



## SEANAD ÉIREANN

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*Dé Céadaoin, 28 Aibreán 2004.*  
*Wednesday, 28 April 2004.*  
 —

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

—  
*Paidir.*  
*Prayer.*  
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### Business of Seanad.

**An Cathaoirleach:** I have received notice from Senator Ulick Burke that on the motion for the Adjournment of the House today, he proposes to raise the following matter:

The need for the Minister for Education and Science to appoint a full-time learning support teacher to St. Colman's national school, Corofin, Tuam, County Galway.

I have also received notice from Senator Leyden of the following matter:

The need for the Minister for Health and Children to outline the position regarding Plunkett Home, Boyle, County Roscommon.

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

### Order of Business.

**Ms O'Rourke:** The Order of Business is No. 1, a sessional order as agreed by CPP, to be taken without debate; No. 2, statements on the First Progress Report of the National Advisory Committee on Drugs, to be taken at the conclusion of the Order of Business and to conclude not later than 12.45 p.m., with the contribution of spokespersons not to exceed 15 minutes and all other Senators not to exceed ten minutes; and No. 20, motion No. 19, to be taken from 2.30 p.m. to 4.30 p.m. I thank Members for agreeing to the change in time slot for today. There will be a sos from 12.45 p.m. to 2.30 p.m.

**Mr. B. Hayes:** I would like to make a special appeal to those people coming to Dublin for the protests this weekend to ensure the protests are peaceful and that the security response does not provoke them. This is an important time for Europe and, on the point raised by Senator Mansergh yesterday, we should celebrate the fact that the accession of the new countries into the European Union is a great act of reconciliation in Europe. This will be good for Ireland because it

will lead to the addition of many new small countries within the European Union. As we know from our constant discussions in the European Union, it is very important to have small countries backing other small countries and there is much to celebrate. I appeal to people coming to Dublin to protest to ensure their protest is peaceful and dignified and, most important, that an over the top security response is avoided.

Most Members would want to convey our sympathies to the O'Brien family following the death of Fr. Niall O'Brien. He was associated with the Philippines for many years.

**An Cathaoirleach:** The usual procedure is that there can be no formal—

**Mr. B. Hayes:** I am not proposing a vote of sympathy. I am just referring to it.

**An Cathaoirleach:** While we would like to do it, we cannot set a precedent.

**Mr. B. Hayes:** Fr. O'Brien stood against oppression in many parts of the world, particularly in the Philippines. He was a shining example of the missionary zeal that many people who left this country brought to that part of the world. I just want that to be recognised.

What are the plans of the Leader and the sub-committee on the publication of the report on Seanad reform, which follows a resolution of this House more than two years ago? Will the Leader give that information to the House?

**Mr. O'Toole:** It is crucially important for people to recognise that this country has a long tradition of honest, fair, peaceful and legal demonstrations. There were 100,000 people on the streets last year and 250,000 people on the streets in 1979 and there were never any difficulties. The only time there are difficulties is when there are small numbers. Nobody should be dissuaded from taking part. While 1 May is a celebration, I would defend to the death the right to protest, as did Fr. O'Brien and the Columban Fathers on similar issues throughout various parts of the world for as long as I can remember.

Yesterday the Cathaoirleach ruled on an issue raised. In the meantime, the Taoiseach, speaking in another place, indicated the Government's position on the Curtin case. He stated that the Government corresponded with the judge and asked him for a response. I would like to know whether that response will be made available to Members of both Houses because we need to have the full information.

It was stated on the "Nine o'clock News" last night that the Garda Commissioner, Noel Conroy, has made certain statements which should be made available to Members of the House. He indicated that a full report will be made available on the involvement of the gardaí.

[Mr. O'Toole.]

This is very important information which should be made available to us.

In the event of impeachment proceedings being contemplated, must such proceedings be initiated by the Government or is it open to individual Members or groups in the House to do so? The Cathaoirleach may not be able to respond to that inquiry immediately but I ask him to consider the issue because it is something of which we should be made aware.

Following the signing of the Good Friday Agreement, we established the Human Rights Commission under legislation. Its job is clear — to ensure that what we do on this island complies with international human rights agreements which we have signed. When the Human Rights Commission issues a statement, as it did yesterday and will do in fuller form later this week, it hardly behaves the Minister for Justice, Equality and Law Reform, to whom the commission is responsible, to describe it within an hour of its receipt as “weak, tendentious and fanciful” and to add to that this morning by describing it as “lacking intellectual integrity”, particularly before he has even read the entire report. I wonder how people on the other side of the House feel about these comments. Do they feel as uncomfortable about such a contemptuous dismissal of the work of an extraordinary body of people upon which we rely and which we use to defend our actions as a State?

Will the Minister for Justice, Equality and Law Reform come before the House and debate the issue with us? I acknowledge we will be dealing with the Twenty-seventh Amendment of the Constitution Bill 2004 on Friday but we must also examine this issue. The Human Rights Commission has stated that we will have different categories of non-citizens, which has nothing to do with the imperatives for an immigration policy. This is unacceptable.

Will the Leader also explain what the Minister for Justice, Equality and Law Reform means by the word “fanciful”? I looked the word up in the *Oxford English Dictionary* to find literary allusions or references to “fanciful” and I found references to “petticoats of too fanciful a fashion” and, in *Uncle Tom's Cabin*, a reference to Mrs. Stowe having a range of “fanciful diseases”. I also found various other references including one to people having a “fanciful expression which is singular and will never be forgotten”. What exactly did the Minister have in mind when he referred to the determined and serious conclusions of the Human Rights Commission report as “fanciful”? He should explain where he is coming from because he has been absolutely illogical and specious in what he has said so far. It is utterly unacceptable and it is the duty of this House to defend a group like the Human Rights Commission, which is working on behalf of this House and the people.

**Mr. McCarthy:** While not proposing a vote of sympathy, I too share the sentiments expressed by the leader of the Fine Gael group on the passing of Father Niall O'Brien. He represented what is good about the clergy at a time when many questions had to be asked. When one examines the road the church has taken on some issues, Father O'Brien represented all that was good about people who give their lives to God and, in this instance, the Columban Order. Father O'Brien represented the truly marginalised and underprivileged in many communities around the globe. Following his release, when I was seven or eight years of age, he visited Dunmanway to officiate at an occasion and the number of people who turned out to see him was phenomenal. It was a mark of the esteem in which he was held.

I remind the Leader that the Law Reform Commission recently issued a report recommending legal recognition for co-habiting couples. This is a regular feature of modern life and must be examined further, particularly in light of this report as many of its recommendations can be implemented. The report notes that in 2002 almost 80,000 couples were co-habiting in this country, which speaks volumes about the amount of work which needs to be done on the issue.

Will the Leader ask the Government whether some mechanism can be put in place to prevent Ministers using their offices for the promotion of their own political parties? I refer in particular to the Minister of State at the Department of Enterprise, Trade and Employment and the use of headed notepaper to fund raise for a constituency event. It is important that a mechanism be put in place to prevent this blatant abuse of ministerial office.

I share the sentiments expressed by other Senators about the forthcoming events of 1 May. While respecting people's right to peaceful protest, it is very important that no form of belligerence or violence be used against people. People who have different views to the vast majority will gather in this capital on Saturday and I wish the events well.

**Mr. Glynn:** I am sure every Member of the House will acknowledge the great work done by Cardinal Desmond Connell who retired recently. He gave great leadership and service in the context of his pastorate.

Will the Leader arrange for a debate, together with our environment spokesperson, Senator Brady, about the operation and closing times of fast food outlets? I do not want to do anyone out of a living but there is clear evidence that these places are flash points, especially late at night. The closing times of such outlets is causing problems, especially in urban areas. The matter is not so pertinent in rural areas because they do not exist there.

**Mr. McCarthy:** I would not be so sure about that.

**Mr. Glynn:** Will the Leader ask the Minister for the Environment, Heritage and Local Government to come before the House for a debate on the matter? If it is a matter for legislation, I am sure positive suggestions can be made as to how it can be updated. Opening hours are causing a major problem, especially in urban areas.

**Mr. Finucane:** The Human Rights Commission, a senior member of which is former Senator Maurice Manning, was established by statute. In that context, I am bitterly disappointed by the attitude of the Minister for Justice, Equality and Law Reform, Deputy McDowell, in a debate on "Morning Ireland" this morning. At times I felt he thought he was in the Four Courts when he used words like "I challenge you". He came across as an arrogant man who is dealing with a sensitive issue which we will debate in the House on Friday and I am appalled by the rhetoric used. When anyone voices any concerns, as Mr. Farrell did in moderate terms this morning, he or she is shot down with the Minister's eloquent legalese.

**Mr. Dooley:** The Minister is not in the House.

**An Cathaoirleach:** Sorry, Senator——

**Mr. Finucane:** If the Minister wants to introduce legislation as sensitive as this, he should be more sensitive when people question certain aspects. It is being rushed through and we know why; we know what the Minister is up to.

**Mr. Dooley:** I do not know what he is up to.

**Mr. Finucane:** The Senator should know about it down in Ennis.

**Mr. Dooley:** We are very tolerant in Ennis.

**Mr. Lydon:** That is very unparliamentary language.

**Mr. Feighan:** I join with Senator Brian Hayes in calling for calm next weekend. Garda Representative Association information indicates that up to 5,000 gardaí will be on duty on 1 May. In that context, I call for calm on both sides.

I am disappointed by the abrasive manner in which the Minister for Justice, Equality and Law Reform has behaved in the past few days. I ask the Minister to come before this House because I want to challenge him on the fact that despite Government pledges to increase Garda numbers by 2,000, they have been increased by just 121 in the past 22 months. As I speak, drug barons are targeting rural areas and we will need 10,000 gardaí if the drug culture takes hold. I challenge the Minister to come before the House and defend the failure to put extra gardaí in place because it is a serious threat to the State.

**Ms Terry:** I support the remarks of Senator Brian Hayes and others who called for calm on

Saturday during the May Day celebrations. As a resident of the Castleknock area adjacent to Farmleigh, I must express concern at the level of security in the form of razor wire which has been erected around Farmleigh and other places, although I am not sure whether it will extend to the entire boundary of the Phoenix Park. I wrote to the Minister of State at the Department of Finance, Deputy Parlon, to which I have not had a response, asking him whether the razor wire will be removed following the meeting on Saturday. I had to fight very hard to ensure that razor wire was removed after the visit of the Chinese premier. Therefore, I want the Minister of State to guarantee that all of that razor wire will be removed following this weekend's events.

**Mr. Browne:** The announcement by the Minister for Education and Science of additional resources to provide learning support for children was made some time ago but schools must wait for up to one year to have it sanctioned. I understand a new weighting system will be introduced but schools do not know as of yet if they will lose, retain or gain teachers. I know of a school that applied for a special needs assistant in June 2003 and is still waiting. It is inexcusable that a child has to waste a year of his or her life. One year is a long time for anyone but to wait one year out of a total of eight years' primary education for a service is a scandal. I urge the Minister to explain this to the House. I understand the Department of Education and Science knows the schools that will be allocated the resources, but is not releasing this information to them. Schools need to plan ahead and the information should be made available to them at this stage.

**Ms O'Rourke:** The Leader of the Opposition, Senator Brian Hayes echoed Senator Mansergh's remarks on peaceful protests at the weekend. This important time for Europe should be a joyful time of celebration and countries which never expected to see freedom again after the Second World War are now basking in sunlight. It is difficult for the Garda Síochána to strike a balance in the area of security. If there is not sufficient security on the ground and things get out of control, it is a cause of great concern but, equally, over the top security is castigated. The Senator also referred to the death of Fr. Niall O'Brien. The Cathaoirleach ruled on this, but it is worth noting the work Fr. O'Brien did during his lifetime.

On the question of Seanad reform, the Committee on Procedure and Privileges set out the terms of reference and gave us a mandate to consider the issue. We are meeting the Cathaoirleach and the members of the Committee on Procedure and Privileges at 12 o'clock and will present our report to them. A copy of the report will be in everybody's pigeonhole by 2 p.m. and a press conference will be held at 2.15 p.m. We will meet the Taoiseach

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and present him with a copy of the report at 3.50 p.m.

**Mr. B. Hayes:** By 5 p.m., the Seanad will be abolished.

**Ms O'Rourke:** There was only one recommendation for that. It was from a Member in the other House; I will not say which party.

**Mr. McCarthy:** A Fianna Fáil Member.

**Ms O'Rourke:** No, it was one of the Senator's and we often laugh about it.

Senator O'Toole referred to the celebrations on May Day. He also raised the Curtin issue, which also struck me when I listened to the news last night. The Taoiseach stated publicly that among the items on the agenda is the impeachment process. Subject to the ruling of the Cathaoirleach, I consider it is in order to say that I will endeavour to obtain Commissioner Conroy's remarks appertaining to the issue today or tomorrow. The debate on "Morning Ireland" between the Minister for Justice, Equality and Law Reform, Deputy McDowell, and Mr. Michael Farrell of the Human Rights Commission—

**Mr. O'Toole:** He began his career as a demonstrator.

**Ms O'Rourke:** When I listened to the debate this morning I thought, once a barrister, always a barrister. Their aim, metaphorically speaking, is to knock one down. The Minister will come to the House on Friday to debate the Bill and everybody who has been brave on speaking out will be equally brave that morning.

**Mr. O'Toole:** We quiver in anticipation.

**Ms O'Rourke:** I am reminded by Senator Dardis that not alone should we be brave, we should be present.

Senator McCarthy referred to Fr. Niall O'Brien and his work for oppressed people.

All Members have received a copy of the report of the Law Reform Commission on cohabitation. There is no point in thinking that everybody is happily married; life in Ireland is not like that anymore. The institution of marriage is recognised as the primary unit in the Constitution but times have evolved and huge changes have occurred in Irish society. This very strong report should be debated in the Chamber.

Senator McCarthy referred to the Minister of State at the Department of Enterprise, Trade and Employment with special responsibility for labour affairs, but I am not aware of the matter to which he referred. He wished that we would be joyful and not riotous on May Day.

Senator Glynn acknowledged the service of Cardinal Desmond Connell. I do not know whether the fast food issue he raised is a matter

for planning or for an amendment to the legislation. We can inquire from the Minister for the the Environment, Heritage and Local Government.

Senator Finnuane also raised the Human Rights Commission and I think we will long remember the radio interview on "Morning Ireland". Senator Feighan referred to the need for an increased Garda presence to combat the drug barons. We will have a debate on this issue very shortly.

Senator Terry asked for the removal of the razor wire around Farmleigh House. I was not aware of the delay in removing the wire after the Chinese premier's visit. I will speak to the Minister of State, Deputy Parlon, about having it removed immediately.

Senator Browne raised the delay in notifying schools of the provision of additional resources for special needs students. If the school does not know whether it will have the additional resources, it is difficult to deal with special needs students who are seeking to enrol. This issue could be suitable for an Adjournment debate and perhaps Senator Browne would consider this course of action.

Order of Business agreed to.

#### **Order of Business: Motion.**

**Ms O'Rourke:** I move:

That the practice of calling the Leader of the House to reply to the Order of Business no later than 30 minutes after the proposal of the Order of Business shall be continued until the summer recess.

Question put and agreed to.

#### **Report of National Advisory Committee on Drugs: Statements.**

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** I welcome the opportunity to address the Seanad in my capacity as Minister of State with responsibility for the national drugs strategy. I wish to provide the House with an update on the progress made to date in implementing the strategy and, in particular, the results from the latest bulletin in the drug prevalence survey, which was launched last week. To put this bulletin in context, it contained the second set of results to be released from the first ever all-Ireland drug prevalence survey. It was commissioned by the National Advisory Committee on Drugs, which comes under the aegis of my Department, and the drug and alcohol information and research unit in Northern Ireland. Field work for the survey was carried out between October 2002 and April 2003 by MORI/MRC and the final sample was 8,442, of which 4,925 were in the Republic of Ireland and 3,517 in Northern Ireland.

The survey was carried out according to guidelines set out by the European Monitoring Centre on Drugs and Drug Addiction. It is the first survey in Ireland on this topic and of this magnitude to have been carried out in this fashion. Although the results give us excellent baseline figures, given that it is the first survey of its kind there are no previous surveys with which it can be compared.

The main focus of the survey was to obtain prevalence rates for key illegal drugs such as cannabis, ecstasy, cocaine and heroin, by three measures: lifetime prevalence — the basic question being whether respondents had ever used a drug; recent use — have respondents used a drug in the year prior to the survey; and current use — have respondents used a drug in the month prior to the survey. Similar prevalence questions were also asked about alcohol, tobacco and other drugs.

The first bulletin from the survey was released last October and it presented key findings from the survey on overall drug misuse. A number of key findings were published in that bulletin. One in five people, 19% of those surveyed, reported ever using an illegal drug. One in 18, or 5.6%, reported use in the last year and one in 33, or 3%, reported use in the last month. Cannabis was the most widely reported illegal drug being used, with 18% of those surveyed having used it in their lifetime, 5% in the last year and 2.6% in the last month.

The prevalence of other illegal drugs is lower and largely confined to younger age groups. For example, those aged 15-24 had the highest prevalence rates for most illegal drugs in the last 12 months, while those aged 35 and over reported minimal rates of use.

More men than women use illegal drugs. The difference varies with different drugs, but women and older people report higher rates of sedative, tranquilliser and anti-depressant use, which are legally prescribed.

The figures in bulletin No. 2, which was launched last week, give a regional breakdown of drug prevalence based on health board areas. These figures give us significantly more detail and add to our knowledge and understanding of drug use across the country. The bulletin included a number of key findings. Lifetime illegal drug prevalence varied between 11% and 29% across health board areas. The lowest rate of recent illegal drug use, at 3%, was recorded in the North Western Health Board area, while the highest rate recorded, at 8%, was in the Northern Area Health Board area, including the north side of Dublin. Those figures are for recent use, which is within the last year. Prevalence rates of current drug use varied from 0.5% in the North Western Health Board area, to 5% in the Northern Area Health Board region. The figure of 0.5% is only one in 200, while 5% represents one in 20.

Prevalence rates — lifetime, recent and current — tended to be higher in the eastern part of the country. Cannabis was the main illegal drug used

on a lifetime, recent or current basis in all health board areas. Prevalence rates for cannabis were at least twice as high as those for other illegal drugs. In almost all health board areas the level of recent and current cannabis use was higher among young adults aged 15-34, than among older adults aged 35-64.

Prevalence rates for other illegal drugs were considerably lower than for cannabis across all areas and periods, including lifetime, recent and current. For example, the highest prevalence rate for recent use of ecstasy was 3% and cocaine in powdered format 2%, compared to 8% for cannabis.

The profile of illegal drug users showed a great deal of consistency across health boards. In almost all areas, prevalence rates were higher among men than women, and they were higher among young people than older people.

According to the European Monitoring Centre on Drugs and Drug Addiction's model questionnaire, questions on alcohol and tobacco use were also asked. In addition, prevalence rates for these substances are also provided in the bulletin. Inter-relationships between substance use, as part of poly-drug use, will be further explored in a future bulletin.

The information in this survey is an essential tool for Government in responding to the drug problem. It provides excellent baseline information which is very useful in the context of the ongoing implementation of the strategy. It shows us that the vast majority of the general population has never used any illegal drugs and that a small percentage is currently using illegal drugs. The results from the recent bulletin highlight the fact that drug misuse is not confined to our major cities. It is an issue for communities, both urban and rural, throughout the country. The Government is determined to tackle it at every level through the implementation of the national drugs strategy which covers the 2001-08 period.

Senators will be aware that the national drugs strategy brings into a single framework all those involved in drug misuse policy. It arose from an extensive consultation process involving almost 190 submissions, eight regional seminars and meetings with 34 separate groups. In recognition of the complexity of the issue, the strategy contains over 100 separate actions to be carried out by a range of Departments and agencies. Those actions fall under what we call the four pillars, namely, supply reduction, which generally involves the Garda and customs, prevention, which covers education and awareness campaigns, treatment, which involves rehabilitation, and research, which involves the National Advisory Committee on Drugs.

Since my appointment as Minister of State I have been very interested in meeting with and hearing the experiences of both recovering drug misusers and those who are working in local communities to address this problem. In this regard I have visited a number of projects in local

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drugs task force areas and the message I have got continually is that there has been much progress in recent years but that there still is much work to be done. I assure the House that the Government is aware of this and that we will continue to prioritise this issue.

Clearly, with a strategy as broad as this, it is very important to have structures and processes in place to ensure the effective implementation of the strategy. The interdepartmental group on drugs, which I chair, meets regularly to discuss the progress being made by Departments and agencies in implementing the actions which have been set out for them in the strategy. The IDG contains representatives from a range of Departments and State agencies and its role is to bring to the attention of the Cabinet Subcommittee on Social Inclusion any identified issues which may impede the progress of the strategy.

In addition, my Department, in close consultation with those involved in the delivery of the actions in the strategy, prepares six-monthly progress reports which I present to the Cabinet sub-committee. Also, a report covering the first three years of the strategy is planned for publication in June and a mid-term review of the strategy will also be completed by the end of the year. This will allow for a refocusing of the strategy if necessary.

My Department also recently published a critical implementation path for the strategy. The purpose of the CIP is to map out how the actions in the strategy are being delivered and to set timeframes for their delivery. The CIP also shows the obstacles which Departments and agencies have identified as they move forward. In this way it is possible to identify potential problems in advance and thus endeavour to resolve them.

I will outline the main areas in which progress has been made since the inception of the strategy. As I said previously, the strategy has a long timeframe, but despite this I am happy to say that there is much progress to report.

Progress has been made on a range of actions under the prevention pillar of the strategy. These are the responsibility of the Department of Education and Science and the health promotion unit of the Department of Health and Children. In particular, guidelines to assist schools in the development of a drugs policy were issued in May 2002. The Department of Education and Science implemented substance misuse prevention programmes in all schools in the LDTF areas during the academic year, 2001-02. The social personal and health programme, or SPHE, has been on the curricula of all primary and secondary schools since September 2003. This work is being supported by the SPHE support service, which has recruited additional trainers and support officers.

However, school is only one place where young people can and do learn about drugs and it is imperative that there is proper information

available to all our young people. The Department of Health and Children launched the first phase of a national awareness campaign on 15 May 2003. The campaign features television and radio advertising supported by an information brochure and website, all designed to promote greater awareness and communication about the drugs issue in Ireland. This first phase targeted the general population, while the second phase, launched in October, is aimed at parents. Another phase of TV advertisements was also recently aired.

The consultation process which helped us to arrive at the national drugs strategy identified a clear need to progress towards a more fully integrated treatment and rehabilitation service. A wide range of actions is currently being taken by the health boards and others to address this need. The treatment of addicted young people is an important issue and the treatment of those under 18 is particularly sensitive. In this regard, the Department of Health and Children chairs a group whose task is to develop a protocol for the treatment of under 18s and much progress has been made in this legally complex area. A report on the work of this group is nearing completion.

In addition, that Department is currently overseeing the implementation of the recommendations of the report of the working group set up to examine the use of the group of drugs known as benzodiazepines, which include valium. This group reported in December 2002.

The national drugs strategy also set an end-2002 target to increase the number of methadone treatment places to 6,500. I am pleased that there has been significant progress in this area and currently there are approximately 6,900 places. This is a substantial increase on the December 2000 figure of 5,032. In addition, the numbers on waiting lists awaiting treatment have decreased significantly. There are also approximately 1,100 people on the special FAS community employment scheme for recovering drug misusers.

On the supply reduction side, Garda operations continue to result in significant drug seizures with an estimated street value of approximately €49 million seized in 2002 and provisional indications for 2003 well exceed this figure. Both the gardaí and the customs authorities remain on track to achieve their drug seizure targets as set out in the national drugs strategy. Street level dealing is being tackled by specific Garda operations such as Clean Street and Nightcap. Customs and Excise has launched a coastal watch programme and has implemented a number of measures to enhance drugs detection capability at points of entry.

I am also aware of the evidence of an increase in the prevalence of cocaine use, particularly through local drugs task forces and the work of the NACD. Figures from the drugs prevalence survey show that 3.1% of the population has never used cocaine, 1.1% used it in the past 12 months and 0.3% used it in the past month,

although there are significant regional variations. Compared to similar surveys undertaken in other European countries, these figures suggest that Ireland is roughly average in terms of use. In addition, the latest numbers presenting for treatment are still very low and, in total, make up approximately 1% of those in treatment. Similarly, the number of cocaine-related offences remains relatively small compared to other drugs and, according to the 2002 Garda annual report, account for approximately 5.5% of all such offences. It is significant that in the survey we launched last week based on health board areas, the Northern Area Health Board was the area with the greatest misuse of illegal drugs generally, but the leading area for the misuse of cocaine, across all three categories, was the east coast region. That is interesting.

The increase in Ireland appears to coincide with an increase in the availability and use of cocaine in Europe generally as a result of increased production, particularly in Colombia, and a consequential drop in the street price. However, I assure the House that I am keeping the matter of cocaine use under examination and in particular it can be examined in the mid-term review of the strategy.

It is vital that high quality information relating to the complex problem of drugs misuse is available. For this reason, the National Advisory Committee on Drugs, the NACD, was set up in 2000 to advise the Government in relation to the prevalence, treatment and consequences of problem drug misuse in Ireland. The committee, whose membership comprises a range of academic, community, statutory and voluntary interests, is currently overseeing an agreed programme of research.

The committee has published an overview of the current research into drug prevention as well as completing a review of prevalence information in Ireland and has also published a report on the effectiveness of buprenorphine in the treatment of opiate dependence in December 2002. It also commissioned a longitudinal study on treatment outcomes in November 2002. Two bulletins from the population survey have been published and a third is planned later this year, while the 3-Source Capture Recapture report, the compilation of an estimate of the number of opiate users, was published in May last year. This estimated that there are approximately 12,500 opiate users in Dublin and approximately 2,000 in the rest of Ireland. The report, *An Overview of Cocaine use in Ireland*, was published in December last year and a review of the harm reduction mechanisms for injecting drug misusers in an Irish context is also under way.

In September 2002, as part of the implementation of its work programme, the NACD launched a community and voluntary research grant scheme, to generate innovative community based drugs research. Five community groups are currently working on research projects.

In addition to specific actions under the strategy, my Department has responsibility for the work of the local drugs task forces. The task forces were first set up in 1997 in the areas experiencing the worst levels of drugs misuse. These task forces operate in 14 areas at present, 12 in Dublin, one in Cork, and one in Bray, which was designated a task force area in 2000.

All of these local drugs task forces are currently implementing their second round of action plans. In total, the Government has allocated approximately €65 million to implement the projects contained in the plans of the task forces since 1997. Under these plans, the task forces provide a range of drug programmes and services in the area of supply reduction, treatment, rehabilitation, awareness, prevention and education.

In addition to the funding which has been made available under the task force plans, more than €11.5 million was provided under the premises initiative. This is designed to address the accommodation needs of community based drugs projects, the majority of which are based in the local drugs task force areas.

The young people's facilities and services fund is another very important initiative for which I have responsibility. It operates in the 14 local drugs task force areas and in the urban centres of Limerick, Galway, Carlow and Waterford. The main aim of the fund is to attract "at risk" young people into sports and recreational facilities and activities and divert them away from the dangers of substance misuse. To date, approximately €72 million had been allocated for this purpose. In this context, I recently announced grants of approximately €13 million under the second round of allocations under the fund, over half of which are in respect of capital developments.

In broad terms, approximately 450 facility and services projects are being supported under the fund. These initiatives fall under seven broad headings, namely, the building, renovating or fitting out of community centres, youth facilities and sports clubs; a number of purpose-built youth centres; the appointment of more than 85 youth and outreach workers; the employment of ten sports workers; support for a wide variety of community-based prevention education programmes; a number of targeted interventions for particular groups such as youth work projects for young Travellers have been put in place; and a number of national drugs education and training officers for youth organisations have been employed.

Diversionary activities have an important role to play in the development of young people who are at risk of becoming involved in substance misuse. The young people's facilities and services fund aims to provide such activities in those areas that need them most.

The positive and active involvement of local communities has played a significant part in the success of the local drugs task forces. The consultation process involved in drawing up local



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task force plans in each community has been an important factor. The underlying principle of the strategy is the development of an integrated response. This needs to be informed by the active participation of all the stakeholders.

Partnership and consultation are the best way forward in dealing not alone with this issue, but with the wider problem of social inclusion. It is of vital importance that the communities most affected by the drug problem have been provided with the opportunity to have their voices heard in the development of drugs policies.

Given that the task forces operate in selected urban areas of high drug misuse, the national drugs strategy recommended the setting up of regional drugs task forces in order to address the issue of drug misuse outside these areas. The recent bulletin highlights the fact that drug use is not confined to our major cities but is present in all regions. These task forces operate in each of the regional health board areas throughout the country, including each of the three that comprise the Eastern Regional Health Authority. The regional task forces are designed to ensure an integrated and co-ordinated response to the problem of drug misuse in the regions. They will represent a team-based response to illicit drug use.

Each task force is chaired by an independent chairperson and will be made up of nominees from State agencies working in the region, the community and voluntary sectors and elected public representatives. It is my intention that all of the regional task force members will work in partnership in a manner similar to the local drugs task forces.

The national drugs strategy team has prepared guidelines on its operation in consultation with the relevant sectors and agencies. All of the regional drugs task forces have had their initial meetings and continue to meet regularly. It is hoped that as well as examining the availability of drug services and related resources, the regional drugs task forces will also provide up-to-date information on the nature and extent of drug use in their regions. They are currently working on mapping out the patterns of drug misuse in the area as well as services already available in the area with a view to co-ordinating these existing services and addressing gaps in service provision. The figures in the bulletin released last week will assist them in assessing the prevalence of drug use in each regional drugs task force area. The idea is that each regional drugs task force will bring forward plans which match the particular problem in their area. As we have seen from last week's figures, these vary from health board area to health board area.

These are some of the main areas where progress has been achieved since the launch of the national drugs strategy. The problem of the misuse of drugs is a hugely complex one. As Members are aware, there is not just one drug problem, rather many different drugs are used by

different people in different circumstances. Addressing this issue requires responses from a range of agencies and service providers. As the publication by the National Advisory Committee on Drugs shows, drug use is in all regions of the country although the scale of the problem varies significantly from the east coast to the west.

We all have a responsibility in this area especially as politicians and legislators. We need to do our utmost to ensure we make a difference to those communities hardest hit by the problems of drug misuse.

The national drugs strategy covers the period up to 2008 and the mid-term evaluation of the strategy which we are carrying out this year will hopefully inform us on how to build further on the firm foundations which have been laid. Much progress has been made already, but we need to continue to put our efforts into driving the strategy forward. I look forward to hearing Members' contributions.

**Mr. McHugh:** I welcome the Minister of State to the House and thank him for his comprehensive contribution. The National Advisory Committee on Drugs has produced a report. I wish to refer specifically to the North Western Health Board and highlight the fact that it has the lowest rate of substance misuse in the country, North and South. That is welcome. In recent years the North Western Health Board has operated an effective PR campaign and through the schools, teachers at primary and second level working in the area of drug awareness ought to receive commendation. There is no room for complacency in the area of drug abuse.

Schoolchildren as young as nine years of age are smoking. While smoking is not illegal, it is a gateway to the smoking of hash or cannabis. I have evidence from many throughout Europe, especially from the Scandinavian countries, that cannabis is a gateway to the use of other illicit drugs. I welcome the fact that the national drugs strategy is looking at the issue of awareness, which is the key at primary level continuing on to second level.

The Minister of State said that as politicians and legislators we all have a responsibility in this area. In Sweden the legislators have moved to make young people prime assets in its economy. Young people are prime assets of their country and its economy and should be treated as such. If young people are regarded as a primary asset, as they should be, and as a key to the future, we must do all in our power to ensure that they do not go down the road of drugs.

For many years we as legislators have used token gestures when dealing with young people. We have talked about involving young people and giving them a voice, bringing them back into the communities, using their creative expertise and encouraging them to work with older people but it has been token language for which we must all, and not just the Government, share responsibility. Young people must be engaged

and the only way to engage them is to involve them in the democratic process. There are models of best practice both North and South, in County Fermanagh and in County Donegal, for example, where young people are democratically elected by their peers to a council forum. They deal with issues affecting the daily lives of young people.

In 1996 a youth seminar was held in the Mount Errigal Hotel in Letterkenny. It was the first congregation of young people in the county. The main theme of the seminar was that young people are being talked to but not being listened to. Young people want a voice. I acknowledge that the Minister of State, Deputy de Valera, has her heart in the right place. I met her in Letterkenny where she addressed a group of young people. She is doing a nationwide tour. However, it smacks of tokenism when it is said that young people will be involved and helped. This does not go far enough. The Minister of State, Deputy de Valera, is talking to young people; she is not involving them or listening to their concerns. To go to Letterkenny and speak to an audience of approximately 300 young people is not engaging with them and I do not believe that is the way forward.

The Minister of State referred to state-of-the-art centres and they have been discussed at length at committee level. In order to help prevent at-risk young people from becoming involved in the drugs process, there are models of best practice. A state-of-the-art building situated in the Minister of State's constituency has been successful. However, rural areas are not mentioned in the report. Some young people in towns and villages and on the periphery of towns and villages in rural areas are not necessarily interested in the conventional recreational outlets of rural society, such as Gaelic football and soccer. Facilities must be provided for those who are not interested in conventional recreational sports. Young people are interested in the creative arts and music. We have an obligation to provide recreational facilities in a village with a population of approximately 300 or 400 or in a town with a population of approximately 1,000. We have an obligation to provide a room, although not necessarily a state-of-the-art building with basketball and water sports facilities, for example. Nevertheless, a building where young people can congregate with their peers in a supervised setting should be provided.

Young people aged from 16 to 24 will always state in questionnaires and surveys that they want to be in a supervised environment. They may not wish to be supervised by their parents but they want supervision, some form of rules or even self-discipline. It would be allowable for an 18 year old to supervise 16 year olds. A disciplined and supervised environment is required to avoid problems of anti-social behaviour and bullying.

In towns and villages throughout the country, from the Leas-Chathaoirleach's county of Mayo to the bottom of Kerry and up to the top at Malin Head, I do not believe it would cost a significant

sum of money and it would help prevent young people from engaging in anti-social behaviour if there was one room available. A room could be rented and a person employed to engage the young people.

I have been canvassing with candidates in Letterkenny. In every estate on the outskirts of Letterkenny there are groups of three or four young people sitting on the doorstep of a vacant house or on the doorstep of their parents house. They have nothing to do and they are bored. All they ask is for somewhere to hang out and be with their friends, listen to music or play it or play snakes and ladders. They want to do the simple things but the key wish is to be with their peers in a supervised setting. I have emphasised this point at committee level. I communicate with young people on a daily basis and that is the point they make.

There are often complaints heard on local radio that young people are inclined to congregate at a focal point in the town. Shopkeepers complain about the young people being in the shops. They are not wanted in the shops because they are probably restricting business and are not spending money. The reason they congregate in these shops is because they have nowhere else to go. Facilities should be provided on an after-school basis, at lunch time or at the weekend.

I am delighted that Judge Haughton has decided to stay on in the drugs court. He has proven that the drugs court works. I commend his work. The figures may seem low and Judge Haughton stated on the radio that there have been 12 rehabilitated clients, but to have even one rehabilitation is important. There is an onus on all of us to help people come off drugs and be rehabilitated in the community.

The Minister of State did not attend the Fine Gael Ard-Fheis but he would have been made welcome if he had attended. He may attend in two years' time.

**Mr. N. Ahern:** I was not invited.

**Mr. McHugh:** A motion was tabled for the extension of the drugs court on a nationwide basis. It has worked in north Dublin and it should be extended to cities such as Limerick and Cork and to Athlone and Letterkenny and other parts of Dublin. The Minister of State may say that it is a pilot scheme but Judge Haughton has proved that the pilot model has worked. It should be extended on a nationwide basis.

Mandatory sentencing is a very sensitive issue but it has been introduced. Anyone involved in the supply of drugs should be handed an automatic ten-year prison sentence. I acknowledge that there are reasons such as co-operation with the Garda Síochána which help avoid that sentence. I am aware that people are being caught supplying drugs and they are not receiving the appropriate sentence. There is no punishment for the crime. We must be harder on

[Mr. McHugh.]

those who supply drugs. While I am aware this does not come under the responsibility of the Minister of State, these issues are interrelated and it is important we continue to recognise the correlation between crime and punishment.

Prevention is said to be better than cure, which is also important. Prevention will require providing outlets and a positive environment for young people. The Minister of State may or may not have another couple of years in office but the onus is on the Government to examine whether pilot models in Sweden and elsewhere in Scandinavia would work here because I believe they would.

The youth council in Donegal is a forum for young people which sits in Donegal County Council, shadowing senior county councillors. The Minister of State and his team should visit the county, particularly as we approach such a nice time of year, to observe how the youth project operates and to listen to the honesty of the young people involved as they speak in the council chamber. As he will be aware, county councils meetings can last for up to four days. Meetings of the youth council, however, provide interesting, honest debate conducted in a non-partisan manner.

I am sure a development worker in the council would facilitate a debate on drugs on behalf of the Minister of State, including a contribution from the North Western Health Board. I am aware he will be busy campaigning for the local elections and is well informed on these issues with which he deals on a daily basis, but such a debate would be a learning exercise for everybody involved. It is a matter for him to take my suggestion on board.

**Mr. Brady:** Ba mhaith liom fáilte a chur roimh an Aire Stáit and I thank him for his interest in this issue. It is clear from his opening words that he has a good grasp of the comprehensiveness and complexity of the drug problem in his constituency. He has also visited a number of drug treatment projects in my area and has seen at first hand how the national drugs strategy is working and its effects on the ground.

I welcome the first progress report of the National Advisory Committee on Drugs and congratulate the team involved in this comprehensive analysis of the ongoing work in the field of research. As the Minister of State pointed out, research is one of the pillars of the national drugs strategy and an essential part of the effort to contain and minimise the effects of drug abuse.

The various sub-committees report under various headings, including consequences, early warning, emerging trends, prevalence, prevention and treatment and rehabilitation. The membership of the committee includes a comprehensive mix of people working on the ground, both statutory and voluntary, as well as academics and senior representatives from

Departments. The report provides a comprehensive picture of the current position on drug abuse.

The three year programme is based on a good business plan and has produced a clear review of ongoing research, which is working towards better co-ordination in the provision and dissemination of information on drugs misuse. I welcome the fact that the research was undertaken in a spirit of collaboration and partnership with the relevant services and that the tenets of respect, dignity, transparency and fairness are at the centre of the committee's work. It is essential, particularly when one is addressing the specific area of addiction, that the people to whom one is talking and of whom one is asking questions are happy and comfortable with the approach taken. This is the only way to obtain a comprehensive response and adequate, usable information.

The workload of the committee is considerable and shows the scale and range of the problems. The survey commissioned into drug use will also cover tobacco and alcohol, which is essential given that these are legal but addictive substances which cause major problems for some individuals, although not everybody. To use an analogy, while some people can take or leave cannabis, for others it is a gateway drug into harder drugs. It is important, therefore, that all these substance are surveyed and I also welcome the survey of third level students.

It will also be important to establish a mortality rate among drug users. The question of what cause of death should be included on the death certificates of drug victims has been the subject of a debate in recent years. Drug overdose has been included as a cause of death only recently, whereas in the past all sorts of explanations were given on death certificates. This meant we had no comprehensive figures which would have allowed us to establish a precise mortality rate.

The progress report gives consideration to the experience of drug workers and community and family organisations, a vital aspect of research. To cultivate an atmosphere of co-operation, it is essential that those who participate in the research are assured of confidentiality, respect and safety.

If the street protests of the late 1980s and early 1990s showed us anything, it was that communities can only take so much and will come together to protect themselves when they are threatened or when their children's lives are put at risk. It took a major heroin epidemic in Dublin and the deaths of a number of young people to galvanise communities. It was through their efforts that the Government and agencies responsible in this area responded.

Despite the learning and dialogue of the past ten years, a number of young people have died as a direct result of drug abuse, others have contracted life-long debilitating diseases, children have suffered and families have broken up. The figures in the prevalence report show a marked

contrast between areas. Prevalence in some areas is as low as 0.3%, but much higher in many others, specifically, as the Minister of State pointed out, in areas covered by the Northern Area Health Board.

A prevalence figure among the overall population of 5% may not appear particularly high, but when it is broken down by area one finds that many small areas, particularly in the north inner city, have much higher rates. Many of these areas have been particularly deprived over the years in the area of employment, housing and facilities and are now badly affected by drugs.

While the strategy has managed to tackle some of the problems in most of the worst affected area, there are signs of worrying developments in the drug culture. Recently, I have learned of an upsurge in cocaine use in the north inner city, particularly among young people. With a lead-in time for producing a research project of this nature of between 18 months to two years, it is not surprising that it does not record a rapid increase in the numbers of young people using cocaine. I met members of a group on Monday which had carried out a survey of drugs treatment projects around the north and south inner city. Up to 92% of its clients were using cocaine.

The figures are masked because the current trend is to mix cocaine with heroin and other forms of opium. While the figures give a picture they do not give a focused picture if they are broken down into local areas. This is where the local drugs task forces are successful as they have local people working on the ground who report directly to them. That is delivered to the Minister's office which reports back to the committee on social inclusion. This is where policy is formulated.

It is essential that the mid-term review gives special attention to those areas which have suffered the most over the years, although I accept that it has to be done on a national basis. I refer to areas such as the north inner-city, Ballymun and Finglas. Huge resources have been pumped into these areas. A state-of-the-art multi-million pound complex opened recently in Cabra as a result of the young person's services and facilities fund. This was aimed at getting young people involved and off the street. This complex has changing rooms, gym facilities and an indoor arena but it does not cater exclusively for sports. There are also dance studios, computer rooms and rooms for education. Kids will not go there of their own accord as they have to be attracted. They have to be given a reason to get away from the drugs culture and out of the cycle that starts with teenage smoking and drinking and moves on to cannabis and so on. Many have gone down that road, starting innocently and ending up in trouble. Much has been done and any of the organisations will say so.

There are concerns about the strategy of funding for the drugs task forces. The system was put in place to ring-fence funds at the beginning and it is essential that it continues. In some areas,

the funding made available by the Department is not ring-fenced and goes directly to the health boards. It therefore ends up in the central budgets for the health boards and is eventually reduced on the ground.

Users tend to be more aggressive when they take cocaine as the high apparently does not last as long as heroin and therefore they need more. They are prone to depression and in a few cases in my constituency this has led to suicide. Deep vein thrombosis, abscesses and so on are the results of cocaine abuse but there is no medical treatment for cocaine addiction. There is no equivalent to methadone and buprenorphine has not yet been clinically proven to work. These are issues that have to be examined in the review.

It would be a shame to lose any of the lessons learned from the heroin epidemic in the 1980s and 1990s in Dublin. The Minister is being informed through his committee and through the local drugs task forces of the position on the ground. I congratulate the Department on the holistic way in which it deals with this complex problem. The problem is not solely confined to young men or women, particular areas in the northside and the southside of Dublin or anywhere else. There is a massive upsurge in the production of cocaine and other drugs worldwide. The Garda has built up contacts worldwide through agencies like Interpol.

Nonetheless, we can only tackle problems on our own doorstep. The strategy is in place until 2008 and is subject to review this year. There is an opportunity to take account of all the changes that have taken place in the past ten years on drug misuse and drug treatment. I urge the Minister to talk to those who are working on the ground as he has been doing. They will try to protect their own little patch but that is understandable. These are the areas that are the most affected by drug abuse. I also want to mention the families involved. Many people have died from heroin abuse in north inner-city Dublin. Some of the families affected came together and provided a support group. While the addict is going through hell, the parents and siblings of the addict suffer as well and there is nothing they can do. They can only offer support to the individual so it is essential that those families are also supported. The Department, in the context of the review, is seeking to provide greater support for the families and that is essential.

**Mr. Cummins:** I welcome the Minister and I welcome this second report from the National Advisory Committee on Drugs. It is imperative that reports like this are published frequently to keep us informed. A key finding has been that 20% of the overall population has taken illegal drugs in the past year. That is a damning statistic on society. It is well known that a drugs culture leads to a violent culture, which has been witnessed on the streets of many towns and cities across the country. Another statistic showed that

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twice as many men as women have taken illegal drugs. That is easily verified by observing behaviour on the streets of Dublin.

Another finding in the report is that women reported a higher usage of sedatives, tranquillisers and other anti-depressants. An investigation should be carried out, perhaps by the National Advisory Committee on Drugs or the health boards, into why women have to resort to these drugs.

The progress report dealt with a number of areas including drug use prevention; the use of buprenorphine as a treatment solution for heroin addiction; the consequences for communities of drug abuse; and drug use among the homeless. The advisory committee's recommendations highlight the need to prioritise the tackling of certain forms of substance abuse over others. This is certainly the case in respect of cocaine, the use of which is increasing, as mentioned by other Senators. The report also points out that drug prevention policy should take into account the connections between illegal drugs and legal drug products such as tobacco and alcohol. This area should be accorded a higher priority. Only last week we spoke about the abuse of alcohol in society. When alcohol is mixed with drugs, it certainly becomes a lethal cocktail.

The recommendations also referred to the need for distinctive programmes to be focused on both problematic and serious drug use by young people in socially disadvantaged communities. Included in these categories of drug abuse are the use of heroin and experimental drug use by young people from such communities. Unfortunately, drug gangs prey on those in socially disadvantaged areas because they regard them as soft targets. We must pump resources into these areas.

Another key recommendation was to concentrate more on the social causes of drug abuse, particularly to have more programmes to deal with social exclusion. We need more research and resources in disadvantaged areas. Schools must also be targeted by the Department to inform young people of prevention policies in particular and of the effects of drug abuse. This should be done in an aggressive manner.

There should be greater inter-agency co-operation at Government level to tackle drug abuse, cocaine abuse in particular. I read that the Minister of State stated only last year that this was only a very small problem, affecting 1% of the population. The figure of 1% pertains to everybody from nought to 90 but the problem is almost exclusively concentrated in the 15-34 year old age group. The south Dublin and Wicklow region, covered by the Eastern Health Board, has the highest reported level of cocaine use in the Republic, with 6.3% of all adults in the region having taken it. The figure pertaining to those aged between 15 and 34 in the same area is 10.5%, which exceeds the highest level recorded

previously in the EU, namely 8.7%. This latter figure was recorded in the United Kingdom in 2002. Therefore, the cocaine problem in the south Dublin and Wicklow region is one of the most significant in the EU and something will have to be done to combat it.

Other Senators have also mentioned the problem of cocaine. Unlike heroin addiction, which can be treated by methadone, no treatment seems to be available for the abuse of cocaine. There is a need for the expansion of counselling services in this regard. Dr. Des Corrigan, chairman of the advisory committee, warned that the Republic may be beginning to experience a cocaine epidemic which may take some time to manifest itself. However, if the figures are to be believed, it is already manifesting itself.

I have alluded to the fact that the report highlights the abuse of legal drugs, including alcohol, tobacco, anti-depressants and tranquillisers, and I called for some research to be done in this area. It was remiss of those responsible for the strategy that alcohol abuse was not included in it when it was being established. My party colleague in the Dáil has called for the creation of a national addiction strategy that would incorporate the existing national drugs strategy and also have proposals on tackling alcohol abuse. A comprehensive addiction strategy would deal with the abuse of all drugs, both legal and illegal. Such a strategy is necessary.

The remit of the drugs task forces must be broadened to allow them to identify and address addiction problems in their local communities, whether these involve drink or drugs. It is very important that the gardaí investigate matters on the ground and know what is going on. There is no doubt that the task forces should be allocated increased funding and have extra manpower to allow them to tackle the abuse of drink and drugs, which is so prevalent.

We demand that the Government fulfil its promise to recruit 2,000 extra gardaí. We have heard this promise so often, yet only 121 extra gardaí have been recruited since the Government took office. This is an indictment of the Government. A key element of the national drugs strategy was that extra gardaí would be made available for community policing where drug abuse and drug dealing are most prevalent. We need these gardaí so let us get moving on this.

The money being seized by the Criminal Assets Bureau should not go into central funds. It should be ring-fenced specifically to promote drug prevention and fund drug treatment services. Fine Gael argues that those who suffer most at the hands of the drug dealers should benefit most from the revenue and assets seized from drug dealers by the Criminal Assets Bureau. I hope action will be taken to address the problems I have mentioned.

**Mr. Leyden:** I welcome the Minister of State to the House and compliment him on his work in

this difficult area. I was chairman of the national drugs advisory committee in the Department of Health from 1987 to 1989 and found it one of the most difficult portfolios with which to deal. At that time Dublin, in particular, faced the same plight. There were difficulties with heroin, cocaine, marijuana and every other type of drug. The situation has not improved — in fact, I believe it has worsened. The problem has now spread nationwide.

At the time, we introduced a needle exchange scheme, which was regarded as relatively revolutionary. We were seen as condoning intravenous drug taking but the reason we brought in the scheme was to try to reduce the level and spread of HIV and AIDS. That was our main policy at the time. Times have changed but at that time, it took a certain amount of political strength to implement the initiative because there were objections from many people who felt we were encouraging drug taking. Drug rehabilitation facilities are widespread and they try to wean people away from drugs. That policy is being pursued by the Minister of State whose Department is much better funded than it was in the past.

What solutions exist to this difficult problem? Some people have called for the legalisation of marijuana and other such drugs but if we do that, we will only introduce more people to drug taking. It is difficult to wean people off cigarettes. Nicotine is a strong drug — in fact, it is regarded as even stronger than some of the prohibited drugs. It is doubtful whether nicotine would be legalised today. I think Sir Walter Raleigh, who brought it into Europe, is responsible for more mass murders than Hitler. He did not bring anything good to Europe. By bringing nicotine to Europe, he has caused much death and destruction.

The Minister of State outlined the work he is undertaking. I do not know if any new initiatives can be introduced. There should be greater surveillance of ports. Drugs must come in by air or sea. The amount of drugs detected is only a small proportion of the amount of illegal drugs being imported into this country. We should redouble our efforts in respect of the clamp down on drug imports. There must be some method to inspect cargoes, whether coming through Rosslare, Dún Laoghaire, Dublin Port, the airports or Northern Ireland. There was even a fear that small aeroplanes could drop drugs in rural areas. Many people heard aeroplanes fly overhead at night and saw fires lit in bogs and locations around the countryside to allow for the importation of drugs in that way. There is also the question of mules bringing cocaine into Ireland in their bodies.

There are drugs in Mountjoy Prison. How can drugs get into an area which is under supervision? The same applies to many other prisons. Apparently, Castlereagh Prison has no difficulty with drugs and there seems to be some control in that regard. The prison in Spike Island, which I

inspected, had a drug problem. There is probably a drug problem in Cork and Portlaoise jails.

The Minister of State and the local drugs task forces are working well. There is great concern in rural areas about the spread of drugs, as I am sure there is in the Leas-Chathaoirleach's constituency. Many years ago people in rural areas had no access to speed, marijuana, cocaine or to other drugs. Unfortunately, those drugs are more widely available than in the past. We must continue our clamp down on the importation of drugs and on the distributors, the multi-millionaires who are creating havoc for young people. Many young people have been introduced to drug taking by these people who sell drugs near schools, in rural areas and in towns. I would show no mercy to them and no prison sentence is long enough for those who bring in drugs to distribute them to and destroy young people. I encourage the Minister of State and his Department to take whatever action is necessary to bring in additional legislation in this area, if required.

When I was Minister of State in the Department of Health and Children, I visited the inner city and met people there. Most asked that the retention drugs be made available to them in rehabilitation centres. Many of those people would have become hooked on those drugs as well but at least it was a recognition of the problem. If we can bring people into treatment centres, we can respond to them.

Surveillance is important given the number of people selling drugs. The Garda Síochána is doing an excellent job to try to bring people to trial and to have them prosecuted. However, it is difficult because there is much secrecy among those who buy drugs as they will not expose the sellers. There is fear throughout this city given the number of guns around. There have been many murders in the city related to some of these drug barons.

I wish the Minister of State well in his work. It is a difficult task because people are hooked on drugs, which are responsible for most of the crime in this city, including robberies by those who need to get money to buy the drugs the barons are bringing in from abroad. We looked at educating young people but there was a concern that if we brought drugs into schools to show them to students, we would be making them aware of drug taking. It is difficult to know how best to educate young people in respect of drugs, which are so addictive. The Minister of State should continue his work and I am delighted he is being well resourced as this is becoming a rural as well as an urban problem.

**Ms Terry:** I welcome the Minister of State to discuss this important report and the problems associated with drugs. I will speak particularly about the problems in Dublin, the location with which I am most familiar. As the Minister of State probably knows, I live in a part of the city with a high level of drug abuse and, more important,

[Ms Terry.]

with a large number of people who are in the business of supplying them. Many of them are well known characters. It is frustrating for public representatives and, even more so, for people living in these communities to see these people abscond from the State, as some have done, and the gardaí fail to get to grips with them. Much crime revolves around their activities. We can see that in the number of gangland killings in our city in recent years. An increasing number of deaths have resulted from the drugs industry yet we are not getting to grips with it.

The importers and suppliers of drugs are destroying the lives of many of our young people. We are not coming to grips with this problem. The numbers involved are staggering. I accept that the problem is difficult and will become more so as these suppliers find new ways of importing drugs. Technology assists them and they are finding new and better ways of importing and selling drugs. The expansion of the European Union and the removal of border controls make it even more difficult for the gardaí to tackle this problem. However, tackle it they must and they must be given the resources to do so.

When we think of drugs we tend to think of cannabis, cocaine and heroin. There is a growing incidence of the misuse of prescription medication and of forging prescriptions in order to obtain them. We must keep an eye on this problem and do our best to tackle it.

While we continue to talk about drug abuse and the reasons for it, the core of the solution lies in putting structures in place to deal with drug abusers. I am concerned about the treatment and rehabilitation of drug abusers. While much has been done in the past couple of years there are still many drug abusers who want to receive treatment but remain on waiting lists. I am also concerned about the quality of the service they receive when they have reached the top of the waiting list. Organisations involved in this area complain about the lack of access to counselling, support and after-care. These need to be improved.

It is shocking to hear of the growth in the use of cocaine. For too long we spoke about the heroin problem in Dublin while it was allowed to worsen. We now know about the cocaine problem. It must be tackled urgently before we have a crisis on our hands.

Poor housing and homelessness cause problems for drug users who want to rehabilitate themselves. Housing is also the responsibility of the Minister of State. Every night we see homeless people on our streets. If people who are trying to come off drugs do not have a suitable place to live they are likely to fall back into their old ways. We must support the families of drug users and families who want to rid their communities of drugs. These families need support services which, obviously, cost money. Tackling poverty and marginalisation is the key to ensuring that people will not fall into a life of

drug taking because the majority of drug users come from a background of poor educational achievement and family poverty. These are recipes for disaster. If we do not take people out of the poverty trap, they are likely to fall into drug abuse.

There must be greater co-ordination between the drug treatment and mental health services. The work of organisations involved in both these areas must be co-ordinated. The spread of HIV infection and AIDS is of concern and must be prevented by improving our health services.

The Criminal Assets Bureau is doing an excellent job. The money secured by the CAB through the confiscation of money and the sale of confiscated property should be redistributed to communities which have been affected by drugs. Money gained through the supply and sale of drugs should go back to those communities.

No matter what laws we have enacted, if we do not enforce them, we will not achieve the goals we have set ourselves. At the beginning of its term of office the Government promised to provide 2,000 extra gardaí. We need those gardaí now and not only to tackle the drugs problem. The provision of extra gardaí would help to rid our towns and cities of this serious problem.

**Labhrás Ó Murchú:** I wish to share my time with Senator Hanafin.

**An Leas-Chathaoirleach:** Is that agreed? Agreed.

**Labhrás Ó Murchú:** I compliment the Minister of State on the proactive role he has played with regard to this issue. He has spoken to the Seanad on a number of occasions and to the joint committee of which I am a member. It is evident from his contributions on those occasions that he is determined to devise a strategy which will bring results and to ensure that research is carried out to give us a complete understanding of the problem we are trying to tackle.

For a long time there has been a sense of denial in our communities and on the part of parents regarding this issue. It is only when a tragic case occurs, a large quantity of illegal drugs is seized or there is an exposé of the drug trade in the media that we stop and become alarmed. However, we soon continue unconcerned. One wonders if we realise the depth of the problem, the terrible havoc it is creating and the lives it is destroying. It is not only the lives of drug users which are being destroyed. The whole community is affected. When we hear a horrific crime has taken place, perhaps involving people coming out of a club or place of entertainment late at night, we stop and try to rationalise how such things can happen. These actions cannot be rationalised if substances are being used which take away an individual's control over his own actions. In effect, the whole community is held to ransom as a result of the terrible abuse of drugs.

While many would have expected the statistics provided by the Minister, others will be alarmed by them. Some feel the level of drug abuse would not register on the scale, but it is clear that even in the case of hard drugs, we are talking of 3% to 4% of the population. However, when 20% or more admit they have partaken of illegal drugs at some time, it indicates the type of problem with which we must contend.

We now seem to focus much more on the problem. In addition to having a strategy which will in some way alleviate this problem and deal with the security aspect to ensure drugs do not enter the country, two areas are particularly important, namely, education and advertising. In the context of education, Members are aware there is huge peer pressure in regard not just to fashions and attitudes, but also alcohol, which is itself a drug, and other substances. It is very difficult to withstand this type of pressure unless it is highlighted within the education system and unless professionals point out to the young exactly what it means to respond to such pressure. I would go so far as to say it means they are destroying their lives. Young people may not die but the possibility of developing their personalities and career opportunities, or having a quality of life with which they can be happy, are slim if they give in to peer pressure, which is happening.

A terrible recent case was highlighted in which a young man was beaten to death. While I will not go into the horrific details of the case, it is clear that alcohol or other substances were involved. Those involved were not from deprived backgrounds — quite the opposite. Nevertheless, there was almost a gang approach towards the young man who was killed and it is not possible that those involved could have stopped to think of exactly what they were doing. In some way they had lost control of their actions. Education is vital in tackling such problems.

It should be possible to have advertising campaigns similar to anti-smoking campaigns, although there have not been campaigns concerning alcohol to such a degree because it does not seem politically correct to go down that road. However, there should be an advertising campaign to highlight the horror attached to substance abuse and the manner in which lives are ruined and communities virtually destroyed.

**Mr. Hanafin:** I agree with Senator Ó Murchú that an advertising campaign is essential. We could perhaps consider opportunities available in the media, for example, RTE, which might make an effort in its programming to show the harrowing decline of drug addicts and the problems created in communities and for families caught up with drugs.

I welcome the publication of the first progress report of the National Advisory Committee on Drugs, which plays a vital role as part of the research pillar of the national drugs strategy. The importance of knowledge regarding

the prevalence, prevention, treatment and consequences of drug use in Ireland is critical to focusing the efforts of Government in the right direction in the fight against illegal drugs. I thank the committee for producing a professional report which not only details its research, but outlines its business plan and the planning behind awarding and monitoring research funding. The thoroughness and openness of the committee leaves me confident that its findings are precise and well researched.

The committee has been extremely proactive in addressing the tasks with which it was charged and I am thoroughly impressed with its work. In a three year period it has hosted or participated in over 30 conferences and events in Ireland and abroad and has also made over 26 presentations to a variety of different groups. All this work took place alongside and in harmony with the development of over 39 research projects. The committee deserves our thanks for its industry.

The flexibility and active co-operation of the National Advisory Committee on Drugs with different groups and projects is also significant. For example, I praise the great support the committee has provided and continues to provide to the first phase of the national drugs awareness campaign, both in providing information and tracking the effectiveness of the campaign. I am sure this invaluable collaboration will continue.

Illegal drugs inflict staggering costs on our society, undermine our national reputation and international image and hold us back in all sorts of ways. Moreover, they blight and destroy lives, especially, and increasingly, young lives. The entire population, not just city residents, at-risk groups or designated Government agencies, should be concerned about drug abuse. While the research published by the National Advisory Committee on Drugs shows that the vast majority of Irish people have never used illegal or harmful drugs, the figures show that drug use is no longer confined to our major urban centres. All strata of Irish life, advantaged or disadvantaged, urban or rural, are threatened by an insidious and unrelenting drugs trade.

Information is key in tackling this problem and is the starting point for good planning, policy and practice. A health research board survey conducted last year found that three out of every four Irish people do not have enough information about drugs. There can be no doubt that having the right information can help a person make better choices and decisions and also facilitate communication. When one has the right information, one feels more confident not only in the context of talking about drugs, but of doing so in an open and informed manner.

Since the National Advisory Committee on Drugs was launched in 2001, Departments and State agencies have made considerable progress in implementing the actions set out for them in the national drugs strategy. This progress is monitored through six-monthly progress reports of which there have been three to date. The



[Mr. Hanafin.]

Minister indicated as recently as yesterday in the Dáil that the national drugs strategy can be re-focused. If this is deemed necessary, it will be in no small way thanks to the ongoing research carried out by the National Advisory Committee on Drugs, which constantly improves our knowledge of the realities on the ground. I note a mid-term review of the strategy is to be conducted later this year and I look forward to its findings.

Domestic efforts alone cannot address what is fundamentally a global problem fuelled by powerful international organisations. To this end I encourage all Government agencies, such as the Garda Síochána, to continue with determination and fervour the fight against those who sell drugs to our people without regard for their health. Domestic policy must focus on reducing the demand for drugs.

I reiterate that information is key. As a people, we can never have enough information in the fight against drugs. I thank the National Advisory Committee on Drugs for its unfaltering commitment to this fight and for filling gaps in our knowledge. I thank the Minister of State for coming to the House and wish him success as he oversees the national drugs strategy because we must prevent illegal drugs from darkening the promising dawn of our young people.

**Mr. Feighan:** I welcome the Minister of State to the House. The report makes sad reading in the context of the future of our so-called society. Some eight years ago, I visited Liverpool for a football match. On going to a city centre pub, I was horrified to find there was such an availability of drugs and that this was an acceptable part of the culture. Coming from the west, I genuinely did not believe this culture existed to such an extent and I am saddened that it has finally reached our shores. It has taken root in Dublin and most of the major cities and, unfortunately, is set to take root in every village and townland unless drastic action is taken.

I appreciate the Minister of State has a feeling for the situation and is doing his best with the resources available. I agree with Senator Ó Murchú that we have been in denial for too long. Over the years there was another drug, alcohol. However, while people drank more, they did not misbehave to the same extent. Another sinister element is the extra additives to alcohol. As a result, many young people end up in hospitals and Garda stations and when they get up the next morning they do not know what they have done. We must tackle this culture before it is too late.

The report points out that the use of heroin and cocaine, even crack cocaine, has spread to the regions, which were previously affected by so-called soft drugs such as ecstasy and cannabis. I am pleased such work has gone into compiling the report. It also expressed concern at the link between increasing gun crime and drug gangs. Every weekend, when the gardaí stop cars in

rural areas, they seize drugs, amphetamines and so on. More than €100 million worth of drugs was seized by gardaí last year. Just 10% of drugs are seized by the security forces around the world. This means the drugs trade is worth €1 billion a year, which is horrific. Much more must be done to tackle serious crime.

The report states that 20% of the overall population has taken illegal drugs in the past year. Twice as many men as women have taken illegal drugs. The report indicates a higher use of sedatives, tranquillisers and anti-depressants among women. Perhaps we should look at alternative medicine and abolish the overuse of tranquillisers. I do not agree with promoting the use of cannabis as an alternative medicine. While some people highlight the qualities of cannabis, we have taken great initiatives against smoking in the past five or ten years. Since tobacco was introduced, most people take cannabis by way of inhalation. More people have died from tobacco-related illnesses than died in the First World War and the Second World War. Tobacco is a relatively new substance, which is with us for just over 200 years, but I would not recommend cannabis as an alternative medicine.

Schools must develop their own drugs prevention policies and there must be greater emphasis on drug abuse programmes. This is not the final solution. We are all aware that we cannot drop litter because we were taught this in school. It is only when fines are introduced that we take such matters on board. There needs to be a policy of enforcement and drug pushers need to be put away for a long time.

The remit of the national drugs task force must be broadened to allow these people to work on the ground in their own communities to identify addiction problems, whether in regard to drink or drugs. I welcome the regional task forces but they must be allocated increased manpower and increased funding to allow them to tackle drug abuse in communities. While the Minister of State is doing all he can in this regard, the Government cannot be serious about tackling the drugs problem. Prior to the last general election, 2,000 extra gardaí were promised, yet, at its conference yesterday, the Garda Representative Body stated that just 121 gardaí have been recruited since this promise was made more than two years ago. While the Government may want to stay in power for a long time, at this rate it will take 20 years to fulfil the promise made prior to the last general election to increase the force by 2,000.

If the Minister of State asks the Minister for Finance, or perhaps someone more powerful in the Fianna Fáil Party, to deliver on the promise of 2,000 extra gardaí, I will believe he is doing everything possible to solve the problem.

*Sitting suspended at 12.50 p.m. and resumed at 2.30 p.m.*

### Disabilities Bill: Motion.

**Ms O'Meara:** I move:

“That Seanad Éireann, condemning the continuing delay in the publication of the Disabilities Bill and noting the clear indication from the Government that this legislation will not constitute a rights-based approach, calls for the urgent introduction into the Oireachtas of a rights-based Disabilities Bill incorporating an objective assessment of the needs of disabled persons.”

I welcome to the House the Minister of State at the Department of Enterprise, Trade and Employment, Deputy Michael Ahern, to debate this matter which we believe to be important and urgent. In recent days, I examined the record of both Houses of the Oireachtas and noted that the issue has come up for debate on several occasions, which is indicative of the level of concern among Senators and Deputies about the failure of this Administration to bring forward the promised rights-based disabilities Bill. I am surprised that we now find ourselves, almost in May 2004, with no solid legislation having come forward, considering the number of occasions on which it has been promised and the great expectation which was created around the publication of that Bill.

Having been met with a lack of action, that great expectation has created a deep sense of disappointment among groups working with people with disabilities and people with disabilities themselves because they rightly feel they are being ignored and that their standing in the community is not on an equal par to others. They feel that their demands and rights to be treated as equal citizens are not being heard by the Government and are not being seen in solid terms.

The importance of a rights-based approach to this whole issue cannot be underestimated. My former colleague, the former Minister for Equality and Law Reform, Mervyn Taylor, first put the issue solidly on the agenda during his term as a very reforming Minister. Unfortunately, since this Government came into office, that same approach has not been evident. Former Minister Taylor took the view, as did the party, supported by Government colleagues at the time, that it was overdue for us to recognise the need for a rights-based approach to dealing with disabilities. For too long the issue was treated as one of charity, particularly when it came to funding. In other words, people with disabilities could wait, particularly in a time of economic difficulty. However, since the early 1990s, we have lived in a time of economic plenty and despite a good solid ten years of decent prosperity and considerable wealth in this country, we have not seen it spread around.

**Mr. M. Ahern:** That is total and utter balderdash.

**An Cathaoirleach:** Senator O'Meara without interruption.

**Mr. M. Ahern:** I cannot allow her away with making statements like that. It is typical of the Labour Party.

**An Cathaoirleach:** Senator O'Meara without interruption.

**Ms O'Meara:** If the Minister of State would like to listen, he might hear——

**Mr. M. Ahern:** A heap of untruths and falsehoods.

**Ms O'Meara:** That is not to say that this and previous Administrations have not spent money in this area — I acknowledge that has happened — but not enough has been spent. For example, last week and this week I have been dealing with a situation after a parent telephoned me to say she had been told by a residential school in my area, which her 21 year old son was attending, that he would have to leave and go home because his needs were such that the school could not afford to keep him. He needed a level of staffing and care which was to cost approximately €1.2 million per annum. The school said it could not afford to pay that unless the health board could fund it. The health board has come up with short-term funding but the mother finds herself asking if funding will be available beyond a three month period.

Having researched the matter, I am told a unit is required in the mid-west region for people with this person's particular needs, which are very high maintenance and demanding. Without that, the mother will be faced with telephoning people like me when the school tells her, as it must, that it cannot afford to keep her son or meet his needs. That is what I mean when I say that not enough is being spent. If in 2004, in a time of economic plenty, a parent is being told by a residential school that it cannot care for someone, we are failing in our duty. This is only one example of the many which I am sure I and every other Senator could give.

Everybody knows what a wonderful occasion and positive experience it was to host the Special Olympics last year. A very positive spin off was that those with disabilities, particularly intellectual disabilities, were given the recognition they so deserve. They were very visible in the community and their very special contribution was recognised. However, this did not translate into solid measures. It would have been entirely appropriate in 2003 for the Government to have brought forward legislation that would give recognition to the equal role to be played by people with disabilities. I look forward to the Minister's response on the reason for this delay. We simply do not know if there is a problem.

[Ms O'Meara.]

There is a great sense of disappointment and frustration at this delay. There is a perception that people with disabilities are not being treated equally and this is backed up by the statistics. One in ten or the 37 million people in the European Union, before the accession of the new member states on 1 May, has a disability. People with disabilities are workers, consumers, taxpayers, students, neighbours, friends and family members, but they are not treated equally.

A survey carried out throughout the European Union last year revealed a serious lack of understanding of the meaning of disability and also of the number of people affected. Most people would not realise that one in ten has a disability as the general perception is that the number of people with disabilities is quite low.

In order to be treated equally, people with disabilities need to have the power to speak for themselves and should not be viewed as objects of charity. They should not be excluded from society through poor education. The employment of people with disabilities is a major issue because without employment people cannot aspire to a better quality of life and face a life of dependency and, in many cases, poverty.

We have an opportunity to change that but we are lacking the commitment and will to do so. There are many fine schemes that support people with disabilities in sheltered employment and in the workforce. However, a young educated woman who is wheelchair bound outlined to me the level of prejudice and difficulty as well as the constant frustration she experienced in demanding her right to be treated equally. We pay lip service to it, but this well educated young woman in her twenties is experiencing severe difficulties in getting employment and the only reason she could see was that she had a physical disability. Of course, that is not new. As a community we must be vigilant in looking at our attitudes towards people with disabilities. Whereas the whole community rowed in behind the Special Olympics, we must be vigilant in maintaining a level of public awareness, which I think has slipped considerably since 2003. If people are not visible in the community, we can forget about them.

The families of those with disabilities struggle to get what is needed for the disabled person to play his or her role as a full citizen in society. The disabled have to spend time dealing with many institutions at different levels, leaving very little time to generate awareness of their needs. It takes time to ensure the needs of the disabled are met.

This issue was raised before in both Houses, but we feel it is time to raise it again. It is very important that the Government responds to those affected by disability and outlines where its priorities lie on this issue.

**Mr. U. Burke:** I second and am delighted to support the Labour Party motion. The delivery of

rights-based disability legislation has been debated time and again in both Houses. On numerous occasions we have seen people outside the gates coming to demand action. The Government Chief Whip listed the Government's legislative programme on 29 September 2003 clearly outlining the Bills expected to be published. No. 17 on that list indicated that the Department of Justice, Equality and Law Reform expected to publish a disability Bill to provide measures for the equal participation of people with disabilities. Prior to that, on 28 May 2003, the Minister of State at the Department of Justice, Equality and Law Reform, Deputy O'Dea, stated he was meeting his officials to finalise the timeframe for the introduction of the legislation, but he said he was 99% certain the Bill would be enacted by this summer. He stated:

The Government is determined to bring forward new legislation to replace the last Disability Bill. Hopefully that will be before the summer and I can say that I am 99% certain of that.

Mr. Michael Ringrose, chief executive of PWDI, who was present at the time, stated he was heartened by the idea that the Bill would be enacted before the summer but that he hoped, unlike the Irish summer, the Bill actually materialised.

What has gone on in the past ten years since the establishment of the Commission on the Status of People with Disabilities has been nothing other than a litany of fudge. That can be identified in the two examples I have given but also in the Taoiseach's remarks since 2003 when he clearly indicated that he would ask for information, meet groups and engage in further consultation; he will do everything and anything but deliver the Bill.

Thankfully the previous Bill published in 2001 was withdrawn because of the outrage of the many groups at the coalface whose members realised what was involved. The groups themselves have become suspicious as to the contents of the Bill after all the delay, the inadequacy and inability of the Government to deliver meaningful legislation to provide a rights-based entitlement to those in need. Sadly, such an entitlement is not yet available and, despite the Minister of State's remarks last May that it was 99% sure to be published, it is unlikely to be published soon.

Disabled people, as well as their parents, carers and advocates, must continually rely on the public's goodwill. They have had to persuade and coerce the Government into realising that they are citizens of the State who should enjoy the same rights as those who are not disabled. It is a disgrace that after rounds of consultation and submissions, the Government is still happy to fudge its commitment to disabled people by grounding the debate in resource issues. It is the only excuse mechanism left to the Government.

Ministers talk about their duty to provide resources in a fair and equitable way and I have no doubt the Minister of State will mention that in his reply. However, the disabled community has never experienced this notion of fairness. Does “fair and equitable” mean the disabled child has a substandard education because of inadequate support services? Does it mean that disabled persons must live without a personal assistant who could otherwise facilitate them to become active participants in the labour force? Does it mean the current and future physical infrastructure in the State, including trains, airlines and buses, can be developed with no thought for the disabled? Does it mean parents of children with intellectual disability must pray that their offspring will die before they do, because they fear the kind of State institution that will provide for their children afterwards? Does “fair and equitable” mean that able-bodied people can grow up, be educated, buy a house and live a normal life, while those with disability cannot do so? It is time for the Government to state whether it is committed to the disabled because most people are now in doubt about it and they have good reason to be.

Last year was a proud one for Ireland when it played host to the Special Olympics. Some 7,000 very special people participated in those games, the biggest sporting event in the world. At the time, we were assured that legislation would be introduced to give rights to such people. Only four weeks ago, in the Mansion House, the people involved in the commission came together under the chairmanship of Mr. Justice Flood, to plead for action by the Government. The members of that commission, who had given so much time and endeavour to the Special Olympics, indicated their frustration at the delay in publishing the disabilities Bill. Mr. Justice Flood feared, as we all do, that there is some reason it cannot be published now. It is believed the Bill is not rights-based and will be hampered by inadequate resources, so the timescale for its implementation cannot be met. It is feared also that the Bill’s contents will be woolly, as usual, so that the Government can escape its legislative responsibilities. That is not fair on those who are suffering.

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

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

- endorses the Government’s intention to give statutory effect in a Disability Bill to a range of important policies as they relate to people with disabilities, to establish systems for assessment of need and service provision and to specify infrastructure for policy delivery,
- commends the provision of redress mechanisms in the Bill to support individual service entitlements,

- recognises the value of the Government’s broad-ranging consultation process with the disability sector, and
- welcomes the framework being put in place by the Government to underpin the equal participation by people with disabilities in Irish society, including the proposed Disability Bill; the Education for Persons with Disabilities Bill 2003, which is currently at Report Stage in the Dáil; the Comhairle (Amendment) Bill; which is being prepared in the Department of Social and Family Affairs in relation to the provision of advocacy services; sectoral plans for key public services; and equality legislation to be updated by the Equality Bill 2004 which is currently at Second Stage in the Dáil.”.

I welcome the Minister of State. I am glad of the opportunity to speak on this important issue. In 1997, I made my maiden speech to the House on the same subject. As someone who has worked in the sector for approximately 20 years, I acknowledge the tremendous contribution that Governments have made to disabled persons since 1997, by making resources available and by developing policies to help those with disabilities.

To put the matter in its historical context, the 5th century Brehon Laws identified the following categories as exempt from punishment and exploitation: idiots, dotards, persons without sense and fools. The clans to which such persons belonged were charged with responsibility for ensuring their welfare. Over 1,000 years later in England, Daniel Defoe decided to establish a house for “these fools” as he called them. He proposed the house would be resourced by a tax on authors. For the very first time, this idea promoted institutions catering for disability. Unfortunately, however, what on the face of it appeared to be a kind gesture by Mr. Defoe turned out to be the opposite because he was doing it to protect the public from such people.

To some extent, we are still struggling to this day with elements of those attitudes and perceptions, particularly within the wider ambit of society at large. There is still a stigma attached to being disabled, although thankfully the situation is improving dramatically. Where the disabled are not stigmatised, however, they are certainly patronised. We can imagine how difficult it must be for wheelchair-bound people to deal with patronising attitudes. In some respects, it would not be an exaggeration to say that myths and folk memories are still fostered within communities which look at disabled people in a peculiar way, asking whether they are human, a threat to individuals or society, or a curse on their families.

Thankfully, however, over the past 30 years there has been a revolution in the provision of services for people with disabilities. This turnaround has been spearheaded by a professional workforce catering for the disabled,

[Mr. Kett.]

but there are both positive and negative aspects to it. This is because while the various levels of service requirement are being recognised and attended to, little is being done to change public attitudes to people with disabilities. If anything, the expertise of the professionals has served to promote an opinion that since they are the experts and know what they are doing, ordinary people do not know how to deal with disability.

I read a newspaper article nine months ago which described a couple's experience of having a handicapped child. The couple said the doctor told them: "Take her home. She won't be up to much but she won't cause you any trouble either." If that was the perspective of a professional then, it is no wonder it has taken us so long to approach mainstreaming people with disabilities into society. There is a silly old saying that a couple are blessed with a handicapped child, but people who say that never spent a day with a handicapped child or had to mind a handicapped child 24 hours a day. While it is a gift to have a child of any kind, minding a handicapped child is a 24 hour job and people should not talk about this unless they have experienced it.

The fight back in this area came with the report of the Commission on the Status of People with Disabilities, which dealt comprehensively with issues affecting those with disabilities. It became the cornerstone of the Government's policy and any fair-minded person looking at what the Progressive Democrats-Fianna Fáil Government has done since 1997 would have to agree that it has put major resources into this area and there have been major benefits for those with disabilities. The Government has significantly advanced the equality agenda and there have been improvements in many areas. We need only look at the legislation which has been introduced — the Education for Persons with Disabilities Bill 2003, which is on Report Stage in the Dáil, the Comhairle (Amendment) Bill, the Equality Bill, the Employment Equality Bill, which outlawed discrimination at work, and the Equal Status Bill, which outlined discrimination in the provision of goods, services and accommodation. There are also 3% employment quotas and we were told recently that those are now being met. The Labour Party is excoriating us for what we have not done, but if it is being reasonable, fair and objective, it would have to say we have done a great deal in that time.

Senator O'Meara outlined how one organisation fared in the last seven years, but I can give an example of a school I was dealing with recently. In 1996 it had 113 pupils, 12 teachers, two special needs assistants and no bus escort. Today it has 15 fewer pupils, seven extra teachers, 15 more special needs assistants and 15 bus escorts. That sums up how people with disabilities have been treated by the Government and how they will continue to be treated.

**Mr. McCarthy:** I welcome the Minister of State, Deputy Gallagher, and I welcome the opportunity to contribute on this issue, which is close to everyone's heart. A few minutes ago I was in my office and I heard the Minister of State at the Department of Enterprise, Trade and Employment, Deputy Ahern, say: "Typical Labour Party". If that means standing up for the rights of people with disabilities and achieving what the Labour Party has achieved in Government, then I am glad that it is typical Labour Party stuff, as the Minister of State put it.

There have been fundamental changes in Ireland in many areas of life and governance. However, we could make much more progress in this area. Much work has been done by groups representing people with intellectual and physical disabilities and it is high time the Government published a proper, rights-based Bill which will satisfy those groups as well as people with disabilities. All too often we forget that those with disabilities have the same rights as everyone else and this is a matter of removing barriers which prevent people with disabilities from performing in society as they should. Attitudes have also changed in recent times but many frameworks and necessary measures have not been put in place for effective change.

Last year we spoke about the Special Olympics, which was a wonderful occasion of inclusion for people with disabilities. Many countries were able to participate in a showcase for inclusion and recognition of people's ability, rather than disability. Nobody was partisan enough to politicise that occasion but it raised an important point which this motion hopes to achieve — the introduction of proper, rights-based, effective legislation as soon as possible. We are now less than two months away from the local elections and it is not right to keep putting this issue on the long finger, which has been the case since the mid-1990s. It is eight or nine years since the strategy for equality was published and the Government accepted at that stage that rights-based legislation was needed. Powerful media organs were watching us last year during the Special Olympics, which was a wonderful opportunity to display what people are capable of doing and to recognise their participation as equals. The Government deservedly received credit for that wonderful occasion, but we can now push this further.

There are over 3,500 people with an intellectual disability on waiting lists for services, which is unacceptable. Many of these people do not have a voice of their own with which to express their unhappiness with the lack of delivery of services in many areas. There is also a lack of statutory responsibility which should be placed on service providers to deliver services for people in this area. Over 1,600 people are waiting on residential places, which means somewhere to live. That is a shocking indictment of any country.

There are problems with the health service in general but those problems do not exist to the

same extent as for those with disabilities. For example, some 457 people are at home without any services and most are dependent on elderly parents. On a related matter, we have called here for the abolition of the means test for carers many times. That test is another issue which needs to be looked at in adopting a positive and proactive approach. The State could do this for those people, many of whom are elderly people providing wonderful care to their sons or daughters and saving the State a huge amount of money and responsibility. Many of them must work continuously and, by and large, they do not have a trade union to represent them, nor do they receive holiday entitlements, parental leave or any of the other benefits enjoyed by ordinary workers.

Over 450 people with intellectual disabilities live in deplorable conditions in psychiatric hospitals, according to the Department of Health and Children last year. That spells out how much we have to do. The key principles of any Bill should achieve two things: it should put a responsibility on service providers to deliver a service in this area and there should also be an implementation element. The Bill must be enforceable because there is no point debating legislation here if it is not implemented appropriately once it is passed. We are talking about equality for everybody, which is very important.

Last year there was a debate in the European Parliament on a United Nations measure. In June 2003, the UN Convention on Disabilities set up an *ad hoc* committee to draft a text for right-based legislation. Many international communities, not only in Europe but further afield, participated in the debate. Efforts were made by some members of the European Parliament to introduce an EU directive banning discrimination against people with disabilities. As late as last night, the House debated two EU directives, the nitrates directive and the other on the associated issue of agriculture. This type of issue is uppermost in the hearts and minds of many thousands of people. This matter should be one of the main priorities of national governments and the main priority of member states. It is appropriate that Ireland holds the EU Presidency at this time. Ireland can lead by example by looking at this area.

The commission to which Senator Kett referred, which was chaired by Mr. Justice Fergus Flood, was set up in 1993 and produced a report. One of the main findings of that report, that a disabilities Bill should be introduced, has yet to be implemented. I do not know the reason for the eight year delay. I understand there are difficulties in introducing legislation but it was the most important recommendation of that report. I urge the Minister of State, Deputy Gallagher, to take back to Government the urgency associated with this issue.

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. Gallagher):** The Government is committed to the preparation of a disability Bill that will facilitate the participation of people with disabilities in Irish society. The Government's intention to bring forward the Bill was signalled in An Agreed Programme for Government. The programme states:

The Government will complete consultations on the Disability Bill and will bring the amended Bill through the Oireachtas and include provisions for rights of assessment, appeals, provision and enforcement.

The legislation will give statutory effect to a range of important policies as they relate to people with disabilities and will establish systems for assessment of need and service provision as well as specifying the infrastructure for their delivery.

The Government has progressively advanced the disability equality agenda over the past number of years, building on the conclusions of the Commission on the Status of People with Disabilities in 1996. To date there have been three important phases in the process, the first being the enactment of anti-discrimination legislation and the second being the mainstreaming of service delivery for people with disabilities. The third phase in the process centres on strengthening service delivery and involves the preparation of a broad ranging positive action framework, one element of which is the disability Bill.

To deal with equal opportunities first, Ireland has had strong multi-ground employment equality and equal status legislation since 1998 and 2000 respectively. The legislation is among the most advanced in Europe and predates recent EU directives which can be expected to enhance equality legislation in many European countries. Under the Employment Equality Act 1998 and the Equal Status Act 2000, people who are discriminated against on the grounds of disability, or on any one of eight other grounds, have a statutory right of redress. The equality infrastructure, which supports this right, comprises two elements: the Equality Authority, whose role is to work towards the achievement of equality of opportunities and the elimination of discrimination, and the Equality Tribunal, which makes determinations in relation to complaints of discrimination and offers mediation in suitable cases.

The second phase in the process took place in 2000, with the launch by An Taoiseach of a mainstreaming approach to disability service delivery. Mainstreaming, in this context, means the delivery of services for people with disabilities by the public bodies that provide the service for everybody else. The approach replaced a service delivery model that bore the hallmarks of separation and segregation with one that seeks to focus on the integration of services for people

[Mr. Gallagher.]  
with disabilities with the generality of public service provision. The Taoiseach said in 2000:

The providers of basic State services will, from today on, have the concerns of people with disabilities as part of their core work. Disability is no longer an area to be dealt with by someone else. I want today to be seen as the moment when the State played its part in ending the old medical model of disability. Today is a red letter day in the struggle to bring the hopes and aspirations of people with disabilities away from the sidelines and into the mainstream.

Since mainstreaming, for example, employment and vocational training policies for people with disabilities are now formulated as part of general labour market policy, underlining a move to an inclusive economic and social view of disability. FÁS now has policy responsibility for the employment and vocational training of people with disabilities. This is backed up with the availability of income supports to facilitate the transition to employment for people with disabilities. Other mainstream service providers centrally involved in the new arrangements for provision of services to people with disabilities are the health boards, Comhairle and the National Educational Psychological Service. Many of the services they provide were previously delivered on a segregated basis by the former National Rehabilitation Board. The National Disability Authority was established at the same time in 2000 to act as a focal point for disability mainstreaming and to help with the co-ordination and development of disability policy.

The Disability Bill is part of the current phase of development undertaken by Government to facilitate participation by persons with disabilities in Irish society. In an effort to give the disability sector every opportunity to influence policy in the Bill, the Government has established and maintained consultation with them during the preparation of the legislative proposals. In April 2002, an expert consultation team was appointed involving experts in legal, economic and social affairs to oversee the consultation process. The team met with and received the views of stakeholders including the disability legislation consultation group, the social partners, the community and voluntary sector and relevant Departments before completing its task in February 2003.

The disability legislation consultation group is a group representative of people with disabilities, their families, carers and service providers which was brought together by the National Disability Authority to facilitate dialogue at national level, both within the sector and with Government. The disability legislation consultation group presented the document, *Equal Citizens — Proposals for Core Elements of Disability Legislation*, in February 2003.

Last year, the disability legislation consultation group had meetings with a number of members of the Government, including the Taoiseach, the Tánaiste and Ministers of State, Deputy O'Dea and Deputy O'Malley. The discussions at these meetings covered such matters as assessment of need; standards; service provision; the need to build capacity in key sectors of the public service so as to allow provision of disability accessible services in a cost effective way; and workable redress mechanisms. That the disability sector has consistent access to consultation at the highest levels is an indication of the importance the Government attaches to bringing forward a comprehensive measure to meet the real needs of people with disabilities.

This year, there have been meetings between officials and the disability legislation consultation group at which it was given an outline of the proposals for legislation. Its views about these proposals were discussed and noted for consideration by the Cabinet Sub-committee on Social Inclusion. At present, contact is continuing between the group and the Minister of State, Deputy O'Dea.

The question of rights-based legislation is one that has been raised repeatedly in connection with the Bill. Some argue that the legislation must provide access to the courts for the adjudication of individual cases. It has also been forcefully presented that both the needs assessment process and service provision should be free of resource constraints. At one of the meetings with the disability legislation consultation group last year, the Taoiseach commented that a more productive dialogue on rights is possible if there is a recognition of the complexity of the issues and of the relationship between rights and standards.

We need to be aware that a focus on legal rights may not guarantee in practice the results that are often claimed by proponents. It is worth pointing out that a litigation driven approach to services and resource allocation is not a feature of statute based assessment and service delivery systems in other common law countries. The challenge is to put effective policies, institutions and systems in place. It is interesting to look at some comparative research which was published by the Economic and Social Research Institute last year. The research compared the situation in some other countries which, like Ireland, have a legal structure based on common law, namely, the US, Australia, New Zealand, the UK and Sweden. The research indicated that, even where a person has a right to assessment of their needs, this does not automatically lead to the provision of all the services involved or having the provision of those services enforced by the courts. We need to bear in mind that the countries surveyed are regarded as among the most advanced in the world both economically and, in some cases, in terms of social policy.

It appears from the ESRI research that each country has pursued a path best suited to its own legal, political and administrative structures.

There is no reason Ireland cannot do the same and this is precisely what the Disability Bill and the other measures in the framework are being designed to do.

The disability Bill will give statutory effect to a range of important policies as they relate to people with disabilities, establish systems for assessment of need and service provision and specify infrastructure for policy delivery and redress. The Government is convinced of the importance of effective redress mechanisms if services committed in the Bill are not delivered. Statute-based complaints and appeals structures will be provided. The Government recognises the benefits for people with disabilities of an independent assessment of need. The Bill will legislate for such an assessment and allow for redress. Service delivery decisions of service providers will be subject to appeal and enforcement procedures. However, as is the case with all public services and in other jurisdictions, services will be constrained by available resources. The Bill will address access issues, especially regarding public buildings and services and information for people with disabilities. In addition, sectoral plans will set out a range of actions to make physical infrastructure accessible as well as the enhancement of disability-specific health, social welfare and employment services.

The Bill provides an opportunity to give statutory backing to positive action measures for the recruitment and employment of persons with disabilities in the public service. Such provision will build on existing employment targets and foster concerted action across the public sector.

A minority of people with disabilities have certain genetic conditions and in recent years concerns have been expressed that the use of genetic testing data for insurance, mortgage and employment purposes may reinforce a cycle of poverty and exclusion. Provisions aimed at enabling people with disabilities to access reasonable insurance cover, for the purpose of house purchase, for instance, something the rest of us take for granted, would be helpful in this area.

The Disability Bill 2001 provided for the establishment of a centre of excellence in universal design to promote and support the adoption of principles in universal design, particularly by the key players who design, plan and construct our environment. Such a centre would respond both to existing Government commitments and to best practice under the e-Europe action plan. With a broad policy base on the lines just described, the disability Bill envisaged by Government could become a powerful catalyst for change for people with disabilities. Other elements of the framework include the Education of Persons with Disabilities Bill 2003 which is awaiting Report Stage in the Dáil; the Comhairle (Amendment) Bill, which will establish advocacy services for people with disabilities and will be published by the Minister for Social and Family Affairs at the same time as

the Disability Bill; sectoral plans for key public services; and equality legislation.

I will outline the other elements of the framework. The Education of Persons with Disabilities Bill makes detailed provision for the education of children with special educational needs. The Bill is designed to address children's rights under Article 42 of the Constitution which already entitles each child to free primary education. The Bill establishes the National Council for Special Education and sets out a range of services which must be provided. These services include assessments, individual education plans and support services. There is a process of appeals, including mediation, where needs are not met.

The Comhairle (Amendment) Bill is being prepared in the Department of Social and Family Affairs. It provides for a new service, to be administered by Comhairle, to allow for the assignment of a personal advocate to persons with disabilities who require particular support in accessing social services. The personal advocate will assist, support and represent the person in applying for and obtaining a social service and will help to pursue any right of review or appeal in connection with that service. Comhairle already has statutory responsibility for independent information, advice and advocacy services regarding the broad range of social services and a particular focus on supporting access for people with disabilities. It is particularly significant that Comhairle is also the mainstream service provider in this area and the Bill to be introduced by the Minister for Social and Family Affairs is a clear illustration of the Government's ongoing commitment to a policy of mainstreaming and social inclusion for people with disabilities.

It is intended that outline sectoral plans will be published at the same time as the disability Bill and disability interest groups and mainstream service providers will be consulted before the plans are finalised. The plans will set out a range of actions for disability-specific services and the delivery of accessible transport and environmental infrastructure. The plans are under preparation at present and will over time, through a programme of positive action, help to remove barriers to participation by people with disabilities in our society.

As Senators will be aware, the Equality Bill 2004 is currently on Second Stage in the Dáil. The Bill amends the Employment Equality Act 1998, in accordance with the requirements of an EU directive. The key change regarding employees with disabilities is that the Bill will place a duty on employers to adapt the workplace to facilitate their needs, unless such a measure would impose a disproportionate burden. A particularly important illustration of the continuing progress in promoting the social inclusion of people with disabilities is the EU Eurobarometer survey carried out to assess the impact of the European Year of People with Disabilities 2003. Ireland



[Mr. Gallagher.] scored the highest of all European countries in terms of people's awareness of disability issues, including issues such as access to public facilities and, specifically, the rights of people with disabilities to equal treatment. Across a range of questions, Ireland showed an awareness level of around 60% to 80% compared to levels as low as 25% in some other countries. Much of the survey focused on the awareness generated during European Year of People with Disabilities. However, the results obtained when people were questioned specifically on awareness of anti-discrimination laws and the rights of people with disabilities to gain access to employment are of crucial importance. On these issues, Irish respondents showed awareness levels of 78% on anti-discrimination laws and 89% on rights to access employment.

It is fair to conclude that the high levels of awareness in Ireland can be attributed to some extent to the success of the Special Olympics in 2003 and the many projects organised country-wide to celebrate the European Year of People with Disabilities. High levels of awareness are also attributable to the fact that anti-discrimination legislation has been in place in this country since enactment of the Employment Equality Act 1998 and the Equal Status Act 2000.

The challenge is to put in place a framework to enhance service delivery to people with disabilities. The framework is broad and includes health, education, employment, advocacy and physical access to buildings and transport, etc. The Government is conscious of the complexity and cross-cutting nature of the issues involved and, in order to support ministerial engagement throughout the process, has referred oversight of the Bill and other elements of the framework to the Cabinet sub-committee on social inclusion. The Government and the Cabinet Sub-committee on Social Inclusion are giving particular attention to the Bill and the views emerging through the consultation process. Contacts with the disability legislation consultation group are being maintained. The Bill is at an advanced stage of preparation and will be published as soon as the Government has completed its work.

Ireland has had a strong record in recent years in the area of disability equality. In equality and mainstream service provision, our administrative and legislative provision compares well with best European practice. This is evidenced by the European Commission's multi-annual action plan which supports legitimate demands for equal rights for people with disabilities, especially in employment.

The action plan also focuses on mainstreaming services for people with disabilities. The Employment and Social Affairs Commissioner has indicated that the major priority for the enlarging European Union should be the implementation of the employment equality directives in all member states. These two key future objectives of the enlarged EU on disability

have already been law and practice here for some years.

The awareness of our population about people with disabilities and their right to equality is ahead of other European countries. I have no doubt the proposed disability Bill will again show this country can be among the most progressive states in Europe in establishing a statutory basis for assessment, service provision and the infrastructure required for the effective delivery of these key services.

**Mr. Feighan:** I welcome the Minister of State. I hope the Government gets the legislation right this time. The previous, long awaited disability Bill, published by the former Minister of State, Deputy Mary Wallace, was greeted with outrage by the disability sector and was withdrawn following strenuous objections by the main disability organisations because it was not rights based.

Since then the Disability Legislation Consultation Group, DLCG, has been established. I pay tribute to the many representative bodies on the group, which include the Disability Federation of Ireland, the Forum of People with Disabilities, Mental Health Ireland, the National Association for Intellectual Disability in Ireland, NAMHI, the National Parents and Siblings Alliance, the National Federation of Voluntary Bodies, the Not-for-Profit Business Association and People with Disabilities in Ireland. The range of groups involved in the DLCG shows how frustrated and upset these groups have been in recent years.

I was shocked to read in a NAMHI pamphlet that more than 3,500 people with an intellectual disability are waiting for services, while a further 1,600 people are on waiting lists for a residential place. That is unacceptable in this day and age.

Following the withdrawal of the Bill, the Government established the National Disability Authority with a remit to facilitate meaningful dialogue at national level with people with disabilities, their families, carers and service providers. As part of this process, the Disability Legislation Consultation group published proposals in a document entitled, *Equal Citizens*. The first proposal, on independent needs assessment and service co-ordination, is that the legislation provide for an automatic right to an independent assessment of need and that services identified as necessary in such assessments be given as a right. Where such services are not currently available, a programme of measures should be put in place to establish them within an established timeframe. In contrast, the Government proposals on needs assessment are not rights based and contain no reference to providing assessment as of right. It also proposes to introduce phased assessments.

Under the heading "Accessibility", the *Equal Citizens* document states that people with disabilities must have access to all transport, buildings and so forth open to non-disabled

people as well as appropriate services in the area of information and communications systems. The Government proposals contain no timeframes within which accessibility and mainstreaming must be achieved. Instead, it will publish draft sectoral plans which will not be finalised for another year, that is, not before the Bill has passed.

The Equal Citizens document also proposes the introduction of an independent complaints process and suggests that complaints be submitted to the Office of the Ombudsman. It also states that officials from the assessment Departments or service providers involved in the assessment of need should not be involved. Under the Government proposals a complicated system for complaints concerning service provision would be established, but the various complaints officers, in making their decisions, must take account of available resources. In the case of mainstreaming, access to the Ombudsman will be provided.

The Government proposals do not place an onus on the Minister for Finance, Deputy McCreevy, to provide the necessary resources for disability. In addition, other Ministers must take account of the fair and equitable use of resources for people with disabilities from within their budgets. Legislation is of little use without proper resources. Funding for disability should, therefore, be ring-fenced.

Why has the additional Government expenditure during the past five years not eliminated waiting lists? The answer is simple; it has underestimated the level of need. With local and European elections approaching, many of the disability organisations will ask all candidates and political parties canvassing for votes to support rights based legislation.

We need to commit to a programme of capital and revenue funding to eliminate waiting lists for residential day and respite places and to abolish the means tested carer's allowance and replace it with direct payment to all carers. As a politician, I find it frustrating that carers who stay at home to provide an excellent service which saves the health boards and the Exchequer vast resources in time, money and expertise are not given the recognition they deserve. They must receive fair pay for their work. It will be extremely difficult for them to continue without receiving the funding they deserve. I ask the Minister of State to ensure carers are recognised and properly compensated for a job none of us wants to do.

It is not unreasonable to request that the Government place an onus on the Minister for Finance to provide the funding needed for rights based disability legislation. Having been forced to withdraw the previous Bill as a result of the controversy it created, the Government should ring-fence money for the forthcoming disability legislation. I wish the Minister of State well and ask him to remember carers.

**Ms Feeney:** I second the amendment and welcome the Minister of State. We all know the publication of the Disability Bill 2001 immediately gave rise to various groups and individuals expressing concerns with the result that the Bill was withdrawn. In the eye of a storm, it is brave to go back to the drawing board.

The Government is bringing forward a variety of changes in a harmonised manner. This Bill supports the enhancement of service provisions for people with disabilities and the principle of mainstreaming in legislation. This will require public bodies to promote equality through their policies and programmes by delivering services to those with disabilities in the same way as they are provided for everybody else. The Bill provides for positive action to remove obstacles which hinder the participation of people with disabilities.

A number of other pieces of legislation are part of the Government's overall strategy to put in place the necessary supports to ensure equal participation of people with disabilities. Arising from lengthy consultations and overseen by the Cabinet Sub-committee on Social Inclusion, the Bill will give statutory effect to a number of important policies. These include priorities such as the right to the assessment of needs and independent redress. This is the first time the State has ever done something like this and it is a very important part of the legislation. I am absolutely delighted that, in this Bill, people with disabilities will be prioritised over able-bodied people looking for State services.

The other legislation which will form part of the co-ordinated framework for the disability sector has already been outlined by the Minister. The first is the Education for Persons with Disabilities Bill 2003. It lays down a statutory framework to address the needs of those with educational disabilities. It also provides for the establishment of a national council for special education. There was a debate in this House a few months ago on autism in which such a provision was demanded. The second is the Comhairle (Amendment) Bill which sets out the provision of advocacy assistance to help people with disability to access social services. The third is the Equality Bill which will put measures in place to increase the responsibility of the employer to facilitate employees with disabilities.

We know how important a job is to a person with a disability. It has a great social value attached to it. People with a disability are somewhat limited in their social outlets. A job gives a person with a disability a social outlet and a reason to go on. It is also very important that a safe work environment exists for people with disabilities. It is great to see officials from the Department of Justice, Equality and Law Reform, the Department of the Taoiseach and the Department of Social and Family Affairs, together with Minister of States, such as Deputy O'Dea, meeting the different groups to thrash out the various problems involved.

[Ms Feeney.]

This Bill must be set in the context of important recent developments. Last year was the European Year of People with Disabilities. I have seen the efforts of the National Disability Authority to generate an awareness across the country of people with disabilities. The memorable success of the Special Olympics demonstrated the value of creating awareness about disability issues.

I thank the Labour Party for raising this very important issue which allows us to recommit ourselves to bringing forward a whole series of changes, in addition to the disability Bill, for those who suffer from disability. I also remind the Labour Party that the Government put major resources into this area at a time when money was available. This was not done by previous Governments. It is easy to come before the House and shout about what should be done. When others had a chance, they did not address it. I am glad this Government is doing it and nobody need doubt the Government's commitment to disability.

**Ms Tuffy:** The first issue I wish to raise is the delay in the introduction of the disabilities Bill. Groups like the National Association for the Mentally Handicapped of Ireland, NAMHI, are concerned that the Government wishes to publish the Bill after the local and European elections because it will not contain a rights-based approach. This is yet another cynical move on the Government's part. There is no alternative to rights-based legislation in this area. A number of groups, including NAMHI, the Forum for People with Disabilities and Amnesty International, are leading a campaign called Rights Make the Difference. They are calling on the Government to enact legislation which will establish a set of enforceable rights to enable people with disabilities to achieve equal access, participation in all areas of service provision and employment, and to exercise the same rights and obligations as others to fully participate in Irish society. This includes the provision of an independent needs assessment, services, advocacy and redress. I do not see why people could expect anything less.

The Minister of State at the Department of the Environment, Heritage and Local Government, Deputy Gallagher, claimed that with this legislation Ireland would be one of the most progressive countries in Europe. I do not accept that, unless we enact rights-based legislation and provide proper education for people with disabilities. If we want to live up to the image we presented to the world at the Special Olympics, we must have rights-based legislation. I have dealt with people in my constituency who have children with disabilities. Their whole life is a struggle fighting for things which everyone else takes for granted as basic rights. That must change. Cost is a factor but that will always be an issue, whether in a time of boom or cutbacks. We have to bite the bullet and invest in that area. It

has been done in countries that are much poorer than Ireland.

As a representative of the joint committee regarding the Education for Person with Disabilities Bill 2003, I went to Galicia in Spain. They already have legislation on education for people with special needs. It is much more advanced than anything we have in Ireland, yet Spain is a poorer country with higher levels of unemployment. Spain has an advantage in that the numbers attending school are falling so it already has buildings for special schools. However, the investment still had to be made to adapt those buildings and when I asked how that was funded, I was told that it was through borrowing. It is a big no-no for the Irish Government to borrow but that attitude has to be examined. If we invest now, everyone will reap the rewards. What is great about the Spanish system is that it allows so many of the students with disabilities to attend the same schools as everybody else. In some cases, they go to special needs schools. Both types of needs are addressed. The Spanish invested in these areas although they could afford to do so less than us.

There was great momentum evident in the taking of the Education for Persons with Disabilities Bill. I know this is not what this motion is about but it should be mentioned. We had hearings before Christmas and the Bill seems to be progressing at a very fast pace. However, the momentum seems to have stopped just after Christmas and certainly has not featured in the Seanad. I hope the Bill comes before the Seanad to be finalised soon and that it is not delayed for a long time, as was the case regarding other Bills.

Following widespread consultation, the Joint Committee on Social and Family Affairs launched a report about five months ago on the rights and needs of carers. It recommended the abolition of the means test for carers, more investment in respite care and the assessment of needs of carers. This is another issue the Government must address. It is totally unfair that there is a means test for the carer's allowance. Many anomalies arise as a result. For example, those who opt for the widow's pension cannot get the respite carer's grant.

Senator Feeney mentioned what the Government has done, but much more needs to be done. If it is not done now, when will it be done? We have had unprecedented wealth in recent years and we now have the opportunity to do something for people with disabilities.

**Mr. Leyden:** I welcome the Minister of State, Deputy Browne. I also welcome this motion, which has been tabled by the Labour Party. It deals with a very important issue and I have met many groups in respect of it in my capacity as a Senator. The Government is giving it very careful consideration. As one knows, the previous Government was working on this legislation. It is complex and many of the relevant issues require detailed consideration.

The review group appointed in April 2002 has carried out many consultations with Ministers and the Taoiseach. The Taoiseach in particular is very committed to the Bill, as are the Minister and Minister of State at the Department of Justice, Equality and Law Reform, Deputies McDowell and O'Dea, respectively.

It is fundamental that the Bill be rights-based. Many of the groups I have met are determined to ensure this is the case and to ensure total access to employment, buildings and services. The fundamental point of the Bill is that there should be no discrimination whatsoever against somebody with a physical or mental disability.

However, there are other areas in which improvement is possible. The Barcelona declaration has been passed by many councils, and Roscommon County Council made a decision to accept it on Monday although the executive would not be in favour of the councillors. The declaration is a very important document, supported by the European Union, and it is vitally important in terms of access to buildings and services. Most old buildings, including this House, are not very disability-friendly as such. Many groups I have brought to the House, elderly groups in particular, have great difficulty gaining access to parts of it. We have a long way to go regarding access. All new buildings must conform to the requirements of the legislation because access is vital. When the new sports complex was being developed in Roscommon town, the County Roscommon Association for the Mentally Handicapped, the Brothers of Charity and other disability groups were consulted so the building would be totally accessible to those with disabilities. "A lot done, more to do" is basically the formula as far as disability is concerned.

Having had discussions with the Minister of State, Deputy O'Dea, and others, I noted that the legislation is very complex. However, at least we are making progress in the absence of legislation. The passage of this Bill should be a priority of the Government. There is no reason to delay it until after 11 June. Having it published by 11 June would serve as a very constructive support. Needless to say, it will not be passed on 11 June but its publication prior to this date would be a clear signal that, of all the parties in the State, Fianna Fáil has been the most proactive in supporting those with disabilities.

Personal carers should be mainstreamed and not just working under the FÁS scheme. They have provided enormous support to the disabled. I have come across many individuals in Roscommon who have been given personal assistants and this has changed their lives fundamentally. They now have access to public places and can travel and go on holidays accompanied by their personal assistants. This represents a major shift. Carers should be mainstreamed under the Department of Health and Children rather than operating on a part-time basis because it can be very difficult to train

another carer for a disabled person, especially a physically disabled person, if the original carer is changed after three or four years. This is because the disabled person becomes familiar with the original carer. The Government should note that we have made progress in this area, but not enough. I have met many disability groups who are very anxious to ensure this matter is fully addressed.

There should be a special carer's allowance irrespective of whether he or she is in receipt of other forms of social welfare. A constituent from south Roscommon has a disabled son, now a young man, for whom she is caring. She is a widow in receipt of the widow's allowance and is being refused the carer's allowance as a result although a widow not caring for anybody would receive the same amount. There is room to offer more support to such carers. The more disabled persons that can be maintained by carers in the community, the better.

This motion presents a great opportunity to discuss the content of the Bill, which has not been given a public airing recently. The Bill should be brought forward and enacted as speedily as possible. I hope this will be in 2004. If this Labour Party motion can assist in pressing the Government, I will be delighted. It should not go to a vote because both sides are of the same opinion. Both parties in Government, Fianna Fáil and the Progressive Democrats, are totally committed through the programme for Government to bringing forward this legislation and we will do so. We have the necessary funds and we are prepared to grasp the nettle.

I thank the Leas-Chathaoirleach for allowing me to speak on this motion and I thank the Minister of State for coming to the House. I certainly hope the legislation will be enacted during the term of this Government. It would be a great tribute to the disabled, who have suffered so much. No other group has been more deprived of services and everything should be done to prioritise its needs, not just to grant it equal status.

**Mr. McDowell:** I agree with much of what Senator Leyden said and I want to address a couple of the points he made. He stated this issue has slipped down the list of political priorities in the sense that it has not been mentioned at any length in either House in recent months. It is approximately one year since my party put down a Private Members' motion in the Lower House on it. The reason for that is there has been a lengthy, complex and consultative process underway which has resulted in a broad degree of consensus, to which we are party, on the way forward. All of us want to see the required degree of service provided within a reasonable time. The whole area of disability is one in which there is a broad political consensus. All of us agree there must be an independent assessment of needs, that people need to agree the services with which they

[Mr. McDowell.]

will be provided, that there should be an appeal mechanism in the event there is no agreement and so on and that there should be some means of implementing the schedule of services when it is agreed and set out.

The difficulty arises with the so-called “rights based” approach. In a sense, the Minister of State, Deputy Gallagher, put his finger on it. Having gone through a lengthy description of what will be in the Bill, he then used the crucial phrase “within available resources”. That is where the critical breakdown of consensus arises. It is important for us to be clear about what that means. When we and the various advocacy groups talk about a rights based approach, we mean that, ultimately, if a service provider, a Department or whatever is unable or refuses to implement the assessment of needs which has been agreed or set out, then the individual has the right to go to court to have it implemented or to get recompense if it is not implemented. In essence it means if we are to accept an individual has that right within certain constraints — I agree time should be given to the service provider — we must give an absolute priority to this issue. Interestingly, Senator Leyden said just that at the end of his contribution. We must say that come what may, whether there is an economic downturn or whether resources are less plentiful than in the previous year, we will fulfil our obligation to these citizens who have particular needs.

The Minister of State said it was not the tradition in jurisdictions with a common law background. In a sense that is nonsense because there are recent examples where the political will has been there and the money has been committed in advance and spent. During the tenure of the former Minister of State in the Department of Foreign Affairs, Deputy O'Donnell, the Government decided to agree to multi-annual budgeting for overseas development aid. The essence of the agreement was that the amount provided year on year would be agreed three years in advance. It was delivered because the political will was there to do so. That agreement held, notwithstanding the fact that towards the end of that time there was something of an economic downturn.

That is what is required of Government in these circumstances. The Government is being asked to say that, as a matter of priority, the funding will be made available for a set period into the future to meet the needs and rights of these citizens. We are not asking it to make some great leap into the unknown and to do something which was hitherto unknown in our law because, frankly, I do not accept that argument. We are asking it to find the money. It is not a bottomless pit; we are not talking about a huge amount of money. We do not have a complete database of physical and sensory needs but we have a good idea of what is required in the area of intellectual disability, for example. A national intellectual

disabilities database has been in place for some years. It has made a careful assessment of the requirements of people with intellectual disabilities. We know, roughly speaking, the number of day, respite and residential care places needed. That is a quantifiable need in that the analysis has been done and we know what is required.

I am not one of those, particularly when talking about the health service, who likes to say Government has failed absolutely, that nothing has been done and nothing has been achieved. It is right to acknowledge that during the tenure of the former Minister for Health and Children, Deputy Cowen, progress was made and that the Department is, or certainly was at that time, seized of the issue. The assessment was done and the need was identified. It knew the number of places needed. Progress was being made in making places available until the 2003 budget. Unfortunately, since then, for whatever reason — I suspect it is the Department of Finance — the political will has not been there, the programme set out has not been fulfilled and the resources have become much more difficult to find. The political will needs to be found.

The major blockage here comes not particularly from within Fianna Fáil or the Progressive Democrats, but from within the Department of Finance. In a sense, I do not blame it because that is what the Department of Finance does. It does not like to make what it sees as open-ended commitments. It does not like saying that it does not know how much a particular programme will cost but that it will fund it as a matter of entitlement into the future, and will do everything possible to ensure it does not have to do so. It is very much a matter for the Minister for Finance and the various Ministers concerned with this issue to push their case at Cabinet and get a political decision which will oblige the Department of Finance to do something which is counter-instinctive and which it does not like doing, namely, making a commitment into the future to fund the needs which are undoubtedly there.

I wish to comment on some aspects of the Bill. It is important that if we set out obligations which are to be imposed on service providers, they are realistic. It is also important that they are, in some way, imminent. We should not, as the Government did when it published the last Bill, say to Iarnród Éireann that it has 12 or 15 years to make railway stations accessible to people with disabilities. That is not acceptable. We need to give hope to people with disabilities and to say to them that, within a realistic period, whether three, four or five years, they will be able to gain access to all public transport. There are many ways of slaying a cat and one way for Government to accede to what people are looking for would be to set targets so far down the road that they are out of sight. That, too, is unacceptable.

I refer to community employment schemes and work. It is generally agreed that approximately 70% of people with disabilities are unemployed or underemployed. There are some people who do not want to work and who are not able to do so irrespective of circumstances. However, there are many people with disabilities who are capable of and want to work, in many cases part-time. In that context, the various employment schemes run by FÁS, under the aegis of the Department of Enterprise, Trade and Employment, come into play. In the general cutbacks that have taken place within those schemes, the needs of people with disabilities have been largely ignored.

It is essential we acknowledge these schemes are important in two ways. Many organisations, including that with which Senator Kett is involved, depend largely on community employment schemes in that people with disabilities depend on others working within the

schemes to provide facilities and care for them. In addition, people with disabilities use, and are on, those schemes. It is important we focus on that when dealing with community employment schemes. I know the policy of Government is to mainstream the provision of care and of those facilities but that is not without its difficulties. From representations we have received, we are all conscious of difficulties experienced by organisations.

Our purpose in putting down this motion is simple. It is a wake-up call to Government and is a way of articulating and giving a voice to the increasing frustration of the advocacy groups which went along with the consultation process in a spirit of good faith but which are feeling increasingly disappointed and frustrated that it has not produced the results which we all hoped for and anticipated.

Amendment put.

The Seanad divided: Tá, 27; Níl, 17.

Tá

Brady, Cyprian.  
Brennan, Michael.  
Callanan, Peter.  
Daly, Brendan.  
Dardis, John.  
Dooley, Timmy.  
Feeney, Geraldine.  
Fitzgerald, Liam.  
Glynn, Camillus.  
Hanafin, John.  
Kenneally, Brendan.  
Kett, Tony.  
Kitt, Michael P.  
Leyden, Terry.

Lydon, Donal J.  
MacSharry, Marc.  
Mansergh, Martin.  
Minihan, John.  
Morrissey, Tom.  
Moylan, Pat.  
O'Brien, Francis.  
Ó Murchú, Labhrás.  
O'Rourke, Mary.  
Phelan, Kieran.  
Quinn, Feargal.  
Walsh, Jim.  
Wilson, Diarmuid.

Níl

Bradford, Paul.  
Browne, Fergal.  
Burke, Paddy.  
Burke, Ulick.  
Cummins, Maurice.  
Feighan, Frank.  
Finucane, Michael.  
Hayes, Brian.  
McCarthy, Michael.

McDowell, Derek.  
McHugh, Joe.  
O'Meara, Kathleen.  
O'Toole, Joe.  
Phelan, John.  
Ross, Shane.  
Terry, Sheila.  
Tuffy, Joanna.

Tellers: Tá, Senators Minihan and Moylan; Níl, Senators O'Meara and Tuffy.

Amendment declared carried.

Question put: "That the motion, as amended, be agreed to."

The Seanad divided: Tá, 27; Níl, 17.

Tá

Brady, Cyprian.  
Brennan, Michael.  
Callanan, Peter.  
Daly, Brendan.  
Dardis, John.  
Dooley, Timmy.  
Feeney, Geraldine.  
Fitzgerald, Liam.  
Glynn, Camillus.  
Hanafin, John.

Kenneally, Brendan.  
Kett, Tony.  
Kitt, Michael P.  
Leyden, Terry.  
Lydon, Donal J.  
MacSharry, Marc.  
Mansergh, Martin.  
Minihan, John.  
Morrissey, Tom.  
Moylan, Pat.

Tá—*continued*

O'Brien, Francis.  
Ó Murchú, Labhrás.  
O'Rourke, Mary.  
Phelan, Kieran.

Quinn, Feargal.  
Walsh, Jim.  
Wilson, Diarmuid.

Níl

Bradford, Paul.  
Browne, Fergal.  
Burke, Paddy.  
Burke, Ulick.  
Cummins, Maurice.  
Feighan, Frank.  
Finucane, Michael.  
Hayes, Brian.  
McCarthy, Michael.

McDowell, Derek.  
McHugh, Joe.  
O'Meara, Kathleen.  
O'Toole, Joe.  
Phelan, John.  
Ross, Shane.  
Terry, Sheila.  
Tuffy, Joanna.

Tellers: Tá, Senators Minihan and Moylan; Níl, Senators O'Meara and Tuffy.

Question declared carried.

**An Cathaoirleach:** When is it proposed to sit again?

**Ms O'Rourke:** Tomorrow at 10.30 a.m.

#### Adjournment Matters.

#### Special Educational Needs.

**Mr. U. Burke:** I thank you, a Chathaoirligh, for selecting this matter and I thank the Minister of State for coming to the House to deal with it.

St. Colman's national school, Corofin, Cumber, Tuam, County Galway, has an enrolment of 190 children and has been clustered for many years with four other national schools for learning support services. The current learning support teacher is based in Belclare national school and serves Annagh boys' school, Annagh girls' school, Belclare national school, Sylauene national school and St. Colman's national school. She has a full caseload of 30 pupils, 11 of whom are in St. Colman's national school. She has no time slot to provide for other children and there are at least another ten eligible pupils, with a recent child coming in at the seventh percentile on the Drumcondra reading test. Sadly, the board of management and the principal must tell parents that they cannot currently provide any learning support for that child and the ten other children. It is not acceptable in this day and age to say to the parents of ten children that their children cannot be provided with learning support services. Where is the commitment to access and equity in education?

These people made a conscious decision last autumn to concentrate their resources on the lower classes so that early intervention could be provided for pupils in the senior infants and second classes. This is something the Minister for Education and Science would deny vehemently if he was here. All that can be done now is to

intervene at the infant stage and first classes. Half the school enrolments in these schools must go without access to learning support. I do not know what the Minister of State will say today, but there are eligible pupils in the third, fourth, fifth and sixth classes who are not being catered for and are being denied their entitlement.

The learning support teacher's caseload is stretched to the limit. When one considers that there is a 19 mile distance between the two furthest schools the teacher is trying to serve, it must become apparent to the Minister of State that it is an impossible situation which cannot be allowed to continue. The timetable has been structured to eliminate as much travel as possible. Corofin is a growing satellite suburb of Galway city with upwards of 70 houses currently under construction. The school is being expanded this summer to cater for increasing needs. It is ironic that it cannot provide the service the children need.

The board of management made an application to the Department of Education and Science for a full-time learning support teacher in the school. We do not know what has happened, but the Department has not even been courteous enough to reply. I do not know what is wrong because there has been no reply to this request. The local inspector is fully aware of the situation. I cannot understand why the Department of Education and Science will not reply to this request. Perhaps the Minister and his officials are using their time to provide educational packs for Fianna Fáil candidates.

The board of management, teachers and parents are at their wits' end trying to do their best in the circumstances and they are not being provided with the backup services by the Department, which will not even acknowledge them. I ask the Minister of State to indicate that he will not continue to deny these children their entitlements. They have established needs, which are already certified on assessment. Why, therefore, must they go without when other children have access to a similar service? It is unbelievable that it is just the infants and lower classes who have access to the service. I ask the

Minister of State to indicate why the Government has not had the courtesy to reply to the request of the board of management and the principal, indicating the Department's intentions. Despite all the endeavours and statements made to the effect that the Government is providing such services on a global scale throughout the country, this is one instance which is seriously out of step with the remainder of the country.

**Minister of State at the Department of Foreign Affairs (Mr. T. Kitt):** I apologise to the Senator on behalf of the Minister for Education and Science who unfortunately could not attend the Seanad today. I am pleased to have been given the opportunity on behalf of the Department of Education and Science to clarify the position on the allocation of learning support provision for the schools referred to by the Senator.

It is a matter for the school principal, together with the learning support teacher, to allocate appropriate time to pupils requiring learning support assistance. However, the Department of Education and Science is reviewing existing arrangements for the allocation of special educational supports to primary schools. In that context, officials from the Department have been involved in ongoing discussions on a weighted system of allocation with representative interests. At this stage it would be premature to anticipate the outcome for the schools in question. I can confirm, however, that the basic purpose of that review is to ensure that each school has the level of resources required to cater for its pupils with special educational needs.

**Mr. U. Burke:** Not in Corofin.

**Mr. T. Kitt:** In the case of teacher resources, the outcome for each applicant school will be based on a new weighted system of allocation which I announced recently. This system, as part of which an additional 350 teaching posts will be allocated, will involve two main elements, namely, making a staffing allocation to schools based on a predicted incidence of pupils with special educational needs; and making individual allocations in the case of children with more acute lower-prevalence special educational needs.

It is expected that the change to a weighted system will bring with it a number of benefits. The new system will reduce the need for individualised educational psychological assessment; reduce the volume of applications to the Department for additional resources for individual pupils; and give greater flexibility to schools, which will facilitate the development and implementation of improved systems and procedures in schools to meet the needs of pupils with low achievement and pupils with special educational needs.

The detailed arrangements will be set out in a circular to be issued to schools before the end of the current school year. Schools due to receive the additional posts will also be notified within

this timeframe. I thank the Senator once again for giving me the opportunity to clarify the matter in this House.

**Mr. U. Burke:** There is no clarification in that response.

### Hospital Services.

**Mr. Leyden:** I wish to raise the issue of Plunkett Home in Boyle, County Roscommon, operated under the aegis of the Western Health Board and providing a fantastic service to the people of north Roscommon. It was built in the 1960s, replacing the district hospital in Boyle and has provided extremely good services. As chairman of the Western Health Board in 2001 and 2002, I visited the home on many occasions. I am concerned about the recent propaganda regarding a reduction in the number of beds at the home. I fail to understand how there could be any possibility of any reduction in numbers at the Plunkett Home in Boyle because every bed is needed and there is a considerable waiting list for admission.

As well as providing 24 hour a day services, the home also provides services for out patients and the elderly of the area and there is sheltered housing in the grounds. Over the years, the Plunkett Home in Boyle with its excellent management and staff has proven very popular in the area and I receive numerous demands from people who wish to reside there.

I understand negotiations are ongoing between the Western Health Board and staff in respect of the staff complement at the welfare home in Boyle but these negotiations should be successfully concluded and should ultimately result in the retention of the full complement of beds at the home. Nothing less would be acceptable. It is regrettable that this issue is being used in the run up to the local and European elections on 11 June and it is important that the Minister for Health and Children allay the fears of the residents and their families and the staff in regard to any possibility of any reduction of the services at the Plunkett Home.

I am surprised this issue has arisen. I do not know the source of the propaganda and I hope the Minister of State will be able to clarify the position. I cannot understand why the Western Health Board should have any difficulties in respect of staffing at the Plunkett Home in Boyle because it has been staffed by a professional work force.

**Mr. T. Kitt:** On my behalf and that of the Minister for Health and Children, I thank Senator Leyden for raising this matter on the Adjournment.

Responsibility for human resource planning rests with the chief executive officer, CEO, of each health board. Each CEO in managing the work force in his or her region is responsible for determining the appropriate staffing mix and the



[Mr. T. Kitt.]

precise grades of staff to be employed in line with service plan priorities, subject to overall employment levels remaining within the approved regional employment ceiling.

Recent years have seen dramatic changes in both the concept and practice of services for older people and enormous strides have been made and continue to be made in developing a comprehensive, community-based service that is integrated with other health services. The shift in the delivery of services from predominantly hospital-based care has been extremely successful and undoubtedly the quality of care for older people has been enhanced by this development.

While we all realise that the economic situation facing us is not as vibrant as we have been used to over the last number of years, I assure the Senator that the issues surrounding older people and their welfare have not been ignored by this Government. Without wishing to burden the House with figures, I will give a brief summary of how some of the additional money for services for older people was spent this year. In 2004, a total of €9.497 million in additional revenue funding was allocated to services for older people. This funding is being used for a variety of services including home help services, nursing home subvention scheme, support to carers, continuation of the elder abuse programme, support to voluntary organisations, aids and appliances, development of dementia services and funding of day care centres. Since 1997, more than €280 million in additional funding has been put into services for older people.

As with all other sectors of society, the injection of Government money is not an absolute solution to all the issues. There will always be a need for extra resources, extra facilities, extra staff etc. As the Senator will be aware, responsibility for the provision of health services in the Roscommon area rests with the Western Health Board in the first instance. With regard to the Plunkett Home in Boyle, the Senator will be aware that there has been an issue surrounding staffing numbers there. The health board has informed me that it has invested significantly over the past two years in upgrading the home and staffing levels have also increased. The board has undertaken a review of staffing levels and staff to patient ratios at the home. The Labour Relations Commission is facilitating discussion between management and the unions regarding the numbers and skills mix of staff that will be required for the service in the long term. No decision has been made on a reduction in bed numbers or staffing at the Plunkett Home in Boyle.

**Mr. Leyden:** I thank the Minister of State for coming to the House and giving such a comprehensive reply. I reiterate the last line of his reply that “no decision has been made on a reduction in bed numbers or staffing at the Plunkett Home in Boyle”. I welcome this statement which is the most positive part of the Minister of State’s contribution.

The Seanad adjourned at 4.50 p.m. until 10.30 a.m. on Thursday, 29 April 2004.