authorises the holding of a referendum which, if approved, will permit the State to ratify the reform treaty signed in Lisbon by EU leaders last December.

The House has already heard many detailed speeches explaining both the content of the treaty and the myriad reasons we should approve its ratification. Together with my Government colleagues, I particularly welcome the constructive and thoughtful contributions from members of the principal Opposition parties. Both Fine Gael and Labour have been long-standing supporters of the European project and Ireland's position at the heart of the Union. The overwhelming support for the reform treaty in the House reflects a simple reality, namely, membership of the Union has been of immense benefit to this country. The reform treaty further strengthens the Union in important ways.

A number of outlandish claims have been made by opponents of the treaty. They have portrayed it as being inimical to our interests, of heralding the end of democracy as we know it and of transferring our sovereignty to unelected elites. These claims are false and reveal far more about those who make the arguments than they do about the content of the treaty. My Government colleagues have already explained in some detail exactly how our interests are protected and what the reform treaty's changes will mean in practice. I will not repeat all of these points. Instead, I wish to address one particular aspect of the reform treaty and of the Union's activities generally.

The area of development assistance encapsulates in many ways why Ireland is a member of the European Union and why, periodically, the Union must reform its working methods. No one country can solve the problems of the developing world. A multilateral and multifaceted approach is required. This is why we work very closely with our EU partners in assessing the best ways to disburse our aid budget. It is also the reason the Union must, from time to time, consider how best to organise its work as new challenges present themselves. I am very confident that the reform treaty will be a positive step for overseas aid and will enhance the policy environment in which we carry out our development activities.

Before proceeding further, I wish to provide some background information. The European Union has an impressive record in overseas aid. It and its member states are the largest development assistance donors in the world. In 2007, total European Union overseas development assistance amounted to €47 billion. This is approximately €95 per head in respect of the Union's 500 million citizens. Not only is the EU the world's biggest donor, it is also leading the global effort to increase aid flows to developing countries and to reach the millennium development goals. No other country or international organisation has shown the commitment required to mobilise the enormous resources needed to lift the world's poorest citizens out of poverty and no other body has the practical experience gained from its own process of enlargement and social cohesion to understand the true nature of the development challenge facing the world.

The EU is delivering more money, better aid and more coherent policies in order to support the efforts of partner countries to achieve the millennium development goals. A strong EU voice is required on the international stage in order to sustain the momentum towards achieving the millennium development goals.

The European consensus on development, agreed by the European Council, the European Parliament and the European Commission, underpins EU development policy. The primary and overarching objective of EU development co-operation is the eradication of poverty. The consensus affirms this primary objective and also underlines the principles of good governance, human rights, partnership, peace and democracy.

With specific reference to Africa, which is the main focus of Ireland's development programme, at the EU-Africa Summit in Lisbon in December 2007, an EU-Africa joint strategy was adopted. This will forge a closer, more strategic partnership between Europe and Africa. Last night, I had the pleasure to host a reception marking 40 years work by Concern in

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developing countries. It was significant that the chief executive of that organisation spoke highly of the work of Europe in Africa. The European Commission can reach parts of Africa that are beyond the reach of small member states such as Ireland. We must work with our partners in order to be effective and I am convinced that Europe's role has been exemplary in partner countries.

The European Union is also a committed advocate of helping the world's poorest countries to take full benefit from the world trading system and is committed to spending €2 billion per annum on aid for trade by 2010. Equally, it has incorporated into its programmes measures to support developing countries as they face the challenges of climate change, food security and sustainable development.

The European Union is at the forefront of the aid effectiveness agenda. The EU code of conduct on complementarity and division of labour in development policy approved last year will ensure that the aid efforts of member states and the European Commission are more in harmony and do not duplicate each other. EU development co-operation is increasingly targeted at areas where the Union offers the most efficient delivery of aid in the most cost-effective way.

It is important to reiterate that the primary objective of European Union development policy remains the eradication of poverty. It is good to see this explicitly brought out in the reform treaty. Ireland has consistently played an important part in supporting the European Union's development co-operation efforts, though both its contributions to the policy debate and its financial contributions to the European Development Fund. The tenth European Development Fund will cover the period 2008 to 2013 and will amount to almost €23 billion Euro.

Ireland plays a constructive role at European level, using its place at the EU table to push for action and to encourage its partners to focus on sub-Saharan Africa, where 41% of people still live on less than \$1 a day. Working together with Africa to advance its development is a cornerstone of EU development policy and complements our own efforts through our bilateral aid programme.

At a national level, Ireland's development assistance programme is going from strength to strength. Last week, it was announced that overseas aid from Ireland reached its highest ever level at €869 million in 2007. This exceeded the Government's interim target of 0.5% of gross national product, GNP. Ireland remains committed to spending 0.7% of GNP on overseas aid by 2012. Ireland is the sixth largest donor of development assistance in the world in *per capita* terms. While always striving to continue with improvements, this is something of which we are rightly proud. These figures demonstrate, in a practical way, Ireland's solidarity with the world's poorest and also show our ongoing, steadfast commitment to the fight against poverty. Ireland continues to focus its development assistance on the least developed countries, particularly those in sub-Saharan Africa, and we have also given a special priority to the fight against HIV-AIDS.

Ireland must continue to work with other EU member states to ensure that all efforts are made to achieve the millennium development goals. I am convinced that the ratification of the reform treaty will allow the EU to work more efficiently and effectively in this regard. The treaty provisions will help the EU to act with greater unity and coherence on the world stage because the High Representative for Foreign Affairs and Security Policy will also be vice-president of the European Commission with responsibility for external relations. This will ensure that development co-operation is taken into account across all of the EU's external actions and will also lead to greater coherence towards countries in situations of conflict and fragility. The proposed new external action service will also present opportunities for member

states and the Commission to work more closely together, with the shared objective of poverty reduction.

Overall, the reform treaty will allow the European Union to act more coherently in the area of development co-operation. The importance of an effective joining up of policies cannot be overstated. The treaty will simplify decision-making processes and strengthen democratic accountability. It will not bring about radical changes but it will allow the European Union to act more effectively on the world stage.

I briefly adverted earlier to the periodic need for reforms of the EU's structures. There is no great mystery to this. The European Union began some 50 years ago with six member states. The founding members were, as it turns out, immensely far-sighted in creating structures and working methods that facilitated the development of a hugely successful intergovernmental and supranational organisation that has grown to encompass 27 member states and has deepened and extended the areas of co-operation. However, they could not anticipate exactly how Europe might develop over the succeeding half century.

It is entirely logical that the member states should, from time to time, examine whether our working methods and structures can be improved. The institutional issues addressed in the reform treaty were in fact the subject of debate since before the Amsterdam treaty in 1997. It took some considerable time to reach final agreement, given that they touch on areas which are sensitive for all member states. Now that we have reached agreement, there is a wide consensus that there will be no further change in the institutional area for many years to come.

Negotiations among 27 sovereign states are, of their nature, complex and difficult. When the subject is agreeing precise structures and procedures governing co-operation in complex areas, such as justice and home affairs or external relations, naturally the language of agreement can be difficult for the non-expert. Nevertheless, the reform treaty — true to its name — simplifies many aspects of the work of the Union. It also very helpfully clarifies the competences enjoyed respectively by the Union and member states, along with areas in respect of which there is a shared competence. In addition, it introduces language explaining, in crystal clear terms, that on which the Union's policies and activities are based. In the external relations sphere, for example, Article 1.24 states, "The Union's action on the international scene shall be guided by the principles which have inspired its own creation: democracy, the rule of law, human rights and respect for the principles of the United Nations Charter". The article continues:

The Union shall define and pursue common policies and actions, and shall work for a high degree of co-operation in all fields of international relations, in order to ... foster the sustainable economic, social and environmental development of developing countries, with the primary aim of eradicating poverty; assist populations, countries and regions confronting natural or man-made disasters; and, promote an international system based on stronger multi-lateral co-operation and good global governance.

These principles and objectives chime exactly with our national perspective on development and international relations generally. Clearly setting them out in the reform treaty will assist any citizen who is interested in understanding the basis for activity at European level.

As I mentioned, the reform treaty, as is the norm for such treaties, amends existing EU treaties. It is thus not always easy to read it in isolation. This is why the Government has produced a comprehensive White Paper explaining the contents of the treaty in a clear and accessible way. We have also produced a summary guide to the treaty which will be distributed to every household in the country over the coming weeks. Separately, the Referendum Commission will provide impartial information to the public explaining the subject matter of the referendum. This and a wealth of other material available in hard copy and on-line mean that

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the voting public will be as well informed as possible by the time the referendum takes place. I am fully confident that the Irish people, who have always embraced our future in Europe, will recognise that our interests lie in continuing to play a central role within the Union and will give a clear “yes” vote on 12 June.

Deputy Bobby Aylward: It is with great enthusiasm that I rise to support this Bill, which will enable us to ratify the Lisbon treaty if this constitutional amendment is passed by the Irish people in the forthcoming referendum in June.

The arguments about Ireland’s role and future in the European Union always come up for scrutiny when one of these treaties is presented to us. We have had five successive treaties since we became fully-fledged members of Europe in 1973 and I am glad that the wisdom of the Irish people has always prevailed when it comes to deciding whether Europe is good for Ireland. The ranting and raving of the sceptics and the naysayers has consistently been superseded by the will of the Irish people, who clearly recognise that the advantages of our full and committed membership of the EU simply cannot be denied. It is without question that EU membership has been extremely good for Ireland and all our citizens. What we need is a rational debate on the Lisbon treaty over the next few weeks. We do not want hysteria.

In the past, we have had to suffer the silly scaremongering tactics deployed by those who would wish to see us revert to the dark days when we were little more than a primitive, isolated backwater on the periphery of Europe. I need hardly point out that all the misinformation surrounding those debates turned out to be spurious and without foundation. However, the cynics will never let the facts get in the way of a good, sensational story. The days before our EU membership were bleak, inward-looking days when we had no prospects and were ravaged by unemployment and economic stagnation. We witnessed the awful haemorrhaging of Irish people from these shores because there were no opportunities of any description at home and the outlook was exceedingly grim. Those were sad days when we sat on the periphery. We endured unemployment, poor infrastructure, high borrowings, lack of foreign investment and high foreign debt. It is almost impossible to believe that those conditions were endemic here less than 35 years ago. These words, which were so commonly heard not long ago, have virtually disappeared from our national vocabulary and we should all be very grateful for that.

In just 35 years, we have completely reversed our position. Gone are the days of our insular existence. Ireland has embraced the European ideal with great gusto and our commitment to the great European project has transformed this island beyond measure. Nobody could have imagined that we would be transformed from a hopeless case to one of the most dynamic members of the EU. The figures in support of our membership speak for themselves. Our openness and connection to Europe have provided the foundation for the extraordinary prosperity we enjoy today. We have truly moved beyond being insular and introverted and have become a highly respected and active global player.

Our membership of the EU has had a reforming and progressive impact on this island. We are considerably more enlightened as a nation as we incorporate the principles of equal opportunity, consumer protection, environmental protection and sustainable development into our social policy objectives. Our transport and telecommunications have been liberalised and we have successfully introduced the concept of social partnership to very positive effect. We cannot overstate the enormous economic benefits that have accrued to this country as a direct result of our membership of the EU. In purely financial terms, the net receipts flowing into Ireland amounted to a staggering €40 billion between 1973 and 2006. Our unrestricted access to the large and lucrative Single Market has been successfully exploited and we have established ourselves as the gateway to Europe. We are enjoying unbridled export-led market success.

Today, 90% of our gross domestic product is traded. We would do well to remember that as late as 1960 we were almost totally dependent on the UK but today, the UK accounts for just 17% of those exports. This is a remarkable achievement for this island.

We have had dramatic success in attracting foreign direct investment to Ireland and our EU membership has been a key factor in stimulating that valuable investment. More than 1,000 overseas companies are now located here in Ireland and almost two thirds of our exports originate in these multinational firms. These companies employ more than 135,000 people directly; their annual payrolls amount to €15 billion and they contribute corporation taxes of approximately €2.8 billion. Our membership of the European monetary union has provided us with monetary stability and the facility of the common currency, and the euro has become the second most important reserve currency in the world today.

The days of the brain drain have been consigned to history and we are now a country of net immigration. Our unemployment rate is among the lowest in Europe. These facts speak for themselves. They represent a graphic illustration of how Ireland has embraced the vision of Europe. Instead of being marginalised, Ireland is now an active and influential player on the wider European stage. We have been a net beneficiary of all that the European concept has to offer and continues to offer. The Irish proverb “Ní neart go cur le chéile” is apt here. Now that the EU has enlarged to accommodate 27 states, we have achieved real global capacity and weight. We are operating from a population base of approximately 493 million people, which is the third largest in the world after China and India and is almost twice the size of the US. It is the world’s single richest market. Collectively, we are the largest trader in terms of the share of global trade and we carry substantial weight in global trade negotiations and setting global standards.

As we all know, we are in the throes of world trade talks at present. This round of talks has been going on in Geneva for the past six years and they are fraught with difficulty. Were we not known as a fully participating, constructive member of the EU, Ireland would not be at that negotiating table today. In the context of the Lisbon treaty, a resounding “yes” vote is critical if we are to continue to pursue our negotiations from a position of real strength and credibility. We must guarantee that our capacity to negotiate all our interests at EU level is enhanced and not undermined. We have a responsibility as good Europeans to assume that sense of shared destiny. We have a responsibility to work in unison and in a concerted manner to ensure that the interests of all our citizens are defended and truly copper-fastened.

Irish farmers are deeply concerned about this current round of WTO talks and the strategy which is being adopted by the Commissioner for External Trade, Peter Mandelson. Indeed, at the last meeting of EU Agriculture Ministers, 20 of the 27 Ministers spoke against Commissioner Mandelson and his particular strategy. We must bear in mind that the Irish beef industry is the fourth largest in the world and it must be protected with all the might we have at our disposal. I reiterate that Ireland must be fully committed to the European ideal and the vision of the EU if we are to have our voice heard clearly at the negotiating table. Any half-hearted or selective association with the EU will be perceived to be a selfish, *à la carte*-type attitude, and this would surely be detrimental to our interests.

As a farmer, I believe that anything other than a definite “yes” vote in this referendum would have devastating consequences for Irish farmers and rural communities. The Common Agricultural Policy and its extensive support of the agriculture sector must be acknowledged as being extremely generous. Receipts for agriculture and rural development have accounted for almost three quarters of the total flow of EU funds to Ireland. From 2007 to 2013, Irish farmers and rural communities will receive €12.2 billion in financial support from the EU for the operation of the annual single farm payment and various other programmes, including

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REPS, on-farm investment, reforestation initiatives and the disadvantaged area programme. However, CAP is due to be reviewed in the next six to eight months under the French Presidency of the EU and a number of serious issues will need to be addressed. It is only with our full and active commitment to Europe that we can continue to be taken seriously when this important review is undertaken. Ireland just cannot afford to send out any negative signals about our overall support for the principles of active EU membership.

These are the reasons I am foursquare behind the Twenty-eight Amendment to the Constitution Bill. I want to see an Ireland that continues to play a meaningful part in European and global affairs, a mature nation that takes its responsibilities seriously as part of the greater European ideal, a country that can continue to benefit and be enhanced by full European membership, and a State that can continue to flourish in Europe while at the same time maintaining its own unique spirit and identity. I am confident that a “Yes” vote on the Lisbon treaty will secure our prosperity, improve the way we do business, and continue to elevate the quality of life on this island.

Deputy Arthur Morgan: Sinn Féin is vigorously opposing the Lisbon treaty and will be campaigning across the State for a “No” vote. We are opposing the treaty because it is, from any reasonable assessment, not in Ireland’s interests. We are disappointed that there are not more voices in this House courageous enough to admit that fact.

We can judge this treaty by asking the following questions. Does it bring a much needed improvement in democracy to European Union institutions? Does it facilitate nation states in protecting their own interests and making key socioeconomic decisions based on individual needs and circumstances in their own jurisdictions? Is our neutrality protected? The treaty fails on all these counts.

Deputies from other parties who speak in favour of the treaty are falling short in their duty to the Irish people. They are not being honest with the electorate about the contents of the treaty or its implications. In meekly signing up to a treaty that erodes our say in decision making at EU level, they are betraying the ideals of independence, autonomy and self government, which were fought for in the struggle for Irish freedom by many generations. We should have no fear of rejecting this treaty and sending it back for renegotiation and improvement. Doing this will ultimately be in the interests of all the peoples of Europe who deserve better than this flawed treaty.

Sinn Féin believes that co-operation with our European partners is valuable and must continue. We have a clear sense of what is needed to improve democracy in European Union institutions and are, as far as I am aware, the only party to bring forward proposals for real reform in this regard.

I want to focus on the treaty’s implications for workers’ rights. We have supported EU measures that are in Ireland’s interests, particularly those which have advanced workers’ rights in the past. However, not everything emanating from Europe has been good for workers in this State. A general shift to the right by the EU has seen the implementation of an agenda of privatisation, deregulation and attacks on workers’ rights. This is a matter of great concern to trade unions in Ireland and across the EU. Recently, David Begg, the general secretary of ICTU, addressed a discussion on the Lisbon treaty at the Oireachtas Committee on European Affairs and summed this up by stating: “While business rights are being codified and strengthened, workers can only expect loose frameworks and vague approaches to enforcement”.

Over the last number of years we have had the Services Directive, which sought to allow service providers to operate outside the laws of the country where the service is being provided, creating a race to the bottom in terms of workers’ rights.

Trade unions and workers were shocked at the recent European Court of Justice judgment in the Laval case which, interpreting existing treaties, upheld the right of a Latvian company operating in Sweden to import Latvian workers to do the job at Latvian rates rather than compelling them to pay Swedish rates. Last week, a similar judgment was passed in favour of a Polish company operating in Germany. The court has also found against the Finnish seafarers' union for trying to prevent shipowners displacing Finnish shippers with lower paid workers from Estonia. This court clearly views trade unions and collective bargaining agreements as a barrier to what it would describe as the free movement of goods, services, capital and people — by which, of course, we mean labour.

Last year, we had the EU Green Paper on flexicurity which called for an end to “overtly protective terms and conditions” in workers’ contracts on the basis that “stringent employment protection tends to reduce the dynamism of the labour market”. We have also witnessed a failure to protect pay and conditions and to enforce labour law when our labour market was opened to workers from the accession states.

It is worth noting that when the Government makes enthusiastic speeches in favour of the Lisbon treaty, it is not so enthusiastic about everything Europe proposes, particularly when it comes to enshrining workers’ rights in legislation. For the last five years, the Government has obstructed the EU directive on agency workers, together with Britain. The directive is one of the more positive moves by the EU. As a result of that and the failure to introduce domestic legislation, the exploitation of agency workers and the depression of sectors through cheap agency labour have become prolific in this State.

This treaty, which is being supported by the Government and the other Opposition parties is a further blow to workers’ rights. The key argument of those seeking to convince trade unionists to vote yes in the Lisbon referendum is bogus. The Charter of Fundamental Rights does not guarantee the right to strike. Article 28 of the Charter appended to the Lisbon treaty, states that workers have the right to collective bargaining and to take strike action only “in accordance with national laws and practices”. SIPTU general president, Jack O’Connor, has argued that “in the light of the Laval decision, the charter now only has validity in the context of what the Government does here”.

The Charter of Fundamental Rights is being used at any and every occasion to push and support the treaty. Sinn Féin strongly supports any measures that enhance the protection and promotion of human rights and equality. We support the EU Charter of Fundamental Rights in so far as it reflects pre-existing human rights standards, applies them to the EU institutions and member states when implementing EU law, and thus potentially provides greater legal certainty. However, the idea that the charter is somehow a major step forward in human rights is an illusion. Even its advocates acknowledge that it is little more than a restatement of existing human rights law. In its analysis of the charter, the Institute for European Affairs argues that it “does not create any new rights” and, moreover, that the social and economic rights in the charter “do not give rise to direct claims for positive action”. Its potential positives are severely curtailed by a number of features, not least its numerous limitation clauses. We also question the EU’s actual commitment to the charter. If it is of real value to the protection and promotion of human rights in the EU, its incorporation into law should not be contingent on acceptance of this treaty. It should be done immediately.

There are other issues within the Lisbon treaty that will negatively impact on key economic issues such as competitiveness, growth and social inclusion. The privatisation agenda of the EU has served Ireland badly. Look at the debacle in Eircom, which has had six owners since 1999, with massive profit-taking only matched by the company’s debt creation. Its current owners are desperately trying to separate the company structurally so as to sell off assets, while we are

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left with the worst broadband provision and the highest line rental costs in Europe. It is a sorry legacy for Eircom.

The liberalisation of the electricity market has led to artificially higher energy prices to encourage new entrants we are told, while we slip behind in investing in and developing renewable energy resources which are abundant on this island. EU surveys show that Irish consumers already pay a mighty 42% more than the EU average for housing, water, electricity, gas and other fuels, 25% more for education and 24% more for health. The Lisbon treaty will make this situation even worse. Of particular concern is the possibility of the education and health sectors being privatised.

The European Commission leads negotiations on trade in services, including health and education services, at the World Trade Organisation. The Council of Ministers appoints the negotiator, currently Commissioner Peter Mandelson, and a planning committee. We all know that Commissioner Mandelson comes with considerable history and baggage. Under the Lisbon treaty, not only is the Commission given greater scope in the negotiation of international trade agreements but Ireland also loses its veto in all but a small number of cases.

Under current arrangements, the Council approves all trade deals, with the exception of those relating to health, education and cultural and audio-visual services, by qualified majority voting. The Lisbon treaty removes the requirement for unanimity in these four areas other than in exceptional circumstances. In other words, the Government could not veto a deal, unless it could show in advance that it would risk seriously disturbing the national organisation of such services. As there is no definition of what this means, it is open to interpretation by anyone. This could have serious consequences for health and education services and, I might add, workers in these sectors.

The treaty tries to police further public spending. We are all aware of the need to manage inflation but Article 2 of the treaty makes price stability an aim of the European Union, rather than a function of the European Central Bank. This could be used by the Union to exert indirect pressure on member states to reduce public spending. At a time when our health and education services are crying out for investment this simply does not make sense.

There is much more in the treaty that will damage the ability of the economy to function. Article 48 which will remove the need for unanimity and replace it with qualified majority voting will have a wide reaching impact on the economy, particularly with regard to tax harmonisation and our ability to set taxes at a rate which will allow this state to compete for foreign direct investment.

As we enter a period of economic uncertainty, it is clear that the Lisbon treaty does not equip Ireland or the European Union with the tools necessary for sustainable economic development or social inclusion. In some senses the debate on the treaty is a debate about different visions for the future of the Irish and EU economy. Supporters of the treaty are offering a future of greater liberalisation, more competition and privatisation, for example, in postal services — more inequality and poverty, greater risk and vulnerability to global instability.

The European Union has done much during the years to promote a more social Europe. Unfortunately, in the past decade these gains have been undermined by successive treaties that have sought to sacrifice social Europe in favour of a narrowly defined focus on economic competitiveness. Those of us opposing the treaty are arguing for a more sustainable and egalitarian future in which economic development will be based on social inclusion and cohesion, environmental sustainability, high quality public services and real competitiveness, greater

democratic control over the management of the economy and a more equitable global economic order.

I have one more point to make regarding the scurrilous and erroneous accusations made by proponents of the treaty against Sinn Féin's policy on neutrality. My party believes strongly in Ireland playing a positive role on the international stage. We believe in combating the causes of conflict and instability by addressing global inequalities, poverty and disease. Peace has been achieved on this island and we want to see peace in other countries. However, we are also strongly in favour of the State's policy of neutrality. We have opposed Government policies such as on the use of Shannon Airport for US military personnel and aircraft *en route* to Iraq and rendition flights. We are opposed to the European Union playing a distinct and separate role on the world stage.

The treaty's cheerleaders argue that the triple lock mechanism, whereby military interventions abroad require a UN mandate and the consent of the Government and Leinster House, defends our neutrality. However, the triple lock mechanism has already been weakened following the passage of legislation in 2007 opening the way for military interventions abroad based on UN authorisation, rather than a formal mandate. This requires a weaker form of UN assent. Other sections, including Article 28 (B) 1, which list and expand the military interventions deemed possible, move us further down the road towards a common defence. When Commissioner Romano Prodi asked in 2001, "Are we all clear that we want to build something that can aspire to be a world power?", this was the vision to which he was alluding.

We have earned our place in Europe and our position is not under threat. We cannot be held to ransom by demands that exceed what we as a people are willing to give. The Government said "No" to Europe when such a response was in its singular, narrow interests. I have already given examples of this and the five years spent obstructing an EU directive on agency workers is another. Now let the people say "No" without lies and threats because this treaty is not in their interests.

The EU constitution was rejected by the people of France and the Netherlands in democratic votes. Many admit that this treaty consists of around 95% of the EU constitution already rejected. However, no state other than Ireland is offering its people a referendum on it — I wonder why that is. Why are other states afraid to face the people with the treaty? Is it because they are concerned it will face the same verdict given to the EU constitution in France and the Netherlands? I believe that is the case.

Under the treaty, Ireland will lose out on having a Commissioner in five of every 15 years. We are told that there would not be work for 27 Commissioners from 27 states and that such a system would be too cumbersome and bureaucratic. In Ireland there are 15 senior Ministers and 20 Ministers of State; a total of 35 for a population of 4.5 million people, yet a figure of 27 Commissioners is deemed too many for a population in the region of 496 million. I do not see the logic in this and hope someone can point it out for me.

Earlier contributors suggested the treaty was not a complex document but I wish I had it with me in order that I could read some clauses from it to demonstrate its complexity. However, it is not so complex that it should not be debated and discussed. I welcome the debates taking place across the State, many organised by parties represented in the House. For example, Fine Gael is holding a series of meetings, which I welcome. Whether I agree with it, at least this offers public debate on an important issue.

An earlier contributor also told us that national parliaments would give an opinion on proposed EU legislation. That is just wonderful and reminds me of being a member of the Opposition in this House. We can give all the opinions we want but the Government, like the EU institutions, will pay no attention to us. I question whether any real influence can be exerted.

[Deputy Arthur Morgan.]

I look forward to continuing a campaign of opposition to what I believe to be a fundamentally flawed treaty. I intend to approach this campaign enthusiastically in the final weeks that remain, as I understand the date for the referendum is expected to be 12 June. I look forward to debating the treaty in the House and other fora.

Deputy Noel O’Flynn: No debate on the EU reform treaty would be possible without examining where we have come from, where we are now and where we are going. Most commentators would agree that Ireland has benefited from its engagement with the European Union but I am not sure the Irish electorate, or those campaigning for a “No” vote in the forthcoming referendum, are aware of how different the Ireland of 2008 is from the small, inward-looking country that joined the EEC in 1973.

The European Coal and Steel Community was first established in 1952 to help economic growth and cement peace between France and Germany, countries that were enemies historically. It worked extremely well and iron production increased fourfold in the 1950s. When coal production declined, the European Coal and Steel Community made provision to retain hundreds of thousands of miners affected. It was the systems of social management such as early retirement, mobility grants and training that greatly helped in times of economic crisis. At the same time in Ireland thousands of people were forced to leave their families, wives and children, to seek work across the water. I remember my father leaving Cork for England in the 1950s to seek work on the building line. Many fathers of Cork families and single men had to leave on the *Inishfallen* from the quays of the historic River Lee to seek work in London and other parts of the UK, Fords in particular. With a family of six young children he simply had no option but to go to England for work. There were mouths to feed and there was no work in this country. I recall growing up in poverty — not having enough to eat and having to wear second-hand or used clothes — for a major part of the 1950s. More than half of those who left school in the early 1950s had emigrated by 1961. In truth our economy had completely stagnated. It was clear by the end of the 1950s that Ireland was not sharing in the post-war economic boom in Europe.

The reorientation of our economy under Seán Lemass from that period onwards through the dismantling of tariffs to the creation of incentives for forward investment, were key in moving Ireland and our economy forward. The move away from agricultural dependence to a much more diverse modern economy paved the way for our membership of the European Economic Community.

Ireland’s membership of the European Union ensured we kept our focus outwards. Prior to membership two thirds of our foreign trade was with the UK. This is no longer the case. We have moved out of Britain’s shadow and found our own place on the world stage, alongside and equal to that of our European neighbours. The sense of achievement and confidence that has accompanied true economic independence cannot be underestimated. Ireland has moved from the periphery to the heart of the European Union.

How far we have come in the past 35 years is evident from the following statistics. In 1973 our GDP at current market prices per head of population equalled 60% of the average of our Community partners. In 2007 our GDP equalled 146% of the EU average. In 1973, Ireland had a trade deficit of £341.5 million. We had a huge trade surplus in 2007. Since 1973 our total trade in goods and services has increased from €1.7 billion to €88.8 billion in 2007. This has made Ireland one of the most open trading economies in the world relative to population and economic size.

Between 1973 and 2007, we paid €19.2 billion to the EU budget and received €60.17 billion from it. This means that on balance we have gained over €40 billion through our membership,

equivalent to about €15,000 per person. These funds have been invested into every aspect of Irish life, from infrastructure projects, creating employment, supporting the peace process, cleaning up the environment to tourism.

The Single Market established in 1993 has played a key role in our economic transformation. It has provided a market of about 450 million consumers from which to trade goods and services. It has also made this country, with a young and educated population, an attractive location for foreign and direct investment. A Eurobarometer report highlighted that 82% of Irish consumers view the Single Market positively. Furthermore, Ireland tops the EU with 78% believing the Single Market has had a positive impact on the quality of goods and services. This, I believe, shows that people here are aware of the benefits of EU membership.

It is the job of those advocating a “yes” vote in the forthcoming referendum this summer to ensure the Irish electorate continues to make this connection. The continued success of the economy is closely aligned with our membership of the EU. This is recognised by IBEC and the American Chamber of Commerce. Before the Single Market was introduced one can imagine the difficulties experienced with VAT at the point of entry etc. Since the introduction of the euro it is so much easier to do business in Europe where there are no tariffs on different goods and there is free movement of goods. I have experience of that in our own business.

As Paul Rellis, President of the American Chamber of Commerce, said in February 2008:

Our choice is between being a business friendly open economy at the heart of Europe and being a “semi detached” irrelevant outpost on the western seaboard. Our choice is between ongoing prosperity and slow decline. Our choice is of course between Yes and No on the EU Reform Treaty.

Continuing, he said, that “Our membership of the EU has been a key attraction for US multinational companies locating in Ireland”. There are almost 600 US companies in Ireland, employing over 100,000 people directly. Ireland as the only other English speaking country in the eurozone continues to attract inward investment from leading multinationals despite challenging economic circumstances worldwide. If we are no longer seen as being at the heart of Europe then our attractiveness will undoubtedly diminish.

We must not forget when debating the future of Europe that it is this Union which has helped build an unbroken peace in Europe for 50 years. It has helped guide Greece, Portugal and Spain on the road from authoritarian to democratic rule. It is the Union which has contributed to the peaceful transition of ten central and eastern European countries from communism to democracy.

Our membership of the EU has not only been instrumental in our economic transformation it has also brought with it enormous social advantages. It is our engagement with Europe that has resulted in better environmental standards, equal pay for equal work for women across Europe and supported tourism and the regions.

The reform treaty is an important achievement for the Union. It responds to the needs of today’s European Union with its increased membership now numbering 27 countries. It will equip the Union to meet the emerging challenges of the 21st century. It is concerned with delivering tangible benefits to the people of Ireland.

The reform treaty draws much of its content from the European constitution agreed in 2004 under Ireland’s EU Presidency. While the essential substance and balance of the European constitution is preserved, the new treaty takes the form of a series of amendments to the existing EU treaties as opposed to the single consolidating text of the constitution.

[Deputy Noel O'Flynn.]

The reform treaty contains a number of institutional provisions which will make the structure more effective and give it a stronger voice on the world stage. The creation of the new full-time President of the European Council to co-ordinate and spearhead the Council's work will facilitate a concerted European response to global issues, such as energy, security, climate change and immigration. The new system of double-majority voting will give proportionate weight to population while protecting the interests of small and medium sized member states. This is particularly good news for Ireland.

There has been scaremongering that ratification of the treaty would result in the introduction of tax harmonisation and threaten our favourable corporation tax rates. However, taxation and defence are sensitive national issues and as such unanimity is preserved for all decisions in these areas.

It was under Jack Lynch's leadership that this country joined the European Union. Fianna Fáil has campaigned for a "Yes" vote in every European referendum since and we will be campaigning vigorously for a "Yes" vote in the next few months as the reform treaty referendum approaches. We believe the European Union is good for Ireland and Ireland is good for it. We have held this view for 35 years and will continue to do so.

Mr. Paul Rellis, president of the American Chamber of Commerce, Ireland articulated the situation better than I can when he stated: "An Ireland at the heart of an EU with reformed, strengthened and more accountable institutions is infinitely preferable to becoming a semi-detached obstacle to common progress across a continent". A "Yes" vote is for prosperity, a "No" vote is for decline. I regret that the party which has taken a "No" position is misguided in the issues it is raising.

Deputy Aylward referred to the farming community's concerns, including the World Trade Organisation talks. I fear that if a favourable solution is not found, the farming community vote could be affected. As a small open economy, Ireland has much to gain from the rule-based multilateral trading system provided by the WTO. The current round of negotiations presents both challenges and opportunities for all of the major economic sectors in Ireland, in particular the services, agriculture and manufacturing sectors. Agriculture continues to make an important contribution, economically and socially, to Irish society. The outcome of negotiations on the new WTO agreement on agriculture will be crucial for us. Agriculture will have a critical role in determining the final outcome of the round. The outcome will determine the maximum levels of protection and support that will apply to the agriculture sector in the future. Given that the process of liberalisation will be significantly more advanced, the negotiations represent a real challenge to the future of EU and Irish agriculture.

It is no secret that Ireland is not happy with the current direction of the WTO negotiations. There is concern about the potential impact on Irish and EU agriculture of various proposals in the discussions. It is crucial that the European agrifood sector is not sacrificed for the sake of a WTO deal. This is the position consistently taken by the Government and which has been and will continue to be strongly reflected at a variety of EU and WTO meetings. The Ministers for Agriculture, Fisheries and Food and Enterprise, Trade and Employment have consistently pressed the Commission to strive for a balanced agreement that will not be at the expense of EU and Irish agriculture. The Government's intention is to continue this process. I was delighted to hear the new leader designate, Deputy Cowen, refer to this today. That the Taoiseach will discuss it with the President of the European Commission in the next few days is significant.

Intensive discussions are still taking place in Geneva on the most recent agriculture and non-agriculture texts. There are still many technical and political issues to be resolved, not alone on the agriculture dossier, but also on the related issues of non-agricultural market access, services, rules and trade facilitation. At this point we can only speculate on the content of a final WTO deal, or whether such a deal will be concluded. It would, therefore, be inappropriate and unwise from a negotiating standpoint to indicate what position the Government will take on any possible final deal, the terms of which we do not yet know.

There has been significant reform of agriculture within the European Union in recent years. Agenda 2000 which continued the process of reform launched by the then Commissioner, Mr. MacSharry, in 1992, provided for further cuts in institutional price guarantees, with compensation for farmers through direct payments. Further progress was made in the radical reform in the mid-term review of the Common Agricultural Policy agreed in June 2003. The decision to decouple payments was a major step in fulfilling the target of substantially reducing trade distorting domestic supports. Decoupled payments which, by their nature, are not linked in any way to production are considered to be non-trade distorting by the WTO and qualify for the so-called green box category of payments. It is most important that this should remain the case.

The move away from coupled payments and the gradual reduction in the more conventional market support measures such as intervention have reduced substantially our levels of trade distorting supports, thereby enabling the European Union to face into the negotiations from a position of strength. The Hong Kong ministerial conference in December 2005 provided a further stepping stone towards the conclusion of the round, with agreement on a number of issues, in particular key development matters. Since then, however, the negotiations have stumbled along, with a series of missed deadlines and the full suspension of negotiations in the summer of 2006. Although they fully resumed in early 2007, further efforts to conclude the round have, to date, failed. It is no secret that since the Hong Kong ministerial conference there has been great concern at the direction of the world trade negotiations and the negotiating strategy adopted by the Commission and Commissioner Mandelson. It is also no secret that the farming community sees Mr. Mandelson as selling out agriculture in Europe. He must be stopped.

There has been an insistence by the negotiating partners that they will not engage in meaningful negotiations on other issues until substantive progress has been made in respect of agriculture. This is wrong; it is not acceptable that concessions in agriculture should be a precondition for movement elsewhere. Agriculture is vitally important to the livelihoods of millions of farm families in developed and developing countries and they should not be sacrificed for the sake of an overall WTO agreement. There is great concern that the Commission has been adopting an unnecessarily concessionary approach to the negotiations. It negotiates in the WTO talks on behalf of the member states on the basis of a mandate agreed by the Council of Ministers. The mandate is designed to defend the CAP as it has evolved under successive reform programmes, including Agenda 2000 and the mid-term review, both of which were agreed with a view to positioning the European Union in the WTO negotiations. Essentially, the Council mandate aims to protect the European model of agriculture as an economic sector and as a basis for sustainable development based on the multi-functional nature of agriculture and the part it plays in the economy, the environment and society in general.

The latest developments in the negotiations have not done anything to allay concerns. The suggestion is that the European Union should provide further concessions on a range of agricultural issues, particularly the level of tariff reductions, the treatment of sensitive products and the related tariff quota expansion, yet at the same time the text on market access for industrial goods does not provide the foreseen additional market opportunities for EU goods. However, no deal is better than the one currently on the table. I am concerned that people want a deal

[Deputy Noel O'Flynn.]

for the sake of a legacy. Legacies have no place in the deal and should not even be considered. A deal is about what is good economically for the countries which subscribe to the WTO. That is where the concentration of energy should occur and what the deal should be all about. I hope Mr. Mandelson's officials will read the contributions of this Deputy and others in respect of the Irish farming sector.

Deputy Jim O'Keeffe: I wish to share time with Deputy Varadkar.

Acting Chairman (Deputy Charlie O'Connor): Is that agreed? Agreed.

Deputy Jim O'Keeffe: I am concerned the debate on the Lisbon treaty should be based on fact rather than fiction. I am even more concerned when I see fiction being peddled by magazines such as the Catholic monthly newspaper, *Alive*, which seems to be deliberately designed to stoke anti-European sentiment. In reading that newspaper, I see a particular focus on abortion and euthanasia with the claim that, if the Lisbon treaty referendum is passed, we will have lost the right to decide on such issues. This is utter poppycock and I question the approach of those in my church who are arranging or facilitating the dissemination of such misinformation. The evidence is in the current issue of *Alive*. On the back page under the "for God and for Ireland" heading, it is stated that, if the Lisbon treaty passes, we will have lost the right to decide on issues such as abortion, euthanasia, freedom to promote the Catholic faith and same sex marriage. This is rubbish. On another page of the newspaper is the headline, "Lisbon Treaty a big cause for concern". The subsequent article states: "Irish Catholics who wish to keep our Constitution's protection for unborn children and for the family based on marriage should be seriously worried about this treaty".

It is important to debate this treaty on the basis of facts. The Lisbon reform treaty does not in any way threaten Ireland's policy on abortion. The 27 members of the European Union have different policies on the issue of abortion. Some states allow for the widespread availability of abortion. Some, such as Poland and Portugal, have a limited availability, while others, such as Ireland and Malta, do not allow abortion in their laws. Since there is no consensus on the issue, the European Union has chosen not to take any stance, but instead to leave it up to each member state to decide its own policy.

As an additional safeguard, Europe, at Ireland's request, added a protocol to the Maastricht treaty confirming that no European treaty can be used to override Ireland's recognition of "the right to life of the unborn and, with due regard to the equal right to life of the mother" contained in Article 40.3.3° of the Constitution. That protocol remains in place and will not be changed by the contents of the Lisbon reform treaty.

There are those who will claim the Charter of Fundamental Rights will alter this position. The charter applies to the Union's institutions and to member states in their implementation of EU law and does not in any way replace their constitutions. It is important to clarify that the charter does not radically alter the protection of fundamental rights within the Union or extend the competences of the EU. Accordingly, the charter will not extend the capacity of EU citizens to bring cases before the European Court of Justice to force member states to reverse their positions in areas that fall within their competence, such as the domestic prohibition on euthanasia and abortion.

I would have believed that those disseminating such misinformation would have been the first to take note of what the Pope has to say about the treaty. He stated:

Last September, I made a visit to Austria, partly in order to underline the essential contribution that the Catholic Church is able and willing to give to European unification. On the

subject of Europe, I would like to assure you that I am following attentively the new phase which began with the signing of the Treaty of Lisbon. This step gives a boost to the process of building the “European home”.

It is important to mention this fact and to debate the treaty based on the facts of the situation rather than the fictions. It is also important to bear in mind Ireland’s position in the European Community, now the European Union, since joining. The net benefit in pure cash terms has been €40 billion. This does not sound like much when spoken quickly, but it is 40 thousand million euro. Evidence given by the Secretary General of the Department of Finance to the Committee of Public Accounts in February confirmed that the total cash the State has received since joining the European Community in simple historic cash terms is €60 billion, while the total payments made to Europe in that period came to €20 billion. This means that European citizens have invested €40 billion in Ireland in the past 35 years. Even this year, when Ireland is among the wealthiest countries in terms of gross domestic product per head, we will still be net beneficiaries to the tune of €500 million.

The non-cash benefits have been even greater. We have gained significantly from the Common Market as an exporting country considerably dependent on free trade. Our membership of the European monetary system and the interest rates we have enjoyed have been positive. We have had a labour supply on our doorstep to meet demand during years of significant growth. Our wealth as a nation has been related to our membership of the EU and, in this regard, we are the envy of Europe. It cannot conceive how, in any situation, we would turn our back on it, as proposed by many anti-Europeans. Their proposal is dressed up in language suggesting that, while they are for Europe, they are not for this or that. I have heard it all before in respect of every European treaty that appeared before the House and went before the people by way of referendum.

The Lisbon treaty needs to be ratified by all 27 member states to come into effect. At this stage, it is clear that the other 26 member states have or will have ratified the treaty to enable it to come into force. It is difficult to believe that they, representing 99% of the population of the EU, are wrong in their assessments of the benefits of the treaty. It reminds me of the woman who, long ago, watched a troop of soldiers marching by. Looking for her son, who was not great when it came to marching, she said that everyone was out of step except for her Johnny. To a degree, this is the position of many of those opposing the treaty. Any rational examination of the treaty confirms that it is a progressive development in that it provides for greater democratic procedures and more effective decision making. It will enable Europe to have a greater influence on the world stage and a greater role in co-operating with developing countries.

It is particularly advantageous to the smaller member states, particularly in respect of the arrangement for the rotation of commissioners. When I travelled to European meetings as a Minister of State a long while ago, the large states — the United Kingdom, Germany, France and Italy — had two commissioners each. They have since each lost one and, under the new arrangements, will take their turn in the rotation alongside us and even smaller countries like Malta and Cyprus. Anyone who suggests this is unfair to a member state with 1% of the Union’s community is not speaking in rational terms.

Acting Chairman: Nine minutes have expired.

Deputy Jim O’Keeffe: I will allow my young colleague to contribute. As someone who has been involved in European affairs for many years and who was proud to represent Ireland at many European Council meetings while I was the Minister of State at the Departments of Foreign Affairs and Finance, when I dealt with the budget, I see Europe as being great for

[Deputy Jim O’Keeffe.]

Ireland and we should not turn our backs on it. The treaty must be passed, not just by the Dáil, in respect of which there is no problem, but by the people. I want it to be passed resoundingly in the referendum.

Deputy Leo Varadkar: Perhaps the Acting Chairman will advise me when I have one minute remaining.

Acting Chairman: I will.

Deputy Leo Varadkar: On behalf of Fine Gael, I welcome the opportunity to speak on this important issue and to endorse the treaty and Bill before us. It would have been convenient and politically expedient for Fine Gael to oppose the treaty. From reading history, I know of the mission led by Mr. Brian Lenihan to the United States in 1986 when he was sent by Mr. Charles Haughey to oppose the Anglo-Irish Agreement on cynical grounds. Thankfully, when Fianna Fáil got into power one year later, it reversed its cynical position.

Fine Gael is not a cynical party. Its interests are those of Ireland, which is the reason it is happy to support this treaty. It probably does so with more gusto than the Government, judging from the campaigns it is carrying out nationwide, its public meetings, leaflet drops and so on. I will have four meetings in my constituency alone. It almost feels as though Fine Gael sometimes does the Government’s job for it. However, if it is in the country’s interests, so be it.

As someone who is passionately pro-European, I would have liked to have seen a proper constitution for a real united Europe. However, this is not available and the constitutional treaty, which was much more of a treaty than a constitution, was not such a constitution. The treaty before the House is not even a constitutional treaty and is less than that again. However, I support it in any case, because it represents progress and constitutes a step forward in a number of ways. It is a step forward in respect of democracy as it gives the European Parliament much more power. It will have powers of co-decision in 80 different areas and will force both the electorate and politicians to pay a little more attention to European issues at European elections, because unlike this Parliament, the European Parliament has real influence on legislation. It controls, alters and amends legislation proposed by the executive. The executive does not run the show in the European political structure in the manner of executives in nation states. The European Parliament’s relationship much more closely resembles that of United States Congress to the Presidency in the United States than it does to this Parliament. This is the reason it is important for the European Parliament to get more power.

Moreover, the treaty entails a significant expansion of qualified majority voting. While people mention the loss of the veto and perhaps a Minister can advise on this issue, I do not recall an Irish Government ever using the veto. The veto has been used by other countries to prevent progress and changes that we sought. Consequently, it is largely to our advantage that the veto should be reduced as much as possible. The treaty also gives more power to national parliaments and gives them the opportunity to review European legislation in advance. It also allows national parliaments, working together, to call time on proposals about which they have concerns, which is greatly to be welcomed. This Parliament should rise to that challenge and not simply complain about legislation that Members did not bother to read when it came across their desks.

The treaty also gives more power to citizens. The proposed facility for citizens to put forward 1 million signatures to call on the Commission to introduce new legislation constitutes a real power. Deputy Morgan, who spoke earlier, is no longer present. If he has concerns about agency workers, perhaps he should team up with his friends across Europe to get 1 million agency workers to sign such a petition and to initiate a process in the Commission. The treaty

also will mean that when the Presidency of the Council is being decided, the European leaders will be obliged to recognise the outcome of the European elections. This of course means that should the European People's Party, EPP, win the European elections, as it did last time and as I expect it will do in 2009, the President of the Council will be drawn from the EPP. I suggest the person most qualified to so do is John Bruton, the current EU Commission ambassador to the United States. I imagine that in return, the Party of European Socialists will be given the Presidency of the Commission. Unfortunately, that does not leave any role for the largest party in this State. However, it was its own decision to sideline itself from European politics.

The treaty also makes Europe more efficient and I welcome the fact that there only will be 18 commissioners. Deputy Morgan suggested earlier that as Ireland has 20 Ministers of State and 15 Cabinet Ministers, there should be 25 Commissioners. I take the opposite view, namely, there should not be 20 Ministers of State and the State has too many Ministers. Perhaps Ireland should follow the example of the European Union in slimming down the size of government. This argument is largely irrelevant because the change regarding the number of commissioners was included in the Nice treaty. This already has been decided as we already have voted on and agreed to it. It is somewhat bizarre that the "No" side should make such arguments about not having a commissioner for five out of every 15 years. This provision was included in the Nice treaty and we already have voted on and agreed to it. The "No" campaign's lack of arguments is demonstrated by its requirement to make this argument again although it already has been lost.

The treaty also allows for greater integration in a number of areas. It allows for a little more integration of foreign policy, albeit not to the extent I seek. When the national governments decide that Europe wishes to work together as one, a Vice President of the Commission, who will be a foreign minister in effect although he or she will not have that title, will be able to speak for Europe as one. Henry Kissinger often used to ask, "Who do I call if I want to call Europe?". At least there will be a single person to ring when the heads of government agree on a particular issue. Unfortunately, because this will still be a matter on which unanimity will be required, an enormous number of issues will remain on which no agreement will be possible. Nevertheless, this still constitutes progress in some ways.

As for the integration of the structures pertaining to the euro into the Union, this is highly welcome. Deputy Morgan expressed the concern that keeping inflation low will henceforth be an objective of the Union and not simply of the ECB, as will keeping public borrowing under 3% of GDP. My response is "Thank God". I can only imagine the amount of borrowing in which the present Government would engage, were it not for the Stability and Growth Pact preventing it from so doing.

Many bizarre arguments have been thrown up in respect of the European Defence Agency and its inclusion in this treaty. However, the European Defence Treaty already exists and has been in existence for some time. One step it is attempting to take is to reduce expenditure on defence rather than increase it. Collectively, the 27 member states of the European Union spend almost as much on defence as the United States. However, together we certainly do not have the military capacity of the United States because our militaries are not interoperable and do not work together. We are obliged to call in the Americans to help us in Kosovo, Macedonia and so on. Consequently, were European defence to happen and were member states to come together, money would be saved and some military capacity that we do not have at present would be delivered.

As for the triple lock, I accept its presence and that it must remain for the present. However, I do not consider it to be wonderful or something about which we should be proud. Essentially, it states that for Ireland to participate in any mission overseas, a UN mandate is required.

[Deputy Leo Varadkar.]

Therefore, it states that we are giving a veto on our foreign policy to China and Russia. This is not right as such a decision should be made in the Dáil or if not here, by an elected European government. Such decisions certainly should not be made in Beijing or Moscow. Nevertheless, I accept this will be the case at least for the purpose of this treaty and this Bill.

Undoubtedly, this treaty will be good for the economy. It will allow the completion of liberalisation of services across the European Union and will allow for more competition for public services. I welcome this, as more competition for bus and postal services is required. Other countries have much better bus and postal services than does Ireland and we should not fear competition. It constitutes one of the advantages to this Bill. Some previous speakers who opposed this Bill also mentioned Eircom and blamed its botched privatisation on the European Union. This is nonsense as the privatisation of Eircom was botched by Deputy Mary O'Rourke, not by the European Union. The best advocate for lower prices and better regulation in telecommunications has been Commissioner Viviane Reding. She has been the most powerful advocate for reforms in telecommunications services. Members also have been told that this treaty will allow for the liberalisation of the electricity market. I wish it would, because that is not what is happening. Members already have witnessed the U-turn regarding the separation of EirGrid from the ESB. Were this treaty to force the Government to do the right thing, it would be even more of a reason to vote for it.

Even eurosceptics should vote for this treaty because of two important elements. I refer to the withdrawal clause. Were the treaty to be adopted and ratified, for the first time there would be a mechanism for Ireland, or any other country, to leave the European Union. Those who are against the European Union surely should be voting "Yes". The treaty also includes the Copenhagen criteria, that is, the criteria for accession of new countries to the European Union. I am reassured the criteria are included because it will prevent politicians in the future from fudging them, potentially to allow entry to a country such as Turkey when it should not be allowed in. The inclusion of the Copenhagen criteria makes it much less likely that Turkish accession will ever happen and this is another reason eurosceptics should vote for this treaty.

The only people who should not vote for this treaty are the small number who believe we somehow should have a better treaty. If such people exist, I challenge them to produce their alternative treaty. They at least should have the decency to emulate Éamon de Valera by producing a Document No. 2 and by demonstrating how they intend to convince 26 other countries to agree to it instead. If they are unable to so do, they do not have a case at all.

One always should remember that fundamentally, the European Union is a peace project. Three great men, Monnet, de Gasperi and Schumann, came together and created a European Union after a century of war and the death of 100 million Europeans. Fundamentally, the European Union is a peace project and everything else is a bonus. It has been an extraordinary bonus in terms of the freedom to work, trade, travel or study anywhere one likes, the delivery of Structural Funds to Ireland and the other benefits of the European Union.

In terms of the emerging world of the next generation, it seems clear that by 2050 China and India will account for 50% of global GDP, only 7% of the world's population will live in Europe and 90% of people in the developing world will be born into poverty. If the world continues on that path, we will have mayhem. We do not need a United States which believes the solution is to occupy countries and bomb the world or a China which thinks what is needed is neo-imperialism and the invasion of countries to take away their resources. We need a strong Europe with strong values. Even though this is only a small and incremental treaty, it brings us some distance towards that goal. That is why I support the Bill and will campaign strongly for a "Yes" vote.

Deputy Seán Ardagh: I wish to share time with the Minister of State at the Department of Enterprise, Trade and Employment, Deputy McGuinness.

Acting Chairman: Is that agreed? Agreed.

Deputy Seán Ardagh: I wish to rebut the myths which Sinn Féin have put out regarding the Lisbon reform treaty. To a great extent, that party's claims are either demonstrably false or total distortions.

The first claim is that the treaty erodes Ireland's neutrality, which is completely untrue. Effectively, the treaty strengthens our capacity to help out militarily in ways that make Ireland proud but it does not directly impact on Irish neutrality. The provisions contained within it associated with qualified majority voting specifically exclude all future European security, defence and foreign policy matters which will continue to require a unanimous vote at EU level. The triple lock mechanism, whereby Dáil, Government and UN approval is needed before the Defence Forces enter action outside this country, remains in place. In an article in *The Irish Times* Dr. Tom Clonan has written:

Ratification of the treaty would have two effects in relation to Ireland's neutral stance. A Yes vote would preserve our sovereign input into EU security and defence decisions at the level of Council of Ministers. The treaty would therefore ensure that any decision about future common defence — or indeed any future EU civilian mission or military operation — could only be taken by unanimous vote at the EU Council of Ministers. By preserving the intergovernmental nature, with all EU member states having equal status, with regard to CSFP and ESDP decisions, Ireland would remain capable of effectively expressing its neutral stance in a manner that would meaningfully impact on EU defence decisions. In other words, a Yes vote would guarantee Ireland's ability to veto any future common defence concept — or indeed any EU military mission or operation that Ireland deemed inappropriate.

I think the European Union is ashamed of what happened in the Balkans in the 1990s. We should have been in a position to prevent the massacres that took place. In terms of the old concept of *noblesse oblige*, the Union was the power adjacent to the Balkans and, therefore, had an obligation to act. We failed to meet that obligation because we did not have the necessary protocols in place. The treaty will expand joint disarmament operations, humanitarian and rescue tasks, military advice and assistance, conflict prevention and peacekeeping and tasks of combat forces in crisis management, including peacemaking and post-conflict stabilisation, thereby contributing to the fight against terrorism, including by supporting third countries in combating terrorism in their territories. It will also allow us to act where there is the potential to do so to prevent wars and massacres such as those that occurred in the Balkans. Neutrality is not affected in any way in so far as the triple lock mechanism remains, while our capacity to contribute to operations addressed by the Petersberg Tasks is strengthened. We will be more able to perform our duties on the international scene.

In regard to Sinn Féin's claim that the treaty is undemocratic, Deputy Varadkar referred to issues such as the expanded role of the European Parliament and national parliaments and the new citizen's initiative. These will greatly enhance democracy in the European Union.

Sinn Féin claims that the treaty gives a number of new competencies to the European Union and will mark a move in a number of areas from unanimity to majority voting. To a great extent, this claim is true but the change will allow for more effective operation of EU institutions. Decisions will be made in ways that have benefited Ireland in the past and will benefit us even more in the future. Unanimity has been preserved in the areas which are of particular interest to us. The issue of taxation, in particular, has recently come to the fore because of the

[Deputy Seán Ardagh.]

red herring thrown out by the French in regard to the potential for a pan-European taxation system on the basis of charging tax where products are sold rather than where they are manufactured. Given the amount of Microsoft products sold in Ireland compared to the United Kingdom, France and Germany, we would lose out tremendously on that basis.

Sinn Féin also claims that the new voting system halves Ireland's voting strength but it has got its sums totally wrong in that regard. At least 55% of member states and 65% of EU citizens will have to show support in order to pass any proposal, which helps to protect smaller nations.

In regard to the claim that the treaty puts at risk our right to a referendum on future changes to existing treaties, it actually provides that any changes must be ratified in accordance with the constitutional requirements of each member state. In our case, therefore, a plebiscite would be required.

Ireland has benefited enormously from its membership of the European Union. The younger people in Ireland today do not see Berlin and Paris in the same way we used to see Cork and Galway. Travel has made the world a global village but within Europe, it is a smaller village still. The synergies that have developed, the benefit to the economy, the growth in GDP and the advent of the euro have all helped in such a way that it would be unthinkable for us not to follow through and vote "Yes" for the reform treaty and continue as a major player, though a small country, in the Europe of tomorrow.

Minister of State at the Department of Enterprise, Trade and Employment (Deputy John McGuinness): I first reassure Deputy Varadkar that, unlike what he said in his contribution, Fianna Fáil is not just geared up but is out there campaigning heavily for this referendum, as much as Fine Gael. We are deeply committed to the treaty and have had many meetings, not just in my constituency but throughout the country, where members of our organisation—

Deputy Leo Varadkar: Were they public meetings?

Deputy John McGuinness: They were meetings of the organisation and public meetings, including the European Union information meeting in Kilkenny. They have been good, well-attended meetings. We are doing as much as anybody else to ensure there is a "Yes" vote. I congratulate our new leader, Deputy Cowen. I have no doubt that once that business is finished, we will focus completely on ensuring there is a huge public debate on this issue. We are being told that we need to simplify the message, and that if it were simplified and made easier to understand, we would be far better off.

A campaign of fear is underway with many of the other political parties. In most of the debates I have listened to, they have raised issues that are not part of this treaty. They are simply flying kites and trying to ensure that people misunderstand the message. I ask people to consider generally the past 35 years of our membership and to ask, with all the scary stories they have heard, how did this type of Europe emerge if all of those scary stories were true. In fact, they are largely untrue. The stories and the debate that are now circling around, which are non-issues with regard to the treaty, should be nailed down and put to one side. Then let those parties which are voting "No" come clean and vote on the real issues that are relevant to this treaty.

The real issue is administration. It is about moving from a system that administered six European states to administering 27. I accept there will be changes and reductions of membership, which is not a bad thing because it will direct everything towards a concise type of debate and ensure that bigger or medium-sized countries look after those of a smaller size. It means that what is good for the bigger countries is good for the smaller countries.

We need only consider the investment through Europe that has taken place during Ireland's development. Some 280,000 jobs are secured by way of Irish companies trading within the European market, which is a significant number. I know from my discussions with Irish companies, and from travelling with them abroad and working with them through Enterprise Ireland, that there is a huge investment and commitment by Europe to establish a framework through the World Trade Organisation talks that will allow us to work and export to other countries. If we are to build on our export figures, we need a strong deal with Europe and we need Europe to make a strong deal with the other major world markets. We need to be out there working with those economies to ensure success for Irish companies doing business abroad.

It is significant that the argument by the "No" lobby with regard to Article 48, taxation and foreign direct investment is simply untrue — it is not a fact. I heard Mr. Ganley say in Kilkenny that this treaty was drawn up by fools and idiots, to quote him directly. That shows complete disrespect not just for the 27 states but for the public and the parliaments that subscribed to the formation of this treaty. He should be held to account on that. He also stated the treaty was bad for business. I ask Members what kind of trade they could envisage with no WTO arrangement and no European Parliament basis. Ireland would simply not be able to compete. We would not be able to gain that foothold within and beyond Europe that we need so badly to ensure the development of the economy into the future.

The treaty is about the institutions and ensuring that the administration is more competitive. It is about giving parliaments within the 27 member states the opportunity to debate the real issues around Europe. In this House, we debate the regulations in committee, when we have time. I was a member of those committees and saw the volume of regulation and commentary on Europe coming through. It would take a person's full time, 24-7, to deal with it. It would be no harm to bring this Parliament centre stage with regard to the development of legislation and regulations within Europe, which would help us have a significant input into what is happening.

I welcome the Charter of Fundamental Rights for citizens. The understanding of Europe among 500 million people in the 27 states rests on this. To think that they too have a mechanism for having issues raised, debated, corrected or highlighted is a significant step forward for these citizens of Europe. For myself, however, the treaty is about business. It is about ensuring we have a framework that will monitor what happens between states. We now have a Europe that is about peacemaking and European countries not being at war or in conflict with each other. The treaty is about reaching out beyond Europe to the other economies to ensure our foothold within the global economy is secure. Without Europe, it would be a very insecure place to do business.

In the context of the WTO talks and the new Europe, we need to consider trade facilitation, removing the bureaucracy from our exports, ensuring we can limit paperwork and perhaps creating a trading house or clearing house in Ireland to promote new opportunities in the financial services sector. There are new challenges but in the face of those challenges, there are new opportunities for Ireland. In the context of the world trade talks, we need to shove the WTO ever further in terms of trade facilitation and creating the ability for us to trade within the services we now export. Our export figures for services are hugely significant. Ireland is now the 12th largest exporter of services in the world. Where would we be without our attachment to Europe and without that significant framework which enables us to deliver that type of service?

With regard to non-agricultural market access, it is highly important that within that framework we get a significantly better deal than that currently on the table from the WTO. This can only happen by having partners within Europe with whom we can negotiate and by giving the lead in regard to how we deal with this treaty. I believe we are, in the majority, good

[Deputy John McGuinness.]

Europeans. While we want to debate the issues and have an input, there is nothing wrong with that. However, in having that input, people will find reasons to support the treaty if they give themselves a chance to consider even the simple explanations of this treaty. Once we support it, we can then place ourselves at the heart of Europe, within the centre, and say that we debated not just in this Parliament but outside in public debates. As Deputy Varadkar rightly said, we must go beyond our political system into the public system. That will attract the public to the debate and will inform them and allow them to make an informed choice. I ask the public to reflect on what we have gained from Europe and what we continue to gain. If they are given the opportunity to do that, the only answer is to vote “Yes”.

Deputy Terence Flanagan: I am grateful for the chance to speak on this important treaty. I welcome that the Government has named the date of 12 June for the referendum. I had reservations about the date not being set and the fact it was not doing any good for the “Yes” campaign. I am pleased the referendum on children’s rights will not be held on the same day, as this would have created more confusion than might already be the case.

We, in the Fine Gael party, have taken the lead in campaigning on this important treaty. We started our campaign a few months ago. Since then we have organised many public meetings throughout the country and leaflet drops in our constituencies. We have a proud record of supporting all previous European treaty campaigns and will do so again on this occasion.

In a nutshell, the treaty is necessary to cater for an expanded Europe of 27 member states with a population of 500 million. I will be voting “Yes” for the treaty because it will enhance human rights within the European Union. The Charter of Fundamental Rights of the European Union will become legally binding for the first time. This is a positive move because it will add a new level of protection to the rights of people of Ireland and elsewhere in the European Union. These rights include basic human rights such as human dignity, the right to life, the right to the integrity of the person, the prohibition of torture and inhuman or degrading treatment or punishment and the prohibition of slavery and forced labour. The charter is very detailed and includes 54 articles which cover economic, social and cultural rights, such as the right to choose an occupation and the right to engage in work.

In practical terms the Charter of Fundamental Rights ensures that if a person feels his or her rights are not adequately protected in his or her own country by the government in its implementation of EU law, he or she will have the opportunity to appeal the case to the European Court of Justice. The rights contained in the charter are not new, in that Ireland has already signed up to the Charter of Fundamental Rights for the EU. However, people are afforded a greater level of protection under the reform treaty.

Europe has been excellent for Ireland throughout our years of membership. As the Minister of State outlined, the European Union opened up significant opportunities for Ireland which helped sow the seeds for the Celtic tiger of the past ten years. We have received billions of euro in Structural Funds. Ireland has been in receipt of European funds since we joined the EEC in 1973. This has helped us build our vital infrastructure, such as the rail system and the valuable road network. If we did not receive this funding we would be in a much more backward situation currently. That is acknowledged in the signage on motorways and railway lines which bear the European Union flag.

Farmers have also benefitted greatly from the payments made under the Common Agricultural Policy process. I accept that frustration is evident among farmers regarding the level of red tape and bureaucracy with which they must comply but the system overall has benefitted farmers and the country in general.

The Common Market in Europe provided a framework through which Irish business has thrived. We have much more confidence in our own abilities in business, as well as access to

new markets and greater freedom of movement of goods within Europe. We have received all of these benefits through our membership of the European Union. In the 1960s and 1970s we were a small open economy which experienced high unemployment and mass emigration and we were totally dependent on the United Kingdom. We managed to reverse that situation by virtue of our membership of the European Union. Inward investment improved significantly also. Many multinational companies from America decided to set up their European headquarters here mainly to gain easy access to European markets. That would not have been possible were it not for our EU membership.

The passing of the treaty will further the cause of democracy in Europe. If national parliaments are unhappy with decisions made in Brussels, for the first time they will be able to refer their case to the European Court of Justice, especially when the Commission is seen to overstep its brief. The concept of EU citizenship is confirmed and developed in the treaty. Greater rights are accorded to citizens, allowing them to appeal to the European Court of Justice on various issues. The new citizens' initiative compels the Commission to take action once 1 million signatures have been received from a significant number of member states. This will help people feel they have more involvement with the decision making of the European Union and will allow for a greater sense of ownership.

The Fine Gael Party has a proud tradition in Europe. We are aligned to the European People's Party, the largest party in Europe. We are pro-European and have always supported the various EU treaties such the Maastricht treaty, the Nice treaty and now the EU reform treaty. Our party leader, Deputy Kenny, has organised numerous party meetings and information campaigns. Our party organisation is committed to putting the national interest above the party interest. Our message to all those people who are unhappy with the current state of the economy and other matters is to hold back and not to punish the Government on this occasion but to wait until the next European and local elections when they will get their chance to make their protest vote against the Government. They should not use the opportunity of the referendum on the reform treaty to vote "No" against the Government to hurt Fianna Fáil because it will not do the country any good. It is not in the national interest to vote "No" to this treaty.

Decision making will be faster as a result of endorsing the reform treaty. The expansion of the EU to 27 states makes it impossible to achieve unanimous backing from all members on areas of policy. The change towards qualified majority voting will mean a majority of the countries and a majority of the residents must vote in favour of a proposal in place of the current voting system. This will ensure larger states cannot dominate the process or bully the smaller states into making decisions with which they may be unhappy. The qualified majority voting system will help to protect everybody's rights.

This voting system will only apply to areas such as the environment and energy, security and justice and urgent humanitarian aid. These are areas where one member state acting on its own can have minimal influence, but where 27 states united can have a major impact. Ireland's veto in areas such as taxation and neutrality will still apply. One of the myths that has been propagated is that the treaty deals with abortion. That is untrue.

The appointment of an EU High Representative for Foreign Affairs will provide Europe for the first time with a strong and united voice speaking on our behalf in world affairs. Deputy Varadkar alluded to the famous quotation from Henry Kissinger: "Who do I call when I want to call Europe?" There will now be one contact in the person of the EU High Representative for Foreign Affairs. This will strengthen the position of the European Union and enhance its role on the world stage. In the run up to the war in Iraq, Europe was divided as to what approach should be taken and this allowed the Americans to determine policy which should not happen in future. A united voice will also be critical in trade negotiations with the World

[Deputy Terence Flanagan.]

Trade Organisation and other global bodies. The EU High Representative for Foreign Affairs will have a diplomatic service at his disposal, which will enable him and his staff campaign on behalf of the European Union and represent the position of Europe in a better way than is the case at present.

Irish soldiers will have a greater role in peacekeeping missions. Irish soldiers have taken part in a number of European Union and United Nations peacekeeping missions, including in Bosnia and Kosovo. The Government recently deployed troops to Chad as part of a peacekeeping operation to protect refugees fleeing the terrible conflict taking place in Darfur, Sudan.

Cuireadh an díospóireacht ar athló.

Debate adjourned.

Message from Seanad.

An Leas-Cheann Comhairle: Seanad Éireann has passed the Voluntary Health Insurance (Amendment) Bill 2007, without amendment.

Private Members' Business.

Cluster Munitions Bill 2008: Second Stage (Resumed).

The following motion was moved by Deputy Billy Timmins on Tuesday, 8 April 2008:

That the Bill be now read a Second Time.

Debate resumed on amendment No. 1:

To delete all words after “That” and substitute the following:

Dáil Éireann:

- welcoming the role being played by the Government in international efforts to secure a total prohibition on the production, stockpiling, transfer and use of cluster munitions that cause unacceptable harm to civilians through its active participation in international initiatives to address the issue comprehensively, in line with its commitments in the programme for Government;
- noting the convening by the Government of a diplomatic conference in Dublin in May 2008 to negotiate a new instrument of international humanitarian law on cluster munitions that cause unacceptable harm to civilians;
- recalling the intention of the Government shortly to establish a national committee on international humanitarian law;
- noting that this committee will have, as its first task, the preparation of comprehensive draft legislation to give effect to the new instrument and to enact a domestic ban, thereby enabling its early introduction in the Oireachtas;

resolves that the Cluster Munitions Bill 2008 be read a Second Time this day nine months.

—(Minister for Foreign Affairs.)

Deputy Caoimhghín Ó Caoláin: Sinn Féin welcomes the Cluster Munitions Bill 2008 published by Fine Gael. I echo the comments made by Deputy Timmins yesterday when he asked Deputies from all sides to support the passage of the Bill through the Oireachtas.

As it is rare that the occasion presents, I am sorry the Minister for Foreign Affairs, Deputy Dermot Ahern, is not present to hear me commend him for the role played by the Government in spearheading the Oslo process begun in Norway in February 2007 to establish a treaty to ban cluster munitions. Since then more than 80 states have endorsed the Wellington declaration and efforts will, I hope, conclude in Dublin next month with the first explicit international humanitarian law directed at the use of cluster munitions.

The Minister for Foreign Affairs has witnessed at first hand the devastation caused by cluster munitions in Lebanon following Israel's invasion in 2006. He also witnessed the role played by Irish troops in helping to clear what some reports indicate are more than 1 million cluster bomblets left unexploded throughout that country. Unexploded cluster munitions are also to be found in the former Yugoslavia and all over Iraq and Afghanistan. The lengthy period of time these unexploded bomblets — there are often as many as one in five of the devices in each cluster munition — can lie on the ground for unwary civilians to stumble across them is one of the most appalling attributes of a weapon incapable of distinguishing between civilian and military targets.

I also acknowledge that the Minister has given a commitment that the Government will end the investment of public money in the manufacture of these weapons. The proposal to write into legislation and thereby ensure no public funds will be invested in financing or manufacturing cluster munitions, the commitment contained in section 7(3) of the Fine Gael Bill, is to be welcomed.

I look forward to the wholehearted support of the Green Party for this Bill. In 2006, former Deputy Dan Boyle published the National Pensions Reserve Fund (Ethical Investment) (Amendment) Bill 2006, which I supported. At the time, the then Deputy pointed out that the pension fund was:

invested in unethical industries, including arms and tobacco. It would appear that, under the existing legislation, the NPRF Commission has an obligation to invest in such industries if it expects them to return maximum profits.

The Green Party proposed, in its Bill, to go beyond eliminating investment in companies which profit from the manufacture of cluster munitions and turn the pension fund into a tool of ethical investment.

As section 19 of the National Pension Reserve Fund Act stands, the only criterion for choosing where to invest public money is based on the best possible return on the investment. No restrictions apply and no areas of trade are to be deemed unethical or unsuitable for Irish money investment.

The National Pension Reserve Fund now amounts to €21.3 billion and holds shares in more than 2,500 companies and a number of other investment products. For this reason, while I support the Bill before the House and the efforts of the Government to divert our money from the manufacture of cluster munitions, I call on the Government, including the Green Party, to go further and amend the National Pension Reserve Fund Act. The legislation should be changed in order that Irish people can have absolute confidence that our money is not being invested in oppression and the abuse of human rights. We should not make a profit on the misery of others or watch our pension fund rise in tandem with the slaughter of innocent civilians in Iraq, Afghanistan and Lebanon.

In December 2003 an investigation by the publication *USA Today* found that US forces had used nearly 10,800 cluster weapons since the invasion of Iraq in February of that year, while their British allies had used almost 2,200 such weapons. During the 2006 Israeli invasion of Lebanon, the Israeli Defence Forces used artillery fired cluster munitions in populated areas

[Deputy Caoimhghín Ó Caoláin.]

of Lebanon according to Human Rights Watch. Researchers from that NGO also photographed cluster munitions in the arsenal of an Israeli artillery unit.

While I am supportive of the Bill, I propose to make a number of points on some of its sections. Section 3 states: “It shall be an offence for any person to trade in cluster munitions”. Trade is defined in section 2 to include the “transit”, “import” and “export” of cluster munitions. My reading of this definition is that it would be illegal for cluster munitions to be transported through Irish territory, seas or airspace. If this is the case, it underlines again the need for a regime of inspections to be put in place around flights through Shannon Airport. Similarly, if the Bill was enacted, the Government would be obliged to take proactive steps to ensure cluster munitions were not being transported through Ireland.

Section 3 may also have implications for Irish troops serving abroad as part of the EU battle groups. The French military used cluster bombs in Iraq and Kuwait in 1991 and notably in Chad in 1986. The French Government does not support the Oslo process for an outright ban on the use of these weapons but instead argues that the weapons can be made more effective by being made less harmful to civilians, although I wonder how it intends to do this. Its position is shared with Britain. If Irish troops were deployed abroad as part of an EU battle group which included French or British forces, a position in which we currently find ourselves, is it not possible that the armed forces of either of those countries might deploy with cluster munitions as part of their arsenal? In that case, it is theoretically possible that Irish troops could facilitate the transport, supply or storage of these weapons for the armed forces of other countries while on active service abroad. In such cases, what would be the legal position of the Irish troops? This House would be answerable in such circumstances.

While I welcome the suggestion of a register of prohibited investments in cluster munitions, as outlined in section 8, I would welcome from Fine Gael some clarification on how the party believes such a register would work in practice. I understand the regulations will be set by the Minister but I would be interested to learn how, in practical terms, companies would be identified and added to the list. Could a company establish a subsidiary to carry out the manufacture of cluster munitions while continuing to attract Irish investment into the parent company? How would this be established and monitored? The practical considerations of the proposal need to be spelled out. Would there be a need for an appeals mechanism where a company could argue that it did not trade in cluster munitions as outlined in the legislation?

I call on people to support the global day of action to ban cluster bombs on 19 April when the Cluster Munitions Coalition and Amnesty International are organising an event in Dublin. I urge Members to show their support in any practical way they can for these events on 19 April.

On behalf of the Sinn Féin Members, I register our support for this Fine Gael Bill as published. I urge support for it from all sides of the House. I am somewhat concerned we cannot proceed with the Bill immediately due to the Government amendment.

Deputy Mary Alexandra White: I wish to share time with Deputies Chris Andrews, Barry Andrews, Cuffe, Ardagh and Mulcahy.

An Leas-Cheann Comhairle: Is that agreed? Agreed.

Deputy Mary Alexandra White: I welcome the debate on this Bill at a time when we are also debating the future of Ireland’s role in the European Union and various issues of foreign and military policy, a good example of assertive and positive Irish neutrality.

Fine Gael is to be commended for introducing this Bill. There is a need for national legislation on cluster munitions and I welcome the forthcoming international convention to be

hosted in Dublin on the issue. The use of such munitions has been painfully clear in conflicts across the globe in recent years. They have not only been used by allied forces in Kabul, Kandahar and Mazar-e Sharif in Afghanistan but by Israeli forces in the Lebanon and NATO forces in Kosovo, where it is estimated 30,000 unexploded bomblets remain. Can one imagine being a parent there in fear of one's children picking up one of these gaudily coloured bomblets, knowing it could rip their lives apart?

The UK Ministry of Defence estimates 60% of 531 cluster bombs dropped by the Royal Air Force during the Kosovo conflict missed their intended target. The devastating nature of these bombs, which have indiscriminate and delayed impacts, are highlighted by UN statistics that state between 5% and 12% of such munitions do not explode on impact. They are a horrible, horrible weapon.

A recent report by Handicap International stated that research from 24 countries showed more than 11,000 confirmed casualties from cluster munitions. The figure could be as high as 100,000. Of the 11,044 cases discovered, 3,830 people were killed and the remainder injured. The term "remainder injured" is very easy to say; those people are maimed for life.

While approximately 98% of casualties were civilian, we will never know the full damage. I personally saw the effects of these bombs in south-east Asia in the late 1970s when I visited the Burmese-Vietnam-northern Thailand border. I saw people streaming across the border, fleeing conflict. Many were maimed, missing limbs, presumably due to land-mines and cluster bombs. It was a horrible sight.

I welcome the Government's efforts in leading the way on securing a convention outlawing such munitions and creating a new norm of international humanitarian law. Following on from the success of the Ottawa Convention and the consensus and military practices arising from it, the prospect of a Dublin convention, spearheaded by Norway, Austria and Ireland among others, is a result of sustained and energetic work from the Government and the Minister for Foreign Affairs, Deputy Dermot Ahern.

Another example of positive and ethical legislation emanating from the Government is the Control of Exports Act 2008, which I shadowed through the Dáil. Significant improvements have been secured by post shipment checking to ensure exports do not have a dual use and end up in the hands of those who want to maim and kill others in conflicts in China, Tibet, Burma and Pakistan.

Deputy Ó Caoláin referred to the issue of ethical investment by the National Pensions Reserve Fund Commission. My Green Party colleague Senator Boyle did much work in this area. It is important to ensure our pension moneys work ethically with no negative impact and exclude those involved in the manufacture of cluster munitions. The Green Party will work to ensure the ethical efficacy of the National Pensions Reserve Fund.

I welcome this debate and look forward to comprehensive precedent-setting legislation on cluster munitions.

Deputy Barry Andrews: I am grateful to Fine Gael for introducing this Bill in Private Members' time. I agree with Deputy White on the contribution made by Senator Boyle on the ethical issue of the National Pensions Reserve Fund when he was a Member of the Twenty-ninth Dáil.

The precedent set by the Government in seeking to withdraw the national pensions funds from companies involved in the manufacture of cluster munitions opens this debate into an interesting but problematic area. In pursuing these ethical goals, all noble, funding could be withdrawn from an unbelievable range of companies. It could be decided that any company operational in or benefitting from state contracts in an anti-democratic state, for example China

[Deputy Barry Andrews.]

and what it is doing in Tibet, should be included. Deputy Ó Caoláin raised an interesting point about subsidiary and related companies. How can we monitor, say, a French armaments company which sells other types of equally devastating ordnance?

Independent observers have identified that Barclays Bank closely supports the current Zimbabwe regime through its investment portfolio. The Mugabe regime depends on Barclays, as well as Standard Chartered Bank and Old Mutual Bank for its foreign exchange and survival. If Mugabe does not move out of power, despite the will of the people, will the Government withdraw its funds from Barclays Bank? Again, it is a sensitive issue.

Will we examine those companies which operate in states where democracy is in retreat, as in Russia, China, Iran, Pakistan, Kenya and Zimbabwe, to achieve a high level of ethical investment? I am not criticising the decision to withdraw investment from companies involved in the manufacture of cluster munitions. However, we have created a precedent and a proper debate is needed on future investments. I welcome that the Minister, Deputy Dermot Ahern, has made it become part of the political discourse in a healthy way.

The Irish economy relies to a great extent on investments in Asia and states like Saudi Arabia, a country with no democratic values whatsoever, where the protection of human rights and the principles of democracy are not the first order.

It has been widely recognised that the millennium development goal of 0.7% of GDP from developed countries for overseas aid will not be easily achieved. One suggestion to deal with a possible shortfall would be to have a global tax on the exports of armaments. This would raise funds for the delivery of vital investment for the millennium development goals. I call on the Government to consider taking this suggestion one step further. I acknowledge that the Government has done significant work in this area. It is an example of forward thinking in independent foreign policy and although we are in the EU, we can take the initiative and be an independent voice. That is the reason we became a member of the UN Security Council and we are recognised as having that voice.

We must take this a step further and consider seriously the millennium development goals, identifying the exports and trade in armaments as a sector where we could implement a global tax.

Deputy Seán Ardagh: I am delighted to speak on this motion because it is so important and timely. The action being taken by the Minister for Foreign Affairs in developing a diplomatic conference in Croke Park is an action on an international level of which we can all be proud.

Cluster munitions are air-dropped or ground-launched munitions that eject a number of smaller submunitions, with the most common types intended to kill enemy personnel and destroy vehicles. submunition-based weapons, designed to destroy runways and electric power transmission lines, deliver chemical or biological weapons or to scatter land-mines, have also been produced. submunition-based weapons can disperse non-munition payloads such as leaflets, although it is not recommended for one to canvass in this way.

It is unfortunate that these cluster bombs, although they are made for a particular use, cause suffering to innocent people such as civilians and, very often, children living in an area.

I was delighted that on 31 March and 1 April there was a conference of 39 African countries in Livingstone in Zambia to discuss cluster munitions. At the conference, the Dublin diplomatic conference was noted as one of the major areas in which action will be taken and these African countries are certainly looking forward to coming over to see that an effective and binding international instrument can be debated, agreed and put in place.

It was interesting that two countries, Egypt and South Africa, decided they did not fully want to go along with this. Egypt would not agree with the policy because it manufactures the cluster bombs and South Africa sought exemptions for certain types of cluster munitions.

This is all based on the declaration of the Wellington conference on cluster bombs held in February this year. The idea is that a solution will be concluded in 2008 — we hope it will come with the diplomatic conference in Dublin in May. It is affirmed that the essential elements of such an international binding legal instrument would include a prohibition on the use, production, transfer and stockpiling of cluster munitions that cause unacceptable harm to civilians. There should also be a framework for co-operation and assistance that ensures adequate provision of care and rehabilitation to survivors and their communities, clearance of contaminated areas, risk education and destruction of stockpiles.

Some 82 countries signed the declaration. Conspicuous by their absence were the United States and Israel. As Deputy Mary White stated, with the destruction which has been caused in the Middle East, Afghanistan and Iraq, it is disgraceful that the US and Israel try to wash their hands of responsibility in this matter.

I hope this resolution will be put in place at the Dublin conference and Ireland will be the first country in the world to sign up to that convention on a legal basis by having a Bill published, as the Minister stated is his intention. I am delighted this matter was brought up for discussion and I hope the project of a binding international agreement prohibiting cluster bombs will be put in place in the near future.

Deputy Ciarán Cuffe: I thank Fine Gael for reading the programme for Government so carefully. There is a commitment to a complete ban on the use of cluster munitions in the programme and in the absence of a full ban we will seek agreement on an immediate freeze on the use of cluster munitions, pending the establishment of effective international instruments to address humanitarian concerns regarding their use. There is a clear commitment, with which we are proceeding.

The issue clearly comes to a head as we lead into a very important conference in May. The global day of action to ban cluster bombs is Saturday week so it is a timely occasion on which to discuss the matter. The issue can be argued both ways. One can argue we should have the heads of legislation in advance of the conference or one can argue we should await the outcome of the conference before we put down on paper, in black and white, exactly what the State should proceed with. I recognise there are two sides to the argument. There is no doubt there is a genuine and strong Government commitment that is well on its way to being honoured in the early days of this Government.

I noted Deputy Caoimhghín Ó Caoláin from Sinn Féin wondered where was the Green Party commitments in this area, given the initiative of my colleague, Senator Dan Boyle, on investments. I am glad to state the National Pensions Reserve Fund is not investing in companies involved in the manufacturing of cluster munitions. That policy is well on its way to being implemented and I hope the National Pensions Reserve Fund will move even further to the kind of regulations and restrictions in place in some Scandinavian companies, where there is a blanket ban on investment in particular firms.

This is the direction we should take, be it with regard to armaments or other types of activities with which we disagree. Certainly, there is not too much sense in investing many millions, if not billions, of euro in health care for those suffering the ill effects of smoking while at the same time the National Pensions Reserve Fund invests in companies or industries which produce the cigarettes in the first place. We are seeing the start of constructive investment decisions and we could go much further in that area.

[Deputy Ciarán Cuffe.]

The Green Party spoke strongly on cluster bombs in many different fora. My colleague, Deputy Mary White, was involved in the constructive discussion of the Control of Exports Bill and my colleague, Nuala Ahern, argued very strongly for ten years in the European Parliament for a ban. She spoke about that in an opinion article in *The Irish Times* just less than a year ago. She pointed out that, historically, Ireland had led the way with the nuclear non-proliferation treaty. We need to demonstrate that scale and commitment with a cluster bomb ban and we are well on our way to doing that.

It is a direct indication of the commitment of the Minister for Foreign Affairs, Deputy Dermot Ahern, that he represents one of the seven countries pushing forward with the ban and is instrumental in hosting the conference in Croke Park in a month's time. At that stage we will see hundreds of delegates, all with one purpose in mind, to move ahead with the ban. I do not think it can be argued that the Government is dragging its feet in this area.

With the time remaining, I will point out the effects of cluster bombs. I will quote from a specific report by Landmine Action on cluster munitions in the Lebanon, which considers their use from 20 to 25 years ago rather than the most recent use of cluster bombs there. A gentleman from the west Beqaa region talks about hearing planes starting to bomb around him, stopping his car and going out to hide behind a large rock. He said:

I was trying to take care of my family. I could see the soldiers being killed by the bombing as I lay down on the ground to hide. Then I felt pain in my arm. A cluster bomb had exploded by my hand. The blood came out of my eye also. I stayed for 20 minutes lying on the ground. I tried to hold my hand. It came out of its place. I was holding my hand in my other hand. It was amputated. I thought I was dead. I also lost my hearing because of the explosion and a fragment meant I lost sight in my left eye.

This is the effect of cluster bombs and not only on adults. There are numerous accounts of children who played with cluster bombs and lost their lives when they exploded.

I welcome Fine Gael's interest in this area. However, I am of the view that substantial legislation relating to it will appear in the near future. I have no doubt that such legislation will lead the way internationally and will result in a ban.

Deputy Chris Andrews: I welcome the opportunity to contribute on this issue. It is not often the House gets the chance to discuss an issue in respect of which there is such a broad consensus and support.

Deputy James Bannon: In that event, the Deputy should support the Bill.

Deputy Chris Andrews: The broad support to which I refer was inspired by the successful campaign against the use of land-mines. The convention on cluster bombs will be every bit as successful.

It is important to remember that national co-operation is vital to the achievement of international co-operation. It is only with the latter that we can make some lasting improvements to the quality of life of those in war-torn areas whose lives have been so badly affected.

As previous speakers indicated, Ireland is playing a leading role in international efforts to negotiate the convention on cluster bombs. I congratulate the Minister for Foreign Affairs, Deputy Dermot Ahern, and his Department on all they have done to date. Their Trojan work has led to the holding of the conference to which reference has been made in Dublin in May. That conference will create a huge amount of goodwill among the international community

and will raise Ireland's profile. We hope it will also lead to a positive outcome. I have no doubt the latter will prove to be the case.

According to the Cluster Munitions Coalition, which is an international network, cluster munitions are stockpiled by more than 70 states. This implies that an overwhelming proportion of the world's population are affected by these weapons. Cluster munitions were first used in the Second World War. They were later used during the Vietnam War and created major difficulties in Laos. More recently, they were again used in the Israeli invasion of Lebanon during its conflict with Hizbollah. Cluster bombs are also being used on Europe's doorstep in Kosovo. I visited Kosovo last November and met a child who lost a limb as a result of a cluster bomb exploding. It was harrowing to see the damage done to that child.

Ireland's commitment to achieving its target is undisputed. The programme for Government commits us to a campaign for a complete ban on the use of cluster munitions. In the absence of a complete ban, we will seek an agreement on an immediate freeze on such munitions pending the establishment of effective international instruments to address humanitarian concerns regarding their use.

While I understand the Opposition's desire to enact domestic legislation, I support the Minister for Foreign Affairs' position that we should not prejudge or second-guess the outcome of the conference in May. We are taking a comprehensive approach to the development of the treaty and the most important thing is that we should encourage other states to become involved and support this initiative. International treaties do not come about overnight. A major amount of work is required in respect of them in the background at and on the fringes of many international conferences. Ireland is one of seven states — the others are Norway, Australia, New Zealand, Mexico, Peru and the Holy See — driving the Oslo process.

We must acknowledge that while making something illegal is extremely important, it is not the sole tool by which problems can be combatted. In that context, I wish to recall the words of Martin Luther King Jr., who said "Never forget that everything Hitler did in Germany was legal". The law in itself is not enough. We must support the law by issuing a moral condemnation of the use of weapons such as those under discussion. We must also provide humanitarian and financial support.

Ireland is working in close co-operation with NGOs and UN agencies to comprehensively address issues raised by the existence of unexploded cluster bombs. I welcome the work being done in this area by the Department of Foreign Affairs on the international stage in co-operation with the NGOs. I wish the Minister every success with the diplomatic conference in May.

Deputy Michael Mulcahy: I join my colleagues in genuinely congratulating Deputy Timmins and the Fine Gael Party on introducing this Bill. I do not believe there is one person in the House who disagrees with the spirit of the intention behind it.

During the previous Dáil, I had the honour to be a member of the Joint Committee on Foreign Affairs. One of my principal interests was the subject of nuclear non-proliferation. Those who know their history are aware that Ireland was the first country to sign the nuclear non-proliferation treaty, NPT, in 1973. In the recent past, when the Tánaiste, Deputy Cowen, held the post of Minister for Foreign Affairs, Ireland was a leading light in the New Agenda Coalition, which has sought to bring parties together and expedite a further enactment of something similar to the NPT.

Previous speakers referred to the fact that Ireland was one of the first signatories to the Ottawa Convention on land-mines. Ireland, therefore, has a strong and noble tradition in the fight against terribly harmful, evil, destructive weapons. Any efforts, regardless of the side of

[Deputy Michael Mulcahy.]

the House from which they come, directed against such weapons are very much to be commended.

I need not rehearse the facts relating to the May conference. This is not a simple area of law and it will not be easy to obtain agreement on the remaining aspects relating to it. The legislation that is eventually enacted — a group is engaged in work on it at present — will include provisions relating to the use, production, stockpiling and transfer of cluster munitions, the giving of assistance to victims of cluster munitions, the clearance of areas contaminated by unexploded cluster munitions and assistance in the destruction of stockpiles of cluster munitions. Some of the generous foreign aid we provide could be used to in this area.

The Bill has a number of flaws. It is too narrow in its focus and the definition of trade contains words which do not suit their purpose. There is a need for much more comprehensive legislation. I do not agree with the notion that every bank should be obliged to submit a report at the end of the year to the effect that it has complied with the law. The law is the law. I do not submit to any authority at the end of each year stating that I have complied with the law. If trade in and use of these munitions is illegal, it should be taken as read that financial and other institutions are obeying the law. I would not support creating new elements of bureaucracy merely for the sake of doing so.

This is an important debate. I hope it helps bring to the attention of the public the fact that this matter is at the top of this Administration's agenda and not just by reason of the programme for Government. As already indicated, Ireland's role in nuclear non-proliferation and its involvement with the Ottawa Convention on land-mines show that successive Fianna Fáil Governments, and other Administrations, have been absolutely committed to the fight against not only nuclear weaponry but other types of inhuman and destructive weapons. Successive Fianna Fáil Governments, and other Governments, have been absolutely committed to the fight not just against nuclear weaponry but also other types of inhuman destructive weaponry. I welcome the opening of the debate. The Government amendment proposing that we adjourn this for nine months is eminently reasonable.

Deputy Lucinda Creighton: I wish to share time with Deputies Breen, Bannon and Doyle.

An Leas-Cheann Comhairle: Is that agreed? Agreed.

Deputy Lucinda Creighton: I am pleased to have the opportunity of speaking on this important motion and I thank Deputy Timmins for giving me this opportunity to speak. Deputy Timmins brings to this House a thorough and deep understanding of military and humanitarian issues from his time serving in the Defence Forces and, in particular, a deep understanding of the death and destruction wrought by modern warfare from his time spent in the Lebanon. I thank my colleague for introducing this Bill and for playing a proactive and campaigning role in seeking to tackle the policy issues that go to the heart of who we are as a nation. I propose to speak about why cluster bombs need to be removed from the arsenal of modern warfare and to focus in particular on what we, as a forward-looking nation, can do to make sure that any ban put in place is more than just empty rhetoric.

Cluster munitions stand out, even by the horrific standards of modern warfare, because in terms of both space and time they are utterly indiscriminate. In recent years the carnage caused by land-mines has been brought to the attention of the public, but cluster munitions are even more indiscriminate. Land-mines have had much publicity over the past number of years, but there has not been an equal emphasis on cluster munitions. With land-mines, a record of minefields can theoretically be kept to facilitate post-conflict clearance. Cluster munitions, however, are scattered all over an area, usually from aeroplanes. They cover an area larger than

a football field, killing and maiming indiscriminately. Like land-mines, they fail to discriminate between soldier and civilian and between adult and child. With their tendency to fail to explode on impact, these bombs end up lying in wait for innocent victims for many years.

Cluster bombs are also indiscriminate in terms of time. Many of the civilian victims of cluster munitions are killed or maimed long after conflict has ended. In Laos, four innocent boys were recently killed by a cluster bomb which had been lying in wait for more than 30 years. In this and the other examples given by my colleagues, we see that time can be meaningless with these munitions. The end of conflict and the cessation of hostilities should allow nations and people to get on with their lives and try to rebuild their homelands, but if we allow the use of cluster bombs to continue we will be allowing the continuation of killing long after official cessation of hostilities.

The real question is not whether cluster munitions are reprehensible. On both sides of the House we can agree they are unacceptable. The real question is what we are going to do about it. We as a State neither make nor use cluster bombs. That is why this Private Members' Bill is unique. We are not satisfied just to make noise on this issue. We want to tackle it comprehensively on a number of levels. In so far as we are eventually going to accede to the currently drafted convention on cluster munitions, we can commit in international law to prevent the fabrication, use or sale of these munitions in Ireland. This would merely be a symbolic and somewhat empty gesture and would have no effect in reality since Ireland does not make, use or sell these munitions. However, Ireland's participation in the Wellington declaration is still worthwhile, since it sets an example and emphasises the standards that we expect from civilised members of the international community. It also contributes momentum to the campaign for a global ban on these munitions.

I welcome action at the level of international law. However, what sets this Fine Gael Bill apart is that it proposes concrete action from the Irish State, action that will produce results on a practical level immediately. This Bill would prevent Irish banks and pension funds from investing in or financing companies involved in the trade of cluster munitions. There are few Irish people who would, if asked, say that they had invested in or financed the trade of these deadly weapons and even fewer who, if asked, would say that they wished to do so. Yet Deputy Timmins has calculated the total Irish investment in cluster munitions through public and private pension funds to be more than €100 million. A large number of Irish people are funding this deadly trade inadvertently. Their money is being used to finance death and destruction. This Bill allows us to make a practical and effective difference. It allows us to ensure that our money is not funding this deadly trade. It allows the Irish people to be confident that their pensions and investments reflect their social and moral viewpoints.

In the age of globalised trade and international politics, it can be hard for a nation of 4 million people to make a difference. It can seem as though we are powerless in the face of global conglomerates and international finance, powerless to have our voices heard and stand up for our moral convictions, powerless to shape the course of international affairs to our social and moral beliefs. This Bill is timely in that it goes some way in assisting and allowing us as a nation to have an opportunity to stand up for things we believe in, for the values and goals of our society that can be projected onto the global stage. That is something that should not be dismissed by the Government.

It is important that this issue, which has not received sufficient attention in Ireland or internationally, is now brought to the fore. We have an opportunity to set a standard that raises the bar internationally. Ireland has the opportunity to show leadership in setting higher standards for ourselves. I urge the Government to consider the viewpoint being put forward by Fine Gael. There is no need for Irish people to be duped into funding an arms trade they do not

[Deputy Lucinda Creighton.]

fundamentally support. This Bill offers a morally and socially improved approach to dealing with such issues. I have mentioned the scourge of land-mines. My belief is that the deadly impact of cluster munitions exceeds that of land-mines as it is not quantifiable or controllable. In contrast to the usual rhetorical idealistic statements that are put forward, which have very little substance, this Bill offers a real and meaningful opportunity to do something concrete on behalf of Irish citizens. I ask that the Government consider the viewpoint of the Fine Gael Party and its foreign affairs spokesperson, Deputy Timmins, who has a clear and deep understanding of these issues, far greater than the majority of Members of the House. I thank the Leas-Cheann Comhairle for the opportunity to speak on this motion and I commend the motion to the House.

Deputy Pat Breen: Like Deputy Creighton, I congratulate Deputy Timmins on bringing forward this Bill. As Deputy Creighton and other speakers have pointed out, Deputy Timmins has a vast wealth of experience in this area, having served in the UN and been a member of the Defence Forces. I am disappointed, however, that the Minister, Deputy Dermot Ahern, is unwilling to accept the Fine Gael Bill and instead is awaiting the deliberations of the Croke Park conference.

Ireland was in at the start of this process as a member of the core group of the Oslo agreement, with Austria, the Holy See, Mexico, New Zealand, Norway and Peru. We have played a key role in progressing this work to date, which is why I feel that Ireland should continue to push the agenda with the international diplomatic conference taking place in Dublin from 19 to 30 May next. This is our opportunity as a nation to convince those countries that are still not committed to an outright ban to come on board at the forthcoming conference.

Significant progress has been made since the late Princess Diana was photographed touring an Angolan minefield in a flak-jacket and helmet. Her actions at the time influenced the signing of the Ottawa treaty, which created an international ban on the use of anti-personnel land-mines. Since that first conference, which took place in Oslo, progress has been made at further conferences in Lima, Vienna and more recently in Wellington, New Zealand. At the first ever meeting of African countries concerning cluster bombs, 38 of the 39 countries attending the meeting endorsed a strong political “Livingstone Declaration” committing them to negotiating a global ban on the weapons at the Dublin conference. South Africa was the only dissenting voice, arguing that cluster bombs are 98% reliant.

Other countries such as the United States, France, Japan, the United Kingdom and Germany are proposing transition periods and are making every effort to have any international agreement watered down. In the US the Foreign Operations Appropriations Bill 2008, sponsored by Senator Patrick Leahy and Senator Dianne Feinstein, passed through the Senate. The Bill’s provisions have been cautiously welcomed by human rights and humanitarian groups. However, the US ban is only for one year, while we want to see a complete ban on the use of cluster bombs.

I welcome the Minister’s commitment to establishing a national committee on international humanitarian law, which will have a key role in making recommendations and proposals for incorporating humanitarian law treaties into Irish law. Although cluster bombs fall under the general rules of international humanitarian law, we still have no international agreement on their complete ban. It is important therefore that there is no further delay in setting up the committee. The work of preparing the legislative programme for the Dublin conference should get under way immediately because the conference will attract an international focus.

Sections 7 and 8 of the Bill proposed by Deputy Timmins provide for reporting requirements for banks and financial institutions and allow for the creation of a register of prohibited investment in cluster munitions.

The Minister's commitment that no public funds will be invested in cluster munitions by way of the National Pensions Reserve Fund is welcome. The Minister's promised legislation will be brought forward to give affect to this, but this provision is already incorporated in the Fine Gael Bill now before this House. Any amendments to the Bill could have been put forward on Committee Stage.

New Zealand also appears ready to support a similar move. The guardians of the New Zealand pension fund recently announced their intention to exclude companies that remain involved in the manufacture of cluster munitions. According to reports, an exclusion plan will be implemented when New Zealand signs the treaty prohibiting cluster munitions. I urge the Minister to convince all countries that sign up to any new treaty on cluster munitions to support this line.

Section 6 provides for the confiscation and destruction of cluster ammunition. While the provision is unlikely to have to be invoked here, many countries continue to suffer the consequences of unexploded bomblets long after conflicts have ended. The area, or footprint, as it is known, of a single cluster bomb can be as large as two or three football fields, as Deputy Creighton said.

Handicap International studied the effects of cluster bombs in 24 countries and regions, and found that civilians make up 98% of those killed or injured. Of that figure, 27% of the casualties were children. In 2003, 13,000 cluster bombs, including nearly 2 million bomblets, were used in Iraq. Most recently, it is estimated that Israel dropped 4 million bomblets in southern Lebanon and Hezbollah has also used cluster bombs on targets in Israel. During the bombing of Afghanistan, the Red Cross had to issue warnings to Afghan children not to touch or play with the bomblets that were dropped there.

In the village of Qala Shatar near Harat, for instance, a 12 year old boy picked up a bright yellow soda can and thereby lost his arm. He is not alone as civilians, especially children, continue to suffer. In the Rashd Valley in Tajikistan on the Afghan border, the Government is still battling to clear the bomblets. Two years ago, a ten year old boy called Samir went out to gather firewood for his parents. He picked up a shiny metal ball and was lucky to survive, although the bomb exploded shattering his knee and left him partially blinded.

On 12 June 2007, the International Criminal Tribunal for the former Yugoslavia held that the former president of the Serbian Republic of Krajina was criminally liable for deaths and injuries resulting from cluster-munition rocket attacks on Zagreb. In some attacks on Zagreb, civilians were intentionally targeted. In post-war Kosovo, unexploded cluster bomblets caused more civilian deaths than land-mines.

The majority of casualties are from poorer countries where millions of such devices have been scattered over hundreds of square kilometres in many countries. The humanitarian suffering that continues in numerous countries plagued by the lasting effects of these bomblets is the sad legacy of years of conflict. Governments can no longer ignore the long-term effects of these weapons which can remain dormant for years before being detected.

The International Committee of the Red Cross has called for the urgent conclusion of a global pact to ban cluster weapons, even if the big superpowers like Russia, China and the United States are not ready to join. However, I do not want to see any exclusion or derogations from a new treaty. Countries should sign up to a complete ban and we must seize this opportunity to do so. Ireland can play an important role, which is why the Government should be leading the way by having our legislation in place before the Croke Park conference.

[Deputy Pat Breen.]

During her visit to the Angolan minefields, the late Princess Diana stated: “The world is too little aware of the waste of life, limb and land which anti-personnel land-mines are causing among some of the poorest people on earth.” We have banned anti-personnel land-mines so now let us take the next step and ban cluster munitions. We must prevent the next large-scale humanitarian catastrophe before more countless innocent people are injured or killed. Deputy Timmins’s Bill charts the way forward for the Government. I urge the Minister to take on board the proposals from this debate. I wish him well in striving to secure agreement at the international diplomatic conference in Croke Park in May.

Deputy James Bannon: I join my colleagues in congratulating Deputy Timmins on bringing this legislation before the House and into the public arena. I am disgusted with the Minister for speaking from both sides of his mouth on this issue. While paying lip service to what is, I am sure, a genuine commitment to facilitate the total abolition of the production and stockpiling of cluster munitions, the Minister seems constrained by another agenda which, it is common knowledge, concerns the National Pensions Reserve Fund. What goes on behind the scenes or who is advising or constraining the Minister will not of course be revealed here.

I do not dispute the Minister’s contention that he is passionate about this matter and I know he was referring to the former rather than the latter area of discussion on this Bill. Who could not be passionate about the elimination of one of the most diabolical forms of warfare ever invented? *The Independent* newspaper in London has welcomed the worldwide efforts to remove such an evil as “Cluster’s last stand”. It is to be hoped that this is the last stand and that Ireland can play its part in the total abolition of such weapons. It should not be surprising that cluster bombs were invented by the Nazis in the 1940s, when we consider the pure evil of these devices that have brought such a scourge to the world.

What distorted thinking could invent a weapon of destruction that has a fatal attraction for children? This is something to which my colleague, Deputy Breen, referred. It is horrifying to think that something is so brightly coloured and attractive that it calls out to be played with has killed or maimed so many children, including children here in Ireland. With 132 million unexploded bombs lying in wait for the unsuspecting in 20 countries worldwide, the prospect for future generations is appalling.

Cluster bombs are so called because as they fall they separate into dozens of small, bright yellow bomblets, each one being about the size of a can of coke. These weapons currently cannot be aimed at a specific target but it seems that President Bush’s apparently soon to be released super cluster bomb is set to change that. It will have the capacity to take out a number of specified targets.

In January this year the United States said it was ready to create a rapid reaction force to defuse bombs left over from conflicts. It committed a new force to going at short notice to places where civilian populations were at risk. This represents progress on one hand but the reality is that too many countries are still stockpiling such weapons, in direct contradiction with such initiatives. The US is one such country and Russia, China and Israel are also to the fore.

The other side of the coin to be considered in this debate is the matter of the pensions funds. It is ironic and very sad that a pension fund, which should be associated with peaceful and safe retirement, can be associated with an area of horror and destruction. This Bill would allow for the elimination of any benefit from investment in the trade of cluster munitions, though it is horrifying that it should have to do so.

This Bill has been brought forward in the spirit of the removal of human suffering but the Minister's comment last night left me unable to understand his contention that this is a matter he feels passionately about. Which aspect, in particular, causes such a response? I certainly do not mean to imply that business concerns could in any way cloud the Minister's judgment, but what are we to think? On one hand there are admirable Government initiatives on this matter that will see a world focus from like-minded nations when Ireland hosts the Croke Park conference. I note the Minister, through his amendments, is procrastinating in true Government style on what should be a cut and dried matter. That is unless there is a subtext of which we are unaware.

The crux of the matter is the domestic ban but to say that in this House feels strange. It may not be politically correct to say so, but I remind the House that Ireland is a neutral nation. Matters of war do not concern us in terms of the stockpiling and production of cluster munitions. However, rationalise as we might, we are still guilty, to some extent, of the promotion of cluster munitions and this applies particularly to the Minister.

For the Government to vote against this Bill is to make a mockery of the Croke Park conference. As I said earlier, paying lip service is the name of Minister's game.

Deputy Andrew Doyle: Deputy Timmins is my constituency colleague so I will desist from praising him, lest anyone should consider me guilty of favouritism. I have heard much praise from the Government benches tonight and to quote Marc Antony in Julius Caesar, "I come to bury Caesar, not to praise him". At least he was honest.

If we view the glass as half full, with regard to agreement on this Bill, we can say that we all see that cluster munitions are terrible things that create anguish, pain and suffering and do horrific damage. The issue is whether this Bill is premature, coming, as it does before the famous and welcome conference in Croke Park in May. I do not believe it is premature, it simply sets out to let the country make a statement, before it hosts a very important conference. We can state that we have taken concrete steps to ensure no financial gain shall accrue to any Irish citizen or the Irish Government from the trade in cluster munitions. We can also state that no money from this Government, or the people of this State, will be invested in the further development of this industry. This is the simple message behind this Bill.

People say that Ireland is only a small nation but I have heard Government spokespeople, particularly in the Green Party, speak of the power of one and the example we can set. What would be the harm of having this Bill in progress, if not enacted, by the time of the May conference? This Bill could be a statement of our intent and the serious view we take of this matter. Similar legislation exists in New Zealand.

Some €100 million of Irish money is invested in this industry, yet it has been suggested that this should not be reportable at the end of the year. I take issue with the Deputy who said we do not have to report. We have to report everything to the Standards in Public Office Commission at the end of each year. We must report that we are tax compliant, though we have heard enough about that issue through another matter that has gone on long enough in this House. It is incorrect to say we do not have to report — we do, and this is only right.

There are enough profitable companies in the world, including pension fund companies and banks, and if they cannot make a profit for investors without putting money in an industry that creates such mayhem and carnage, they are not fit to function.

Amnesty International made the point that there is no threat to Ireland's role as a UN peacekeeper. Contributions last night referred to a statutory instrument and amendments that would be made to this Bill on Committee Stage. The Bill deals in a straightforward way with

[Deputy Andrew Doyle.]

the involvement of Irish money in the cluster munitions trade. It will allow Ireland to send a message that it wants no hand, act or part in the area, even if it is for financial gain.

Over the years I have seen demonstrations in Shannon and heard calls for bans on stopover flights. Many complicated issues have been thrown around because they were good for sound-bites. Some people may consider this Bill boring and mundane but it is a concrete statement we can make so I commend it to the House.

Within nine months, after the Croke Park conference, the Government will move its own Bill, which will supersede and undermine this Bill. The Opposition has gone to some effort to bring forward a Bill that could win the agreement of the House; the sentiments of Government speakers so far indicate that this is possible. The Government should be magnanimous enough to embrace this Bill.

Minister of State at the Department of Foreign Affairs (Deputy Michael P. Kitt): I welcome this debate and support the Government amendment. Over the past two days contributors have spoken of the untold harm caused by cluster munitions to civilians in many parts of the world since they were first used in the Second World War.

They are frequently used indiscriminately, harming civilians within range, and their high failure rate creates an enduring hazard of unexploded ordnance that can cause casualties and severe economic and social consequences, long after conflict has ended. At present, international humanitarian law does not adequately address these concerns. Inspired by the Minister for Foreign Affairs, Deputy Dermot Ahern, the 2007-12 programme for Government commits us to “campaign for a complete ban on the use of cluster munitions. In the absence of a full ban we will seek agreement on an immediate freeze on the use of cluster munitions pending the establishment of effective international instruments to address humanitarian concerns regarding their use”.

The Minister and the Department of Foreign Affairs have worked intensively over the past year to implement Government policy and to achieve progress through a legally binding convention prohibiting cluster munitions that cause unacceptable harm to civilians. As Deputies are aware, it is envisaged that the negotiations at the diplomatic conference in Croke Park next month will finalise just such a treaty. I understand that more than 150 member states will attend as well as an extensive number of NGOs.

Strong political momentum exists for action and agreement and we are confident that we are on track for the adoption of a Convention which will be comprehensive and effective and will get users, producers and cluster munitions-affected states on board. I have not heard anybody disagree with the broad thrust of the policy approach being taken by the Government or with the importance of this issue in the context of Ireland’s foreign policy and significant contribution through peacekeeping and humanitarian assistance. Everyone believes in the importance of achieving agreement on an effective international instrument to address the unacceptable humanitarian impact of these heinous weapons. We all want to see a total domestic ban on cluster munitions.

The provisions of the convention should be carried forward into domestic legislation and policy, not just to prohibit the use, production, stockpiling and transfer of cluster munitions, but also to make provision for assistance to victims, for the clearance of areas contaminated by unexploded cluster munitions and for assistance in the destruction of stockpiles. We all agree that public funds should not be invested in companies involved in the manufacture of these munitions. The differences between us relate to how best to achieve the outcome we want and how to legislate for it. The Minister for Foreign Affairs made it clear last evening that this is something which should not divide the parties in this House.

The Government believes we should take a comprehensive approach to the issue and is determined to have legislation of the very highest quality. We should not pre-empt the outcome of the negotiations on the new convention and to enact legislation in advance of this risks failing to provide adequately for all the obligations the State will assume under the new instrument.

To ensure that the legislation is of the best possible quality, the Government has agreed to establish a new national committee on humanitarian law, which will have, as its first task, preparation of comprehensive legislation. The intention is that the committee will begin its work in advance of the diplomatic conference so that the Oireachtas will be in a position to enact legislation at an early date and enable Ireland's early ratification of the new convention. In consultation with all parties, the draft legislation will be given the necessary priority in the Oireachtas timetable.

Ireland was one of the first countries to ratify the Ottawa Convention and it would be an honour and a reflection of the views expressed throughout this debate for us to be one of the first to ratify the cluster munitions convention. In fact, 95 member states have said they agree.

I appreciate the motivation of the Opposition in wishing to provide leadership in advance of the Dublin diplomatic conference and to contribute to international efforts to outlaw cluster munitions. It will be equally important to lead the way in ensuring that each state implements the commitments undertaken in the convention in their own national legislation and practice. We will have an opportunity to set an example later in the year through a comprehensive approach to our own national law. As the Minister for Foreign Affairs said yesterday, we want this to be the comprehensive model for other nations sharing our determination to rid the world of these munitions.

The Government is proposing that the House should postpone the Second Reading for nine months, with a view to enabling a more comprehensive approach to the question of cluster munitions to be taken by the House. In the interim we will be pleased to keep Deputy Timmins and other interested Deputies briefed on developments. I ask that we all work together to achieve this and that Deputies on all sides support the Government's amendment.

Deputy John Deasy: I wish to share time with Deputy Timmins.

An Leas-Cheann Comhairle: Is that agreed? Agreed.

Deputy John Deasy: My first point concerns the announcement by the National Pensions Reserve Fund about withdrawing €27 million investments from a number of companies that manufacture cluster munitions. I note that the fund uses the Norwegian Government's list to identify those particular companies. Norway is not a member of the European Union. I suggest that the Government attempt to make the step our National Pensions Reserve Fund has taken European policy. The Minister should raise the matter at the Council of Foreign Ministers and put it to our European partners that this is an issue that should be considered. My sense is that some of our EU partners will accept the concept but that others may not embrace it wholeheartedly. I guess that some of those countries' pension funds, particularly the larger nations, will have invested far more than €27 million in the companies manufacturing cluster munitions. How many of those member states will be members of NATO? Even so, some of those NATO members have already initiated bans. If one is to take a lead on this issue, one needs to address it where it counts, that is, where the money is.

Some years ago when I was a US congressional staffer, I was lobbied about the banning of personal landmines. I agreed with the lobbyist who was bringing it to the congressman's attention. I wrote a recommendation asking the congressman to sign my petition but he rejected it.

[Deputy John Deasy.]

He made it clear there were many manufacturers of armaments in his congressional district and they contributed a great deal of money to the local economy.

With regard to the US position, its reluctance regarding the banning of cluster munitions seems to be based on an idea that they can be an effective military weapon when deployed properly. The fact remains that regardless of proper deployment, whatever that means, they have a guaranteed disastrous effect on civilian populations. Even though the US did place a partial moratorium in December 2007 on the sale of cluster munitions, it is time it put a permanent ban on the sale, stockpiling and transfer of these weaponry.

A briefing paper I received recently on EU member states and their positions states:

Most EU member states have shown interest in the process while also expressing a desire for complementarity with the Convention on certain conventional weapons. Only Poland and Romania have refused to engage, although Finland also has difficulties and is unlikely to stay the course. Belgium, Austria, UK, Hungary and the Netherlands are among those states which have adopted varying degrees of national moratorium on the use of cluster munitions. Germany has been most active in trying to develop a definition and lead-in period for prohibition. In discussions recently, a number of European countries, including France, Germany, Denmark and the UK identified serious concerns about the provisions on definitions and scope.

It is clear from this there are members of the European Union who, for varying reasons, have different opinions on the different conventions. At the very least we should pose the issue raised by our pensions reserve fund at EU level. That is something that either the Minister of State, Deputy Michael Kitt, or the Minister, Deputy Dermot Ahern, should do.

On the Government's unwillingness to accept the Fine Gael Private Members' Bill, it is disappointing the Government has no intention of judging this on its merits. Deputy Timmins is correct in saying there is no reason changes or additions to the Bill cannot be made on Committee Stage. In my opinion, the Government could have accepted the Bill. We would not have had any difficulty in deferring Committee Stage.

I wish to respond to a comment made last night accusing Fine Gael of potentially dividing the House by pressing the Second Reading of this Private Members' Bill. The Government's less than gracious and slightly patronising attitude towards the Bill is responsible for any potential division on this issue. There is no need for a vote on this and everybody knows that but it is entirely the Government's decision.

When looking at the issue I was struck by one statistic. A report was carried out which indicated that 98% of casualties from cluster munitions were civilians. That tells its own story. I was in Cambodia last year and I have an image of farmers working in the fields there. At the same time one can see the sign with the skull and crossbones beside them indicating a minefield. At the time the ground was hard but the position changes drastically when the rainy season comes because the ground is softer and the weight of a man, woman or child can set those mines off. That is the situation in which they find themselves but they have no choice. Effectively, by working they risk everything. When researching this issue, I was struck at the enormous amounts of bomblets and ordnance that have been deployed in places such as Iraq, Kosovo and the Lebanon and the lasting danger to the civilian populations in those countries. For example in Laos there were 9 million unexploded submunitions, many of which will continue to cause casualties. I have read the Government's amendment and I have no great difficulty with it but I do not think it is necessary. By tabling this amendment the Government has

unnecessarily ruled out the prospect of the Irish Parliament supporting this issue collectively and that is unfortunate.

Deputy Billy Timmins: I will follow the example set by my constituency colleague, Deputy Doyle, and take poetic licence with King Lear: “How sharper than a serpent’s tooth it is, To have a patronising Government”.

I will not embarrass the Minister of State at the Department of Foreign Affairs, Deputy Michael Kitt, by quoting from his speech during the Private Members’ Bill on land-mines when he was in opposition. It is not my intention to embarrass the Government.

Two and a half years ago I published the Good Samaritan Bill, debated during Private Members’ Business. The then Minister for Justice, Equality and Law Reform stated that the Bill was flawed. It was not flawed. The Law Reform Commission recommended that such legislation be introduced and proposals from interested parties have been sought. If that legislation had been introduced we would have more defibrillators in Ireland and people’s lives could have been saved. The Minister did not agree because he displayed arrogance symptomatic of this Government in the past few years. I do not say that lightly.

I thank those on this side of the House who participated in the debate, particularly my party colleagues. I acknowledge the role of Fine Gael staff, including Jim Duffy and particularly Jennifer Carroll, who do much work behind the scenes. Fine Gael does not have the army of resources that the Government has. I thank Deputy Michael D. Higgins, who made an interesting contribution, suggesting that the matter could be addressed through statutory instrument. That would not have addressed the financial aspect. I thank Deputy Ó Caoláin, who spoke for Sinn Féin.

It took a long time to formulate this Bill. The timing is suitable but the germination of the Bill was set in train long before we realised there would be a conference in May. I thank Deputy Pat Breen, Fine Gael spokesman on human rights and the encouragement of Pax Christi and Mr. D’Costo.

I thank the Government speakers who raised many relevant issues. Deputy Barry Andrews spoke on the broad concept of ethical investment. No one in the House has a monopoly on concern for human rights. Fine Gael will not genuflect or bow to any party with respect to the issue of human rights. By the same token, we will not beat our chests expressing moral indignation.

We had a heated debate on Tibet and China today when every Member wanted the same goal. However, there was disagreement and intolerance on how this would be achieved. I regret that this happened. Fine Gael does not believe that athletes should be used for a meaningless gesture. In 2007 we had exports worth €1.2 billion and imports worth under €5 billion from China. We had several trade missions to China. In all the speeches today there was only one mention of human rights. We must go down this route and should keep athletes out of this matter. Momentum will build in this country to involve the Olympic Games. Let us not grant the Olympic Games to China but we should not involve the athletes in the issue.

I referred to Ms Hilde Johnson in my speech last night. She told a story in the opening address at the Wellington Conference on cluster munitions about children in southern Laos searching for little crabs who were blown up. Let us picture the young children in Curracloe running after a beach ball. In the sand dunes the children spot a little yellow object, an attractive object, as Deputy Bannon mentioned. All of a sudden there is an explosion and all are blown to kingdom come. That happened to several young children in the Glen of Imaal in the late 1970s. Three young children were killed when they came across an unexploded mortar bomb and, not knowing what it was, banged it against a rock.

[Deputy Billy Timmins.]

Some countries have taken unilateral steps to give the process added momentum following the Oslo accord and in advance of the Croke Park conference. Britain has done it and the big, bad USA, which is not a party to the Oslo accord, has taken steps by signing legislation to deal with the issue to some degree. It has signalled its intention to move on this area. It is regrettable that we have not done so in Ireland.

Deputy Deasy referred to the Minister stating he did not want to divide the House. The power to divide the House does not lie with the Opposition but with the Government. The Leas-Cheann Comhairle was involved with the Civil Unions Bill, which was tabled in the last Dáil. The Leas-Cheann Comhairle was patronised by those who told him there would be a Second Reading of the Bill within nine months. Where lies that Bill today? It is not even in the vaults of Leinster House but in some shredder, as our Bill will be.

The Bill adheres to all policy principles advocated on both sides of the House. The Bill is not flawed and if it was the Minister would not have agreed to a Second Reading in nine months' time. I appreciate that the Minister did not play politics in that respect. The Minister for Foreign Affairs referred to the concept of humanitarian assistance and mine clearing. We see these issues as more appropriate to the stewardship of Irish Aid. I await with interest the Minister's proposal to include these matters in his Bill. The Bill deals with the National Pensions Reserve Fund, €27 million, and the investment in such companies across the financial sector. Some €100 million, a conservative estimate, is invested in such companies.

Much legislation has been dramatically changed on Committee Stage. I predict that the Government legislation will go no further than this Bill. There is no difficulty with principle and no flaw in this Bill. Why will the Government vote against this?

While driving home last night, I heard a news broadcast at 10 p.m. It referred to the Government banning pension fund investment in companies that manufacture cluster munitions. In the Government motion, there is no reference to this. It refers to "welcoming the role being played by the Government", and "recalling the intention of the Government" but there is no reference to banning investments. The Bill clearly states it, yet the Government will vote against the Bill on this measure. There will be a conference in nine months' time. Austria and Norway have moved, yet Ireland talks about leading on the issue.

We have a patronising Government that resembles the Administration in Rome in its dying days. It is sad that on the day a new leader designate of Fianna Fáil is appointed, the Government does not have it in its heart to pull back without dividing the House. Despite the message sent out with spin yesterday, Members will vote against this Bill and against the provision withdrawing funding from investment in these companies. The Minister will probably walk to Croke Park with a Bill under his arm, albeit while waiting for the conference to tell him what to include. Surely we can be our own moral guardians, knowing how far we wish to go. If it must be added to, well and good, but I can guarantee that it will not be necessary.

I regret the Government could not support this Bill. It can put whatever spin and technical gloss it wants on it and engage in propaganda, but it is regrettable that it does not support the Bill and is patronising in its speeches. It does not support the Bill because it likes to take the credit, not for just one little thing or most things but for everything. I commend the Bill to the House and call on all sides to vote for it in order to ban cluster munitions and investment in them.

Amendment put.

The Dáil divided: Tá, 74; Níl, 56.

Tá

Ahern, Dermot.
 Ahern, Michael.
 Ahern, Noel.
 Andrews, Barry.
 Andrews, Chris.
 Ardagh, Seán.
 Aylward, Bobby.
 Behan, Joe.
 Blaney, Niall.
 Brady, Áine.
 Brady, Cyprian.
 Brady, Johnny.
 Browne, John.
 Byrne, Thomas.
 Calleary, Dara.
 Carey, Pat.
 Collins, Niall.
 Conlon, Margaret.
 Connick, Seán.
 Coughlan, Mary.
 Cregan, John.
 Cuffe, Ciarán.
 Cullen, Martin.
 Curran, John.
 Dooley, Timmy.
 Finneran, Michael.
 Fitzpatrick, Michael.
 Fleming, Seán.
 Flynn, Beverley.
 Gallagher, Pat The Cope.
 Gogarty, Paul.
 Gormley, John.
 Grealish, Noel.
 Hanafin, Mary.
 Haughey, Seán.
 Kelly, Peter.
 Kenneally, Brendan.

Kennedy, Michael.
 Killeen, Tony.
 Kirk, Seamus.
 Kitt, Michael P.
 Kitt, Tom.
 Lenihan, Brian.
 Lenihan, Conor.
 Lowry, Michael.
 Mansergh, Martin.
 Martin, Micheál.
 McDaid, James.
 McEllistrim, Thomas.
 McGrath, Finian.
 McGrath, Mattie.
 McGrath, Michael.
 McGuinness, John.
 Moloney, John.
 Moynihan, Michael.
 Mulcahy, Michael.
 Nolan, M. J.
 Ó Cuív, Éamon.
 Ó Fearghaíl, Seán.
 O'Connor, Charlie.
 O'Flynn, Noel.
 O'Hanlon, Rory.
 O'Keeffe, Edward.
 O'Rourke, Mary.
 O'Sullivan, Christy.
 Power, Peter.
 Power, Seán.
 Sargent, Trevor.
 Scanlon, Eamon.
 Smith, Brendan.
 Treacy, Noel.
 Wallace, Mary.
 White, Mary Alexandra.
 Woods, Michael.

Níl

Allen, Bernard.
 Bannon, James.
 Barrett, Seán.
 Breen, Pat.
 Broughan, Thomas P.
 Bruton, Richard.
 Burke, Ulick.
 Burton, Joan.
 Carey, Joe.
 Clune, Deirdre.
 Coonan, Noel J.
 Coveney, Simon.
 Creighton, Lucinda.
 D'Arcy, Michael.
 Deasy, John.
 Deenihan, Jimmy.
 Doyle, Andrew.
 Durkan, Bernard J.
 English, Damien.
 Enright, Olwyn.
 Feighan, Frank.
 Ferris, Martin.
 Flanagan, Charles.

Flanagan, Terence.
 Hayes, Brian.
 Hogan, Phil.
 Howlin, Brendan.
 Kehoe, Paul.
 Lynch, Ciarán.
 Lynch, Kathleen.
 McCormack, Pádraic.
 McEntee, Shane.
 McGinley, Dinny.
 McHugh, Joe.
 McManus, Liz.
 Mitchell, Olivia.
 Neville, Dan.
 Noonan, Michael.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O'Donnell, Kieran.
 O'Keeffe, Jim.
 O'Shea, Brian.
 O'Sullivan, Jan.
 Penrose, Willie.
 Perry, John.

Níl—*continued*

Rabbitte, Pat.
 Reilly, James.
 Shatter, Alan.
 Sheehan, P. J.
 Shortall, Róisín.

Stanton, David.
 Timmins, Billy.
 Upton, Mary.
 Varadkar, Leo.
 Wall, Jack.

Tellers: Tá, Deputies Tom Kitt and John Curran; Níl, Deputies Paul Kehoe and Thomas P. Broughan.

Amendment declared carried.

Question put: “That the motion, as amended, be agreed to.”

The Dáil divided: Tá, 74; Níl, 58.

Tá

Ahern, Dermot.
 Ahern, Michael.
 Ahern, Noel.
 Andrews, Barry.
 Andrews, Chris.
 Ardagh, Seán.
 Aylward, Bobby.
 Behan, Joe.
 Blaney, Niall.
 Brady, Áine.
 Brady, Cyprian.
 Brady, Johnny.
 Browne, John.
 Byrne, Thomas.
 Calleary, Dara.
 Carey, Pat.
 Collins, Niall.
 Conlon, Margaret.
 Connick, Seán.
 Coughlan, Mary.
 Cregan, John.
 Cuffe, Ciarán.
 Cullen, Martin.
 Curran, John.
 Dooley, Timmy.
 Finneran, Michael.
 Fitzpatrick, Michael.
 Fleming, Seán.
 Flynn, Beverley.
 Gallagher, Pat The Cope.
 Gogarty, Paul.
 Gormley, John.
 Grealish, Noel.
 Hanafin, Mary.
 Haughey, Seán.
 Kelly, Peter.
 Kenneally, Brendan.

Kennedy, Michael.
 Killeen, Tony.
 Kirk, Seamus.
 Kitt, Michael P.
 Kitt, Tom.
 Lenihan, Brian.
 Lenihan, Conor.
 Lowry, Michael.
 Mansergh, Martin.
 Martin, Micheál.
 McDaid, James.
 McEllistram, Thomas.
 McGrath, Finian.
 McGrath, Mattie.
 McGrath, Michael.
 McGuinness, John.
 Moloney, John.
 Moynihan, Michael.
 Mulcahy, Michael.
 Nolan, M.J.
 Ó Cuív, Éamon.
 Ó Feargháil, Seán.
 O’Connor, Charlie.
 O’Flynn, Noel.
 O’Hanlon, Rory.
 O’Keeffe, Edward.
 O’Rourke, Mary.
 O’Sullivan, Christy.
 Power, Peter.
 Power, Seán.
 Sargent, Trevor.
 Scanlon, Eamon.
 Smith, Brendan.
 Treacy, Noel.
 Wallace, Mary.
 White, Mary Alexandra.
 Woods, Michael.

Níl

Allen, Bernard.
 Bannon, James.
 Barrett, Seán.
 Breen, Pat.
 Broughan, Thomas P.

Bruton, Richard.
 Burke, Ulick.
 Burton, Joan.
 Carey, Joe.
 Clune, Deirdre.

Níl—*continued*

Coonan, Noel J.
 Coveney, Simon.
 Creed, Michael.
 Creighton, Lucinda.
 D'Arcy, Michael.
 Deasy, John.
 Deenihan, Jimmy.
 Doyle, Andrew.
 Durkan, Bernard J.
 English, Damien.
 Enright, Olwyn.
 Feighan, Frank.
 Ferris, Martin.
 Flanagan, Charles.
 Flanagan, Terence.
 Hayes, Brian.
 Hogan, Phil.
 Howlin, Brendan.
 Kehoe, Paul.
 Lynch, Ciarán.
 Lynch, Kathleen.
 McCormack, Pádraic.
 McEntee, Shane.
 McGinley, Dinny.

McHugh, Joe.
 McManus, Liz.
 Mitchell, Olivia.
 Neville, Dan.
 Noonan, Michael.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O'Donnell, Kieran.
 O'Keefe, Jim.
 O'Shea, Brian.
 O'Sullivan, Jan.
 Penrose, Willie.
 Perry, John.
 Rabbitte, Pat.
 Reilly, James.
 Shatter, Alan.
 Sheehan, P.J.
 Shortall, Róisín.
 Stanton, David.
 Timmins, Billy.
 Tuffy, Joanna.
 Upton, Mary.
 Varadkar, Leo.
 Wall, Jack.

Tellers: Tá, Deputies Tom Kitt and John Curran; Níl, Deputies Paul Kehoe and Thomas P. Broughan.

Question declared carried.

Adjournment Debate.

Hospitals Building Programme.

Deputy Michael McGrath: Mercy University Hospital, Cork, is an important acute general hospital that provides a range of health services to more than 100,000 patients each year. Last year the hospital celebrated its 150th anniversary and it has unveiled an ambitious amalgamation project with the South Infirmity Victoria University Hospital, which is also located in Cork city. The hospital, therefore, has a bright future.

The HSE completed a new state-of-the-art accident and emergency unit at the hospital 12 months ago at a cost of almost €5 million, yet tonight the unit lies idle. Staff of the hospital are doing the best they can in the difficult environment of the present accident and emergency unit, which is not equipped to a modern standard. Deputy Coveney raised this issue on the Adjournment last October but, sadly, it remains unresolved. The reason I raise the issue tonight is to exert pressure on the HSE—

Deputy Bernard Allen: And the Minister.

Deputy Michael McGrath: —to treat it as a priority. In January 2007 hospital management submitted an application to the National Hospitals Office for an additional 24.5 full-time posts at a cost of almost €1.5 million. I understand the HSE originally approved €400,000 for additional staffing costs arising from the new unit but agreement has yet to be reached on the details and 16 months later no date has been set for its opening. The unit is needed not only

[Deputy Michael McGrath.]

in terms of its capacity to treat an additional 5,000 patients annually but also because of the quality facilities it will make available to patients and staff.

The HSE needs to adopt a proper project planning and management approach. When a major infrastructure project such as a new hospital unit is being planned, the focus cannot be solely on bricks and mortar. Equipping and staffing should also be addressed at the planning stage and agreed before projects commence construction. A similar issue arose previously in Cork in respect of the long-running dispute over the number of midwife posts needed in the new maternity hospital there.

Many positive developments are taking place in health services but stories such as this failure to open the new accident and emergency unit detract from the good work being done. I call on the HSE to ensure the new unit is opened without further delay and to engage with local management on the details of an acceptable agreement. I hope the Minister of State at the Department of Health and Children will be able to shed light on this saga so that the facility can be opened in the coming weeks.

Deputy Kathleen Lynch: Hear, hear.

Minister of State at the Department of Health and Children (Deputy Pat The Cope Gallagher): I will take this matter on behalf of my colleague, the Minister for Health and Children, Deputy Harney, who is unavoidably absent.

Deputy Bernard Allen: She is hiding as usual.

Deputy Deirdre Clune: She is always missing.

Deputy Pat The Cope Gallagher: She is on business.

Deputy Bernard Allen: This is life and death business.

Deputy Pat The Cope Gallagher: Is Deputy Allen going to answer or will I?

An Ceann Comhairle: Allow the Minister of State to proceed without interruption.

Deputy Pat The Cope Gallagher: Deputy Michael McGrath will be aware that the Health Act 2004 provided for the Health Service Executive to have the responsibility to manage and deliver, or arrange to have delivered on its behalf, health and personal social services. This includes responsibility for the provision of services at the Mercy University Hospital, Cork. Three accident and emergency departments are located in Cork city, at Cork University Hospital, Mercy University Hospital and the South Infirmity Victoria University Hospital. These units are cross-covered by a team of consultants in emergency medicine.

Funding of €4.7 million for the provision of a new accident and emergency department at the Mercy University Hospital was included in the HSE's capital plan 2006-10. Building work on the new accident and emergency department was completed on schedule in January 2007 and the equipping and commissioning of the new facility was completed by the end of October 2007. The facility consists of a large patient waiting area with a separate paediatric waiting area, a triage area, a three-bay minor treatment area, a ten-bay major treatment area, a two-bay resuscitation room with adjacent X-ray suite and a treatment, therapies and procedures room. The new facility is almost four times larger than the existing unit.

Currently 46 staff are assigned to the existing accident and emergency department at an annual cost of approximately €2.5 million. The staff complement includes the equivalent of 18

full-time nurses, one full-time consultant in emergency medicine, two registrars and seven senior house officers. The functioning of the existing department is underpinned by close working relationships with physiotherapists, social workers, occupational therapists, radiographers, pharmacists and psychiatry and other support services, including chaplains, and security and housekeeping staff.

The original approval for the project included an additional revenue allocation of €400,000. I understand that in January 2007, the Mercy University Hospital submitted an application to the HSE's National Hospitals Office for an additional 24.5 full time staff for the new unit at a cost of almost € 1.5 million. The HSE has indicated that it has been engaged in negotiations with the management at the hospital on the provision of these additional staff to run the new department. In December 2007, both sides agreed to an evaluation of the staffing requirement for the new facility in an effort to advance the issue. This process is under way. As quite a few Cork Deputies are present who are obviously very interested, I want them to know I am hopeful this process will advance matters and enable the opening of this new facility to proceed.

Improving the delivery of accident and emergency services continues to be a top priority for the Government and the Health Service Executive. At national level, significant additional resources have been provided to address the problems which manifest in emergency departments. Among the developments which have taken place are additional public and private long-stay beds, additional home care packages and home help hours, major capital developments in emergency departments, the provision of acute medical assessment units and community intervention teams in Cork, Limerick and Dublin.

Deputy Bernard Allen: As well as the closure of wards, including a 30-bed ward at the Mercy University Hospital.

Schools Building Projects.

Deputy Jim O'Keeffe: I appreciate the opportunity to raise the urgent question of the need for an extension to Kinsale community school. The school was originally built for 460 students. The need for the extension was recognised over five years ago. Enrolment has increased in every year in the meantime and this year it will be up to 700. The projected figure within a couple of years is 850 and the Department recognised that the extension must be adequate to cater for that number.

As of now, serious and dangerous overcrowding exists and this is projected to get worse. Some temporary classrooms have been provided for general classes but there has been no additional, even temporary, accommodation in the practical specialist areas of art and drawing, home economics, engineering and building construction. A limit has now to be placed on the uptake of these subjects. Kinsale community school is the only second level school in the area. By way of comparison, in my adjoining town of Bandon there are four second level schools so one can appreciate the pressures on the single second level school in Kinsale.

The Kinsale community school resulted from the amalgamation of the existing schools, including the vocational school. It seeks to provide a comprehensive system of post-primary education open to all the children of the community and combining instruction in academic and practical subjects.

Apart from the problems for the students, conditions for the staff are getting worse and have become extremely difficult. The original staff room was built to accommodate 34 staff. This year it will have to accommodate 58 staff overall, so there is hardly standing room. There is a culture of parental involvement in the school but now staff members find that they often have to conduct discussions with parents and others in conditions that are neither appropriate nor adequate.

[Deputy Jim O’Keeffe.]

I raised this issue by way of parliamentary questions on a number of occasions. I was told by the Minister, Deputy Hanafin, on 25 April 2006 in reply to Parliamentary Question No. 873 that the “next step in the process is the appointment of a design team to commence the architectural planning of the project”. This is almost the second anniversary of that reply. In February 2007, I had a further positive response indicating that the long-term accommodation needs of the school had been determined in the light of the upward enrolment trends and projected pupil numbers and that a schedule of overall accommodation had been drawn up. The only issue outstanding was the need to have a technical examination of the existing buildings “in order to determine how best to provide for the school’s accommodation needs into the future”, and this was carried out a few months later.

The positive responses have lapsed into silence since the election last year. The only changes to have taken place since then, despite the positive vibrations from the Minister, are that school numbers have continued to rise, the demand for accommodation has become greater and the pressure on teachers has become greater. The Minister and the Government have done nothing in the meantime. It is time for them to step up to the mark and deliver on what was promised years ago. I want the immediate appointment of a design team to commence the architectural planning of the project without delay.

I want to refer to two issues which put this matter in its broader context. As pointed out in many recent articles, it is no coincidence that Ireland’s prosperity and economic dynamism is related to the educational advances of 30 and 40 years ago. A book on Donogh O’Malley was published recently. Whatever the reason for the wild decision he made, it was a great decision to provide free secondary education. However, there is no point having free secondary education if we do not provide facilities for the pupils seeking it.

The other issue in recent times relates to the McKinsey report from the international business consultants who graded Finland, Korea and Canada as the top performers in education for three reasons. The report stated that they have the best teachers, they get the best out of teachers and they step in when pupils begin to lag behind. They respect teaching as a profession. The difference here, and specifically in Kinsale, is that this cannot be done. Nobody can step in because there is no room to step in.

I say to the Minister and the Government that now is the time. Let us have the design team and let us get on with the business without further delay.

Deputy Pat The Cope Gallagher: I thank Deputy Jim O’Keeffe for raising this matter as it provides me with the opportunity to outline to the House on behalf the Minister for Education and Science how projects are selected for inclusion in a school building programme and what the position is for the proposed building project for Kinsale community school in his constituency.

First, by way of background, all applications for capital funding are assessed in the planning and building unit of the Department. The assessment process determines the extent and type of need presenting, based on the demographics of an area, proposed housing developments, condition of buildings and site capacity, leading ultimately to an appropriate accommodation solution. As part of this process, a project is assigned a band rating under published prioritisation criteria for large scale building projects. These criteria were devised following consultation with the education partners.

Projects are selected for inclusion in the school building and modernisation programme on the basis of priority of need. This is reflected in the band rating assigned to a project which indicates the urgency, type and extent of work required at a school. There are four band ratings overall, of which band one is the highest and band four the lowest. Band one projects, for example, include the provision of buildings where none currently exists but where there is a

high demand for pupil places, while a band four project makes provision of desirable but not necessarily urgent or essential facilities. Building projects move through the school building and modernisation programme consistent with the band rating assigned to them.

As the Deputy will probably be aware, €586 million in public funding is being provided for school buildings this year. This will ensure the completion of work on 67 large-scale primary schools projects that will deliver 7,000 additional permanent school places in new schools and 2,300 additional permanent school places in existing schools; construction work on 150 devolved projects under the permanent accommodation scheme, which will provide 8,000 additional places in existing primary schools; in the post-primary sector construction work will be completed on 19 large scale-projects which will provide 2,400 permanent school places in four new schools and additional accommodation and refurbishment works in 15 schools that will benefit over 7,000 pupils; the purchase of sites to facilitate the smooth delivery of the school building programme, particularly in rapidly developing areas; and the progression of new projects through the architectural planning and design stages.

On 1 February last, the Minister announced the first tranche of projects that will be proceeding to construction this year. Further announcements will be made as the budgetary position for 2008 allows. Construction is also due to begin in 2008 on the first bundle of public private partnership schools, while further ones will be offered to the market next year with a view to building work commencing in later years.

This is an enormous programme of work by any standards. The emphasis, however, will be on new schools and extensions to provide additionality in rapidly developing areas where there is currently insufficient school accommodation available to meet the heavy demand for places.

This is the background. I fully appreciate that Deputy O’Keeffe is particularly interested in what will happen to Kinsale community school which is a co-educational facility with a current enrolment of just short of 650 pupils. As Deputy O’Keeffe indicated, the school has applied for an extension and the project has been assigned a band 2 rating. A schedule of overall accommodation has been agreed with the board of management to cater for the long-term enrolment of 850 pupils, given an expansion in that region. The next step is the appointment of a design team to commence architectural planning. This will be considered in the context of the band rating assigned to the project which I have already explained is band 2. There is a common approach to all applications for large-scale capital funding. Contact will be made directly with the school authority when the Department is in a position to approve this project.

I again thank the Deputy for raising this matter and point out that over the lifetime of the current national development plan, the Government is providing funding of €4.5 billion for school buildings. I refer to the overall plan over a longer period but I fully appreciate the Deputy and his colleagues in the constituency are concerned about this specific school and I will bring the strong views he expressed to the attention of the Minister at the first available opportunity.

Deputy Jim O’Keeffe: I appreciate that, but there is no joy for Kinsale in that response.

Crime Prevention.

Deputy Kieran O’Donnell: I thank the Ceann Comhairle for allowing me to raise this most important matter for Limerick city. I raised this issue earlier on the Order of Business with the Taoiseach and I am delighted it is now being debated in the Dáil. It has been the subject of much media comment and the Dáil is the one area in which it should be discussed because we can effect legislative changes that will deal with this issue that has affected Limerick for a number of years. There was a fatality in recent days, which is very difficult for Mark Maloney’s family, and we pass on our sympathy to them.

[Deputy Kieran O'Donnell.]

I pay tribute to the tremendous work done by the Garda Síochána in Limerick in dealing with gangland crime in these very difficult circumstances. Limerick is a fantastic city but additional resources must be provided by the Government together with new legislative measures to ensure that gangland crime is tackled. We must ensure that innocent people living in Limerick are safe and the image of the city is not diminished. A small minority of people is responsible for the problem in Limerick and we must deal with it head on.

In this regard I propose the following additional measures be implemented to assist the Garda Síochána and the other State agencies to properly tackle gangland crime in Limerick. Legislation must be enacted as a matter of urgency to first make gang membership a specific criminal offence. Second, measures must be put in place to enable the Garda Síochána to go to court and obtain exclusion orders preventing gangland criminals from entering certain areas of the city. Powers of permanent surveillance must also be introduced. When I raised this matter earlier with the Taoiseach I demanded that the criminal justice miscellaneous provisions Bill be introduced to the Dáil as a matter of urgency to enable these measures to be put in place. The response I got is that the Bill will be dealt with in this session. The Bill should be introduced early in this session, as early as possible because it is most important that we put these measures in place.

A mandatory minimum sentence of ten years for illegal possession of firearms should be imposed in the majority of cases by judges. That is not happening. Life sentence for murder must be a genuine deterrent. The minimum sentence to be served should be 25 years. I feel very strongly about this. If a person is caught in possession of an illegal firearm, he should not be granted bail. Many of the atrocities that happen in Limerick have occurred when people have been out on bail. This matter should be examined.

The 30 remaining gardaí who were promised under the John Fitzgerald report should be provided as a matter of urgency. We have 70 new gardaí and they are very welcome in Limerick, but the situation is such that the Garda needs the extra resources on the ground. When the John Fitzgerald report was originally published it proposed 100 gardaí for a smaller area than the regeneration area, but that has been overlooked. Seventy extra gardaí have come to the city of Limerick but it was suggested that 100 gardaí should specifically be allocated for the regeneration areas. The Government should honour that commitment and put at least those extra 30 gardaí in place.

The Criminal Assets Bureau, CAB, must be established in Limerick to tackle the criminals head on, especially in the area of drug dealing. The Government must immediately put extra measures in place to block the drugs coming in through ports and airports. When the Minister for Justice, Equality and Law Reform, Deputy Brian Lenihan, was Minister with responsibility for children he promised that extra judges would be put in place for the Children's Court. They need to be provided. Currently, in many cases children must commit four offences before they reach the Children's Court. They then have to wait six months for their case to be heard. Parental supervision orders must be used increasingly through the Children's Court as a means of holding parents accountable. A study carried out in 2007 revealed that out of a sample of 400 children attending the Children's Court, 86% of them were not attending school and 30% were involved in alcohol-related crimes.

I want the Minister to give a commitment tonight to the deployment of 30 extra gardaí in Limerick as a matter of urgency and, second, that the legislative measures that I proposed will be put in place as a matter of urgency and that the criminal justice miscellaneous provisions Bill will be brought before the Dáil in the coming weeks.

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I thank Deputy O'Donnell for raising this matter. I assure him that I share his concern and the concern of all right-thinking citizens about gangland crime in general and particularly in Limerick.

I strongly condemn the killing of Mark Maloney and James Cronin in such callous circumstances and extend my sympathy to their families. The House will be aware that a person has been charged in connection with one of the killings. I am informed that the Garda is making progress in the investigation of the second killing. The House will appreciate that it would not be appropriate for me to comment further on these cases at this time. The rapidity of the Garda response in these instances is an illustration of the enormous concentration of Garda personnel that are already deployed in the Limerick area.

It is well known that there has been for some time a vicious feud between factions in Limerick and a series of tit-for-tat killings. The people involved, through their activities, are ruining their own lives and the lives of others and future generations. This vicious spiral has to stop. As chief superintendent Keane in Limerick stated, there are no winners on any side in this feud. Instead it is resulting in death, serious injuries, disabilities and long terms of imprisonment.

The Garda will continue to take resolute action to meet the challenges posed by the gangs. The Commissioner has adopted a hard-policing approach and has deployed a unit from the emergency response unit, ERU, on a 24-hour basis. The ERU team is under the supervision of local Garda management and is operating through a series of patrolling and checkpoints. The ERU deployment provides support for regular policing activities and at the same time provides reassurance to the law-abiding communities of Limerick. The ERU assignment is additional to the number already delivered on foot of the Fitzgerald commitment of 70 gardaí which Deputy O'Donnell fairly acknowledged.

The areas most affected are intensively policed, with additional resources, both armed and uniform, being deployed at short notice depending on intelligence received or in response to incidents involving feuding factions. Currently two armed patrols exclusively cover two of the most affected areas of the city on a 24-hour basis. The operation of the gangs in these areas is kept under constant surveillance.

Reference has been made in the House and elsewhere in recent days to the issue of covert surveillance operations. The Garda undertakes this activity on a regular basis. Deputies should appreciate, however, that it is not normal practice for the Minister for Justice, Equality and Law Reform to divulge the character and nature of these operations in the House. The Garda uses covert operations and methods of surveillance on a daily basis and in a targeted manner, including against suspected gang members. Gardaí also have recourse to telephone intercepts and call related information. Deputies will appreciate that for obvious reasons it would not be appropriate for me to detail the nature and extent of this monitoring.

The Garda has had significant successes in recent years in meeting the evolving challenge of policing Limerick as a result of active monitoring on a daily basis and proactive and preventive policing measures based on intelligence received. The intensity of the Garda operation is reflected in the fact that 70 firearms of all types and calibres were recovered in Limerick division in 2007 and 80 in 2006. There are no grounds for complacency and the challenge will remain for some time.

Considerable resources will continue to be put into containing and pursuing this gang activity. Whatever resources are necessary will be provided by the Commissioner. There is no question of reducing Garda overtime for tackling gangland crime. There has been a significant increase in the number of personnel deployed. An additional 70 officers have been deployed to Limerick in the past 12 months, bringing the total strength there to 602, the highest number ever deployed in the Limerick division. By comparison, at the end of 1997 there were 423 personnel, 42% fewer than at present. I confirm in reply to the Deputy's demand for further increases that the Commissioner intends to increase personnel strength further in the course of this year.

At the same time as confronting gang related crime, the Garda is committed to the community policing ethos. Almost 80 officers are dedicated exclusively to community policing

[Deputy Brian Lenihan.]

patrols, particularly in the areas of highest concern. I welcome the very active joint policing committee functioning in Limerick city, a useful forum for the Garda.

The law against gangland activity is exceptionally robust. The Deputy seeks that gangland membership be made a specific criminal offence. I remind the House that the Criminal Justice Act 2006 already criminalises the involvement of a person with a criminal gang, punishable by up to five years' imprisonment. The offence is one of contributing to or participation in an activity of a criminal organisation where the intention is to enhance the ability of or facilitate the organisation to commit a serious offence.

Deputy Kieran O'Donnell: How many convictions have been secured under the legislation?

An Ceann Comhairle: The time for the debate has expired.

Traveller Accommodation.

Deputy Kathleen Lynch: Most Deputies met today with families who have children suffering from muscular dystrophy. We listened to details of hard, sad cases. Cystic fibrosis services and gangland crime in Limerick are two other topical issues. All the issues one might choose are probably more dramatic and will have more serious consequences than the issue I raise tonight, namely, the provision of mobile homes on halting sites in County Cork. This an ongoing problem about which I feel strongly, although I do not doubt that all Deputies feel strongly about it.

I will only discuss halting sites in County Cork because they are the only sites I know, although I have seen others elsewhere. If we saw similar conditions in South Africa or any other developing country, we would be appalled, put our hands in our pockets and send out groups of workmen to put the problem right. A child could drown in some of the holes on these sites when they are filled with rain water. Little effort is being made to collect rubbish and the Travellers are living in the most appalling conditions. The bays have what one might describe as a little shed with a stainless steel bath. As we all know, if one puts hot water in a such a bath, one will burn oneself when one touches the metal, yet the residents of these sites are expected to wash their children in them. The toilets which are 20 years old are also made of stainless steel. Hot water is not available, roofs leak, the electricity supply is faulty and the only positive feature for some residents is that they have a decent mobile home.

Second-hand mobile homes can be draughty, wet, infested with rats and have holes in the floor. The newer mobile homes had showers and a bathroom but Cork City Council removed them to provide a third bedroom. This additional room which families are expected to use as a child's bedroom is not wider than the chairs in the House. One could not possibly make a bedroom of such a small space. Conditions on these sites are appalling and we should be ashamed that we allow them — Ireland's townships — to remain.

I know the Minister of State, Deputy Killeen, is a decent and honourable man. It is, however, deeply offensive that the Minister for the Environment, Heritage and Local Government, Deputy Gormley, who has responsibility for this issue is not present for this debate. I do not normally ask that the senior Minister be present in the House for an Adjournment debate. Tonight, however, is an exception.

Cork City Council had a policy of replacing mobile homes when their condition deteriorated to the point that the problem was deemed to be an emergency. A supplier would provide a second-hand mobile home which was usually not in great condition and this would provide relief for a family for another winter. This year, however, the Department issued a diktat in February that it would no longer provide Cork City Council with resources to fund the replacement of mobile homes, the main reason being that the council had recouped more than any other local authority in recent years. If we expect people to live in appalling conditions, the least we can do is be on top of our game and replace mobile homes when necessary.

The Department cited a number of reasons it would no longer fund replacement mobile homes, including the mobility of caravans and the question of ownership should Travellers decide to leave the site. The Minister of State should try to imagine attempting to tow these caravans a distance of 20 feet. One would not reach the gate of the site before it would fall apart. The Department also cited the difficulty in ensuring caravans were constructed to a high standard from a health and safety viewpoint and the fear that accidents or mishaps could become the liability of local departments. In other words, it refuses to provide a mobile home in reasonably good condition because it fears the residents will claim from the Department. Instead, it will allow Travellers to live in draughty, rat-infested mobile homes that are about to fall apart. It also cited the short lifespan of caravans in use all year round and the likely need for frequent replacements. The lunacy of this thinking is beyond me. The Department is not providing standard accommodation and will not replace mobile homes which it recognises are faulty and dangerous from a health and safety point of view.

The life expectancy of Travellers and the diseases from which Traveller children suffer should be examined. These problems can all be traced to poverty and poor housing. It is appalling that the Department, under the Green Party Minister, Deputy Gormley — the Mother Theresa who would save us all — has stopped funding the provision of mobile homes for Travellers in County Cork.

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Tony Killeen): I thank Deputy Kathleen Lynch for raising this matter which I am taking on behalf of my colleague the Minister of State, Deputy Batt O’Keeffe.

In dealing with the specific issue concerning the replacement of mobile homes for Traveller families in Cork city, it is worthwhile briefly to examine the accommodation position of Traveller families across all local authorities.

The most recent annual count of Traveller families in November 2007 showed a total of 8,099 families nationally, an increase of 408 families on the previous year. There has been a steady increase in numbers over recent years, with a 42% increase recorded since the first Traveller accommodation programmes began in 2000.

Of the 8,099 Traveller families, a significant proportion, 5,537, 68%, have opted for standard, non-Traveller specific accommodation. For the most part, these houses are provided by local authorities and financed out of the Department’s capital allocations for social housing. The figures for Cork city show there are 291 Traveller families living there, 67 of whom are accommodated on halting site bays.

Under the Traveller accommodation programmes prepared in accordance with the Housing (Traveller Accommodation) Act 1998, the provision, management and maintenance of Traveller accommodation is the responsibility of local authorities. The Department’s role is to provide the necessary funding to meet the cost of the provision and refurbishment of Traveller-specific accommodation. The full cost of these works is provided to local authorities by way of capital grant.

Since the enactment of the 1998 legislation, each local authority has adopted two successive Traveller accommodation programmes. In the course of the first programmes, covering 2000 to 2004, some 1,371 additional Traveller families were provided with permanent, secure accommodation at a cost of €130 million. Over the same period there was a 50% reduction in the number of families living on unauthorised sites, down from 1,207 at the start of the programmes to 601 families at their completion.

Significant progress is being made nationally under the second Traveller accommodation programmes 2005 to 2008, with some 477 units of new and refurbished Traveller-specific accommodation having been provided so far. Expenditure to date on the second programmes exceeds €107 million.

[Deputy Tony Killeen.]

During the first Traveller accommodation programme, Cork City Council built a new group housing scheme in Mahon and carried out significant refurbishment works to halting sites at Hollyhill and Carrigrohane Road. Over the course of the second programme, Cork City Council spent a total of €883,700, of which some €466,000, almost 53% of the total, related to emergency replacement of caravans on halting sites. Expenditure on emergency replacement of caravans nationally over the same period amounted to €1.4 million, with Cork City Council accounting for around one third of the total spend.

In framing Traveller accommodation policy, the Department is mindful of the need to facilitate those families who wish to pursue a nomadic lifestyle. To this end, it provides financial assistance through a scheme of loans and grants for the purchase of caravans for Travellers. Loans up to a maximum of €6,350, to be repaid over five years, are made available by local authorities. There is also a one-off grant of up to 10% of cost, up to a maximum of €635, for Travellers purchasing their first caravan.

The Department also provides funding towards the cost of emergency replacement of caravans resulting from events such as storm or fire damage. Usually 50% of the replacement cost is provided. In certain exceptional circumstances, the full cost may be met.

There are recurring requests for funding for emergency caravan replacement by Cork City Council with around 40 of the 98 caravans replaced since 2004 located in Cork city. In some instances, caravans were replaced more than once for individual Traveller families in that period. The Department raised this issue at a recent meeting with officials of Cork City Council to ensure future Traveller accommodation programmes deliver quality accommodation at optimum cost, while having regard to the needs and preferences of Traveller families.

Capital allocations for Traveller-specific accommodation for 2008 will be announced presently. I am confident the allocation to Cork City Council will enable it to implement a substantial and appropriate programme of work for 2008.

The Dáil adjourned at 9.35 p.m. until 10.30 a.m. on Thursday, 10 April 2008.

Written Answers.

The following are questions tabled by Members for written response and the ministerial replies as received on the day from the Departments [unrevised].

Questions Nos. 1 to 13, inclusive, answered orally.

Questions Nos. 14 to 61, inclusive, resubmitted.

Questions Nos. 62 to 73, inclusive, answered orally.

Schools Amalgamation.

74. **Deputy Jack Wall** asked the Minister for Education and Science the number of applications seeking approval for the amalgamation of a boys national school with a girls national school in the same locality; and if she will make a statement on the matter. [13195/08]

Minister for Education and Science (Deputy Mary Hanafin): My Department has at present logged some 5 applications for amalgamation from boys and girls schools in the same locality.

There are various reasons why a school should seek an amalgamation. They can include demography, meaning either a decline or increase in enrolments, the desire for co-education, financial reasons, condition of school buildings, parental/teacher demand etc. However, a Patron must consent to such an application before it can be accepted by my Department.

To process an application, the Department must be satisfied that the Patron has consulted all of the relevant school stakeholders — Boards of Management, teachers and parents — and that they are in agreement with the proposal.

Assessment of an application then involves such matters as projected population growth or decline in an area, the impact on other schools in the area, implications for teachers, accommodation requirements etc.

Once an amalgamation is approved to proceed, an entirely new school is created with its own roll number, Principal teacher, Board of Management etc.

Any building project arising to accommodate the new school attracts a band one rating under the published prioritisation criteria for large scale building projects in recognition of the fact the fact that the State is no longer required to maintain a number of separate buildings in an area. However, the progression of such projects to construction will depend on the overall availability of finance for school building purposes in any given year.

Student Accommodation.

75. **Deputy Ruairí Quinn** asked the Minister for Education and Science if she has agreed to the establishment of an inter-departmental committee to review and examine the provision of third level student accommodation, as requested by the Union of Students in Ireland, to the Minister for the Environment, Heritage and Local Government; and if she will make a statement on the matter. [13189/08]

Minister for Education and Science (Deputy Mary Hanafin): I am aware that USI have called for the establishment of a taskforce on student accommodation.

When USI first made this call last year, my Department explained to them that it would be primarily a matter for the Department of the Environment, Heritage and Local Government which has responsibility for housing policy.

While I would obviously be concerned if accommodation difficulties are impacting on students' performance at college, my Department has no remit in relation to student accommodation.

The Department of Education does not provide financial assistance for the provision of student accommodation nor has it any funding available to do so. Capital funding under the NDP for higher education is targeted at delivering core educational facilities.

Neither does my Department have any expertise or knowledge in relation to housing supply or housing policy in general. Any analysis of student accommodation in a particular locality would have to take account of the availability of other rented accommodation in that area. Any proposals would have to be considered in the context of national housing policy as set by the Department of the Environment, Heritage and Local Government.

As the Deputy will be aware, a number of initiatives have been taken by the Government to improve the availability of student accommodation in recent years.

Section 50 of the Finance Act 1999 incentivised the provision of dedicated student residential accommodation, while the Rent a Room tax relief introduced in 2001 has encouraged private householders to rent out rooms to students. A review of the Section 50 tax exemption by Indecon consultants for the Department of Finance in 2006 concluded that it had served its purpose and that oversupply was potentially developing as an issue. As a result the scheme will be phased out in 2008 although the tax relief will apply for 10 years from the date that the property is first let to students.

The Deputy will also be aware that there have been record increases in the overall housing stock, with over 700,000 new housing units built over the past ten years.

Notwithstanding all of this, I am conscious that student representatives believe that there is a shortage of suitable rented accommodation in the Dublin area in particular.

My colleague, Minister Gormley, has recently suggested commissioning a study from the Centre for Housing Research on the availability of rented accommodation for students in the greater Dublin region. I am pleased to state I have signalled to him that my Department would be willing to consider co-funding such a study, subject to agreement on terms of reference and costs. Discussions are now due to take place at official level on this.

Schools Marketing Initiatives.

76. **Deputy Ciarán Lynch** asked the Minister for Education and Science if her attention has been drawn to the disquiet expressed by the Irish Primary Principals Network and the Irish National Teachers Organisation regarding unregulated commercial marketing and advertising in primary schools; if she will develop an official code of standards related to the Code of

Advertising to children on television and radio which would clearly distinguish between commercial marketing in schools and the promotion of genuine philanthropy; and if she will make a statement on the matter. [13177/08]

Minister for Education and Science (Deputy Mary Hanafin): I would like to assure the Deputy that I am aware of the concerns raised by the IPPN and the INTO on commercial marketing in schools. I understand that such marketing can take a variety of forms — from educational materials made available to schools by newspapers to companies offering schemes whereby products are given to the school on the basis of tokens collected by parents.

I am of course concerned that such commercial activities do not result in schools or parents feeling pressurised to become involved in the marketing and promotion of commercial products.

The Department has provided guidance to schools, through circulars, on this issue.

As the Deputy will be aware, under Section 15 of the Education Act 1998, the Board of Management is the body charged with the direct governance of a school and is therefore responsible for making decisions as to the types of activities that the school becomes involved in.

Ultimately it is at the discretion of management in individual schools to decide what commercial initiatives they want their school to engage with. Clearly some initiatives can be of great benefit to schools. However, others might be seen as putting undue pressures on parents to shop in particular stores.

Private companies are free to promote their business in accordance with accepted marketing practices. I am familiar with the accepted marketing standards referred to by the Deputies, 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 have an across the board prohibition on marketing or sponsorship initiatives.

School authorities are required to ensure, as is outlined in the circulars to which I have already referred, that such schemes do not place undue pressure on parents in terms of requiring additional expenditure, that students are protected from engagement in inappropriate promotional activity and that the schemes are linked to desirable projects serving national educational initiatives.

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.

I am satisfied that there is a good degree of due awareness and vigilance amongst schools on this matter. However, the Department intends to reinforce and support this work by issuing a new circular to schools shortly.

Telecommunications Services.

77. **Deputy Liz McManus** asked the Minister for Education and Science if she is satisfied with the quality and provision of broadband for schools; the percentage of schools that have access to broadband; the percentage breakdown of the type of broadband available to schools here; if she is confident that this figure is an accurate picture of broadband provision in schools here; and if she will make a statement on the matter. [10575/08]

Minister for Education and Science (Deputy Mary Hanafin): The Schools Broadband Access Programme involves the provision of broadband connectivity to recognised primary and post-primary schools. This project is being undertaken in partnership with industry in the context of a Government — IBEC/TIF (Telecommunications and Internet Federation) Agreement to provide local broadband connectivity to schools. The Agreement provides for the establishment of a three year €18m joint Government-IBEC/TIF fund, with industry contributing €5m per annum and the Government contributing €1m per annum.

The Programme comprises three elements — local connectivity to schools, a national broadband network and a broadband support service desk. Schools connectivity is being routed to the Internet through a national broadband network, which is supported by HEAnet and provides centrally managed services for schools such as security, anti-spam/anti-virus and content filtering. The broadband support service desk has been established to interface between the network, the local broadband service Access Providers and schools and is managed by the National Centre for Technology in Education. The total costs of the Programme for the first three years, including the initial set-up costs, are some €30m.

Following a competitive, technology neutral, central procurement process for the provision of local connectivity for schools in 2004, roll-out of broadband to schools commenced in June 2005. The total number of schools involved in the Programme has been adjusted in the meantime to reflect a number of school openings, closures and amalgamations and stands currently at 3,936. As of 10th March, 2008, 3,904 (99%) have had their local connectivity installed and of these 3,901 have had their router capability installed and tested. Of the 3,904 local connectivity installations, 27% have fixed line services, 26% have wireless services and 47% have satellite services.

A further 72 schools have had broadband access provided under the Hermes and Advanced Deployment programmes and are not included in the 3,904 figure. The split of technologies across these schools is 60% fixed line, 35% wireless and 5% satellite.

A new Request for Tenders for the next phase of the Schools Broadband Programme will be issued shortly and will be based on a minimum requirement that each individual school receives a service that is at least equivalent, in terms of speed and reliability, to that currently provided. Having regard to the general developments in broadband availability nationally, I expect that improved service offerings will be received under the new tender process.

Third Level Fees.

78. **Deputy Brendan Howlin** asked the Minister for Education and Science the provision made in the 2008 Estimates for the targeted fund of €10 million to alleviate fees in public institutions for persons participating in third level study who are in employment and who have not previously pursued a third level qualification as outlined in Section 7.9 of Towards 2016; the administrative procedures of the scheme; when applications will be accepted; and if she will make a statement on the matter. [13213/08]

Minister for Education and Science (Deputy Mary Hanafin): Paragraph 7.9 of Part VI of Towards 2016 contains a commitment to establish a targeted fund to alleviate fees in Higher Education Authority (HEA) supported public institutions for part-time courses at third level for those at work who have not previously pursued a third level qualification.

A €10m fund, drawn from the National Training Fund, is available with the aim of meeting the above commitment.

As an initial step towards meeting this commitment, a pilot Modular Accreditation Programme commenced in Tallaght Institute of Technology last October, and the HEA intends to

develop other pilot programmes for launch this year. These pilot programmes will prove useful in testing the demand for the next phase in meeting the commitment.

The fund will also support a scheme to be developed in close cooperation with ICTU. In designing this scheme, the Government will have regard to the following objectives:

- targeting people in work who have not had the opportunity to pursue third level education previously to level 8 on the National Qualifications Framework;
- reducing the amount of fees that workers pay;
- maintaining the current benefits in relation to employer support and tax relief available to workers in respect of third level fees; and
- allowing for a part refund to be paid on successful completion of each academic year of the relevant course.

Officials from my Department will be in touch with the Department of Enterprise, Trade and Employment and ICTU shortly to advance the development of this scheme, and will liaise with education and other stakeholders, with a view to having any new arrangements in place in respect of courses commencing from September 2008. Given this timing the full annual cost will arise in the context of the 2009 estimates.

School Curriculum.

79. **Deputy Aengus Ó Snodaigh** asked the Minister for Education and Science if she will continue to push ahead with the circular regarding early immersion education or if she will agree to requests from Gaelscoileanna to carry out research on the matter. [13257/08]

Minister for Education and Science (Deputy Mary Hanafin): The fundamental public policy issue in this case concerns upholding the rights of all children to access the full curriculum from the earliest possible stage.

The revised primary curriculum was launched in 1999 after extensive consultation with the partners in education.

Page 27 in the Introduction to the Curriculum states “It is a particular feature of Irish primary education that children, from the beginning of schooling, have experience of language learning in two languages.” It also sets out a suggested minimum weekly time framework for tuition. This provides that where a first language is being taught, there should be four hours instruction per week, and 3 hours per week where there is a shorter day for the infant classes. Where a second language is being taught, the suggested minimum timeframe is 3.5 hours per week, and 2.5 hours per week for infant classes with a shorter day.

I have determined as a public policy issue that the position as set out in the curriculum, and in previous Parliamentary Questions, should remain unchanged i.e that the minimum recommended timeframe set out for a second language in the curriculum should be adhered to. Accordingly, Circular 0044/2007 requires that Irish medium schools should provide for a minimum provision in English of 3.5 hours per week, or 2.5 hours per week where there is a shorter day for infant classes, no later than the start of the second term in Junior infants.

The Circular is the subject of a legal challenge in the High Court, and the Department is not in a position to take action to ensure its implementation in advance of a decision on the matter. However, in a separate development, and in keeping with a commitments I made in April 2007 to provide for incremental development in putting regulations governing the operation of schools on a statutory footing, I have issued a draft Statutory Instrument and a Regulatory

[Deputy Mary Hanafin.]

Impact Screening document to the partners in education, the Patron bodies and the main Irish language organisations for consultation, seeking feedback by 30 April 2008. The draft Statutory Instrument provides for prescribing the curriculum and the minimum weekly timeframe for subjects within it in accordance with that set out on page 70 of the published curriculum, and the provisions set out in Section 30 of the Education Act 1998. I have therefore begun the process to put a statutory underpinning in place for the primary curriculum.

The question of deferring a decision in relation to this matter pending a research project to ascertain the impact on student performance of various models of immersion education was considered. Such research is, in any event, likely to be inconclusive, given the many variables (socio economic status, school practice, variations in first language at home of students etc) that are at play here. In any event, research will, by its nature, focus on but one subset (learning impact) of what is a significantly wider public policy matter and for that reason I did not consider it appropriate to delay a decision pending any such research.

Pupil-Teacher Ratio.

80. **Deputy Brian O'Shea** asked the Minister for Education and Science the percentage of children in respect of primary school sizes in primary classes of 30 pupils or more for the years 2003, 2004, 2005, 2006 and 2007; the percentage of children in primary classes of less than 20 pupils for the years 2003, 2004, 2005, 2006 and 2007 of the population of all primary pupils in those years; and if she will make a statement on the matter. [13203/08]

Minister for Education and Science (Deputy Mary Hanafin): The percentage of children in primary school classes of 30 pupils or more is as follows:

2003/04: 24.78%

2004/05: 24.91%

2005/06: 25.14%

2006/07: 24.01%

The percentage of children in primary school classes of less than 20 pupils is as follows:

2003/04: 15.44%

2004/05: 15.14%

2005/06: 14.18%

2006/07: 13.73%

The statistics for the school year 2007/08 are not yet available.

There is evidence of a reduction in the range of class sizes with proportionately fewer pupils in very large and very small classes. However, the overall average class size remains constant at 24.1 in 2005/06 and 2006/07.

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. Posts allocated on the basis of this staffing schedule are specifically for mainstream classes and should be deployed accordingly. 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.

As the Deputy will be aware, major improvements have been made in staffing at primary level in recent years. There are now in the region of 6,000 more primary teachers than there were in 2002. By the 2006/07 school year, we had reduced the average class size in our primary schools to 24, while the pupil teacher ratio was 16.4:1, including resource teachers etc. In that year, schools were staffed on the basis of a general rule of at least one classroom teacher for every 28 children. Given that the national average was 24, many schools benefited from much more favourable staffing ratios than this.

Extra teachers were provided by the Government for the 2007/08 school year to improve primary school staffing so that schools would generally get at least one classroom teacher for every 27 children.

I would like to point out that the Government has made provision for approximately 1,200 extra primary and post-primary teachers to be appointed in the next school year.

The Deputy will be aware that Budget 2008 provided €4.6 billion or €380 million extra for teacher pay and pensions. This is a very substantial level of additional investment in the current economic environment and reflects the huge improvements that have been made in school staffing in recent years.

The Programme for Government contains a commitment to provide 4,000 additional primary teachers between 2007 and 2012. With the extra teachers already put in place this year and those provided for in the Budget, we are ahead of target with about 2,000 extra primary teachers to be delivered within just two years.

As I have said on many occasions in the past, high quality teachers are by far the most important ingredient in our education system.

Over the lifetime of the Government, we are committed to providing more primary school teachers specifically to reduce class sizes. 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.

School Services Staff.

81. **Deputy Arthur Morgan** asked the Minister for Education and Science the reason her Department collapsed the process agreed under Towards 2016 to address payments of school secretaries and caretakers. [13254/08]

Minister for Education and Science (Deputy Mary Hanafin): I am not aware of any collapse, as described by the Deputy, of a process agreed under Towards 2016 to address payments of school secretaries and caretakers.

In general the arrangements for supporting secretarial and caretaking services in schools mirror those for providing support funding to the schools concerned. Primary and secondary schools are funded through capitation grants and likewise secretarial and caretaking services are funded by grants that are related to the number of pupils in the school.

It is the case that a small number of primary and post-primary schools continue to have caretaker and secretary posts funded under a scheme that was put in place in 1978 but which is being phased out as it has been superseded by the grant scheme that I have mentioned. The original 1978 scheme covered a relatively small number of primary and secondary schools and the decision to phase it out was part of a policy decision to spread the support more widely and ultimately cover all primary and secondary schools with funding for such services.

[Deputy Mary Hanafin.]

The funding approach adopted for caretaking and secretarial provision in second level schools in the VEC and Community and Comprehensive sectors schools is in line with the funding mechanisms that apply generally in those schools.

The amount of funding given to primary and secondary schools is not directly linked to any particular pay rates and furthermore schools have discretion how to apply this funding across their support service needs. My Department does not have any direct role in determining the pay and conditions under which they are engaged. These are matters to be agreed between the staff concerned and the school authorities. However, Boards of Management of individual schools are expected to comply with employment legislation and are advised accordingly in guidance from my Department.

In the context of discussions on the Social Partnership Agreement Towards 2016 an Informal Forum was established in the public sector to explore a number of staffing-related issues arising in companies/bodies operating in the voluntary/community sector that are largely funded from public funds.

As part of that informal process my Department has facilitated a number of meetings between the managerial bodies of schools employing secretaries and caretakers and the IMPACT and SIPTU trade unions representing the grades concerned. The most recent meeting took place on 11th March 2008 at which my officials undertook to continue to facilitate those discussions. In addition representatives of the management bodies of schools agreed to meet separately with the trade unions concerned on issues of concern to their members.

Special Educational Needs.

82. **Deputy Bernard J. Durkan** asked the Minister for Education and Science her proposals to extend and improve facilities in mainstream education for children with autism; if she has evaluated precisely such needs at various schools throughout the country; the extent to which she has received representations from school authorities setting out their optimum requirements; when she expects to meet in full such needs; and if she will make a statement on the matter. [13263/08]

Minister for Education and Science (Deputy Mary Hanafin): The Deputy will be aware of my commitment to ensuring that all children including those with special needs can have access to an education appropriate to their needs preferably in school settings through the primary and post primary school network. This facilitates access to individualised education programmes, fully qualified professional teachers, special needs assistants and the appropriate school curriculum with the option where possible of full/partial integration and interaction with other pupils.

Parents of children with autism now have three distinct choices available to them; their child can either attend a mainstream class in their local school with additional supports as required, they can attend a special class in a mainstream school or they can attend a special school. While some children with autism can thrive in a mainstream class, special classes have been specifically designed to meet the needs of those who require more intensive support. Children in these classes benefit from having fully-qualified teachers who have access to training in a range of autism-specific interventions, including Applied Behavioural Analysis (ABA), the Treatment and Education of Autistic and Related Communication Handicapped Children (TEACCH) and the Picture Exchange Communication System (PECS). Teachers, who are familiar with different interventions, can tailor these to the needs of the individual child. These students have the option, where appropriate, of full/partial integration and interaction with other pupils.

There are in the region of 2,100 children with autism who are receiving additional teaching and/or special needs assistant support in mainstream schools.

The National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers, for allocating resource teachers and special needs assistants (SNAs) to schools to support children with special needs. SNAs are sanctioned specifically to assist in the care of pupils and students with disabilities in an educational context. The SENOs operate within the policy outlined in my Department's circular for allocating such support. Additional special classes for children with autism will be sanctioned by the National Council for Special Education as required. School Authorities typically liaise directly with SENOs in relation to their needs for such classes.

Major improvements have been made in special education in recent years including provision for children those with autism. We will continue to work to ensure that all children including those with autism have access to appropriate provision.

Departmental Properties.

83. **Deputy P. J. Sheehan** asked the Minister for Education and Science when she will sanction the request of a school board to the sale of the defunct old national school (details supplied) in County Cork; and if she will make a statement on the matter. [13225/08]

Minister for Education and Science (Deputy Mary Hanafin): The Board of Management of the school referred to by the Deputy has made a request to my Department for permission to dispose of an old school building by way of public sale.

The Deputy may wish to note that normally when a request is received to release my interest in a property, one of the first of several actions required is for my officials to request from the local school Inspector a report outlining the envisaged need for any future educational use for the property. This report has been received in the Planning and Building Unit of the Department. I can assure the Deputy that my Department will expedite the request as soon as possible.

Pupil-Teacher Ratio.

84. **Deputy Martin Ferris** asked the Minister for Education and Science if she will reduce the pupil/teacher ratio in 2009; and if so, the amount by which it will be reduced. [13261/08]

Minister for Education and Science (Deputy Mary Hanafin): As the Deputy will be aware, major improvements have been made in staffing at primary level in recent years. There are now in the region of 6,000 more primary teachers than there were in 2002. By the 2006/07 school year, we had reduced the average class size in our primary schools to 24, while the pupil teacher ratio was 16.4:1, including resource teachers etc. In that year, schools were staffed on the basis of a general rule of at least one classroom teacher for every 28 children. Given that the national average was 24, many schools benefited from much more favourable staffing ratios than this.

Extra teachers were provided by the Government for the 2007/08 school year to improve primary school staffing so that schools would generally get at least one classroom teacher for every 27 children.

A further initiative in recent years 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 330 such posts have been sanctioned in the 2007/08 school year compared to 280 in 2006/07.

[Deputy Mary Hanafin.]

The extra teachers provided in the current school year and also the additional primary teachers planned for 2008/09 will mean this Government will be well ahead of target in relation to the Programme for Government commitment to hire 4,000 extra primary teachers between 2007 and 2012.

Over the lifetime of the Government, we are committed to providing more primary school teachers specifically to reduce class sizes. 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.

Physical Education Facilities.

85. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Education and Science if she will fulfil the commitment given to a school (details supplied) on 21 May 2007 when the board of management received official approval from her Department for a physical education hall, this letter stating that the project would be on site no later than eight months from the date of the letter; if her Department has stated in response to an adjournment debate (details supplied) that this project must again compete with other priorities on school buildings lists; and if she will make a statement on the matter. [13259/08]

Minister for Education and Science (Deputy Mary Hanafin): I can confirm that an application for a PE Hall of 630m² at the school referred to by the Deputy has reached the advanced stages of architectural planning. The project is being co-funded by my own Department and the Department of Community, Rural and Gaeltacht Affairs.

The progression of all large scale building projects from initial design stage through to construction phase, including this project, will be considered on an on-going basis in the context of my Department's Multi-Annual School Building and Modernisation Programme.

Schools Refurbishment.

86. **Deputy Seymour Crawford** asked the Minister for Education and Science the situation regarding the essential roof and other major repairs to a school (details supplied) in County Cavan; her views on whether it is acceptable that pupils and teachers should have to work in such unacceptable conditions where pupils do not even have hot water and showers available after their time in the gym; and if she will make a statement on the matter. [12261/08]

Minister for Education and Science (Deputy Mary Hanafin): I can confirm to the Deputy that an application has been received from the school to which he refers for Emergency Works. The application is currently being considered and the school will be advised of the outcome shortly.

This school have also made an application for large scale capital funding. This application is in the early stages of architectural planning. The progression of all large scale building projects from initial design stage through to construction phase, including this project, will be considered on an on-going basis in the context of my Department's Multi-Annual School Building and Modernisation Programme.

87. **Deputy Seymour Crawford** asked the Minister for Education and Science the amount of money that was provided for the devolved building scheme in each of the past five years; the number of schools that benefited in each of those five years; the amount of funding provided in the budget for that scheme in 2008; her views on whether it was a very cost effective scheme; and if she will make a statement on the matter. [12262/08]

Minister for Education and Science (Deputy Mary Hanafin): The two Devolved Schemes, the Small Schools Scheme and the Permanent Accommodation Scheme, were originally introduced on a pilot basis for 38 schools in 2003 and due to the positive feedback from schools were extended to cover 699 more schools between the years of 2004 and 2007.

The purpose of these devolved schemes are to devolve funding to individual school authorities to undertake building works which will address the school's long term accommodation needs. Under the terms of the Schemes, school authorities are empowered to manage these works with guidance from and minimal interaction with the Department. Devolving funding to school management authorities allows them to have control of their projects, assists in moving projects more quickly to tender and construction and can also deliver better value for money.

A table shows the amount of money provided in each of the past five years and the number of schools which have benefited in each of those years. The feedback from schools has in general been positive and the number of schools participating has increased year on year.

Year	Allocation	No. of Schools
	€m	
2003	10.0	38
2004	20.5	86
2005	52.0	150
2006	98.0	208
2007	99.4	255

Schools Building Projects.

88. **Deputy Joe Costello** asked the Minister for Education and Science if she will sanction €311,000 to a project (details supplied) in Dublin 7 in order that they can complete the three year pilot phase as awarded under DJELR/Pobal Integration Initiative; and if she will make a statement on the matter. [13181/08]

Minister of State at the Department of Education and Science (Deputy Conor Lenihan): I have received a request from the project in question for further funding. I am examining the request in the context of the resources available and other competing demands.

School Accommodation.

89. **Deputy David Stanton** asked the Minister for Education and Science if her Department has carried out an analysis into the projected number of students who will need to be accommodated in second level schools in east Cork over the next eight years; her plans to increase the number of places in second level schools in the short, medium and long term; and if she will make a statement on the matter. [13391/08]

Minister for Education and Science (Deputy Mary Hanafin): Forward Planning Section of my Department is in the process of identifying the areas where significant additional accommodation will be required at primary and post-primary level for 2009 and onwards.

Factors under consideration include population growth, demographic trends, current and projected enrolments, recent and planned housing developments and capacity of existing schools to meet demand for places. Having considered these factors decisions will be taken on the means by which emerging needs will be met within an area.

[Deputy Mary Hanafin.]

Post-primary accommodation requirements in the east Cork area will be considered in this context.

Schools Building Projects.

90. **Deputy P. J. Sheehan** asked the Minister for Education and Science when she will sanction the extension to a community college (details supplied) in County Cork that applied 15 years ago; and if she will make a statement on the matter. [13226/08]

Minister for Education and Science (Deputy Mary Hanafin): The development of the proposed building project for the school in question is at an early stage. The progression of all large scale building projects from initial design stage through to construction phase, including the application in question, will be considered on an on-going basis in the context of my Department's multi-annual School Building and Modernisation Programme.

Pupil-Teacher Ratio.

91. **Deputy Bernard J. Durkan** asked the Minister for Education and Science the number of schools throughout the country in respect of which she has improved the pupil/teacher ratio in the classroom since the last General Election; the location of such schools; their respective average classroom sizes then and at present; and if she will make a statement on the matter. [13262/08]

Minister for Education and Science (Deputy Mary Hanafin): Information in relation to primary school pupil teacher ratios is provided in the annual census of primary schools. The details for the current school year (2007/2008) are currently being compiled by my Department and the information requested is not yet available. Pupil Teacher Ratios in respect of all schools is currently only available at national level and not disaggregated by county or any other variable. Significant improvements have been made in the pupil teacher ratio at post primary level in recent years. The ratio has fallen from 16:1 in the 1996/97 school year to 13.13 :1 in the 2006/07 school year.

As the Deputy will be aware, major improvements have been made in staffing at primary level in recent years. By the 2006/07 school year, we had reduced the average class size in our primary schools to 24, while the pupil teacher ratio was 16.4:1, including resource teachers etc. In that year, schools were staffed on the basis of a general rule of at least one classroom teacher for every 28 children. Given that the national average was 24, many schools benefited from much more favourable staffing ratios than this.

Extra teachers were provided by the Government for the 2007/08 school year to improve primary school staffing so that schools would generally get at least one classroom teacher for every 27 children.

A further initiative in recent years 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 330 such posts have been sanctioned in the 2007/08 school year compared to 280 in 2006/07.

In the primary sector alone, there are now in the region of 6,000 more teachers on the Department's payroll than there were in 2002. Extra teachers have been provided in the 2006/07 and 2007/08 school years specifically to reduce class sizes. The Programme for Government contains a commitment to provide 4,000 additional primary teachers between 2007 and 2012.

With the extra teachers already put in place this year and those provided for in the Budget, we are ahead of target with about 2,000 extra primary teachers to be delivered within just two years.

Over the lifetime of the Government, we are committed to providing more primary school teachers specifically to reduce class sizes. 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.

Schools Building Projects.

92. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Education and Science if the discontinuation of the school buildings list has removed transparency from the school buildings programme resulting in many schools being left in the dark without any information of the stage their project is at. [13258/08]

Minister for Education and Science (Deputy Mary Hanafin): Following the introduction by the Department of Finance in 2004 of five year funding envelopes I decided that my Department's system of publishing the entire building programme in one single announcement was less than satisfactory. This was based on the experience in 2004, whereby a record number of projects were selected for proceeding to tender and construction at a single point in time, while ideal in the context of announcing the entire building programme in one annual announcement, made it less easy to take account of emerging trends generally and specific issues arising on individual projects.

I was anxious to ensure that there was a continuous flow of projects moving to tender and construction. The approach I adopted means that there is a solid flow of projects moving forward through the various stages of architectural planning that can be sustained into the future and the previous stop/start approach to planning the building programme can be avoided. It also gives my Department some flexibility in addressing urgent accommodation issues arising in rapidly developing areas.

Accordingly the 2005 building programme provided for projects to be approved to go to tender and construction on a rolling basis during the year when the schools concerned and their design teams were in a position to confirm to my Department that the project had advanced to the point where tenders could be sought. This approach has been continued since then and I make regular announcements in the matter so that schools will be aware of the progression of their projects.

My latest announcement was on 1 February last when I announced a list of 48 large scale building projects, including 45 new school buildings, which are due to go to construction in 2008. It is also my intention to make further announcements of projects to be progressed as the 2008 school building programme is rolled out and to update progress on the new schools planned for September 2008 delivery in developing areas.

School Staffing.

93. **Deputy Martin Ferris** asked the Minister for Education and Science the practice that has been put in place to ensure that registered sex offenders are not used as substitute teachers in schools; and if the new proposed legislation will deal with this issue. [13260/08]

Minister for Education and Science (Deputy Mary Hanafin): In the education sector, vetting is currently done in respect of newly appointed teachers via the registration process with the Teaching Council. It is also done for prospective employees for posts that involve working

[Deputy Mary Hanafin.]

with children such as Special Needs assistants (SNAs), bus drivers, bus escorts to children with special needs, caretakers and other ancillary staff. As the expansion of service by the Garda Vetting Unit is rolled out my Department will be consulting the relevant stakeholders on how best to introduce vetting of existing teachers and other education staff working with children.

With regard to the appointment of substitute teachers, appointing staff is the responsibility of the board of management and it is for the Board to satisfy itself that a particular individual is considered suitable for appointment.

Where facts or information comes to a Board's attention calling into question a person's suitability to work with children it is obviously for the Board to satisfy itself that the person is suitable to work in that capacity. This will naturally have to be assessed on a case by case basis. The Board will have to consider all the circumstances of the case, give due weight to all relevant factors, and afford fair procedures to the individual concerned before making a decision.

Ensuring the protection, health and welfare of children is a key concern for the Government, for parents, for agencies that work with children and for society generally and I can assure the Deputy that the Government is determined to do all that we can to keep our children and vulnerable adults safe.

To this end, the Programme for Government provides for a proposed amendment to the Constitution which will further strengthen our ability to protect our children by allowing the Oireachtas to legislate for the exchange of information about suspected child abusers. The Programme is committed to putting in place the necessary structures and systems to increase cooperation on vetting and the exchange of all relevant information about those who work or seek to work with children and vulnerable adults.

Furthermore, there is a commitment to provide extra resources to the Garda vetting service and also that we will develop an all-Ireland approach to child protection.

I can assure the Deputy that this Government is determined to do all that we can to keep our children and vulnerable adults safe.

School Services Staff.

94. **Deputy Arthur Morgan** asked the Minister for Education and Science the way she can justify school secretaries who provide same services being paid differing rates of pay with some being paid under the minimum wage; and the action she will take to rectify this. [13255/08]

Minister for Education and Science (Deputy Mary Hanafin): In general the arrangements for supporting secretarial and caretaking services in schools mirror those for providing support funding to the schools concerned. Primary and secondary schools are funded through capitation grants and likewise secretarial and caretaking services are funded by grants that are related to the number of pupils in the school.

It is the case that a small number of primary and post-primary schools continue to have caretaker and secretary posts funded under a scheme that was put in place in 1978 but which is being phased out as it has been superseded by the grant scheme that I have mentioned. The original 1978 scheme covered a relatively small number of primary and secondary schools and the decision to phase it out was part of a policy decision to spread the support more widely and ultimately cover all primary and secondary schools with funding for such services.

The funding approach adopted for caretaking and secretarial provision in second level schools in the VEC and Community and Comprehensive sectors schools is in line with the funding mechanisms that apply generally in those schools.

The amount of funding given to primary and secondary schools is not directly linked to any particular pay rates and furthermore schools have discretion how to apply this funding across their support service needs. My Department does not have any direct role in determining the pay and conditions under which they are engaged. These are matters to be agreed between the staff concerned and the school authorities. However, Boards of Management of individual schools are expected to comply with employment legislation and are advised accordingly in guidance from my Department.

In the context of discussions on the Social Partnership Agreement Towards 2016 an Informal Forum was established in the public sector to explore a number of staffing-related issues arising in companies/bodies operating in the voluntary/community sector that are largely funded from public funds.

As part of that informal process my Department has facilitated a number of meetings between the managerial bodies of schools employing secretaries and caretakers and the IMPACT and SIPTU trade unions representing the grades concerned. The most recent meeting took place on 11th March 2008 at which my officials undertook to continue to facilitate those discussions. In addition representatives of the management bodies of schools agreed to meet separately with the trade unions concerned on issues of concern to their members.

School Accommodation.

95. **Deputy Charlie O'Connor** asked the Minister for Education and Science if she will expedite the plans for new permanent accommodation at a school (details supplied) in Dublin 24; if her attention has been drawn to the concerns of pupils, staff and the community that the building programme commence; and if she will make a statement on the matter. [11852/08]

Minister for Education and Science (Deputy Mary Hanafin): As the Deputy may be aware a Developing Areas Unit was set up recently in my Department to focus on the school accommodation needs of rapidly developing areas including the area to which the Deputy refers to. The main emphasis in 2008 is on providing sufficient school places in these developing areas, as well as delivering improvements in the quality of existing primary and post-primary school accommodation throughout the country.

The Stage 3 documentation for the project referred to by the Deputy is currently being examined by my Department's Technical Staff. As is the case of all large capital projects currently on hand within the Developing Areas Unit, progression of the project will be considered in the context of the multi-annual School Building and Modernisation programme.

Special Educational Needs.

96. **Deputy Jan O'Sullivan** asked the Minister for Education and Science if a centre (detail supplied) is operational; the services it provides for persons with autism in the Republic and in Northern Ireland; and if she will make a statement on the matter. [9307/08]

Minister for Education and Science (Deputy Mary Hanafin): The Middletown Centre for Autism project is a joint initiative between the Department of Education in Northern Ireland and the Department of Education and Science aimed at supporting the promotion of excellence in the development and harmonisation of education and allied services to children and young people with autistic spectrum disorders.

It has been agreed that the following four key services will be provided by the centre: learning support service an educational assessment service; training and advisory service and an autism research and information service.

[Deputy Mary Hanafin.]

I am pleased to inform the Deputy that officials from my Department and the Department of Education in Northern Ireland continue to work closely together to progress the development of the Middletown Centre for Autism. Members were appointed to a Board of Directors in 2007 and a small number of key staff has taken up positions facilitating the phasing in of service provision. Work to date includes the provision of some training and also a public consultation process on the Centre. However the Centre will not be fully up and running until the proposed building project is completed, which is scheduled for 2009.

Schools Building Projects.

97. **Deputy David Stanton** asked the Minister for Education and Science further to Parliamentary Question Nos. 1079 of 30 January 2008 and 159 of 6 March 2008, the further progress that has been made in the matter of providing a new premises for a school (details supplied); and if she will make a statement on the matter. [13392/08]

Minister for Education and Science (Deputy Mary Hanafin): As the Deputy may be aware a Developing Areas Unit was set up recently in my Department to focus on the school accommodation needs of rapidly developing areas including the area to which the Deputy refers to. The main emphasis in 2008 is on providing sufficient school places in these developing areas, as well as delivering improvements in the quality of existing primary and post-primary school accommodation throughout the country.

In this context, the status of this project is currently being assessed. As is the case of all large capital projects currently on hand within the Developing Areas Unit, progression of the project will be considered in the context of the multi-annual School Building and Modernisation programme.

Student Accommodation.

98. **Deputy Aengus Ó Snodaigh** asked the Minister for Education and Science if she will establish a task force to address the urgent accommodation needs of third level students; and if her attention has been drawn to the fact that this falls under her remit. [13256/08]

Minister for Education and Science (Deputy Mary Hanafin): I am aware that USI have called for the establishment of a taskforce on student accommodation.

When USI first made this call last year, my Department explained to them that it would be primarily a matter for the Department of the Environment, Heritage and Local Government which has responsibility for housing policy.

While I would obviously be concerned if accommodation difficulties are impacting on students' performance at college, my Department has no remit in relation to student accommodation.

The Department of Education does not provide financial assistance for the provision of student accommodation nor has it any funding available to do so. Capital funding under the NDP for higher education is targeted at delivering core educational facilities.

Neither does my Department have any expertise or knowledge in relation to housing supply or housing policy in general. Any analysis of student accommodation in a particular locality would have to take account of the availability of other rented accommodation in that area. Any proposals would have to be considered in the context of national housing policy as set by the Department of the Environment, Heritage and Local Government.

As the Deputy will be aware, a number of initiatives have been taken by the Government to improve the availability of student accommodation in recent years.

Section 50 of the Finance Act 1999 incentivised the provision of dedicated student residential accommodation, while the Rent a Room tax relief introduced in 2001 has encouraged private householders to rent out rooms to students.

A review of the Section 50 tax exemption by Indecon consultants for the Department of Finance in 2006 concluded that it had served its purpose and that oversupply was potentially developing as an issue. As a result the scheme will be phased out in 2008 although the tax relief will apply for 10 years from the date that the property is first let to students.

The Deputy will also be aware that there have been record increases in the overall housing stock, with over 700,000 new housing units built over the past ten years.

Notwithstanding all of this, I am conscious that student representatives believe that there is a shortage of suitable rented accommodation in the Dublin area in particular.

My colleague, Minister Gormley, has recently suggested commissioning a study from the Centre for Housing Research on the availability of rented accommodation for students in the greater Dublin region. I am pleased to state I have signalled to him that my Department would be willing to consider co-funding such a study, subject to agreement on terms of reference and costs. Discussions are now due to take place at official level on this.

Special Educational Needs.

99. **Deputy Seán Barrett** asked the Minister for Education and Science if her Department will accord recognition to all Down's syndrome children as having specific learning disabilities, thus providing an automatic entitlement for them to a minimum number of learning support hours; and if she will make a statement on the matter. [10102/08]

Minister for Education and Science (Deputy Mary Hanafin): My Department has put in place a range of teaching and care supports for pupils with special educational needs, including those with Down Syndrome.

Pupils with Down Syndrome may receive additional teaching support in school from either the additional supports provided to schools under general allocation system for children with high incidence special needs or through an allocation of further teaching supports where the child has been assessed as being within one of the low incidence categories of special educational need.

The general allocation system allocated resource teaching supports to schools in line with their enrolments. This has enabled schools to provide additional support for children with high incidence special needs such as mild general learning disability without the need for an individual assessment in each case. Each school determines the pupils with high incidence special education and learning support needs who will receive this support. Research shows that some pupils with special needs will respond better with one-to-one tuition. Others do better when taught in small groups.

Additional teaching supports are allocated to schools where they have enrolled a pupil with a low incidence special educational need. The number of additional teaching hours allocated ranges from three to five hours per week depending on the pupil's special educational needs including the level of general learning disability. Applications for such support are made through the local Special Educational Needs Organiser (SENO) by the school. The NCSE operates within the policy parameters outlined in my Department's circulars in allocating these supports.

[Deputy Mary Hanafin.]

I have no plans to extend the current criteria for low incidence special educational needs to include all children with Down Syndrome.

Trade Statistics.

100. **Deputy Billy Timmins** asked the Taoiseach the balance of trade between Ireland and China, Burma, Pakistan, India, Zimbabwe, Sudan, Chad, Congo, Egypt, Saudi-Arabia and Iran for the years 2000 to 2007; and if he will make a statement on the matter. [13615/08]

Minister of State at the Department of the Taoiseach (Deputy Tom Kitt): The data requested by the Deputy is presented in the table for 2000 to 2007 incl. The table shows the merchandise trade balance for the countries requested i.e. exports minus imports over the period.

Balance of Trade (Merchandise Exports minus Imports)

	2000	2001	2002	2003	2004	2005	2006	2007
	€000	€000	€000	€000	€000	€000	€000	€000
Burma	-1,249	-584	161	-987	-442	3,150	37	862
Chad	82	186	145	793	153	-247	-411	-1,883
China	-733,810	-747,300	-956,401	-1,630,396	-2,137,379	-2,847,004	-3,557,895	-3,494,344
Congo (Dem Rep)	3,099	3,394	5,078	8,289	13,056	13,495	22,537	20,185
Egypt	229,328	90,755	71,308	30,963	59,382	31,015	37,734	42,257
India	-25,540	-46,321	-24,761	-39,666	-43,536	-102,243	-76,981	-112,247
Iran	-1,671	3,946	12,460	14,375	10,754	12,311	21,279	24,110
Pakistan	38,291	-15,553	-24,336	-19,779	14,034	-10,016	-13,270	-7,390
Saudi Arabia	355,349	385,052	338,971	267,012	247,335	287,457	328,136	317,011
Sudan	6,776	12,878	12,934	17,407	11,599	14,752	14,848	9,570
Zimbabwe	-2,376	-1,674	-154	949	1,170	1,339	1,134	331

Tax Code.

101. **Deputy Mary Upton** asked the Tánaiste and Minister for Finance his views on amending the Valuation Act 2001 in view of the issues faced by a number of voluntary clubs such as a club (details supplied) to ensure that rates are changed only on licensed premises owned by a local sporting organisation and not on community hall, sport or recreational facilities provided by a registered club; and if he will make a statement on the matter. [13469/08]

Tánaiste and Minister for Finance (Deputy Brian Cowen): In regard to the Valuation Act, 2001, I should point out that the Commissioner of Valuation is independent in the exercise of his duties under the Act and that I, as Minister for Finance, have no function in decisions in this regard.

The Valuation Act, 2001 provides that “community halls” including clubhouses which are not licensed to sell alcohol and whose facilities are not used primarily for profit or gain, are not rateable.

However, the Act provides that where a club is licensed to sell alcohol under the Registration of Clubs Act 1904, the premises occupied by that club are registered and rateable in their entirety which includes all the buildings in the club, notwithstanding their various uses at different times.

The sale of alcohol is a commercial activity and these premises are competing with other commercial premises. The effect of removing any category of rateable property from the valuation base would be to increase the rates burden on other ratepayers.

Where a community hall or a sports club ceases to be licensed for the sale of alcohol it will no longer be rateable. I have no plans at present to amend the valuation legislation as it applies to voluntary and community sports clubs.

Garda Stations.

102. **Deputy Seymour Crawford** asked the Tánaiste and Minister for Finance the cost of restructuring a private house in Dowra, County Cavan to provide a Garda Barracks; if he is satisfied that this money was well spent; the action he will take in relation to the former Garda barracks; and if he will make a statement on the matter. [13503/08]

Minister of State at the Department of Finance (Deputy Noel Ahern): The cost of restructuring the house to make it suitable for use as a Garda Station was €117,675 inclusive of VAT. The new accommodation provided for the Garda Síochana was in line with current standards and represented value for money.

The Office of Public Works are currently liaising with the Department of Justice, Equality and Law Reform and the Garda Authorities for an indication as to their future requirements for the former Garda Barracks.

Subject to confirmation from An Garda Síochana that they have no future requirements for the building and that there is no other Government requirement for the premises, OPW will proceed to surrender the property to the landlord.

Departmental Facilities.

103. **Deputy Fergus O'Dowd** asked the Tánaiste and Minister for Finance further to Parliamentary Question No. 191 of 2 April 2008, the number and the cost incurred, through rental or otherwise, of car park spaces for public buildings in Dublin provided by the Office of Public Works; and if he will make a statement on the matter. [13436/08]

Minister of State at the Department of Finance (Deputy Noel Ahern): Further to Parliamentary Question No. 191 of 2 April 2008, the table details the number and the cost incurred per annum of car park spaces for public buildings in Dublin provided by the Office of Public Works. In a small number of cases the cost of the car spaces is included in the overall annual rent. Where this is the case it is noted on the table.

Location	Lease Core	Property Name	Address	No. of Spaces	Cost P.A. €
Balbriggan	LSE1035	Balbriggan Passport Office	Unit 1, Fingal Bay Business Park, Balbriggan	76	Included as part of Annual Rent 35,000.00
Blackrock	LSE0730	Blackrock Trident House	Trident House	20	
Cabinteely	LSE0104	Cabinteely Garda Station	Bray Road	20	
Dublin 01	LSE0001	Abbey Street Upper 26 – 30	Chapter House, 26 – 30 Upper Abbey Street	7	Included as part of Annual Rent 17,776.36
Dublin 01	LSE0002	Chapter House	26 – 30 Upper Abbey Street	14	35,552.72
Dublin 01	LSE0004	Abbey Street Upper 26 – 30	Chapter House, 26 – 30 Upper Abbey Street	12	30,473.76
Dublin 01	LSE0020	Arran Court	Arran Quay	7	13,332.27
Dublin 01	LSE0108	Capel Street 89 -94	89 -94 Capel Street	1	2,539.48
Dublin 01	LSE0317	Frederick St North, Frederick Cr	Frederick Court, North Frederick Street	25	80,000.00
Dublin 01	LSE0358	Gandon House	Amiens Street	19	54,283.00
Dublin 01	LSE0359	Gandon House	Amiens Street	8	3,500.00
Dublin 01	LSE0404	Irish Life Centre	Lower Abbey Street	60	72,000.00
Dublin 01	LSE0405	Irish Life Centre	Lower Abbey Street	8	25,393.00
Dublin 01	LSE0406	Irish Life Centre	Lower Abbey Street	17	54,400.00
Dublin 01	LSE0407	Irish Life Centre	Lower Abbey Street	30	95,220.00
Dublin 01	LSE0408	Irish Life Centre	Lower Abbey Street	12	38,088.00
Dublin 01	LSE0409	Irish Life Centre	Lower Abbey Street	35	111,090.00
Dublin 01	LSE0497	O'Connell St 29-32	Lyon/Findlater House, 29-32 O'Connell Street	30	68,565.85
Dublin 01	LSE0509	Marlborough St Car Park Education	Marlborough St – Sean McDermott	148	264,197.76
Dublin 01	LSE0596	Parnell St Parnell BusinesCntr	125 Parnell Street	4	3,047.36
Dublin 01	LSE0597	Parnell St Parnell Cntr Car Pk	Parnell Street	24	66,144.00
Dublin 01	LSE0598	Parnell House	13 – 15 Parnell Square	66	204,240.30
Dublin 01	LSE0961	Parnell Sq 16	16 Parnell Square	55	139,671.89
Dublin 01	LSE0970	Abbey Street Upper 26 – 30	Chapter House, 26 – 30 Upper Abbey Street	4	2,539.48
Dublin 01	LSE0974	Talbot Street 37 Car Pk	Ripley Court Hotel, 37 Talbot Street	20	60,500.00
Dublin 01	LSE1008	Jervis Shopping Centre Car Park	125 Upper Abbey Street	5	8,000.00
Dublin 01	LSE1024	Dublin Port Garda Car Park	Terminal Building, Alexandra Road	7	12,740.00
Dublin 01	LSE1140	Millennium House	52-56 Great Strand Street	7	22,225.00

Location	Lease Core	Property Name	Address	No. of Spaces	Cost P.A.
Dublin 01	LSE1431	Kings Inn House SWO	Parnell St	9	€ 28,800.00
Dublin 02	LSE0008	Tara Street Apollo House	Tara Street	33	54,471.76
Dublin 02	LSE0010	Apollo House	Tara Street	10	28,570.00
Dublin 02	LSE0078	Bishops Square	Redmonds Hill	13	28,886.00
Dublin 02	LSE0080	Bishops Square	Redmonds Hill	13	28,886.00
Dublin 02	LSE0082	Bishops Square	Redmonds Hill	10	22,220.00
Dublin 02	LSE0121	Great Georges St Sth 73/83	73-83 South Great Georges Street	82	149,305.96
Dublin 02	LSE0153	Clanwilliam Court Block 1	Lower Mount Street	25	63,487.00
Dublin 02	LSE0154	Clare Street 12	12 Clare Street	4	12,696.00
Dublin 02	LSE0155	Clare Street 22-25	22-25 Clare Street	11	35,570.00
Dublin 02	LSE0176	Clonmel Street [Clonmel Place]	Clonmel Place, Clonmel Street	30	95,220.00
Dublin 02	LSE0182	Townsend St College Hse Car Pk	Townsend Street	26	97,500.00
Dublin 02	LSE0184	Kildare Street 43-44	Confederation House, 43-44 Kildare Street	35	111,102.25
Dublin 02	LSE0242	East Essex Street Dolphin Hous	East Essex Street	11	27,000.00
Dublin 02	LSE0264	Drury Street Car Park	Drury Street	6	8,685.00
Dublin 02	LSE0292	Adelaide Rd 65A (Davitt House)	65A Adelaide Road	25	87,500.00
Dublin 02	LSE0294	Earl Court Car Park	Adelaide Road	8	20,315.84
Dublin 02	LSE0295	Earlsfort Terrace Earl Ctr Blk	Earlsfort Centre Block C, Earlsfort Terrace	18	67,500.00
Dublin 02	LSE0300	Ely Place 7-8 Ely Court	7-8 Ely Place	28	88,881.80
Dublin 02	LSE0314	Fitzwilton House	Willton Place	4	15,000.00
Dublin 02	LSE0318	Frederick House	South Frederick Street	6	19,050.00
Dublin 02	LSE0374	Grand Canal Street	1 Lower Grand Canal Street	86	240,234.00
Dublin 02	LSE0376	Grattan House	67-72 Lower Mount Street	10	31,728.80
Dublin 02	LSE0377	Grattan House	67-72 Lower Mount Street	10	31,743.50
Dublin 02	LSE0378	Grattan House	67-72 Lower Mount Street	10	31,743.50
Dublin 02	LSE0379	Grattan House	67-72 Lower Mount Street	10	31,751.00

Location	Lease Core	Property Name	Address	No. of Spaces	Cost P.A.
Dublin 02	LSE0386	Haimault House	67-71 St Stephen's Green	19	€ 36,187.54
Dublin 02	LSE0387	Harcourt Centre Block 2	Harcourt Street	5	17,500.00
Dublin 02	LSE0388	Harcourt Road 4-5	4-5 Harcourt Road	30	38,092.14
Dublin 02	LSE0389	Harcourt Sq Garda	Harcourt Street	39	124,800.00
Dublin 02	LSE0391	Harcourt Sq Garda	Harcourt Street	50	187,500.00
Dublin 02	LSE0392	Harcourt Sq Garda	Harcourt Street	54	207,900.00
Dublin 02	LSE0393	Harcourt Sq Garda	Harcourt Street	15	56,250.00
Dublin 02	LSE0395	Harcourt Street 75-78	76-78 Harcourt Street	24	91,200.00
Dublin 02	LSE0396	Hatch Street 13-15	13-15 Hatch Street	12	36,000.00
Dublin 02	LSE0399	Holbrook House	Holles Street	10	35,000.00
Dublin 02	LSE0411	Harcourt Road Dun Sceine	Iveagh Court Block A	14	49,000.00
Dublin 02	LSE0415	Lombard St East 8 – 11 Joyce H	8 – 11 Lombard Street	9	33,750.00
Dublin 02	LSE0496	Luke Street Car Park	21-21C Luke Street	17	19,426.99
Dublin 02	LSE0515	Merrion Square 24	24 Merrion Square	8	25,461.00
Dublin 02	LSE0516	Merrion Square 24	24 Merrion Square	5	12,697.38
Dublin 02	LSE0517	Fenian Street Car Park	Cumberland House, Fenian Street	10	32,750.00
Dublin 02	LSE0526	Mespil Road 43-49	43 – 49 Mespil Road	19	60,312.65
Dublin 02	LSE0529	Molesworth Building Setanta Centre	Molesworth Street/South Frederic	4	10,160.00
Dublin 02	LSE0530	Molesworth Bldg Setanta Centre	Molesworth Street/South Frederic	80	253,948.00
Dublin 02	LSE0532	Ballaugh House	73-79 Lower Mount Street	45	142,875.00
Dublin 02	LSE0533	Mount Street Lower 85 – 93	85-93 Lower Mount Street	25	79,358.63
Dublin 02	LSE0535	Mount St Upr 36	36 Upper Mount Street	10	3,750.00
Dublin 02	LSE0555	Nassau Building Setanta Centre	Nassau Street	16	50,789.52

Location	Lease Core	Property Name	Address	No. of Spaces	Cost P.A.
Dublin 02	LSE0963	Merrion Row 2- 4	2/4 Merrion Row	5	€ 15,875.00
Dublin 02	LSE0969	Earlsfort Centre Block J	Earlsfort Terrace	4	€ 14,000.00
Dublin 02	LSE0971	Townsend St College Hse Car Pk	Townsend Street	17	€ 53,963.95
Dublin 02	LSE1004	St Stephen's Green House	Earlsfort Terrace	15	€ 47,610.00
Dublin 02	LSE1014	St Stephens Gr 94	94 St Stephens Green	19	€ 48,625.00
Dublin 02	LSE1044	Adelaide Road 29-31	29-31 Adelaide Road	87	€ 252,800.00
Dublin 02	LSE1159	Drury Street Car Park	Drury Street	60	€ 156,000.00
Dublin 02	LSE1169	Harcourt St Pinebrook House	Pinebrook House, 71 - 74 Harcourt Street	4	€ 12,800.00
Dublin 02	LSE1170	Harcourt St 72-74	Pinebrook House, 72-74 Harcourt Street	54	€ 172,800.00
Dublin 02	LSE1216	Molesworth Bldg Setanta Centre	Molesworth Street/South Frederic	18	€ 66,600.00
Dublin 02	LSE1263	Revenue Castleview Georges st	Block C, Georges St South Development	35	€ 122,500.00
Dublin 04	LSE0156	Claremont Road Revenue Office	Claremont Road, Sandymount	20	€ 25,394.76
Dublin 04	LSE0401	Ballsbridge (Hume House)	Ballsbridge	28	€ 78,232.00
Dublin 04	LSE0652	Shelbourne Rd 21Shelbourne Hse	21 Shelbourne Road, Ballsbridge	30	€ 95,250.00
Dublin 04	LSE0997	Waterloo Road St Martins House	Dublin 4	24	€ 60,936.00
Dublin 06	LSE0107	Canal House	Canal Road	22	€ 77,000.00
Dublin 06	LSE0620	Rathgar Driving Test Centre	95 Orwell Road, Rathgar	17	€ 10,792.79
Dublin 06	LSE0621	Rathmines CSO Car Park	Leinster Cricket Club, Observatory Lane	20	€ 32,000.00
Dublin 07	LSE0090	Bow Street 31-35	31-35 Bow Street	27	€ 74,346.12
Dublin 07	LSE0506	Manor St Nursing Council	Units 6 & 7, Manor St Business Park	4	€ 3,809.20

National Biodiversity Plan.

104. **Deputy Joanna Tuffy** asked the Tánaiste and Minister for Finance the steps he has taken to ensure that his Department, in accordance with the requirement under the National Biodiversity Plan, has drawn up a biodiversity action plan; and if he will make a statement on the matter. [13479/08]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The Department of Finance is not a relevant Department under the National Biodiversity Plan and is not required to prepare biodiversity plan.

The only office or agency under my aegis with ongoing activities relevant to implementation of the National Biodiversity Plan is the Office of Public Works. While a formal Action Plan has not been prepared, the Office is aware of its responsibilities under the Biodiversity Plan and has in place a suite of detailed actions in various services which are in accordance with that plan. I have arranged for that Office to furnish the Deputy with lists of those actions.

Election Expenses.

105. **Deputy Seán Fleming** asked the Tánaiste and Minister for Finance the amounts paid to each returning official in respect of their election expenses accounts for the 2007 general election; and the estimate, where the amounts have not been finalised, of the amount to be paid on a constituency basis. [13527/08]

Tánaiste and Minister for Finance (Deputy Brian Cowen): Section 32 of the Electoral Act, 1992, as amended by Section 14 of the Electoral (Amendment) Act, 2001, sets out the statutory basis for the payment of expenses to Returning Officers in respect of Dáil elections.

I, as Minister for Finance, sanctioned a Schedule of Charges (Charges Order) which sets out the scale of maximum charges for Returning Officers' for the purpose of the General Election which was held on 24 May 2007.

€15,433,108.57 is the total amount of expenses incurred by Returning Officers to date. Details are set out below on a constituency/Returning Officer basis:

Constituency	Returning Officer	Total Expenses
		€
Carlow — Kilkenny	Mary Enright	485,000.00
Clare	Patrick Wallace	350,000.00
Cork County	Michael O'Driscoll	817,058.86
Cork North & South	Martin Harvey	800,000.00
Dublin County	John Fitzpatrick	2,533,139.29
Dublin City	Brendan Walsh	1,600,940.00
Donegal	Geraldine O'Connor	600,000.00
Galway	Marian Chambers-Higgins	800,000.00
Kildare	Eithne Coughlan	487,406.83
Kerry	Padraig Burke	683,870.14
Laois — Offaly	Verona Lambe	500,000.00
Louth	Mairead Ahern	347,720.54
Longford — Westmeath	Imelda Brannigan	495,254.00
Limerick East & West	Patrick Meghen	650,000.00
Mayo	Fintan Murphy	550,000.00

[Deputy Brian Cowen.]

Constituency	Returning Officer	Total Expenses
		€
Meath	Maire Teehan	300,000.00
Monaghan	Josie Duffy	476,885.70
Roscommon	William Lyster	312,036.00
Sligo — Leitrim	Kieran McDermott	300,000.00
Tipperary North & South	Mary Delahanty	850,000.00
Waterford	Niall Rooney	285,000.00
Wexford	Marie Garahy	428,797.21
Wicklow	Breda Allen	780,000.00
Total		15,433,108.57

The majority of claims for expenses received from Returning Officers in respect of the 2007 General Election have been processed and the remainder will be finalised in the coming weeks. While further claims cannot be ruled out it is unlikely that any more claims will be received. It is likely that any such claim would be for relatively small amounts.

Fiscal Policy.

106. **Deputy Billy Timmins** asked the Tánaiste and Minister for Finance if the national reserve pension fund has funds invested in companies that manufacture cluster munitions or components for such munitions; if so, the figure for same; and if he will make a statement on the matter. [13616/08]

Tánaiste and Minister for Finance (Deputy Brian Cowen): It is Government policy to campaign for a complete ban on the use of cluster munitions and my colleague, Mr Dermot Ahern, TD, Minister for Foreign Affairs, is working to bring to completion negotiations on the first-ever instrument of international humanitarian law specifically directed against cluster munitions.

I have raised this issue with the National Pensions Reserve Fund Commission and the Commission has agreed to exclude companies involved in the manufacture of cluster munitions from the Fund. It is currently in the process of implementing this decision.

Tax Collection.

107. **Deputy Billy Timmins** asked the Tánaiste and Minister for Finance the impact the shortfall in tax revenues will have for his spending plans in 2008; and if he will make a statement on the matter. [13617/08]

Tánaiste and Minister for Finance (Deputy Brian Cowen): The 2008 spending plans were set out in detail in the Revised Estimates for Public Services 2008 which were published on 21 February 2008. I have no proposals to amend these plans.

Total proposed gross expenditure for the year amounts to just under €62 billion made up of approximately €53 billion current expenditure and €9 billion capital expenditure. These are the totals set out for the year and these are the spending allocations with which all Government Departments and Agencies must comply.

Health Services.

108. **Deputy Bernard J. Durkan** asked the Minister for Health and Children if she is satisfied

regarding the extent and frequency of school medical examinations; if she has received a report for changes or improvements in this regard; and if she will make a statement on the matter. [13580/08]

Minister for Health and Children (Deputy Mary Harney): The 2008 spending plans were set out in detail in the Revised Estimates for Public Services 2008 which were published on 21 February 2008. I have no proposals to amend these plans.

Total proposed gross expenditure for the year amounts to just under €62 billion made up of approximately €53 billion current expenditure and €9 billion capital expenditure. These are the totals set out for the year and these are the spending allocations with which all Government Departments and Agencies must comply.

Special Educational Needs.

109. **Deputy Brian Hayes** asked the Minister for Health and Children the number of court actions regarding the provision of resources such as speech and language therapy, occupational therapy and psychological services relating to school students with special needs which her Department has been involved in, in each year over the past five years; the number of these actions which progressed to the hearing stage; the number of cases that resulted in the provision by her Department, of the resources sought by the plaintiff; the costs which were incurred by her Department in responding to this court action; and if she will make a statement on the matter. [13420/08]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): In the last five years, 56 cases have been entered against my Department in which applicants / plaintiffs are seeking access to education and health support services. In cases involving children with disabilities this also includes, on occasion, access to appropriate health related supports. These cases were broken down as follows:

2003: 19 cases (9 Judicial Review, 10 Plenary)

2004: 13 cases (6 Judicial Review, 7 Plenary)

2005: 11 cases (6 Judicial Review, 5 Plenary)

2006: 10 cases (9 Judicial Review, 1 Plenary)

2007: 3 cases (1 Judicial Review, 2 Plenary)

2008: No cases to date.

In that time, four cases have proceeded to full hearing, the first in 2003, the second during 2005 and the third during 2006. The court ruled in favour of the State on all occasions. The fourth case has yet to be finalised and determined. A number of other cases which commenced prior to 2003 are also being dealt with by my Department. The cost to my Department, excluding the costs of the State defence which is borne by the Office of the Chief State Solicitor, in each of the years since 2003 was as follows:

	2003	2004	2005	2006	2007
Legal Costs (€)	2,484,579	1,375,056	2,741,436	1,030,435	362,861
Settlements (€)	305,106	230,987	283,487	275,739	227,190
Total (€)	2,789,685	1,606,043	3,024,923	1,306,174	590,051

[Deputy Jimmy Devins.]

Costs to date in 2008 amount to approximately €175,000. It should be noted that these figures do not include the cost of officials in my Department responding to these cases.

These cases are, in the main, taken against the Department of Education and Science and allege a failure on behalf of the State to provide for an appropriate education as provided for in the Constitution. While these cases are mainly taken by parents of children with autism, there are also a number of cases relating to ADHD and intellectual, physical and sensory disabilities. The Deputy should note that the Department of Health and Children is not specifically named as a defendant in all of these cases but is involved due to its role in the formulation and development of policy in respect of the provision of health care and support services. The Health Act 2004 provided for the creation of the Health Service Executive, which was established on 1 January 2005. Pursuant to the Health Act, 2004, the HSE has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for all health related supports. As such, my Department does not have a function in relation to the provision of services to individuals. In a number of the cases the Health Service Executive is also named as a co-defendant.

Hospitals Building Programme.

110. **Deputy Bernard Allen** asked the Minister for Health and Children if she will make a statement on the situation where the Health Service Executive and Cork University Hospital have been forced to down-size their original plans for a multi-storey car park and helicopter landing facilities in Cork University Hospital for urgent cases as a result of the proposed co-located hospital on campus and that this proposal for a helipad was contained in the hospital strategy plan from the year 2000. [13423/08]

Minister for Health and Children (Deputy Mary 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.

Hospital Staff.

111. **Deputy Bernard Allen** asked the Minister for Health and Children if she will make a statement on the status of the common contract document finalised by the Irish Hospital Consultants Association and the Irish Medical Organisation. [13424/08]

Minister for Health and Children (Deputy Mary Harney): On 27 March 2008, the health service employers issued a comprehensive document to the Irish Hospital Consultants Association (IHCA) and the Irish Medical Organisation (IMO) detailing the proposed terms and conditions of a new contract for consultants employed in the public health service. A copy of the document was also furnished to the independent chairman of the negotiations Mr Mark Connaughton SC who indicated that the document appeared to encompass the various matters dealt with by him during the course of the talks process.

The document was recently considered by both the National Council of the IHCA and the IMO but a decision on putting it to a ballot of their respective memberships has been deferred for the time being pending clarification on a number of issues. Further meetings between

health service employers and representatives of the medical organisations are taking place in an attempt to finalise matters.

Hospital Services.

112. **Deputy Bernard Allen** asked the Minister for Health and Children if she proposes to introduce restrictions over the practices of private cosmetic surgery clinics here and particularly the way cosmetic surgery procedures are advertised. [13425/08]

Minister for Health and Children (Deputy Mary Harney): Under the Medical Practitioners Act 1978, the Medical Council is charged with responsibility for the registration of medical practitioners and the regulation of their activities. The Medical Practitioners Act 2007 provides for a clear compulsory requirement for registration of all medical practitioners, changes to the Fitness to Practise process and the introduction of a mandatory scheme for the maintenance of professional competence. Provision is also made for the Medical Council to have a function in relation to advertising by registered medical practitioners. These and other new provisions of the Act will afford greater protection to the public.

In January 2007, the Commission on Patient Safety and Quality Assurance was established to develop proposals for a health service wide system of governance based on corporate accountability for the quality and safety of all health services. One of its terms of reference is to specifically examine and make recommendations in relation to a statutory system of licensing for public and private health care providers and services. I understand that the Irish Association of Plastic Surgeons made a submission to the Commission. The Commission is due to report by July this year.

Health Service Reform.

113. **Deputy Bernard Allen** asked the Minister for Health and Children if she has received a consultant's report from management consultants (details supplied); and if there is a recommendation to regionalise the Health Service Executive. [13426/08]

117. **Deputy Bernard Allen** asked the Minister for Health and Children if she proposes to introduce a more regional structure for the Health Service Executive with greater autonomy in managing budgets for four regional divisions. [13453/08]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 113 and 117 together.

I am aware that the Health Service Executive has commissioned the firm of management consultants referred to by the Deputy to undertake a review of the Executive's management structures and delivery systems. I understand that the review is still ongoing.

The Deputy will be aware that I recently received the report from Mr John Fitzgerald in relation to the decision to suspend breast radiology services in Portlaoise Hospital. This report has identified that the problems arose fundamentally from systemic weaknesses of governance, management and communications within the HSE in dealing with the situation which arose in Portlaoise. I have asked the Board to consider whether the lessons arising from the systemic weaknesses of governance and management which have been identified in relation to the events at Portlaoise have wider application across the HSE. To this end, the Chairman of the Board of the HSE and I have discussed the need to optimise the HSE's operational capability by addressing issues such as: robust governance and management structures, processes and procedures; clear reporting relationships and lines of accountability; having permanent top level

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managers in key posts; good systems of delegation; and a strong sense of corporate identity which permeates all levels of the organisation.

I have asked the Board to consider these wider aspects and to let me have its assessment of the overall situation as a matter of urgency, and its proposals to address matters, as soon as possible

Health Services.

114. **Deputy Michael Ring** asked the Minister for Health and Children the reason a person (details supplied) in County Mayo has not received payment under the home care package in respect of their mother; the further reason for the delay in dealing with same; and when payment will issue to them. [13434/08]

Minister of State at the Department of Health and Children (Deputy Máire Hocht): 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.

Nursing Home Subventions.

115. **Deputy Ciarán Lynch** asked the Minister for Health and Children if she will reconsider the case of a person (details supplied) in County Cork whose nursing home subvention was reduced from €472.70 per week to €184.24 per week causing severe financial hardship for those who support them; and if she will make a statement on the matter. [13446/08]

Minister of State at the Department of Health and Children (Deputy Máire Hocht): 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.

Disabled Drivers.

116. **Deputy Róisín Shortall** asked the Minister for Health and Children the minimum number of alterations and standard of vehicle required for adapting a vehicle under the motorised transport grant. [13449/08]

Minister of State at the Department of Health and Children (Deputy Máire Hocht): The Motorised Transport Grant is a HSE administered means tested scheme. It provides a grant towards the purchase of a vehicle and/or adaptations to a vehicle being purchased by a person with a severe disability, where a vehicle is essential for him/her to retain employment. The guidelines have been reviewed on a number of occasions since it was first introduced in 1968 with the most recent update taking effect from 23rd March, 2007.

The Department of Health and Children Guidelines on the Motorised Transport Grant do not prescribe any minimum number of alterations and standard of vehicle required under the scheme.

Question No. 117 answered with Question No. 113.

Hospital Services.

118. **Deputy Michael Ring** asked the Minister for Health and Children if she will investigate the way an oncology review appointment issued to a person (details supplied) in County Mayo for 23 September 2008 in view of the fact that the person passed away over 17 years ago; and if she will make a statement on the matter. [13462/08]

Minister for Health and Children (Deputy Mary 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 question raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to have a reply issued directly to the Deputy in relation to the matter raised.

National Biodiversity Plan.

119. **Deputy Joanna Tuffy** asked the Minister for Health and Children the steps she has taken to ensure that her Department, in accordance with the requirement under the National Biodiversity Plan, has drawn up a biodiversity action plan; and if she will make a statement on the matter. [13481/08]

Minister for Health and Children (Deputy Mary Harney): The Department of Environment, Heritage and Local Government is currently coordinating the preparation of a new National Biodiversity Plan for Ireland which will cover the period 2008 -2012 and my Department is represented at the Inter-Departmental Steering Group. When the plan is agreed and published any actions appropriate to my Department and agencies under its aegis will be implemented.

I welcome the valuable and important work being undertaken in this field and support the preparation of the new National Biodiversity Plan.

Nursing Home Subventions.

120. **Deputy Ciarán Lynch** asked the Minister for Health and Children her views on the case of a person (details supplied) in County Cork who applied for an increase in subvention in January 2008 and who has yet to receive a response; if she will take cognisance of the financial hardship resulting from a weekly increase of €95 since January 2008 forcing the applicant to borrow €800 to date; and if she will make a statement on the matter. [13493/08]

Minister of State at the Department of Health and Children (Deputy Máire Hctor): 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.

Hospital Charges.

121. **Deputy Joe Costello** asked the Minister for Health and Children if she will ensure that a person (details supplied) in Dublin 4 is excused from paying a bill; and if she will make a statement on the matter. [13495/08]

Minister for Health and Children (Deputy Mary Harney): Under the Health Acts, responsibility for service provision and any associated charges are a matter for the Chief Executive Officer of the Health Service Executive. My Department has requested the Parliamentary

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Affairs Division of the Health Service Executive to have the matter investigated and to have a reply issue directly to the Deputy.

Health Service Staff.

122. **Deputy Róisín Shortall** asked the Minister for Health and Children the reason a person (details supplied) in Dublin 11 has been denied re-entry to their employment after a career break in view of the fact that they applied to return on a date prior to the recruitment embargo applying; and if, in view of the fact that agency workers are being employed in the facility in question, she will make arrangements for this person to be reinstated without further delay.
[13504/08]

Minister for Health and Children (Deputy Mary Harney): As the Deputy will be aware the Health Service Executive (HSE) has a responsibility to deliver services in accordance with the provisions of the 2008 National Service Plan and within the financial allocation to the HSE and the Government approved employment ceiling. The HSE has advised that the replacement of staff is an issue for decision by local management having regard to service priorities and allocated budgets. The HSE has a policy of prioritising the filling of frontline posts to enable the delivery of services to patients and clients.

The Deputy may wish to note that it is a condition of the career break scheme that if a suitable vacancy does not exist at the date of the termination of the career break an employee is guaranteed re-employment within twelve months. In accordance with the provisions of HSE HR Circular 01/2008 'HSE Employment Control Framework — filling of vacancies and new service development posts from the start of 2008' staff returning from career break should be afforded priority in the filling of vacancies arising after 1st January 2008.

I wish to advise that 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 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.

Fair Deal Scheme.

123. **Deputy Edward O'Keeffe** asked the Minister for Health and Children the position on the fair deal for nursing homes; when it will commence; the way it will operate; the criteria that will be used; the level of dependence that will qualify; the person who will determine the dependency levels. [13520/08]

Minister of State at the Department of Health and Children (Deputy Máire Hackett): The Bill providing for the Fair Deal scheme is being finalised by the Office of the Attorney General at present. My colleague, the Minister for Health and Children, intends to publish the Bill as soon as possible following finalisation by the Attorney General and Government approval, and to bring the legislation through the Houses of the Oireachtas thereafter.

Under the Fair Deal, individuals will apply to the HSE for an assessment of care needs. There will be a common assessment process throughout the country and the assessment will be carried out by a multi-disciplinary team of healthcare professionals. The assessment will be flexible and will recognise that some people may require more assessment by a wider range of health care professionals than others.

Individuals who are assessed as needing long-term residential care, can apply to the HSE for financial support. The new scheme will ensure that the State continues to fund the largest part of care costs overall. Furthermore, a person's family will not have to contribute towards the cost of their care.

Individuals who require long-term residential care will contribute a maximum of 80% of their net assessable income whether for public or private nursing home care. In calculating an individual's net assessable income, it is proposed that account can be taken of specified items of expenditure.

Depending on the amount of a person's assessable income, there may also be a contribution of up to 5% of a person's assets. The State will meet the balance of cost thereafter in public or private nursing homes and an individual's family and/or friends will not have to contribute towards the cost of their care. An individual can choose any approved nursing home subject to a) its ability to meet their care needs and b) availability.

The payment of the portion of the contribution relating to assets can be paid at the time when care is received, or may be deferred until the settlement of the individual's estate if they so wish. If an individual opts to defer this portion of the contribution, the Revenue Commissioners will collect it upon settlement of their estate.

Where the contribution is based on the principal private residence, it will be capped at a maximum of 15%, or 7.5% in the case of one spouse going into long-term residential care while the other remains in the home. This means that after three years in care, an individual will not be liable for any further deferred contribution based on the principal residence.

Where a spouse or certain dependants are living in the principal residence, the contribution may be further deferred until after the death of that spouse or dependant, or until such time as a person previously qualifying as a dependant ceases to qualify as such.

Nursing Home Subventions.

124. **Deputy Edward O'Keefe** asked the Minister for Health and Children if nursing home fees in respect of a two-weeks stay will be refunded to a person (details supplied). [13521/08]

Minister of State at the Department of Health and Children (Deputy Máire Hctor): 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.

Hospital Services.

125. **Deputy Willie Penrose** asked the Minister for Health and Children if she will ensure that a person (details supplied) in County Westmeath receives an appointment at the orthopaedic clinic in Midland Regional Hospital, Tullamore as soon as possible; and if she will make a statement on the matter. [13529/08]

Minister for Health and Children (Deputy Mary 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.

126. **Deputy Willie Penrose** asked the Minister for Health and Children if she will ensure that a person (details supplied) in County Westmeath is admitted to Midland Regional Hospital, Tullamore as soon as possible for a hip replacement; and if she will make a statement on the matter. [13530/08]

Minister for Health and Children (Deputy Mary 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.

127. **Deputy Willie Penrose** asked the Minister for Health and Children if she will ensure that admission to the Eye and Ear Hospital, Dublin is brought forward for a person (details supplied) in County Westmeath; and if she will make a statement on the matter. [13531/08]

Minister for Health and Children (Deputy Mary 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.

128. **Deputy Charles Flanagan** asked the Minister for Health and Children her views on whether it is appropriate, in the context of patient care; that the orthopaedic unit serving the midland counties of Laois, Offaly, Longford and Westmeath, based at the Regional Hospital, Tullamore, is operating at full capacity; and if she will make a statement on the matter. [13533/08]

Minister for Health and Children (Deputy Mary 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 respond to the Deputy on the operational issue raised.

Housing Aid for the Elderly.

129. **Deputy Pat Breen** asked the Minister for Health and Children when an application will be processed for a person (details supplied) in County Clare; and if she will make a statement on the matter. [13539/08]

Minister for Health and Children (Deputy Mary Harney): Operational responsibility for the management and delivery of health and personal social services was assigned to the Health Service Executive (HSE) under the Health Act 2004 and funding for all health services has been provided as part of its overall vote. The HSE's responsibility includes the operation of the Housing Aid Scheme for the Elderly, on behalf of the Department of Environment, Heritage and Local Government. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. The 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.

130. **Deputy Finian McGrath** asked the Minister for Health and Children if a person (details supplied) in Dublin 9 will be assisted when they leave hospital. [13563/08]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): 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.

Services for People with Disabilities.

131. **Deputy Finian McGrath** asked the Minister for Health and Children if a person (details supplied) in County Westmeath will be assisted. [13564/08]

Minister of State at the Department of Health and Children (Deputy Jimmy Devins): As part of the Multi-Annual Investment Programme 2006-2009 under the Disability Strategy, the Government provided the Health Service Executive with an additional €75m in both 2006 and 2007. This funding included monies to provide new and enhanced services for people with disabilities and to implement Part 2 of the Disability Act 2005, which came into effect on June 1st 2007 for children under five years old.

The Government is also honouring its promise in relation to the Multi-Annual Investment Programme for people with disabilities, with a further €50m investment which was announced in the 2008 Budget.

As the Deputy's specific 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 my Department has requested the Parliamentary Affairs Division of the Executive to arrange to have this case investigated and to have a reply issued directly to the Deputy.

Hospital Services.

132. **Deputy Billy Timmins** asked the Minister for Health and Children her plans to upgrade or increase the capacity of the children's hospital at Tallaght; and if she will make a statement on the matter. [13621/08]

Minister for Health and Children (Deputy Mary 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.

I am aware of the concerns previously raised regarding the level of service to be provided at Tallaght in the context of the development of the National Paediatric Hospital. It should be noted that currently the vast majority of children attending the National Children's Hospital Emergency Department do not require admission, and will continue to access their care at the new Ambulatory and Urgent Care Centre which is to be developed at Tallaght. It has been estimated that when the first Ambulatory and Urgent Care Centre is developed at Tallaght it will cater for approximately 48,000 emergency attendances, 9,000 day cases and 58,000 out-

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patient attendances. Clearly the projected level of activity would change depending on the number of such centres to be developed.

EU Directives.

133. **Deputy Tom Sheahan** asked the Minister for Transport the reason, with regard to the Torremolinos Agreement, he has not invoked option number three on behalf of the mussel fishermen of Castlemaine Harbour at Cromane. [13574/08]

Minister for Transport (Deputy Noel Dempsey): Member States of the European Community are required to implement the requirements of the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977, as provided for in European Council Directive 97/70/EC, as amended. The directive was transposed into national law by the Fishing Vessels (Safety Provisions) Regulations 2002. (S.I. No. 418 of 2002).

In order to qualify for a certificate of compliance under the Directive a fishing vessel must comply with the requirements of the Directive, including the requirements of the Annexe to the Torremolinos Protocol, relevant to such vessel. While the latter requirements under the Annexe to the Protocol relate mainly to new fishing vessels, article 5 of the Directive requires that the standards for the design, construction and maintenance of hull, main and auxiliary machinery, electrical and automatic plants of any fishing vessel shall be the rules in force at the date of its construction, specified for classification by a recognised organisation or used by an administration. There is no provision in Directive 97/70/EC for exemption by a Member State from the provisions of article 5.

Existing fishing vessels which have been granted certificates of compliance to date pursuant to the Directive have met all of the requirements of the Directive, including article 5 and the limited requirements of the Annexe to the Torremolinos Protocol. Existing fishing vessels which have not to date met the standards of article 5 may not be granted a certificate of compliance unless they meet these standards, irrespective of whether they meet the limited requirements of the Annexe to the Torremolinos Protocol applicable to them. Ultimately the issue here is the safety of crews of fishing vessels and it is important to ensure that reasonable standards of safety and environmental protection are maintained.

Air Accident Investigations.

134. **Deputy Thomas P. Broughan** asked the Minister for Transport if he has investigated an immediate review of the emergency landing of a plane (details supplied) at Shannon Airport on 28 March 2008; the procedures in place in his Department for sanctioning flights into Irish airports that are carrying weapons, munitions, explosives or other dangerous cargo; if he will carry out a wider review of the landing of planes at Shannon or other Irish airports carrying such cargo; and if he will make a statement on the matter. [13443/08]

Minister for Transport (Deputy Noel Dempsey): The Air Accident Investigation Unit of my Department was notified by the Duty Manager, Air Traffic Control Shannon at 00.45 hrs on the 29th Mar 2008 of an occurrence that had taken place at 22.20 hrs on the 28th of Mar 2008. The Air Accident Investigation Unit is currently investigating this incident and a report will be produced in due course.

The Chicago Convention permits non-scheduled flights to operate into, to transit through and to make stops for non-traffic purposes in the State without the requirement for prior authorization. However, if “munitions of war or implements of war” are being carried, the permission of the State is required — the Convention expressly prohibits the carriage of such

cargo without permission from the State concerned. This is also provided for in national law — the carriage of munitions of war, weapons and dangerous goods is prohibited under the Air Navigation (Carriage of Munitions of War, Weapons and Dangerous Goods) Orders 1973 and 1989, unless an exemption has been obtained from the Minister for Transport.

In considering whether to grant an exemption for a flight carrying dangerous goods or hazardous materials, the Department of Transport consults with the Irish Aviation Authority and the Departments of Justice, Equality and Law Reform, Defence and Foreign Affairs.

Public Transport.

135. **Deputy Joanna Tuffy** asked the Minister for Transport the reason Dublin Bus was asked to withdraw route 25X departures from the south Lucan area; the reason his Department has refused an application from Dublin Bus which sought to provide additional departures in that area under the public service obligation mandate; and if he will make a statement on the matter. [13450/08]

Minister for Transport (Deputy Noel Dempsey): The initiation or alteration of a bus service by Dublin Bus is subject to compliance with the requirement of giving advance notice to my Department and to compliance with the provisions of Section 25 of the Transport Act 1958 concerning competition with licensed private operators.

My Department has made no demand on Dublin Bus to cease any of its authorised Route 25X departures operating from the south Lucan area and has not refused any proposals from the Company for the provision of additional Route 25X departures.

National Biodiversity Plan.

136. **Deputy Joanna Tuffy** asked the Minister for Transport the steps he has taken to ensure his Department, in accordance with the requirement under the national biodiversity plan, has drawn up a biodiversity action plan; and if he will make a statement on the matter. [13484/08]

Minister for Transport (Deputy Noel Dempsey): The Department of the Environment, Heritage and Local Government is currently co-ordinating the preparation of the new National Biodiversity Plan for Ireland, which will cover the period 2008-12, and my Department is represented on the Inter-Departmental Steering Group. When the plan is agreed and published any actions appropriate to my Department will be addressed.

Departmental Funding.

137. **Deputy Brian O'Shea** asked the Minister for Transport the projects approved under the strategic infrastructure fund; the amount approved in each case; the details of these projects. [13528/08]

Minister for Transport (Deputy Noel Dempsey): My Department does not administer a strategic infrastructure fund.

Taxi Regulations.

138. **Deputy Finian McGrath** asked the Minister for Transport the reason for the non-inclusion of a licensed metered taxi service at Shannon Airport (details supplied). [13562/08]

Minister for Transport (Deputy Noel Dempsey): The provision of small public service vehicles at Shannon Airport is currently governed by S.I. No 425/1994), AIRPORT BYE-LAWS 1994. Under the SI, only hackney operators are awarded permits there.

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I understand that the DAA is currently reviewing this system in order to meet the changing operational requirements, to accommodate the growth in airport business and to ensure compliance with new and emerging taxi regulations. In this regard I understand that management at Shannon Airport is currently in communication with the Commission for Taxi Regulation in relation to the introduction of changes to the system. The changes being considered include the issuing of permits for both taxi and hackney operators.

Traffic Management.

139. **Deputy Emmet Stagg** asked the Minister for Transport if he plans to introduce a traffic message channel, RDS, on FM radio, to alert drivers to congestion, accidents and so on, in view of the clear benefits shown from such a service in many European countries. [13612/08]

Minister for Transport (Deputy Noel Dempsey): The availability of up-to-date travel and traffic information to drivers and passengers is critical to facilitating safer, more efficient and more sustainable transport. It helps save lives, time and money. While there are no specific plans to introduce RDS TMC in the GDA at this time, the Deputy may be aware that up-to-date travel and traffic information is provided by a number of broadcast media outlets, including a specific channel LiveDrive 103.2 FM, from Dublin City Council.

The National Roads Authority provides road users with estimated journey times to the next two primary destinations on the M1 based on traffic and driving conditions at the time of travel. Up-to-date information is also available from various local authorities via the Internet, SMS text alerts to mobile phones and various electronic message signs on the road network.

It is envisaged that the proposed Dublin Transport Authority will, on establishment, have powers to deliver a real time travel and traffic information service, encompassing the deployment of enabling technologies such as RDS TMC, in the Greater Dublin Area.

National Biodiversity Plan.

140. **Deputy Joanna Tuffy** asked the Minister for Foreign Affairs the steps he has taken to ensure his Department, in accordance with the requirement under the national biodiversity plan, has drawn up a biodiversity action plan; and if he will make a statement on the matter. [13480/08]

Minister for Foreign Affairs (Deputy Dermot Ahern): My Department contributed material to the Department of the Environment, Heritage and Local Government on the need to respect biodiversity in our overseas development programme, which was integrated into the National Biodiversity Plan 2002-2006. A separate Departmental Biodiversity Action Plan has not been produced. However, the Irish Aid Environmental Policy commits Ireland to addressing global environment problems through our engagement with bodies such as the United Nations and the Development Assistance Committee of the OECD. It also commits Ireland to supporting the efforts of partner governments and civil society at country level and to work closely with other donors in ensuring a coordinated response to environmental challenges in general.

Officials from my Department are in regular contact with their counterparts in the Department of Environment, Heritage and Local Government, which is responsible for preparing a new National Biodiversity Plan for the period from 2008 to 2012. My Department is also represented on the Interdepartmental Steering Committee on Biodiversity.

Foreign Conflicts.

141. **Deputy Finian McGrath** asked the Minister for Foreign Affairs if he will encourage the

Colombian Government to get involved in peace talks with all sides to their conflict and to use the Irish experience on this matter. [13566/08]

Minister for Foreign Affairs (Deputy Dermot Ahern): The Government of Colombia has repeatedly stated its commitment to bringing to an end all terrorism in Colombia within the framework of the Justice and Peace Law. This Law, passed in 2005, provides an overall legal framework for the demobilisation, disarmament and reintegration of illegal armed groups into Colombian society. The Justice and Peace Law, which was adopted through a lengthy democratic political process, strikes a difficult balance between peace and justice.

The process of peace negotiations between the Colombian Government and the right-wing paramilitary group, Autodefensas Unidas de Colombia (AUC), began in 2003, with between 30,000 and 40,000 combatants having been demobilized on completion of the process in 2007. The Government of Colombia is currently engaging in dialogue with the left-wing guerrilla group known as the Ejército de Liberación Nacional de Colombia (ELN) in pursuit of a negotiated peace agreement. Negotiations between the major left-wing guerrilla group, the Fuerzas Armadas Revolucionarias de Colombia (FARC), and the Government have not yet commenced.

The General Affairs and External Relations Council of the European Union most recently adopted Conclusions on Colombia on 19 November 2007. Ireland was actively involved in the negotiation of these Conclusions, which expressed the EU's total solidarity with the Colombian people, its full support for the Colombian Government in its search for a negotiated solution to the internal armed conflict and underlined the importance the EU attaches to the ongoing implementation of the Justice and Peace Law.

The Council further expressed its hope that progress would be made in taking forward negotiations in order to reach a humanitarian agreement, to secure the release of all hostages, to end the armed conflict and to bring lasting peace to Colombia. In the same spirit, the Council welcomed all initiatives taken with the Colombian Government's support with the objective of promoting a successful peace process.

My Department continues to monitor the situation in Colombia through our Embassy in Mexico City, which is accredited to Colombia, as well as in cooperation with our EU partners with resident diplomatic missions in that country. A number of EU Member States, which have a history of involvement in the region, have been active in seeking to mediate between the Colombian Government and the left-wing guerrilla groups, efforts which are fully supported by Ireland and our EU partners. While all conflicts have their own specific character, Ireland is fully supportive of efforts to bring a peaceful resolution to the conflict in Colombia including, if requested, sharing our experiences and the lessons of the Northern Ireland Peace Process. Ireland will continue to support the Government of Colombia in its search for a negotiated solution to the internal armed conflict, including through direct engagement.

Departmental Funding.

142. **Deputy Finian McGrath** asked the Minister for Foreign Affairs the position in relation to a matter (details supplied). [13567/08]

Minister for Foreign Affairs (Deputy Dermot Ahern): The Department of Foreign Affairs has a limited amount of funding at its disposal through the Department's Reconciliation Fund, which is primarily targeted at voluntary organisations involved in community reconciliation work. The purpose of the Fund is to assist organisations involved in reconciliation work and to encourage and facilitate better relations within and between the two traditions in the North, between North and South, and between Ireland and Britain.

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Decisions on funding from the Reconciliation Fund are a matter for the Minister on foot of the recommendations of an interdepartmental Advisory Committee comprised of officials from a number of Government Departments. Officials from the Department of Foreign Affairs have been in direct contact with the individual in question, and an application form and a set of guidelines for the Reconciliation Fund have been forwarded to him. If he considers that the project meets the objectives of the Fund, he may submit an application which will be considered in accordance with these arrangements.

Diplomatic Relations.

143. **Deputy Billy Timmins** asked the Minister for Foreign Affairs the diplomatic relations Ireland has with Burma; and if he will make a statement on the matter. [13618/08]

Minister for Foreign Affairs (Deputy Dermot Ahern): It has been the Government's consistent position that no steps will be taken to develop diplomatic relations with Burma until Aung San Suu Kyi is released. While the issue was examined in 2004, on the basis of promised political and human rights progress by the Burmese authorities, including the release of Ms Suu Kyi, the lack of progress on these issues saw the process quickly stopped.

The Government subsequently made it clear to the Burmese authorities that diplomatic relations will not be advanced, including and in particular the accreditation of Ambassadors, until a number of developments in that country have taken place, in particular the release of Aung San Suu Kyi.

144. **Deputy Billy Timmins** asked the Minister for Foreign Affairs the diplomatic contact Ireland has had with Zimbabwe in 2008; if he will use his contacts in the Southern African development community to express concern regarding the situation in Zimbabwe; and if he will make a statement on the matter. [13619/08]

Minister for Foreign Affairs (Deputy Dermot Ahern): The presidential and parliamentary elections in Zimbabwe on 29 March passed off in a peaceful and orderly fashion. Despite serious concerns about the context in which the election was held, and despite the fact that neither the EU nor any of its Member States were invited to observe the election, the people of Zimbabwe showed great courage and determination in casting their votes on polling day.

Parliamentary results announced by the Zimbabwe Electoral Commission show that President Robert Mugabe's Zanu-PF party has lost control of the House of Assembly for the first time since taking power after independence in 1980. No official announcements have as yet been made on the outcome of the presidential election. I remain extremely concerned at the delays by the Zimbabwean Electoral Commission in issuing the results of the presidential election. This delay can only give rise to serious apprehension and fuel suspicions that the democratic will of the Zimbabwean people may not be respected. I fully supported the call made by the EU Presidency on 4 April for the results of the Presidential election to be issued without further delay, and in a statement yesterday I urged the member countries of the Southern Africa Development Community (SADC) to use their influence upon Zimbabwe to secure early release of the results.

If a second round of the Presidential election is required, Ireland and the EU will be anxious to see every effort made to improve electoral conditions so as to ensure a fully free, fair and transparent vote. Reports of raids on opposition offices on 3 April and arrests of international media covering the election give cause for concern and indicate the level of improvement required on the ground in Zimbabwe.

SADC and its members have a key role to play in the developing situation in Zimbabwe, including through their election monitoring activities. In the run-up to the recent elections, local EU Presidencies in many SADC countries made contact with their host governments to emphasise the importance of SADC monitoring of the election. A member of High Representative Solana's staff travelled to the region for talks with South Africa and with SADC in advance of the election. The Irish Ambassador in Zambia made contact with the Zambian Government, which is currently Chair of SADC, to express Ireland's concerns about the situation in Zimbabwe on a national basis in advance of the elections, and to convey our support for full adherence to the SADC election guidelines and principles.

As I stated in a statement issued on 28 March, SADC has issued important principles and guidelines concerning the conduct of democratic elections which all its members, including Zimbabwe, should uphold. These principles will be more important than ever if a second round of the Presidential election is required. We must continue to work closely with Zimbabwe's neighbours, in particular South Africa, since they are in the best position to influence the situation.

Diplomatic contact between Ireland and Zimbabwe has been limited for several years now. However, the Ambassador and officers from the Embassy in Pretoria regularly visit Zimbabwe and raise issues of concern with the Zimbabwean government at every available opportunity. An Irish official met with Zimbabwean officials in February this year to discuss the issue of election observation. The Irish Ambassador to Zimbabwe travelled to Harare for the election period, and the Embassy continues to monitor the situation closely.

Human Rights Issues.

145. **Deputy Billy Timmins** asked the Minister for Foreign Affairs the response of the Chinese Ambassador to his expression of concern regarding the situation in Tibet; and if he will make a statement on the matter. [13620/08]

Minister for Foreign Affairs (Deputy Dermot Ahern): On my instructions, senior officials of my Department have been, since 17 March, in regular touch with the Chinese Embassy in Dublin to seek information about developments in Tibet and to convey my deep concern at the situation there.

We have sought, including in my statement of 31 March, to address the following:

- to urge all sides to exercise the maximum restraint, and to underline the importance Ireland attaches to the right of freedom of expression and peaceful protest;
- to urge the Chinese authorities to allow greater access by the media and independent observers to Tibet in order to facilitate an assessment of what has been happening there;
- to establish from the Chinese authorities what has happened to the protesters, both those who had surrendered themselves to the authorities and those who had not, as well as seeking assurances of their well-being and the release of imprisoned peaceful protesters;
- to encourage substantial dialogue between the Chinese government and the Dalai Lama, which I believe remains the only sustainable way of ensuring the preservation of Tibetan religious and cultural identity, as well as addressing Chinese concerns regarding their territorial integrity.

The Chinese Ambassador has assured us of the seriousness with which he takes the Government's concerns and undertaken to relay faithfully these messages to his authorities in Beijing.

[Deputy Dermot Ahern.]

The Chinese Embassy has kept the Department informed of the views of the Chinese authorities on the situation in Tibet.

Health and Safety Regulations.

146. **Deputy Denis Naughten** asked the Minister for Enterprise, Trade and Employment when his attention was drawn to the health risks associated with asbestos in the workplace; when legislation was introduced to protect workers; his plans to review legislation; and if he will make a statement on the matter. [13428/08]

Minister of State at the Department of Enterprise, Trade and Employment (Deputy Billy Kelleher): Regulations have been in place in Ireland since 1972 regarding the protection of workers from the risks related to exposure to asbestos fibres while at work. The current Regulations are the Safety, Health and Welfare at Work (Exposure to Asbestos) Regulations 2006 (S.I. No. 386 of 2006). These Regulations reflect the rules in the EU Directives governing asbestos in the workplace, the most recent of which was Directive 2003/18/EC of 27 March 2003.

The Regulations require employers and employees to ensure that the risk of exposure is eliminated or reduced to a minimum and that any residual risk is adequately controlled in accordance with the legislation. There is also a requirement for adequate training, and a requirement that persons involved in demolition and asbestos removal activities be qualified to do this work in a safe way to ensure the protection of their employees. A single exposure limit value is introduced for all work activities where exposure to asbestos dust in the air at a place of work may arise.

While not strictly a worker protection measure, the marketing and use of all types of asbestos has been restricted in the EU since the 1980s, culminating in a total ban in 2000. This has undoubtedly had an indirect positive effect on the further protection of workers. The current Regulations in Ireland are the European Communities (Dangerous Substances and Preparations) (Marketing and Use) Regulations 2003 (S.I. No. 220 of 2003).

The Health and Safety Authority is obliged to keep under review legislation which it enforces in the context of the Safety, Health and Welfare at Work Act 2005, and to make proposals to the Minister as appropriate. I will consider any such proposals as they may arise.

Work Permits.

147. **Deputy Dan Neville** asked the Minister for Enterprise, Trade and Employment if he will grant an employment permit to a person (details supplied). [13431/08]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): The Employment Permits Section of my Department informs me that an Appeal has been lodged in this case. A decision on this Appeal will be made in the near future.

Job Losses.

148. **Deputy Andrew Doyle** asked the Minister for Enterprise, Trade and Employment the measures being taken by his Department and its agencies, in particular the Industrial Development Authority and Enterprise Ireland, to set up a specific task force for employment and re-employment of redundant workers (details supplied); and the approximate date for this task force to be operational. [13444/08]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): I was very disappointed at the announcement by Allergan to close its Arklow operations. On 19th March I

visited Arklow and met with Allergan worker representatives, Arklow Town Council and Arklow Chamber of Commerce. The State development agencies under the auspices of my Department, IDA Ireland, Enterprise Ireland (EI), the Wicklow County Enterprise Board (CEB) and Fás also attended these meetings. At the meeting with workers, Fás, EI and the CEB outlined the range of supports and services that would be put in place and available during the coming months to the workers being made redundant.

As regards a specific task force suggested by the Deputy, I would point out that the State development agencies have adopted a coordinated approach in response to job losses in recent times. This approach is directed at assisting any relevant employees affected and has two objectives:

- To enhance and facilitate the future employment prospects of the workforce
- To identify and support any individual who wishes to start their own business.

With regard to Arklow and County Wicklow in general, IDA continues to promote the area for new business and is currently in negotiation with investors seeking to relocate and expand at the IDA business park in Arklow. In addition, Servier has expanded from 100 jobs to over 300 in the past few years. Other companies in or adjacent to County Wicklow have expanded rapidly with IDA assistance, including Takeda in Bray, now employing 400 plus and Dell employing over 1,500 in Cherrywood. I would also point out that IDA Ireland promotes Wicklow as an integral part of the East Region, the largest region in the country, home to one third of the nation's population with 1.5 million people, and with half the FDI employment at 65,000 jobs, an increase of 15,000 in 10 years.

Enterprise Ireland has supported indigenous industry in Arklow and has given substantial financial support (€782,000) to the Arklow Enterprise Centre. The centre boasts 23,000sq ft of industrial space and provides reasonably-priced workspace to small and expanding businesses. Particular emphasis has been placed on creating and developing employment and enterprise space for the unemployed. The centre is currently at 95% capacity, a not inconsiderable achievement for this facility and an expansion to the original centre was recently approved under the Community Enterprise Centre Programme 2007-2009. When completed, the centre will be capable of accommodating over 175 people. Similarly, Enterprise Ireland has supported the Wicklow Community Enterprise Centre currently accommodating over 60 companies who employ almost 400 people, and is at full capacity.

A significant number of Enterprise Ireland supported companies in Co. Wicklow are actively growing their businesses. In 2006 and 2007 EI approved financial funding of € 4.8m and €3.9m respectively to Wicklow-based firms that are committed to increasing their sales exports and employment. This investment involved support in areas such as R&D, Capability Building and Process Development.

I can assure the Deputy that Government and the State development agencies, under the auspices of my Department, are fully committed to assisting the workers being made redundant to find alternative employment, as well as continuing to attract industry to Arklow and County Wicklow.

National Biodiversity Plan.

149. **Deputy Joanna Tuffy** asked the Minister for Enterprise, Trade and Employment the steps he has taken to ensure his Department, in accordance with the requirement under the national biodiversity plan, has drawn up a biodiversity action plan; and if he will make a statement on the matter. [13478/08]

Minister for Enterprise, Trade and Employment (Deputy Micheál Martin): The National Biodiversity Plan indicates that Biodiversity Action Plans are to be drawn up by each relevant Department. My Department is not a relevant Department for this purpose and accordingly it was not necessary to draw up an action plan.

150. **Deputy Joanna Tuffy** asked the Minister for Arts, Sport and Tourism the steps he has taken to ensure his Department, in accordance with the requirement under the national biodiversity plan, has drawn up a biodiversity action plan; and if he will make a statement on the matter. [13474/08]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): My Department did not draw up a biodiversity action plan under the previous National Biodiversity Plan, as it was not considered a “relevant” Department for the purpose of that Plan. The activities of my Department have little direct impact on biodiversity. However, Fáilte Ireland, a State Agency funded by my Department, is a partner in the Department of Environment, Heritage and Local Government Notice Nature campaign for the protection of biodiversity.

Guidelines for the protection of biodiversity for the tourism industry, which were developed by Fáilte Ireland and Notice Nature, were published in December 2007. These are practical guidelines on what the tourism industry can do to ensure the protection and conservation of biodiversity. In addition to this, Fáilte Ireland has also published its Tourism and the Environment Action Plan 2007 -2009 which contains objectives relating to the protection and conservation of biodiversity.

My Department is represented on the Inter-Departmental Steering Group, which was established to develop the 2nd National Biodiversity Plan for Ireland, which will cover the period 2008-12. When the Plan is agreed and published any actions appropriate to my Department will be implemented.

Sports Capital Programme.

151. **Deputy Michael Ring** asked the Minister for Arts, Sport and Tourism when lottery funding which was approved to an organisation (details supplied) in County Mayo will be issued. [13500/08]

Minister for Arts, Sport and Tourism (Deputy Séamus Brennan): Under the Sports Capital Programme, which is administered by my Department, funding is allocated to sporting and community organisations at local, regional and national level throughout the country.

The club in question has received allocations in 2002, 2006 and 2007. The 2002 allocations has been drawn down in full. The position in relation to the 2006 allocation is that legal formalities have yet to be completed, and in that regard I understand that the Chief State Solicitor’s Office (CSSO) is awaiting documentation from the club. The position in relation to the 2007 allocation is that the club has yet to reply to the letter of provisional allocation issued to the club contact on 24 April 2007. Obviously it is not possible to progress any further with that allocation until such reply, including all relevant documentation, is received.

Social Welfare Fraud.

152. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs the sanctions open to his Department where an employer falsely certifies a person as his or her employee for the purposes of allowing the employee claim child benefit; and the statutory basis of these sanctions. [13440/08]

Minister for Social and Family Affairs (Deputy Martin Cullen): The sanctions which are open to the Department in the situation outlined by the Deputy are set out in legislation as follows.

Section 251 (1) of the Social Welfare Consolidation Act 2005 (the Act) provides that any person for the purpose of obtaining or establishing entitlement to payment of any benefit for himself or any other person, knowingly makes any statement which is to his knowledge false or misleading or conceals any material fact or who produces or furnishes any document or information which he knows to be false, is guilty of an offence.

Section 251 (2) of the Act makes it an offence for an employer or his agent to aid or abet or procure an employee to commit an offence under subsection (1) above. Section 257 of the Act provides for the penalties that can apply if a person is found guilty of an offence under the act. On summary conviction, a fine of up to €1500 and/or 6 months imprisonment; or on conviction on indictment, a fine of up to €13,000 and/or imprisonment for up to 3 years.

Departmental Staff.

153. **Deputy Róisín Shortall** asked the Minister for Social and Family Affairs, further to Parliamentary Question No. 95 of 2 April 2008, the issues that remain to be resolved in his Department's discussions with trade unions regarding the transfer of staff from the Health Service Executive to his Department. [13441/08]

Minister for Social and Family Affairs (Deputy Martin Cullen): As stated in my reply on 2 April 2008, the transfer of functions from the HSE to my Department is a major programme and it does have implications for the staff who are due to transfer. In this regard discussions are taking place between management representatives from my Department, the Department of Health and Children and the HSE and the Unions representing staff in the Community Welfare Service. These discussions are being facilitated by an independent Chairman.

The discussions have focused on the future role of Community Welfare Officers and the terms and conditions of employment which will apply when they transfer to my Department. Progress has been made in the discussions on a number of issues. Further discussion is required on issues such as future career path and promotional opportunities and the pay assimilation arrangements for the staff concerned when they change their status from public to civil servant on transfer to my Department.

The transfer will also have an impact on the current organisational structure in my Department and discussions are also taking place with the Unions representing existing staff at Departmental Council on issues that are of concern to them. The intention is to reach a collective agreement with the Unions which deals with the concerns of the staff involved.

Social Welfare Appeals.

154. **Deputy Michael Ring** asked the Minister for Social and Family Affairs when an oral hearing will be heard for a person (details supplied) in County Mayo. [13461/08]

Minister for Social and Family Affairs (Deputy Martin Cullen): I am advised by the Social Welfare Appeals Office that the appeal from the person concerned has been referred to an Appeals Officer who proposes to hold an oral hearing. The person concerned will be informed when arrangements have been made.

The Social Welfare Appeals Office is an office of my Department that is independently responsible for determining appeals against decisions on social welfare entitlements.

Social Welfare Benefits.

155. **Deputy Michael Kennedy** asked the Minister for Social and Family Affairs if he will allow persons to participate in the all-Ireland free travel scheme from the age of 65; and if he will make a statement on the matter. [13463/08]

Minister for Social and Family Affairs (Deputy Martin Cullen): The free travel scheme is available to all people living in the State aged 66 years or over. All carers in receipt of carer's allowance and carers of people in receipt of constant attendance or prescribed relative's allowance, regardless of their age, also receive a free travel pass. It is also available to people under age 66 who are in receipt of certain disability type welfare payments, such as disability allowance, invalidity pension and blind person's pension. People resident in the State who are in receipt of a social security invalidity or disability payment from a country covered by EU Regulations, or from a country with which Ireland has a bilateral social security agreement, and who have been in receipt of this payment for at least 12 months, are also eligible for free travel.

The all Ireland free travel scheme is based on a reciprocal agreement between my Department and the Department for Regional Development in Northern Ireland, which operates the Northern Ireland concessionary fares scheme. Under the scheme, free travel pass holders aged 66 or over can travel free on services operating within Northern Ireland and senior smartpass holders from Northern Ireland can travel free on participating services here. Effectively, institutions in this State and in Northern Ireland recognise free travel arrangements for older people in each jurisdiction as equivalent arrangements.

All free travel pass holders can continue to benefit from cross-border free travel which enables passholders to travel free on point to point journeys from here to destinations in Northern Ireland as well as on the associated return journey. Any further extension of the all Ireland free travel scheme could only be considered in a budgetary context.

National Biodiversity Plan.

156. **Deputy Joanna Tuffy** asked the Minister for Social and Family Affairs the steps he has taken to ensure his Department, in accordance with the requirement under the national biodiversity plan, has drawn up a biodiversity action plan; and if he will make a statement on the matter. [13483/08]

Minister for Social and Family Affairs (Deputy Martin Cullen): The Department of the Environment, Heritage and Local Government is currently coordinating the preparation of the new National Biodiversity Plan for Ireland, which will cover the period 2008-12 and my Department is represented on the Inter-Departmental Steering Group. When the Plan is agreed and published any actions appropriate to my Department will be implemented.

Social Welfare Benefits.

157. **Deputy Finian McGrath** asked the Minister for Social and Family Affairs if a person (details supplied) in Dublin 17 will be assisted. [13565/08]

Minister for Social and Family Affairs (Deputy Martin Cullen): The Health Service Executive (HSE) has advised that it has not received an application for rent supplement from the person concerned. The HSE has further advised that the person concerned should contact the community welfare officer in his area so that any entitlement he may have, can be determined.

Community Development.

158. **Deputy Michael McGrath** asked the Minister for Community, Rural and Gaeltacht Affairs the position with regard to the cohesion process concerning local and community development initiatives, and specifically in relation to a group (details supplied) in County Cork. [13459/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): I refer the Deputy to my responses to Questions Nos. 10 and 11 of 3 April 2008 and my replies to previous questions on this issue, which outline the core objectives of the cohesion process.

As previously indicated to the House, following an extensive consultation phases, Government decided last year on revised areas of coverage for local development groups, a new mandate to reflect the broader remit of local and community development agencies and clarified the arrangements in relation to the membership of their boards. LEADER and Partnership groups across the country were provided with detailed guidelines to assist them in giving effect to the Government decision. At this stage, local development bodies have been incorporated in the vast majority of the 55 operational areas agreed by Government.

The group referred to by the Deputy has forwarded proposals to the Department to bring their company into alignment with the standards set out in the Guidelines. These proposals are currently under consideration by my Department.

National Biodiversity Plan.

159. **Deputy Joanna Tuffy** asked the Minister for Community, Rural and Gaeltacht Affairs the steps he has taken to ensure that his Department, in accordance with the requirement under the National Biodiversity Plan, has drawn up a biodiversity action plan; and if he will make a statement on the matter. [13475/08]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Éamon Ó Cuív): The Department of Environment, Heritage and Local Government is currently co-ordinating the preparation of the new National Biodiversity Plan for Ireland, which will cover the period 2008-12. My Department is represented on the Inter-Departmental Steering Group. When the Plan is agreed and published, any actions appropriate to my Department will be implemented.

160. **Deputy Joanna Tuffy** asked the Minister for Agriculture, Fisheries and Food the steps she has taken to ensure that her Department, in accordance with the requirement under the National Biodiversity Plan, has drawn up a biodiversity action plan; and if she will make a statement on the matter. [13473/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The Department of the Environment, Heritage and Local Government is currently co-ordinating the preparation of a new National Biodiversity Plan, which will cover the period 2008-2012. My Department is represented on the Inter-Departmental Steering Group dealing with the matter. When the Plan is agreed and published, any actions appropriate to my Department will be implemented.

Aquaculture Development.

161. **Deputy Tom Sheahan** asked the Minister for Agriculture, Fisheries and Food her views on the cultivation and harvesting of mussels in Cromane Harbour to be taken under the auspices of aquaculture rather than sea fisheries where these fishermen do not go the sea; and if she will make a statement on the matter. [13575/08]

Minister for Agriculture, Fisheries and Food (Deputy Mary Coughlan): The Licensing Authority for Sea Fishing Boats requires that a Sea-Fishing Boat requires a licence under EU and National law in respect of boats engaged in commercial fishing activities where such activities include, at any time; dredging for wild mussel seed/spat; having on board fishing gear as specified in Table 3 of Annex 1 of Commission Regulation (EC) No 26/2004 of 30 December 2003 as amended by Commission Regulation (EC) No 1799/2006 of 6 December 2006 on the Community fishing fleet register (dredges are included in this table); or engaging in commercial sea-fishing activities outside aquaculture areas. The entitlement to engage in any of the activities outlined depends on the segment of the fleet in which the boat is licensed and registered. Where a boat is licensed and registered within the Aquaculture Segment of the Irish fishing fleet, it is a condition of the licence that the boat shall be used solely for the management, development and servicing of aquaculture areas. There are a number of boats involved in the harvesting of mussels in Cromane Harbour that are licensed and registered in the aquaculture segment.

Special Educational Needs.

162. **Deputy Brian Hayes** asked the Minister for Education and Science the number of court actions regarding the provision of school places, and resources, for students with special needs which her Department has been involved in during each year over the past five years; the number of these actions which progressed to the hearing stage; the number of actions that resulted in the provision of the school places or resources sought by the plaintiffs; the costs which were incurred by her Department in responding to these court actions; and if she will make a statement on the matter. [13421/08]

Minister for Education and Science (Deputy Mary Hanafin): Some 73 cases involving children with special educational needs, in which my Department is a named party, are ongoing. Cases are taken on behalf of children with special educational needs for a variety of reasons including seeking an educational intervention which differs to that on offer in State schools. Since the introduction of the Education Act 1998 there is now a statutory mechanism whereby children who are seeking a school placement can appeal a decision of a school to refuse enrolment or expel a child. This statutory process is known as a section 29 appeal and in circumstances whereby this process exists, parents generally do not need to have recourse to the Courts to access a school placement. Furthermore the Education Welfare Act 2000 provides for Education Welfare Officers who can assist parents in identifying and sourcing a suitable school placement for their child. It is also worth noting that since the introduction of the Education of Persons with Special Educational Needs Act 2004 there is also a mechanism whereby children with special educational needs can access the necessary supports to allow them benefit fully from an appropriate educational placement. The Special Educational Needs Organisers which have been employed on foot of this legislation further provide the necessary supports to schools to cater for the additional needs of pupils with special educational needs.

Four of the cases initiated against my Department have gone to a full hearing in the courts since 2003. In three of these actions, the Court ruled in favour of the State while judgment is awaited in the fourth. The Deputy will be aware of my position on the issues of litigation in special educational needs and can be assured that neither I nor my Department take lightly any decision to defend cases concerning children with special educational needs. I emphasise that my Department does not initiate any such proceedings and cases are generally only litigated where no potential settlement is acceptable to both sides and the Government's authority to decide issues of policy is in question. The State has an obligation under the Constitution to provide for primary education. In the context of children with special educational needs, that

education must be appropriate to their requirements. The State decides on an appropriate form of provision, having regard to the advice available to it from relevant experts in the National Educational Psychological Service, the National Council for Curriculum and Assessment, the Inspectorate and independent experts. The Department is not complacent in dealing with these cases and attempts, wherever possible, to reduce the potential for litigation and the levels of legal costs where they arise. I emphasise that legal costs incurred by the State in defending those cases which are brought to court are not met directly by my Department. In accordance with financial procedures in cases involving damages or compensation against the State, costs are generally charged to the Chief State Solicitor's Office Vote as sanctioned by the Attorney General.

With reference to the costs incurred by my Department, payment of legal costs of solicitors acting on behalf of children with special educational needs for the last five years are as follows: 2003, €3,766,276.53; 2004, €5,160,555.16; 2005, €1,211,529.68; 2006, €620,880.43; 2007, €421,176.97; and 2008 €177,391.39 (to date). In addition, *ex gratia* payments made in the settlement of some cases, were as follows: 2003, €662,830.42; 2004, €421,692.11; 2005, €101,655.16; 2006, €152,333.34; 2007, €88,282.00; and 2008, €6,013.03 (to date).

School Staffing.

163. **Deputy Dan Neville** asked the Minister for Education and Science when the extra resources will be provided for a resource teacher and a special needs assistant for a person (details supplied) in County Limerick. [13422/08]

Minister for Education and Science (Deputy Mary Hanafin): I understand that a meeting with the family in question is due to take place shortly to discuss the person's special educational needs.

Question No. 164 withdrawn.

Schools Building Projects.

165. **Deputy Dan Neville** asked the Minister for Education and Science if she is committed to providing a permanent education centre for Limerick and its environs (details supplied). [13432/08]

Minister for Education and Science (Deputy Mary Hanafin): An application is with my Department for the provision of appropriate accommodation in a suitable location for the centre in question. The progression of all large scale building projects from initial design stage through to construction phase, including the project in question, will be considered on an ongoing basis in the context of my Department's Multi-Annual School Building and Modernisation Programme.

Institutes of Technology.

166. **Deputy Brian O'Shea** asked the Minister for Education and Science further to Parliamentary Question No. 805 of 2 April 2008, if a decision will be reached in regard to progressing the application of Waterford Institute of Technology for university status under section 9 of the University Act 1997 before 6 May 2008; and if she will make a statement on the matter. [13442/08]

Minister for Education and Science (Deputy Mary Hanafin): To date applications have been received to invoke Section 9 of the Universities Act, 1997 from Waterford Institute of Technology, Dublin Institute of Technology and Cork Institute of Technology. Any such application

[Deputy Mary Hanafin.]

requires a detailed examination in the context not only of the detailed statutory process to which they are subject but also of their wider implications for higher education policy generally. These applications raise significant issues regarding Government policy towards higher education, in particular the existing roles of the Universities and Institutes of Technology which have distinctive missions from each other, provide different levels and types of academic programmes, fulfil different roles in the community and have separate academic and governance structures. The Government wants to build on our strengths and to provide an environment where all our higher education institutions can develop in a way that best serves the country as a whole and the regions where they are based. These issues must be central to consideration of the appropriate next steps in relation to all applications, which I have been examining in conjunction with my Government colleagues.

Waterford IT is already making a significant contribution to the development of the South East region. It has an excellent track record of industry collaboration particularly in areas of applied research and curriculum design. I want to see Waterford IT further develop its strengths in these areas in line with the objectives of the Government's Strategy for Science Technology and Innovation. In this regard one of the key development and investment priorities for the Waterford Gateway in the current National Development Plan is the "investment in the R&D capacity of Waterford Institute of Technology to underline the importance of education to Waterford as a centre of excellence". While Dr Port's report is specifically on the Waterford application, it also provides a useful analysis of the wider context in which any application for designation as a university must be considered. The report provides an overview of the complex issues involved and will contribute to an informed debate, nationally and regionally on the issue and help inform final consideration of the matter. The options presented in the Port Report are being examined carefully by officials of my Department and the Higher Education Authority with a view to developing specific proposals on the appropriate next steps in the context of wider considerations. I intend to present proposals to Government in this regard very shortly.

Higher Education Grants.

167. **Deputy Michael D. Higgins** asked the Minister for Education and Science if her attention has been drawn to the fact that a person (details supplied) in County Galway has recently been denied a higher education grant; and the reason for this decision, in view of the fact that the guidelines set out by her Department indicate their entitlement to this grant. [13457/08]

Minister for Education and Science (Deputy Mary Hanafin): The decision on eligibility for third level grants is a matter for the relevant assessing authority — the Local Authority or VEC. If an individual applicant considers that she/he has been unjustly refused a maintenance grant, or that the rate of grant awarded is not the correct one, she/he may appeal, in the first instance, to the relevant local authority or VEC. Where an individual applicant has had an appeal turned down, in writing, by the relevant local authority or VEC, and remains of the view that the body has not interpreted the schemes correctly in his/her case, an appeal form outlining the position may be submitted by the applicant to my Department. The Department has received no appeal from the candidate referred to by the Deputy.

Vocational Education Committees.

168. **Deputy Michael Kennedy** asked the Minister for Education and Science if her attention has been drawn to the recent changes made to the enrolment policy of the Balbriggan vocational educational committee, which has resulted in numerous pupils from a school (details

supplied) being denied places; the action she will take to remedy this situation; and if she will make a statement on the matter. [13466/08]

Minister for Education and Science (Deputy Mary Hanafin): I understand, from enquiries made by officials of my Department, there has been no change to the enrolment policy operated by Balbriggan Community College, which operates under the control of County Dublin VEC. The Forward Planning Section of my Department is in the process of identifying the areas where significant additional accommodation will be required at primary and post-primary level for 2009 and onwards. Factors under consideration include population growth, demographic trends, current and projected enrolments, recent and planned housing developments and capacity of existing schools to meet demand for places. Having considered these factors decisions will be taken on the means by which emerging needs will be met within an area. Enrolment in individual schools is the responsibility of the managerial authority of those schools and my Department does not seek to intervene in decisions made by schools in such matters. My Department's main responsibility is to ensure that schools in an area can, between them, cater for all pupils seeking places. This may result, however, in some pupils not obtaining a place in the school of their first choice.

It is the responsibility of the managerial authorities of schools that are not in a position to admit all pupils seeking entry to implement an enrolment policy in accordance with the Education Act. 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. It is not unusual for some second level schools to prioritise named feeder schools in their admissions policies. This often reflects long standing connections between schools. However, in formulating an admissions policy a school must 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.

Currently, under Section 29 of the Education Act 1998, the parents of a student who has been refused enrolment may appeal the decision. In the case of Schools or Colleges established or maintained by a Vocational Education Committee (VEC) the decision may be appealed to the VEC. If an appeal to the VEC has been concluded parents may go on to appeal the decision to the Secretary General of my Department. If an appeal is upheld, the Secretary General is empowered to direct the school to enrol the student. 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 Welfare Board has indicated that it will treat children for whom an appeal under Section 29 has been unsuccessful as priority cases in offering such assistance. The NEWB can be contacted at National Educational Welfare Board, National Headquarters, 16-22 Green Street, Dublin 7 or by telephone at 01-8738700.

National Biodiversity Plan.

169. **Deputy Joanna Tuffy** asked the Minister for Education and Science the steps she has taken to ensure that her Department in accordance with the requirement under the National Biodiversity Plan, has drawn up a biodiversity action plan; and if she will make a statement on the matter. [13477/08]

Minister for Education and Science (Deputy Mary Hanafin): The Department of Environment, Heritage and Local Government is currently co-ordinating the preparation of the new National Biodiversity Plan for Ireland, which will cover the period 2008-2012. My Department is represented on the Inter-Departmental Steering Group for the new plan. Following agree-

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ment on the Plan, consideration will be given to implementing any recommendations relevant to my Department.

Student Support Schemes.

170. **Deputy Ulick Burke** asked the Minister for Education and Science her plans to support part time students at third level, particularly those who left formal education without a qualification; and if she will make a statement on the matter. [13485/08]

Minister for Education and Science (Deputy Mary Hanafin): Paragraph 7.9 of Part VI of Towards 2016 contains a commitment to establish a targeted fund to alleviate fees in Higher Education Authority (HEA) supported public institutions for part-time courses at third level for those at work who have not previously pursued a third level qualification. A €10 million fund, drawn from the National Training Fund, is available with the aim of meeting the above commitment. As an initial step towards meeting this commitment, a pilot Modular Accreditation Programme commenced in Tallaght Institute of Technology last October, and the HEA intends to develop other pilot programmes to be launched this year. These pilot programmes will prove useful in testing the demand for the next phase in meeting the commitment. The fund will also support a scheme to be developed in close co-operation with the Irish Congress of Trade Unions. In designing this scheme, the Government will have regard to the following objectives: targeting people in work who have not had the opportunity to pursue third level education previously to level 8 on the National Qualifications Framework; reducing the amount of fees that workers pay; maintaining the current benefits in relation to employer support and tax relief available to workers in respect of third level fees; and allowing for a part refund to be paid on successful completion of each academic year of the relevant course. Officials from my Department will be in touch with the Department of Enterprise, Trade and Employment and ICTU shortly to advance the development of this scheme, and will liaise with education and other stakeholders, with a view to having any new arrangements in place in respect of courses commencing from September 2008. Given this timing the full annual cost will arise in the context of the 2009 estimates.

Schools Building Projects.

171. **Deputy Mary Upton** asked the Minister for Education and Science the position regarding an application for funding for a building project at a school (details supplied) in Dublin 8; when the latest round of funding will be announced; and if she will make a statement on the matter. [13486/08]

Minister for Education and Science (Deputy Mary Hanafin): The architectural planning of the school building project referred to by the Deputy is at an advanced stage. The progression of all projects to tender and construction, including this project, will be considered on an ongoing basis in the context of my Department's Multi Annual School Building and Modernisation Programme.

172. **Deputy Willie Penrose** asked the Minister for Education and Science the position of the application for additional funding by a school (details supplied) in County Longford which is necessary in the context of providing the infrastructure required by the local authority pursuant to the planning approval granted in respect of the school; if in this context, she will ensure that this request which is being examined by her Department's review group, is favourably considered; and if she will make a statement on the matter. [13494/08]

Minister for Education and Science (Deputy Mary Hanafin): As part of the expansion of the Small Schools Scheme, a grant was sanctioned in March 2007 under the Permanent Accommodation Scheme to enable the management authority of the school in question to build 3 permanent classrooms. The initiative allows Boards of Management to address their accommodation and building priorities with a guaranteed amount of funding and gives Boards of Management control of the building project. The school authority has submitted an application for additional funding which will be examined by the Department's Review Group and the school will be informed of their decision in due course.

Adult Education.

173. **Deputy Ulick Burke** asked the Minister for Education and Science her plans, in view of the increasing unemployment rates among the unskilled, to increase learning opportunities for adults within the wider context of life long learning and to eliminate the strong inequities in terms of access and the provision of funding for those on part time courses; and if she will make a statement on the matter. [13498/08]

Minister of State at the Department of Education and Science (Deputy Seán Haughey): My Department has and will continue to put the resources and supports in place to ensure there are a wide range of course options available in the Further and Higher Education sectors for people who wish to continue their studies after second-level or return to education later in life. The priority target group of Further Education programmes generally is those who are educationally disadvantaged and who lack basic skills. For adults over 21 years old who are long-term unemployed, the Vocational Training Opportunities Scheme introduced in late 1989, provides second chance education and training. Participants receive a training allowance in lieu of Social Welfare payments along with travel and meal allowances. A weekly bonus payment of €31.80 is payable to those who have been receiving a qualifying social welfare payment for 12 months before joining the programme. My Department provides funding for part-time learning opportunities for adults through The Back to Education Initiative, (BTEI) which was launched in 2002. It comprises two strands: the formal strand (Vocational Education Committees and Secondary, Special and Community and Comprehensive Schools) and the community strand (community groups and organisations). The BTEI aims to give adults who wish to return to education an opportunity to combine their return to learning with family, work and other responsibilities. Programmes are offered on a part-time basis in the mornings, afternoons, evenings or at weekends. Its priority group is adults with less than upper second level education. It plays a key role in addressing the needs of those with minimal or no education qualifications and providing a re-entry route for those who wish to upgrade their skills in line with emerging needs. These courses lead to accredited outcomes through the Further Education and Training Awards Council (FETAC) at levels 1-6.

Since its inception, funding for the BTEI has increased from just over €6 million in 2002 to €18 million in 2007. From 1 September 2007 fees for participants on BTEI programmes with less than upper second level education were eliminated. Originally only people with a social welfare entitlement or medical card were entitled to free fees. Some 9,000 BTEI places were provided throughout the country in 2007 and funding has been made available for a further 500 places this year. Under Towards 2016 the Government is committed to expanding the BTEI to 10,000 places by 2009. Towards 2016 also contains a commitment to put in place a targeted scheme to alleviate the fees in public institutions for part-time courses at third level, for those in employment or seeking to enter employment, who have not previously pursued a third level qualification. As a first step towards the implementation of this commitment, the Higher Education Authority (HEA) has developed a pilot Modular Accreditation Programme

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(MAP) to be delivered on a flexible part time basis through a number of third level institutions. Students participating in the programme will benefit from a substantial fee subsidy. The Programme for Government also includes a commitment to introduce a more extensive new system of means-tested free fees, with a view to enabling more people with work or family commitments to avail of opportunities at third level. The timescale for implementing this commitment will depend on the resources available in future Budgets.

State Examinations.

174. **Deputy Billy Timmins** asked the Minister for Education and Science the position in relation to a person (details supplied) in County Wicklow who has applied for access to a reader for their examination as they require this but have been refused; if same will be re-examined and allowed; and if she will make a statement on the matter. [13502/08]

Minister for Education and Science (Deputy Mary Hanafin): The State Examinations Commission has statutory responsibility for operational matters relating to the certificate examinations including organising the holding of examinations and determining procedures in places where examinations are conducted including the supervision of examinations. I can inform the Deputy that the Commission operates a scheme of Reasonable Accommodations in the certificate Examinations. Applications for such accommodations are submitted by schools on behalf of their students. I have forwarded your query to the State Examinations Commission for direct reply to the Deputy.

Languages Programme.

175. **Deputy Edward O’Keeffe** asked the Minister for Education and Science the criteria that must be met in order to establish a specific type of education facility business (details supplied) in County Cork. [13523/08]

Minister for Education and Science (Deputy Mary Hanafin): The Advisory Council for English Language Schools (ACELS) operates under the aegis of my Department to control quality standards in English Language Schools, including English language summer schools, through an inspection/recognition scheme. ACELS administers the scheme which leads to school recognition by my Department. Recognition of schools arises from their satisfying certain minimum standards in relation to premises, learning and teaching provision and facilities, and the regulations governing this are set out on the ACELS website, www.acels.ie. The regulations also set out the requirements for student accommodation, including host family accommodation and residential accommodation. Accommodation is subject to inspection by ACELS at any reasonable time. The regulations are reviewed and amended by ACELS as necessary. It should be noted all Chinese nationals wishing to enter Ireland must be in possession of a valid Irish visa. Chinese nationals may apply for a visa through the Embassy of Ireland in Beijing or the Consulate General of Ireland in Shanghai. Contact details for these offices can be found on the website of the Department of Foreign Affairs, www.dfa.ie.

Schools Building Projects.

176. **Deputy Áine Brady** asked the Minister for Education and Science the position in relation to the proposed expansion of facilities to a school (details supplied) in County Kildare; and if she will make a statement on the matter. [13532/08]

Minister for Education and Science (Deputy Mary Hanafin): The School Planning and Building Unit of my Department is in receipt of an application from the school referred to by the Deputy. My Department has agreed, in principle, to the future expansion of this school to an 8-classroom facility. As part of the Programme for Government, a Developing Areas Unit was set up recently in my Department to focus on the school accommodation needs of rapidly developing areas, including Naas. The main emphasis in 2008 is on providing sufficient school places in these developing areas, as well as delivering improvements in the quality of existing primary and post-primary school accommodation throughout the country. In this context, the status of this project is being assessed as part of the overall delivery plan for Naas, which is currently being formulated within the Developing Areas Unit. As is the case with all major capital projects, progression of this project will be considered in the context of the multi-annual School Building and Modernisation Programme.

Special Educational Needs.

177. **Deputy Bernard J. Durkan** asked the Minister for Education and Science the full extent of special needs, resource and remedial teaching requirements identified at all schools here; her intention to address deficiencies in early date; and if she will make a statement on the matter. [13587/08]

Minister for Education and Science (Deputy Mary Hanafin): The Deputy will be aware of my commitment to ensuring that all pupils, including those with special educational needs, can have access to an education appropriate to their needs preferably in school settings through the primary and post-primary school network. There are now over 19,000 staff in our schools working solely with children with special needs. This includes almost 10,000 Special Needs Assistants — compared with just 300 in 1997. There are also over 7,800 resource and learning support teachers — compared with about 2,000 in 1998. More than 1,100 other teachers support children in our special schools, while hundreds more work in special classes. As well as this significant increase in the numbers of additional teachers and SNAs directly providing appropriate education and care supports for children with special educational needs, much investment has taken place in the provision of transport, specialist school accommodation, home tuition, assistive technology and equipment. Additional teaching supports are allocated as necessary by the National Council for Special Education (NCSE) in line with my Department's policy to support children with special educational needs. As a result, there is no current shortfall in the number of teacher posts being allocated for children with special educational needs. I wish to assure the Deputy that the provision of appropriate educational intervention and supports for children with special educational needs continues to be a key Government priority.

Bullying in Schools.

178. **Deputy Bernard J. Durkan** asked the Minister for Education and Science the number of incidents of school bullying made known to her Department in the past 12 months; the action taken arising therefrom; and if she will make a statement on the matter. [13578/08]

Minister for Education and Science (Deputy Mary Hanafin): I assure the Deputy that supports are in place to enable schools to prevent bullying and to deal with cases that arise. However, the Deputy will be aware that there is no requirement for schools to report incidents of bullying to my Department, nor do I believe that this should be the case. Responsibility for tackling bullying falls to the level of the individual school as it is at local level that an effective anti-bullying climate must be established. I am, however, anxious to support schools in tackling bullying and it is for that reason that a number supports have been put in place in recent years. Each school is required to have a policy which includes specific measures to deal with bullying

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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.

In view of the increasing demands which have been placed on schools as a result of statutory obligations and the requirement for policies in a range of areas, my Department has been working to ensure greater availability of guidelines and template policies to assist schools. Last year, I announced the publication on my Department's website of policy templates for post-primary schools in five key areas, including anti-bullying, as part of our ongoing efforts in this regard. The template documents are not prescriptive, but rather highlight possible approaches and potential material for inclusion in school policies. The anti-bullying policy template is based primarily on the key document Guidelines on Countering Bullying Behaviour. However, it does take account of more recent legislative and regulatory changes, and reference is also made to issues of contemporary concern such as the need to tackle text bullying, cyber-bullying and homophobic bullying.

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. Once the NEWB Guidelines are in place, my Department will commence the process of revising and updating its "Guidelines on Countering Bullying Behaviour". This review will take into account issues such as legislative developments, the involvement of the support services available to schools, technological advancements such as use of the Internet, e-mail, mobile phones and camera phones and the latest developments in International best practice on dealing with bullying behaviour. My Department, through the National Centre for Technology in Education has developed Policy Guidelines and Advisory Notes for schools and parents which deal with the issues of internet and mobile phone bullying. I draw the Deputy's attention to the "think b4 u click" internet safety campaign. This campaign seeks to raise awareness and promote safe, responsible practice by young people when on-line. The campaign has a strong peer-to-peer perspective and centres on an interactive on-line service, *www.watchyourspace.ie*, developed by the National Centre Technology in Education (NCTE). This site offers practical tips and advice and supports teenagers who use the web. A key feature is the advice given from teenagers to teenagers on how to cope with the fall-out from abuses and misuse of social networking and picture-sharing websites. This new initiative perfectly complements the other NCTE safety activities that are up and running successfully such as Webwise, SAFT and the Once projects.

Dealing with bullying has also been incorporated in training for principals through the Leadership Development for Schools programme. I have 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 if they make a teacher aware of bullying that it will be dealt with. The education of students in primary and post-primary schools about anti-bullying behaviour is part of the SPHE curriculum. SPHE is a compulsory subject both at primary level and in the junior cycle of post-primary schools.

Pupil-Teacher Ratio.

179. **Deputy Bernard J. Durkan** asked the Minister for Education and Science when she expects to address the issue of class sizes in all schools here in line with international best practice; and if she will make a statement on the matter. [13579/08]

Minister for Education and Science (Deputy Mary Hanafin): As the Deputy will be aware, major improvements have been made in staffing at primary level in recent years. There are now in the region of 6,000 more primary teachers than there were in 2002. By the 2006-07 school year, we had reduced the average class size in our primary schools to 24, while the pupil teacher ratio was 16.4:1, including resource teachers etc. In that year, schools were staffed on the basis of a general rule of at least one classroom teacher for every 28 children. Given that the national average was 24, many schools benefited from more favourable staffing ratios than this. Extra teachers were provided by the Government for the 2007-08 school year to improve primary school staffing so that schools would generally get at least one classroom teacher for every 27 children. Significant improvements have been made in the pupil teacher ratio at post primary level in recent years. The ratio has fallen from 16:1 in the 1996/97 school year to 13.13 :1 in the 2006/07 school year. The Government has made provision for approximately 1,200 extra primary and post-primary teachers to be appointed in the next school year. The Deputy will be aware that Budget 2008 provided €4.6 billion or €380 million extra for teacher pay and pensions. This is a substantial level of additional investment in the current economic environment and reflects the huge improvements that have been made in school staffing in recent years.

The Programme for Government contains a commitment to provide 4,000 additional primary teachers between 2007 and 2012. With the extra teachers already put in place this year and those provided for in the Budget, we are ahead of target with about 2,000 extra primary teachers to be delivered within just two years. As I have said on many occasions in the past, high quality teachers are by far the most important ingredient in our education system. Over the lifetime of the Government, we are committed to providing more primary school teachers specifically to reduce class sizes. 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.

180. **Deputy Bernard J. Durkan** asked the Minister for Education and Science the extent to which an attempt has been made to identify in full speech and language training requirements at all schools here; when she expects to meet these requirements; and if she will make a statement on the matter. [13581/08]

Minister for Education and Science (Deputy Mary Hanafin): I understand that the Deputy is referring to the availability of speech and language therapy services in schools. 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.

Languages Programme.

181. **Deputy Bernard J. Durkan** asked the Minister for Education and Science her proposals to meet in full the requirements of the various school authorities here arising from the multicultural society; when she expects to achieve best practice in terms of language teaching and

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catering for special needs arising therefrom; and if she will make a statement on the matter.
[13582/08]

Minister of State at the Department of Education and Science (Deputy Conor Lenihan): In May 2007, Circular 53/2007 was issued to the Management Authorities in primary and post-primary schools outlining the resources available to meet the needs of pupils for whom English is a second language. The limit of two Language Support Teachers per school was removed and the provision of language support was extended beyond two years, where a specific request is made. In fact, it is now possible for some schools, with over 121 such pupils, to have 6 language support teachers. There are now almost 2,000 language support teacher posts allocated to primary and post-primary schools, compared with just 262 in 2001-02. These additional posts will assist schools in providing an inclusive school environment to meet the needs of pupils for whom English is a second language. Such an inclusive school environment reflects values and affirms linguistic, ethnic and cultural diversity.

In addition to the language resource teachers there is a significant amount of resources available including the National Council for Curriculum and Assessment's (NCCA) Guidelines — "Intercultural Education in the Primary School" and "Intercultural Education in the Post-Primary school". The NCCA has also published "English as an Additional Language in Irish Primary Schools". A number of key resources have also been developed by Integrate Ireland Language and Training for both Primary and Post Primary schools including a resource book "Up and Away" for English language support in primary schools. In addition, a language assessment kit will be provided to all primary schools shortly. The kit will allow for the accurate initial and ongoing assessment of the language proficiency of pupils for whom English is a second language.

Following on from my appointment, an Integration Unit was established in the Department of Education and Science to ensure that education policies take account of the need to integrate immigrants and their children into our education system. This Unit is assisted by the Department's Steering Committee on the Educational Needs of Newcomers which identifies emerging issues, proposes solutions and arranges for the implementation of agreed solutions and policies. A major education conference is being organised next June to look at the implications of societal diversity on the future organisation of our primary schools. The Inspectorate in the Department plans to conduct an evaluation of the provision of English as an Additional Language in a number of primary and post-primary schools in 2008 and 2009. This exercise will evaluate the quality of teaching and learning of English as an additional language that students experience in mainstream education and in support contexts in schools. Its findings will help to inform policy in the area of supports for students learning English as an additional language. It will provide advice on best practice in terms of language teaching and on catering for the particular needs arising from the new profile of students in our schools. It will draw up International Best Practice guidelines and define what is needed with regard to teaching English as a second language. An analysis of its findings, as a composite national report, will be published in 2009.

The Economic and Social Research Institute has been commissioned to undertake a large scale study into how an increasing diversity of students impacts upon resource requirements and day to day teaching and learning in both primary and post-primary schools. Its report is due this autumn. The latter two reports along with the advice of the Integration Unit and the Department's Steering Committee will provide me with evidence-based data on whether we are meeting the needs of pupils for whom English is a second language, particularly in the context of the significantly increased resources that have now been provided.

School Accommodation.

182. **Deputy Bernard J. Durkan** asked the Minister for Education and Science when she will meet in full commitments made in the run up to the general election in 2007 in respect of school accommodation as identified by the various school authorities at primary and second level here; and if she will make a statement on the matter. [13583/08]

Minister for Education and Science (Deputy Mary Hanafin): Commitments entered into with regard to school building projects are progressed as speedily as possible in my Department. Applications are assessed in accordance with the published prioritisation criteria for large scale building projects. Progress on projects will then be considered in the context of my Department's multi-annual School Building and Modernisation programme and available finance.

Special Educational Needs.

183. **Deputy Bernard J. Durkan** asked the Minister for Education and Science her proposals to meet undertakings given prior to the general election in 2007 in respect of provisions for children with autism in mainstream education; and if she will make a statement on the matter. [13584/08]

Minister for Education and Science (Deputy Mary Hanafin): The Deputy will be aware that the Government is determined to ensure that all children with special educational needs, including autism, have access to an education appropriate to their needs. Parents of children with autism now have three distinct choices available to them — their child can either attend a mainstream class in their local school with additional supports as required, they can attend a special class in a mainstream school or they can attend a special school. While some children with autism can thrive in a mainstream class, special classes have been specifically designed to meet the needs of those who require more intensive support. There are in the region of 2,100 children with autism who are receiving additional teaching and/or special needs assistant support in mainstream schools. There are now in excess of 285 autism-specific classes around the country, an increase of 76 since the formation of the current Government. As part of the continuing expansion of services nationwide I recently gave recognition to the Rehab Group as the patron of a new special school for children with autism in Limerick. The National Council Special Education (NCSE) will continue to establish special classes for children with autism where the need is identified.

Psychological Service.

184. **Deputy Bernard J. Durkan** asked the Minister for Education and Science her proposals to meet psychological needs and assessments as identified by the various school authorities here; and if she will make a statement on the matter. [13585/08]

Minister for Education and Science (Deputy Mary Hanafin): As the Deputy will be aware 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 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 and paid for by NEPS. In common with many other psychological services and best international practice, 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

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best efforts will a child be referred for individual psychological assessment. This system allows the psychologists to give early attention to urgent cases and help many more children indirectly than could be seen individually. It also ensures that children are not referred unnecessarily for psychological intervention.

The recently published document, “Special Needs Education — A Continuum of Support”, which has been circulated to all primary school teachers, outlines this process which moves from simple classroom based interventions to more specialised and individual interventions. These guidelines describe a graduated problem solving model of assessment and intervention in schools and comprise three distinct school based processes. Classroom Support is an intervention which is co-ordinated by the Class Teacher and carried out in the regular classroom. School Support is an assessment and intervention process which is usually co-ordinated by the learning support/resource teacher working alongside the class teacher. Interventions at this stage will be additional to those provided through classroom support. School Support Plus is generally characterised by the school requesting the involvement by the relevant external service in more detailed assessment and development of intervention programmes. This level of intervention is for children with complex and/or enduring needs and whose progress is considered inadequate, despite carefully planned interventions at previous levels.

During 2006/07 the Department of Education and Science through NEPS funded some 4,260 psychological assessments under the SCPA. In this period NEPS psychologists undertook referrals in respect of over 5,700 named pupil and almost 2,800 cases under the Reasonable Accommodation for Certificate Examinations (RACE) scheme on behalf of the State Examinations Commission. In addition it is estimated that NEPS psychologists gave consultations, advice and assistance to teachers and school authorities in respect of an additional 5,000 unnamed pupils. Since May 2007 the number of psychologists employed within the NEPS service nationally has increased from 128 to 138 and during 2008 this complement will increase to 169. In this regard, following a national recruitment process put in place in late 2007 by the Public Appointments Service, interviews in this regard have recently been completed and regional panels have been from which recruits will be drawn for appointment to priority regions. As I have previously stated, and in line with Government commitments under the Towards 2016 Agreement, it is further my intention to increase NEPS psychologist personnel to 200 during 2009. It is envisaged that this expansion in NEPS numbers will enable all schools to be served directly by NEPS psychologists. My Department, and this Government, is committed to the maintenance of a robust psychological service based on best international practice.

Pupil-Teacher Ratio.

185. **Deputy Bernard J. Durkan** asked the Minister for Education and Science if she has carried out an assessment of pupil-teacher ratios throughout the greater Dublin area, with particular reference to the immediate adjoining counties, with a view to identifying the highest pupil-teacher ratios; the locations in relation to same; her proposals to address the issue on an annual basis or once off, with particular reference to the commitments entered into prior to the general election in 2007; the improvements that have taken place at these locations in the interim; her proposals to address the outstanding issues; and if she will make a statement on the matter. [13586/08]

Minister for Education and Science (Deputy Mary Hanafin): Information in relation to primary school pupil teacher ratios is provided in the annual census of primary schools. The details for the current compiled by my Department and the information requested is not yet

available. Pupil Teacher Ratios in respect of all schools is currently only available at national level and not disaggregated by county or any other variable.

Significant improvements have been made in the pupil teacher ratio at post primary level in recent years. The ratio has fallen from 16:1 in the 1996/97 school year to 13.13 :1 in the 2006/07 school year.

As the Deputy will be aware, major improvements have been made in staffing at primary level in recent years. By the 2006/07 school year, we had reduced the average class size in our primary schools to 24, while the pupil teacher ratio was 16.4:1, including resource teachers etc. In that year, schools were staffed on the basis of a general rule of at least one classroom teacher for every 28 children. Given that the national average was 24, many schools benefited from much more favourable staffing ratios than this.

Extra teachers were provided by the Government for the 2007/08 school year to improve primary school staffing so that schools would generally get at least one classroom teacher for every 27 children.

A further initiative in recent years 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 330 such posts have been sanctioned in the 2007/08 school year compared to 280 in 2006/07.

In the primary sector alone, there are now in the region of 6,000 more teachers on the Department's payroll than there were in 2002. Extra teachers have been provided in the 2006/07 and 2007/08 school years specifically to reduce class sizes. The Programme for Government contains a commitment to provide 4,000 additional primary teachers between 2007 and 2012. With the extra teachers already put in place this year and those provided for in the Budget, we are ahead of target with about 2,000 extra primary teachers to be delivered within just two years.

Over the lifetime of the Government, we are committed to providing more primary school teachers specifically to reduce class sizes. 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.

Schools Building Projects.

186. **Deputy Bernard J. Durkan** asked the Minister for Education and Science the position in regard to the provision of proposed new primary school facilities at Straffan County Kildare; and if she will make a statement on the matter. [13588/08]

Minister for Education and Science (Deputy Mary Hanafin): An application for large scale capital funding at the school in question has been received. The commencement and progression of all large scale building projects from initial design stage through to construction phase, including this project, will be considered in the context of my Department's Multi-Annual School Building and Modernisation Programme. It is not possible at this early stage to say when construction will commence.

187. **Deputy Bernard J. Durkan** asked the Minister for Education and Science the ongoing progress in regard to the provision of the proposed new national school at Ardclough County Kildare; and if she will make a statement on the matter. [13589/08]

Minister for Education and Science (Deputy Mary Hanafin): The project to which the Deputy refers to is at early architectural planning. Officials from my Department have requested the Developed Sketch Design. On receipt of this, my Department will be in contact with the school authorities.

The progression of all large scale building projects from initial design stage through to tender and construction, including this project, will be considered in the context of my Department's Multi-Annual School Building and Modernisation Programme. It is not possible to say at this early stage when construction will commence.

188. **Deputy Bernard J. Durkan** asked the Minister for Education and Science the progress that has taken place in the provision of the proposed new school at Kill, County Kildare; when she expects all preparatory work to be completed; the full extent of the proposed accommodation; when site works are expected to start; and if she will make a statement on the matter. [13590/08]

Minister for Education and Science (Deputy Mary Hanafin): The project at the school referred to by the Deputy was given verbal approval for stage 1 at a Project Development Meeting held at the end of January. Written approval confirming this will be issued shortly.

Delivery of all building projects, including the school in question will be considered in the context of my Department's multi-annual School Building and Modernisation Programme. It is not possible at this early stage to say when construction will commence.

School Accommodation.

189. **Deputy Bernard J. Durkan** asked the Minister for Education and Science the full extent of the primary and post-primary school requirements at Naas County Kildare; the need for accommodation and other facilities in accordance with the growing population; the extent to which she has identified optimum size or the need for growth in all such schools; her plans to meet these requirements in full in the near future; and if she will make a statement on the matter. [13591/08]

Minister for Education and Science (Deputy Mary Hanafin): As part of the Programme for Government, a Developing Areas Unit was set up recently in my Department to focus on the school accommodation needs of rapidly developing areas, including Naas. The main emphasis in 2008 is on providing sufficient school places in these developing areas, as well as delivering improvements in the quality of existing primary and post-primary school accommodation throughout the country.

In this context, the status of all schools in Naas is being assessed as part of an overall delivery plan, which is currently being formulated within the Developing Areas Unit. As is the case with all large capital projects currently on hand within the Unit, their progression will be considered in the context of the multi-annual School Building and Modernisation Programme.

190. **Deputy Bernard J. Durkan** asked the Minister for Education and Science the full extent of the primary and post-primary school requirements at Clane, County Kildare; the need for accommodation and other facilities in accordance with the growing population; the extent to which she has identified optimum size or the need for growth in all such schools; her plans to meet these requirements in full in the near future; and if she will make a statement on the matter. [13592/08]

Minister for Education and Science (Deputy Mary Hanafin): The School Planning and Building Unit of my Department is in receipt of one application for major capital funding from one

school in Clane. The School Board of Management is currently in the process of appointing a design team to the project.

As part of the Programme for Government, a Developing Areas Unit was set up recently in my Department to focus on the school accommodation needs of rapidly developing areas. The main emphasis in 2008 is on providing sufficient school places in these developing areas, as well as delivering improvements in the quality of existing primary and post-primary school accommodation throughout the country.

Delivery of all building projects will be considered in the context of my Departments multi-annual School Building and Modernisation Programme.

191. **Deputy Bernard J. Durkan** asked the Minister for Education and Science the full extent of the primary and post-primary school requirements at Kilkock, County Kildare; the need for accommodation and other facilities in accordance with the growing population; the extent to which she has identified optimum size or the need for growth in all such schools; her plans to meet these requirements in full in the near future; and if she will make a statement on the matter. [13593/08]

192. **Deputy Bernard J. Durkan** asked the Minister for Education and Science the full extent of the primary and post-primary school requirements at Maynooth, County Kildare; the need for accommodation and other facilities in accordance with the growing population; the extent to which she has identified optimum size or the need for growth in all such schools; her plans to meet these requirements in full in the near future; and if she will make a statement on the matter. [13594/08]

193. **Deputy Bernard J. Durkan** asked the Minister for Education and Science the full extent of the primary and post-primary school requirements at Celbridge, County Kildare; the need for accommodation and other facilities in accordance with the growing population; the extent to which she has identified optimum size or the need for growth in all such schools; her plans to meet these requirements in full in the near future; and if she will make a statement on the matter. [13595/08]

Minister for Education and Science (Deputy Mary Hanafin): I propose to take Questions Nos. 191 to 193, inclusive, together.

As part of the Programme for Government, a Developing Areas Unit was set up recently in my Department to focus on the school accommodation needs of rapidly developing areas, including Kilkock, Celbridge and Maynooth. The main emphasis in 2008 is on providing sufficient school places in these developing areas, as well as delivering improvements in the quality of existing primary and post-primary school accommodation throughout the country.

In this context, the status of all schools in these centres is being assessed as part of an overall delivery plan, which is currently being formulated within the Developing Areas Unit. As is the case with all large capital projects currently on hand within the Unit, their progression will be considered in the context of the multi-annual School Building and Modernisation Programme.

194. **Deputy Bernard J. Durkan** asked the Minister for Education and Science the full extent of the primary and post-primary school requirements at Leixlip, County Kildare; the need for accommodation and other facilities in accordance with the growing population; the extent to which she has identified optimum size or the need for growth in all such schools; her plans to meet these requirements in full in the near future; and if she will make a statement on the matter. [13596/08]

Minister for Education and Science (Deputy Mary Hanafin): The School Planning and Building Unit of my Department is in receipt of two applications for major capital funding from schools in Leixlip. These applications are being assessed by the Planning and Building Unit.

As part of the Programme for Government, a Developing Areas Unit was set up recently in my Department to focus on the school accommodation needs of rapidly developing areas. The main emphasis in 2008 is on providing sufficient school places in these developing areas, as well as delivering improvements in the quality of existing primary and post-primary school accommodation throughout the country.

Delivery of all building projects will be considered in the context of my Departments multi-annual School Building and Modernisation Programme.

195. **Deputy Bernard J. Durkan** asked the Minister for Education and Science when she expects to meet in full the permanent classroom requirements at a school (details supplied) in County Kildare; and if she will make a statement on the matter. [13597/08]

Minister for Education and Science (Deputy Mary Hanafin): The project at the school referred to by the Deputy is currently at stage 3 of the architectural planning process. The stage 3 submission is being reviewed by the Board of Management's design team before it is referred to my Department for approval.

As part of the Programme for Government, a Developing Areas Unit was set up recently in my Department to focus on the school accommodation needs of rapidly developing areas, including Maynooth. The main emphasis in 2008 is on providing sufficient school places in these developing areas, as well as delivering improvements in the quality of existing primary and post-primary school accommodation throughout the country.

Delivery of all building projects, including the school in question will be considered in the context of my Departments multi-annual School Building and Modernisation Programme.

196. **Deputy Bernard J. Durkan** asked the Minister for Education and Science when she expects to meet in full the permanent classroom requirements at a school (details supplied) in County Kildare; and if she will make a statement on the matter. [13598/08]

210. **Deputy Bernard J. Durkan** asked the Minister for Education and Science the position in relation to the provision of extra facilities at a school (details supplied) in County Kildare; and if she will make a statement on the matter. [13611/08]

Minister for Education and Science (Deputy Mary Hanafin): I propose to take Questions Nos. 196 and 210 together.

The Department is currently awaiting receipt of the stage 3 submission from the school's design team in relation to the permanent extension project proposed for the school referred to by the Deputy.

Progress on this project will be considered on receipt and examination of this stage 3 report.

Schools Building Projects.

197. **Deputy Bernard J. Durkan** asked the Minister for Education and Science the position in relation to an application for major capital funding in the case of a school (details supplied) in County Kildare; her plans for same in the next six months; and if she will make a statement on the matter. [13599/08]

198. **Deputy Bernard J. Durkan** asked the Minister for Education and Science the position in relation to an application for major capital funding in the case of a school (details supplied) in County Kildare; her plans for same in the next six months; and if she will make a statement on the matter. [13600/08]

199. **Deputy Bernard J. Durkan** asked the Minister for Education and Science the position in relation to an application for major capital funding in the case of a school (details supplied) in County Kildare; her plans for same in the next six months; and if she will make a statement on the matter. [13601/08]

201. **Deputy Bernard J. Durkan** asked the Minister for Education and Science the position in relation to an application for extra accommodation facilities at a school (details supplied) in County Kildare; her plans to progress same in the next three to six months; and if she will make a statement on the matter. [13603/08]

202. **Deputy Bernard J. Durkan** asked the Minister for Education and Science the position in relation to the provision of classroom and accommodation facilities at a school (details supplied) in County Kildare; and if she will make a statement on the matter. [13604/08]

203. **Deputy Bernard J. Durkan** asked the Minister for Education and Science the position in relation to an application for large scale capital funding to meet the long-term needs of a school (details supplied) in County Kildare; her plans to move same forward in early date; and if she will make a statement on the matter. [13605/08]

209. **Deputy Bernard J. Durkan** asked the Minister for Education and Science the position in relation to an application for large scale capital funding for a school (details supplied) in County Kildare; and if she will make a statement on the matter. [13610/08]

Minister for Education and Science (Deputy Mary Hanafin): I propose to take Questions Nos. 197 to 199, inclusive, 201 to 203, inclusive, and 209 together.

I can confirm to the Deputy that my Department is in receipt of applications for large scale capital funding from the schools to which he refers. The projects have been assessed in accordance with the published prioritisation criteria for large scale building projects. Progress on the proposed works will be considered on an ongoing basis in the context of my Department's multi-annual School Building and Modernisation programme.

200. **Deputy Bernard J. Durkan** asked the Minister for Education and Science the position in relation to an application for major capital funding in the case of a school (details supplied) in County Kildare; her plans for same in the next six months; and if she will make a statement on the matter. [13602/08]

Minister for Education and Science (Deputy Mary Hanafin): I can confirm to the Deputy that an application for large scale capital funding for the school to which he refers has been received. The commencement and progression of all large scale building projects from initial design stage through to construction phase, including this project, will be considered on an ongoing basis in the context of my Department's Multi-Annual School Building and Modernisation Programme.

Questions Nos. 201 to 203, inclusive, answered with Question No. 197.

204. **Deputy Bernard J. Durkan** asked the Minister for Education and Science the position in relation to an application for major capital funding in the case of a school (details supplied)

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in County Kildare; her plans for same in the next six months; and if she will make a statement on the matter. [13606/08]

Minister for Education and Science (Deputy Mary Hanafin): I can confirm to the Deputy that an application for large scale capital funding for the school to which he refers has been received. The commencement and progression of all large scale building projects from initial design stage through to construction phase, including this project, will be considered on an on-going basis in the context of my Department's Multi-Annual School Building and Modernisation Programme.

205. **Deputy Bernard J. Durkan** asked the Minister for Education and Science when it is expected progress of a school (details supplied) in County Kildare to tender and construction stage will take place; her plans to progress same in the next six months; and if she will make a statement on the matter. [13607/08]

Minister for Education and Science (Deputy Mary Hanafin): The project at the school referred to by the Deputy is at an advanced stage (Stage 2b — Detailed Design and Bill of Quantities) of the architectural planning process.

As part of the Programme for Government, a Developing Areas Unit was set up recently in my Department to focus on the school accommodation needs of rapidly developing areas. The main emphasis in 2008 is on providing sufficient school places in these developing areas, as well as delivering improvements in the quality of existing primary and post-primary school accommodation throughout the country.

Delivery of all building projects, including the school in question will be considered in the context of my Departments multi-annual School Building and Modernisation Programme.

206. **Deputy Bernard J. Durkan** asked the Minister for Education and Science if she has received a tender report from a school (details supplied) in County Kildare; her plans to progress this matter in the next three to six months; and if she will make a statement on the matter. [13614/08]

Minister for Education and Science (Deputy Mary Hanafin): A tender report for the school referred to was received in my Department in January.

As part of the Programme for Government, a Developing Areas Unit was set up recently in my Department to focus on the school accommodation needs of rapidly developing areas, including Naas. The main emphasis in 2008 is on providing sufficient school places in these developing areas, as well as delivering improvements in the quality of existing primary and post-primary school accommodation throughout the country.

Delivery of all building projects, including the school in question will be considered in the context of my Departments multi-annual School Building and Modernisation Programme.

Third Level Institutions.

207. **Deputy Bernard J. Durkan** asked the Minister for Education and Science, further to Parliamentary Question No. 583 of 5 February 2008, if further developments have occurred to date in this regard; and if she will make a statement on the matter. [13608/08]

Minister for Education and Science (Deputy Mary Hanafin): The Lyons Estate is owned by University College Dublin and as such the day to day affairs of the estate are managed by the University's Governing Body.

As stated in response to Parliamentary Question No. 583, the Governing Body is conducting a full analysis of the University's requirements in relation to its overall campus development. This analysis includes an examination of the suitability and use of the Lyons Estate.

I have been advised by the Higher Education Authority that this analysis is still on-going.

Schools Building Projects.

208. **Deputy Bernard J. Durkan** asked the Minister for Education and Science the position in relation to an application for permanent facilities at a school (details supplied) in County Kildare; her plans to progress same in the next six months; and if she will make a statement on the matter. [13609/08]

Minister for Education and Science (Deputy Mary Hanafin): I am pleased to inform the Deputy that construction work began on this project on 31st March last.

Question No. 209 answered with Question No. 197.

Question No. 210 answered with Question No. 196.

School Accommodation.

211. **Deputy Áine Brady** asked the Minister for Education and Science if she will advise in relation to a school (details supplied) in County Kildare regarding the expansion of their facilities; and if she will make a statement on the matter. [13613/08]

Minister for Education and Science (Deputy Mary Hanafin): An application for capital funding has been received from the Board of Management of the school in question and is being assessed by the School Planning and Building Unit within my Department.

As part of the Programme for Government, a Developing Areas Unit was set up recently in my Department to focus on the school accommodation needs of rapidly developing areas, including Naas. The main emphasis in 2008 is on providing sufficient school places in these developing areas, as well as delivering improvements in the quality of existing primary and post-primary school accommodation throughout the country.

In this context, the status of all schools in Naas is being assessed as part of an overall delivery plan, which is currently being formulated within the Developing Areas Unit. The school referred to will be included in this assessment. As is the case with all large capital projects currently on hand within the Unit, their progression will be considered in the context of the multi-annual School Building and Modernisation Programme.

Schools Building Projects.

212. **Deputy Billy Timmins** asked the Minister for Education and Science if the €800,000 committed to the construction of the new school at Lacken, County Wicklow is still available; if she will be clear in her response to same; if she will restrict the answer to yes or no; and if she will make a statement on the matter. [13622/08]

Minister for Education and Science (Deputy Mary Hanafin): The project referred to by the Deputy is at an advanced stage (stage 4/5) of architectural planning. There have been considerable unavoidable delays with the development of this project particularly in relation to site acquisition and Local Authority planning permission requirements. The further progression of the project through to construction phase will be considered on an on-going basis in the context of my Department's multi-annual School Building and Modernisation Programme. It is not possible to be precise at this stage as to when the project will progress to construction or what the final cost will be.

National Biodiversity Plan.

213. **Deputy Joanna Tuffy** asked the Minister for Defence the steps he has taken to ensure that his Department, in accordance with the requirement under the National Biodiversity Plan, has drawn up a biodiversity action plan; and if he will make a statement on the matter. [13476/08]

Minister for Defence (Deputy Willie O’Dea): The Sectoral Biodiversity Action Plan for my Department is currently being drafted. It is anticipated that this Plan will be completed before the end of this year.

However, my Department, on an ongoing basis, takes into account its responsibilities concerning biodiversity and the environmental heritage of the lands within its property portfolio. In November 2007 I launched a book, which was a joint venture between UCD and my Department, to raise awareness of the Curragh and included detailed aspects of the flora and fauna to be found there.

Proposed Legislation.

214. **Deputy Michael Kennedy** asked the Minister for Justice, Equality and Law Reform the position regarding the proposed legislation in relation to management companies; when he expects the bill to be published; and if he will make a statement on the matter. [13464/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The position is that the Law Reform Commission published a Consultation Paper on Multi-Unit Developments in December 2006. It identified a broad range of regulatory and other issues arising in relation to such developments, including problems relating to the structure and governance of property management companies and the manner in which company law currently applies to them.

The Law Reform Commission has indicated that it will publish, as soon as possible, its Report on Multi-Unit Developments which, following an extensive consultation process, will contain definitive reform proposals concerning the regulation and governance of property management companies. The Government has already directed that early action be taken by the relevant Departments to address the Commission’s recommendations; the types of action to be taken will, of course, be dependent on the form that the recommendations take.

A high-level interdepartmental committee, under the chairmanship of my Department, comprising representatives of relevant Departments and Offices has been established to assist in the development of a coherent and comprehensive response to the problems arising in relation to multi-unit developments. A key task of this committee will be to identify the legislative and administrative actions to be taken in response to the Commission’s recommendations and to determine a timescale for their implementation. This committee is reporting to a Cabinet Committee whose membership comprises the Ministers for Justice, Equality and Law Reform; Environment, Heritage and Local Government; Enterprise, Trade and Employment and the Attorney General.

Residency Permits.

215. **Deputy Denis Naughten** asked the Minister for Justice, Equality and Law Reform the reason for the delay in processing an application for a person (details supplied) in County Dublin for long-term residency; the waiting time for each application; if his attention has been drawn to the fact that the delay is blocking the approval of a mortgage for the person in question; and if he will make a statement on the matter. [13430/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The position in relation to long term residency is as follows: Persons who have been legally resident in the

State for over five years on the basis of work permit/work authorisation/work visa conditions may apply to the Immigration Division of my Department for a five year residency extension. In that context they may also apply to be exempt from employment permit requirements.

While applications for long term residency are under consideration, the person concerned should ensure that their permission to remain in the State is kept up to date.

An application for long term residency from the person referred to by the Deputy was received on the 18 May 2007. I understand that applications received in August 2006 are currently being dealt with. As soon as a decision is made on the case, the person concerned will be notified.

Garda Vetting Services.

216. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that delays reportedly of three months in returning Garda vetting applications submitted by the Health Service Executive in Ballymun are preventing persons taking up new positions of employment for which the clearance is required resulting in a loss of earnings in view of the fact that the departure from prior employment normally involves working notice of just one month; the average and maximum vetting turnaround time between the submission by the HSE and others of an application for clearance and the return of such clearance by the Garda vetting unit; and the steps he will take to speed up the process in order to prevent unnecessary loss of earnings. [13447/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Health Service Executive (HSE) office in Ballymun does not submit vetting application forms directly to the Garda Central Vetting Unit (GCVU) in Thurles, Co. Tipperary. Rather, the HSE's forms are processed centrally within the HSE's recruitment office in Manorhamilton, Co. Leitrim, which deals directly with the GCVU.

I am informed by the Garda authorities that all vetting application forms received by the GCVU from the HSE are dealt with in the same manner as those received from all other organisations, that is, they are processed in sequential order from the date of receipt. The current, average turnaround time for the processing of correctly completed vetting application forms is approximately five weeks. Significant departures from the average processing time occur only when further, more detailed enquiries are required in specific instances.

In order to meet the increased demand arising since 2006 from the ongoing major expansion in the provision of its vetting service, the GCVU has been in receipt of very significant additional resources, with new personnel joining the Unit in all of the first three months of this year. When all these personnel have completed their induction and training, it is anticipated that processing times will be reduced accordingly.

217. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the case of a person (details supplied) who recently moved jobs to take up a position requiring Garda clearance in the Cavan centre and in relation to whom the Health Service Executive in Ballymun submitted a request for clearance to the Garda vetting unit on 13 February 2008 which the vetting unit have as yet failed to return resulting in a loss of earnings because the person is unable to fully commence employment until the clearance is returned; the reason for the delay; and when the clearance will be returned to the HSE in Ballymun. [13448/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The Health Service Executive (HSE) office in Ballymun does not submit vetting application forms directly to the Garda Central Vetting Unit (GCVU) in Thurles, Co. Tipperary. Rather, the HSE's forms are

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processed centrally within the HSE's recruitment office in Manorhamilton, Co. Leitrim, which deals directly with the GCVU.

I am informed by the Garda authorities that all vetting application forms received by the GCVU from the HSE are dealt with in the same manner as those received from all other organisations, that is, they are processed in sequential order from the date of receipt. With particular regard to the person in question, I am further informed that the relevant vetting application form was received by the GCVU on 20 February, 2008, and that the corresponding response was approved for return to the HSE on 4 April, 2008.

Residency Permits.

218. **Deputy Mattie McGrath** asked the Minister for Justice, Equality and Law Reform the status of an application for residency by a person (details supplied) in County Tipperary; when a decision is due; and if he will make a statement on the matter. [13451/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): The person concerned arrived in the State on 3 December 2005 and applied for asylum. His application was refused following consideration of his case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal.

Subsequently, in accordance with Section 3 of the Immigration Act 1999 (as amended), the person concerned was informed, by letter dated 22 November 2007, that the Minister proposed to make a deportation order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a deportation order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State. In addition, he was notified of his entitlement to apply for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations, 2006 (S.I. No. 518 of 2006). The person concerned submitted an application for Subsidiary Protection in the State in accordance with these Regulations and this application is under consideration at present. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

The Deputy might wish to note that the person concerned also made an application for permission to remain in the State in accordance with the revised arrangements applicable to the non-Irish National parents of Irish born children born in the State before 1 January 2005. The revised arrangements in question were announced by the Minister for Justice, Equality and Law Reform on 15 January 2005 and the Closing Date for receipt of applications was 31 March 2005. The application of the person concerned was received on 18 January 2006 and, as such, was received too late for consideration. The person concerned was made aware of the non-acceptance of his application by letter dated 25 January 2006.

In the event that the Subsidiary Protection application is refused, the case file of the person concerned, including all representations submitted, will then be considered under Section 3 (6) of the Immigration Act, 1999 (as amended) and Section 5 of the Refugee Act, 1996 (as amended) on the prohibition of refoulement. When this latter consideration has been completed, the case file of the person concerned will be passed to me for decision.

Garda Strength.

219. **Deputy Michael Kennedy** asked the Minister for Justice, Equality and Law Reform the number of civilians employed by An Garda Síochána; the duties for which they are responsible; the number of Gardaí freed up for ordinary service in each of Swords, Balbriggan, Malahide and Skerries stations; and if he will make a statement on the matter. [13465/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda Commissioner that the number of full and part time civilian staff assigned to An Garda Síochána as at 31 March 2008 was 2,461.

Civilian staff continue to be recruited to An Garda Síochána in a wide range of services in the administrative, professional, technical and industrial areas. These include, for example, administrators, crime analysts, photographers and ICT experts.

A dedicated Human Resource Directorate has been established to serve the needs of civilians in An Garda Síochána and to promote an extensive programme of civilianisation.

The Commissioner is committed to developing the civilian support function within the Garda Síochána to the level of best international practice and will continue to work to drive the civilianisation programme forward.

Within the Dublin Metropolitan Region, 77 Gardaí have been released, so far, to operational duty, as a direct result of additional recruitment of civilians in that region.

Residency Permits.

220. **Deputy Tony Gregory** asked the Minister for Justice, Equality and Law Reform if he will give favourable consideration to the case made on behalf of a person (details supplied) who has been a member of an Irish language group for the past eight years and who wishes to remain in the State; and if he will make a statement on the matter. [13468/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I have been informed by the Immigration Division of my Department that they have recently been in contact with the person referred to by the Deputy in relation to his immigration status. Further documentation has been requested from the person concerned in order to facilitate the Immigration Division in examining his case.

National Biodiversity Plan.

221. **Deputy Joanna Tuffy** asked the Minister for Justice, Equality and Law Reform the steps he has taken to ensure that his Department, in accordance with the requirement under the National Biodiversity Plan, has drawn up a biodiversity action plan; and if he will make a statement on the matter. [13482/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I wish to refer the Deputy to the response to Parliamentary Question No. 964 dated 2nd April 2008 from my colleague the Minister for the Environment, Heritage and Local Government. As indicated therein, the Department of Environment, Heritage and Local Government is currently coordinating the preparation of a new National Biodiversity Plan for Ireland, which will cover the period 2008-12. My Department is represented on the Interdepartmental Biodiversity Steering Group, although having regard to my Department's role and activities, it is not anticipated that there will be many actions under the plan specific to it. I can confirm, however, that my Department will participate in any biodiversity initiatives appropriate to it under the plan.

Residency Permits.

222. **Deputy Tom Hayes** asked the Minister for Justice, Equality and Law Reform when a decision will be made on an application for residency on behalf of a person (details supplied) in County Tipperary. [13487/08]

Minister of State at the Department of Justice, Equality and Law Reform (Deputy Brendan Smith): The Immigration Division of my Department has informed me that no application for

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residency or permission to remain in the State has been received from the person referred to by the Deputy.

223. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in relation to application for family reunification in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [13489/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Immigration Division of my Department that an application for family reunification under Section 18 of the Refugee Act 1996 was made in May 2004.

The application was forwarded to the Refugee Applications Commissioner for investigation as required under Section 18 of the Refugee Act 1996 in August 2004. The investigation was completed and the Commissioner forwarded a report to my Department in March 2006.

In August 2006 while processing this application, questions arose in relation to the authenticity of certain documents submitted. Subsequent checks by document experts in the Garda Technical Bureau concluded that there were doubts concerning the authenticity of certain documents. The report was received in Family Reunification Section in September 2007. My Department has recently been in correspondence with the person in question seeking clarification of same.

Citizenship Applications.

224. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform the position in relation to an application for naturalisation in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [13490/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): An application for a certificate of naturalisation from the person referred to in the Deputy's Question was received in the Citizenship section of my Department in June 2006.

Officials in that section inform me that processing of the application has commenced and the file will be forwarded to me for a decision in the coming months. I will inform the Deputy and the person concerned when I have reached a decision on the application.

225. **Deputy Michael D. Higgins** asked the Minister for Justice, Equality and Law Reform the position of an application for naturalisation for a person (details supplied). [13499/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): An application for a certificate of naturalisation from the person referred to in the Deputy's Question was received in the Citizenship section of my Department in June 2007.

Officials in that section are currently processing applications received in August 2005 and have approximately 12,300 applications on hand to be dealt with before that of the person in question. These are generally dealt with in chronological order as this is deemed to be the fairest to all applicants.

However, I understand that the person concerned is a refugee. In accordance with the Government's obligations under the United Nations Convention relating to the Status of Refugees, every effort is made to ensure that applications from persons with refugee status are dealt with as quickly as possible, having regard to the general volume of applications on hand. It is likely, therefore, that further processing of the application will commence in early 2009. I will inform the Deputy and the individual in question when I have reached a decision on the matter.

Garda Deployment.

226. **Deputy Róisín Shortall** asked the Minister for Justice, Equality and Law Reform if he will provide a report on the sequence of events surrounding the public disturbances in Finglas on 17 March 2008; when the public order unit was requested; when it arrived; and if he will seek an explanation from the Gardaí for the delay in view of the dangerous situation which developed. [13540/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): I am informed by the Garda authorities that during the morning of St Patrick's Day a number of calls relating to the same incident in the Finglas area were received by the Garda authorities. Immediate action was taken by the Garda authorities and two persons were arrested.

In the course of the day, further calls relating to public disorder and anti-social behaviour by groups of youths were received and responded to as they occurred by local District and Divisional Units, assisted by members of the Garda Air Support Unit and the Garda Dog Unit. The situation was continually monitored by local Garda management.

Following an assessment of the situation by officers at the scene and in consultation with the Divisional Officer, a decision was made to assemble the Public Order Unit in order to have it available if necessary. The Unit was subsequently deployed in the area and remained on duty until the early hours of Tuesday morning, 18 March. A total of 27 persons were arrested for public order related offences, including criminal damage and offences contrary to the Road Traffic Acts.

A full investigation is being conducted by the Garda authorities into all incidents which occurred in the area concerned on St Patrick's Day.

I am further informed that, in preparation for the St Patrick's Day Festival, the Garda authorities liaised with the relevant local authorities, residents' groups and licensees' representatives in developing a coordinated approach to policing during the festival period. Operational policing arrangements and the allocation of Garda resources are a matter for the Garda Commissioner.

Victims Commission.

227. **Deputy Alan Shatter** asked the Minister for Justice, Equality and Law Reform the status of the Commission for the Support of Victims of Crime; if he has extended the operational life of the commission; and the arrangements he has made regarding membership of the commission to facilitate its continued work as and from 31 March 2008 being the original date up to which members of the commission were appointed. [13570/08]

Minister for Justice, Equality and Law Reform (Deputy Brian Lenihan): My predecessor in Office appointed the Commission for the Support of Victims of Crime (CSVC) for a three year period with effect from March 2005.

I wish to place on record my gratitude to them and that of the Government for the valuable public service that they have performed over this period. The CSVC is finalising work on proposing an appropriate support framework for victims of crime into the future. After meeting with the Commission late last year, I formed the view that this framework document will provide important insights into how support for victims of crime might be developed into the future. I propose, therefore, to await the outcome of the Commission's deliberations before deciding on what changes — if any — to present arrangements would be desirable. Pending finalisation of this process, I have decided to extend the term of Office of the Commission. I am happy to say that the members of the Commission have graciously indicated their willingness to remain in Office.

Departmental Staff.

228. **Deputy Andrew Doyle** asked the Minister for the Environment, Heritage and Local Government the number of inspectors employed by his Department and its agencies for the certification of public buildings under the BER regulation since 2007; and the number that will be employed in 2008. [13458/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The EU Directive on the Energy Performance of Buildings, which was transposed into Irish law by the European Communities (Energy Performance of Buildings) Regulations 2006, introduced a requirement for a Building Energy Rating System, or BER as it is more commonly known.

The BER system is being implemented under the Regulations in 4 phases:

- BER for new dwellings was introduced with effect from 1 January 2007, with a transitional exemption applying to new dwellings for which planning permission was applied for on or before 31 December 2006, and provided they are substantially completed by 30 June 2008;
- BER for new non-domestic buildings will commence from 1 July 2008, with a transitional exemption applying for buildings for which planning permission was applied for on or before 30 June 2008 and provided they are substantially completed by 30 June, 2010;
- BER for existing buildings of any class being offered for sale or letting will commence from 1 January, 2009; and
- BER for all new public service buildings will come into effect from 1 July 2008, subject to the transitional arrangements applying to new non-domestic buildings, and will be applicable to existing large public service buildings from 1 January 2009.

For new public service buildings, it is proposed that the methodology for new non-domestic buildings, which I will be introducing in June of this year, will be applied and that the BER will be produced off the plans at design stage. In relation to existing public service buildings, the Regulations provide that a public body, in respect of a large building — defined as a building with a total useful floor area in excess of 1,000 m² — occupied by it on or after 1 January, 2009, must secure and display a BER certificate. The BER certificate must be in a prescribed form and must be displayed in a prominent place clearly visible to the public; the prescribed form will be determined in sufficient time to meet the 1 January 2009 deadline.

It is likely that the BER certificate for display on large public service buildings will be based on operational ratings i.e. measured energy use. The purpose of the rating will be to provide information regarding the energy use of the building by the current occupant and it can also be used to show improvements over time.

The assessment for a BER for new large public buildings or such buildings offered for sale or rent, will be carried out by a specially trained BER Assessor operating within the private sector. While trained BER Assessors will be required for the certification of new public service buildings and such buildings offered for sale or rent, final decisions remain to be taken in respect of existing public service buildings.

Asbestos Remediation Programme.

229. **Deputy Denis Naughten** asked the Minister for the Environment, Heritage and Local Government when his attention was drawn to the health risks associated with asbestos; and if he will make a statement on the matter. [13429/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I refer to the reply to Question No. 258 of 12 March 2008 which set out the position in regard to asbestos.

There is a general ban on the use of asbestos under Directive 76/769/EEC as amended, which was transposed in Ireland by the Minister for Enterprise, Trade and Employment through the European Communities (Dangerous Substances and Preparations) (Marketing and Use) Regulations 2003.

The prevention of exposure is the focus of occupational safety and health legislation concerning asbestos in the workplace. Specific worker protection Regulations regarding the protection of workers from the risks related to exposure to asbestos fibres while at work have been in place since 1989. The most up-to-date Regulations are the Safety, Health and Welfare at Work (Exposure to Asbestos) Regulations 2006, which are enforced by the Health and Safety Authority. The Authority comes under the remit of the Minister for Enterprise, Trade and Employment.

Insofar as the management of asbestos as a waste is concerned, the Waste Management Acts 1996-2007 prohibit any person from holding, transporting, recovering or disposing of waste in a manner which causes or is likely to cause environmental pollution, defined in Section 5 to include action which would to a significant extent endanger human health.

Water and Sewerage Schemes.

230. **Deputy Dinny McGinley** asked the Minister for the Environment, Heritage and Local Government if plans have been approved for the sewerage scheme for Gweedore, County Donegal; the stage the project is at; when it is expected that work will commence on the scheme; and if he will make a statement on the matter. [13437/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Gweedore Sewerage Scheme is approved for funding under my Department's Water Services investment Programme 2007 — 2009 at an estimated cost of €26m.

Additional information is awaited from Donegal County Council to allow my Department to finalise its examination of the Council's Tender Documents for the scheme.

231. **Deputy Dinny McGinley** asked the Minister for the Environment, Heritage and Local Government the position regarding the proposed sewerage scheme at Falcarragh, County Donegal. [13438/08]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Falcarragh Sewerage Scheme is approved for funding under my Department's Water Services Investment Programme 2007-2009 at an estimated cost of €3.6m. My Department is awaiting submission of Donegal County Council's Preliminary Report for the scheme.

Library Projects.

232. **Deputy Edward O'Keefe** asked the Minister for the Environment, Heritage and Local Government the position regarding the provision of funding to develop a new county library in a town (details supplied) in County Cork. [13526/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Tony Killeen): The provision and improvement of library services in County Cork is a matter for the library authority, Cork County Council.

In September, 2005, Cork County Council submitted an application to my Department for approval in principle for Mitchelstown Library. The Council was advised that as this proposal

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was not included in the Public Library Capital Expenditure Programme 2005-2007 and that as all available funding under the programme was fully committed, it could not be advanced at that time.

However, it is my intention to initiate a new multi-annual programme covering the period 2008-12. I expect to make an announcement shortly in this regard following the launch of the new policy document, *Branching Out — Future Directions*. It will be open to Cork County Council to submit this project for consideration for priority funding under that new programme.

Grant Payments.

233. **Deputy Jack Wall** asked the Minister for the Environment, Heritage and Local Government the position of an application by persons (details supplied) in County Kildare; and if he will make a statement on the matter. [13573/08]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Batt O’Keeffe): The administration of the Disabled Persons Grant and the Housing Adaptation Grant for People with a Disability Schemes, including the processing and approval of individual applications, is a matter for the local authority concerned and is one in which my Department has no direct function.

Telecommunications Services.

234. **Deputy Simon Coveney** asked the Minister for Communications, Energy and Natural Resources when he plans to publish the value for money and policy review on the metropolitan area networks programme. [13416/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): A Value for Money and Policy Review (VFMPR) of Phase I of the MANs Programme is being finalised and is due to be published in the coming weeks.

235. **Deputy Simon Coveney** asked the Minister for Communications, Energy and Natural Resources when his draft policy paper on next generation networks will be published. [13417/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I expect to publish the consultation paper on Next Generation Broadband very shortly.

236. **Deputy Simon Coveney** asked the Minister for Communications, Energy and Natural Resources the breakdown of the cost to the Exchequer of the international advisory forum on next generation networks held in Dublin in February 2008. [13418/08]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The estimate of the cost of the International Advisory Forum on broadband is €50,000. A breakdown of costs is not yet available as some members of the Forum have yet to claim travel expenses.