Wednesday, 20 October 2004

Business of Seanad
Order of Business
Visit of British Delegation
Order of Business (resumed)
Horse and Greyhound Racing Fund Regulations: Motion
Adoptive Leave Act 1995: Motion
Residential Institutions Redress Act 2002: Motion
Land Bill 2004: Report and Final Stages
Planning and Related Issues: Statements
Business of Seanad
Planning and Related Issues: Statements (resumed)
Children Act 2001: Statements
Garda Recruitment: Motion
Adjournment Matters:
  Garda Youth Diversion Programme
  Schools Refurbishment
  School Staffing

405
406
411
411
420
420
421
421
431
452
452
452
487
520
523
525
Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

Paidir.
Prayer.

Business of Seanad.

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

The need for the Minister for Justice, Equality and Law Reform to make a statement on plans for the future of the Garda youth diversion programme; and if it intends to maintain the levels of funding for the various projects.

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

The need for the Minister for Education and Science to provide an update on funding for the upgrading and refurbishment of Lanesboro Community College, Lanesboro, County Longford.

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

The need for the Minister for Education and Science to provide additional support staff to Scoil an Chroí Naoife, Ballinasloe national school, to combat disadvantage based on the needs known to the Department.

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

The need for the Minister for the Environment, Heritage and Local Government to make a statement on the arrangements in place for incentive payments and top-up grants for persons who have sold bog and turbery rights and if a review of the scheme could be carried out to assist people who had bog designated since 1998.

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

The need for the Minister for Education and Science to outline the progress to date on the extension at Scoil Mhuire, Convent of Mercy, Strokestown, County Roscommon.

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

The need for the Minister for Transport to investigate the possibility of the Sunday students’ train from Sligo to Connolly Station, Dublin, stopping at Drumcondra Station.

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

The need for the Minister for Agriculture and Food to reverse the decision to close Teagasc in Tullow, County Carlow.

I regard the matters raised by Senators Brady, Bannon, Burke, Kitt and Feighan as suitable for discussion on the Adjournment and I have selected the matters of Senators Brady, Bannon and Burke, which will be taken at the conclusion of business. I regret that I have had to rule out of order the matters raised by Senators Scanlon and Browne as the Ministers involved have no official responsibility in the relevant matters. Senators Kitt and Feighan may give notice on another day of the matters they wish to raise.

Order of Business.

Ms O’Rourke: The Order of Business is No. 1, motion on Horse and Greyhound Racing Fund Regulations 2004, to be taken without debate. The Joint Committee on Arts, Sport, Tourism, Community, Rural and Gaeltacht Affairs has completed its discussions on the regulations; No. 2, motion on the Adoptive Leave Act 1995 (Extension of Periods of Leave) Order 2004, to be taken without debate. The Joint Committee on Justice, Equality, Defence and Women’s Rights has completed its discussions on the order; No. 3, motion on the Residential Institutions Redress Act 2002 (Additional Institutions) Order 2004, to be taken without debate. The Joint Committee on Education and Science has completed its discussions on the order; No. 4, Land Bill 2004 — Report and Final Stages, to be taken on the conclusion of the Order of Business and to conclude no later than 11.30 a.m.; No. 5, statements on planning and related issues, to be taken from 11.30 a.m. until 1.30 p.m. Spokespersons will have 15 minutes and other Senators ten minutes. The Minister shall be called upon to reply no later than five minutes before the conclusion of the statements; No. 6, statements on the progress on the implementation of the Children Act 2001, to be taken from 3 p.m. until 5 p.m. Spokespersons will have 15 minutes and other Senators ten minutes. The Minister shall be called upon to reply five minutes before the conclusion of the statements; and No. 21, motion No. 16, to be taken from 5 p.m. until 7 p.m. There will be a sos from 1.30 p.m. to 3 p.m.

Mr. B. Hayes: When will a special package of measures be brought forward by the Government and the Minister for Health and Children to address the crisis in accident and emergency
The House will support and offer sympathy to the family of Margaret Hassan, the latest kidnap victim in Iraq. She was born in Ireland, although she has been an Iraqi citizen for the past number of years, and she has done tremendous work. We should send our support to her family at this difficult time. It is an immense contradiction that the group responsible for the murder of Mr. Bigley a number of weeks ago argued that Iraqi women were being detained unlawfully. Ms Hassan is an Iraqi woman who has been unlawfully detained in Iraq and she should be released forthwith.

Mr. O'Toole: The first item on the Order of Business, the Horse and Greyhound Racing Fund Regulations 2004, is to be taken without debate. There was a significant debate on a similar motion in the Lower House yesterday. While the regulations were discussed at committee and I do not object to the motion, an opportunity should be afforded to Members who wish to speak on this and similar motions. If a motion is referred to committee, debated and sent back to the House, that should not mean it does not need to be debated here. Usually, there should not be a debate but one should be considered, where appropriate. I do not have a difficulty with the other motions on the Order of Business.

On the question of the kidnapping of Ms Hassan, much more needs to be considered than the mere points raised by Senator Brian Hayes. As well as airing our views, we, as Members of Parliament, should also make it clear that many of us deplore the occupation of Iraq——

Mr. Norris: Hear, hear.

Mr. O'Toole: ——and we are absolutely opposed to the involvement of the US and the UK. While we hold no brief for the former President of Iraq and welcome his removal, the current situation is unacceptable, as was the manner in which he was taken out. We have great sympathy for the people of Iraq at this time. While we could never support, justify or vindicate in any way the ultra-judiciary actions that have taken place in the form of kidnappings, assassinations and murders, which are completely wrong and always will be completely wrong, we should also acknowledge the frustration the ordinary people of Iraq are experiencing. We should make the strongest appeal to those holding this innocent woman, who has been spent her life helping the people of Iraq, to show her mercy and release her back to her family. The world is watching and there is nothing to be gained by holding her. The people holding her should show an understanding of her circumstances and what she has done. I ask that this is brought to the attention of the Minister for Foreign Affairs, although it might be easier to ask him to come to the House to indicate his views. While he has indicated his views publicly, it is important that the Taoiseach and Ireland take a public position on the matter also.

Mr. Ryan: Regarding the unfortunate circumstances in Iraq and the kidnapping of a fine, brave woman, it is ironic that she was able to work freely in Iraq for the past 35 years without suffering anything like what she is suffering now. We all deplore it. I agree with Senator O'Toole that if people in western countries preach from a position of moral superiority, morality must be invisible. The fundamental wrong which has devalued the capacity of countries like Ireland to have influence is our selective approach to saying something is deplorable. While we all agree that the murder by suicide bombers in Israel of perhaps 100 children over the past number of years was deplorable, 600 Palestinian children were killed by the Israeli defence forces in the same period. That is also deplorable.

To invade a country without a strategic plan as to how to sustain and restore civic society, political institutions and infrastructure was an act of political and military vandalism. This act is now playing into the hands of people who have in common with the invaders of Iraq an indifference to any idea of morality and a belief that a political objective, however desirable, justifies whatever means are necessary to achieve it. While I do not appeal to anybody to apologise for the removal of Saddam Hussein, to remove him while precipitating circumstances in which the conditions of the people of Iraq are becoming worse than they were under his rule demands not just an apology, but a fundamental reappraisal of policy by every western government. In that context, the kidnapping of civilians is deplorable and we all appeal for the release of Ms Hassan.

A conference on less lethal weapons is taking place in Dublin this week. Less lethal weapons are, presumably, those which do not kill quite as many people as lethal weapons. A senior officer of the Garda has participated in the conference which is, unintentionally, a statement which legitimises the business of dual-purpose weapons. Sometimes such weapons are used for crowd control and sometimes they are used as instruments of torture. A moral question is involved and I ask
the Government to make it clear that the conference was a once-off event. In future, we must endeavour to ensure that such conferences do not happen here.

I hope the Government issues a comprehensive statement on the final outcome of the Chen case in the immediate future. The Government’s position is that immigration matters must be transparent. Last week, I tried to obtain from the Asylum Appeals Tribunal a simple answer as to whether people giving evidence before it were required to do so under oath. I was told I had to put the question in writing and that it would take ten days to get a reply. A body which is meant to be transparent and open could not give me an answer on request as the only person permitted to respond would only do so if the question was submitted in writing. It turned out that the person in question had gone on holiday and that it would take ten days for an answer to issue. That is not a transparent process and it does not give one confidence in the body.

Mr. Mooney: The world is once again experiencing an emotional rollercoaster. We have been down this road before with the abduction of Mr. Ken Bigley. All one can hope for is that Ms Margaret Hassan has not been abducted by the most extreme elements of Islamic fundamentalism. I ask that the Leader support the efforts of the Taoiseach and Government in matters relating to the abduction of this Irish born person caught up in the maelstrom of evil in Iraq. I hope the diplomatic efforts and contacts now being used throughout the Muslim world for a woman who has given most of her working life to helping those less well off than ourselves will pay off.

With due deference to my distinguished colleagues on the other side of the House, I wish that when debates on matters of this nature arise we could move away from the historical fact that there was an invasion of Iraq. We must now deal with the reality on the ground.

(Interruptions).

Mr. Mooney: As somebody who opposed the war and who is on the record of this House as having opposed US unilateralism——

Mr. Ryan: The Senator means the Fianna Fáil republican party bit——

Mr. Mooney: I do not feel in any way morally superior to anybody else; we are all in this together. This is now a UN mandated operation.

Mr. Ryan: That is what people used to say about South Africa.

Mr. Mooney: I ask those heckling me to offer, for once, a solution to what is happening in Iraq. Are they seriously suggesting that there should be a total withdrawal of forces from Iraq so the country, which has already descended into anarchy and chaos, would be a basket case? What are they suggesting?

Mr. Ryan: Only a supporter of Mr. George Bush would think that is the issue.

Dr. Mansergh: Let us support the UN.

Mr. Mooney: What are they proposing?

An Cathaoirleach: That will be established if we have a debate on the matter.

Mr. Mooney: I was going to make the point, as stated by my colleague, that we should support the United Nations. We are constantly hearing in this House about the importance of the United Nations.

Mr. Ryan: Many people support the United Nations.

Mr. Mooney: The United Nations has mandated this but what is happening is that countries are standing back and not getting involved in the reconstruction of Iraq for security reasons. The UN had to pull out, as did most of the multinational agencies. There is a real crisis on the ground in Iraq. It does not help the debate towards a viable and free Iraq to constantly hark back to what happened 18 months ago, sad, difficult and evil as it may have been. Let us move forward.

An Cathaoirleach: A question, please Senator.

Mr. Mooney: I do not wish to get lost in the verbiage here. I ask the Leader, given her sympathies in this regard as a woman and political leader, to ensure we give our full support to the Taoiseach and Government in trying to secure the freedom of Ms Hassan. I am sad to say——

An Cathaoirleach: The Senator has elaborated at length on the matter. There are other speakers offering.

Mr. Finucane: This time last year we discussed the crisis in accident and emergency units. We are again discussing the same issue this year. Anyone who listened to the media will have heard the horror stories of people lying on trolleys awaiting admission to hospital. It is interesting that in the UK a person cannot be left on a trolley for more than four hours. In Ireland, many people remain on trolleys for a week or more.

When discussing last week the situation at Our Lady’s Hospital for Sick Children in Crumlin, I indicated that it would be worthwhile if the Minister for Health and Children came to the House as soon as possible to outline her proposals for dealing with the health crisis. It is remarkable that we are still experiencing such problems. The former Minister for Health and Children, Deputy Martin, will probably be remembered for the ban on smoking in the workplace. He was also known
[Mr. Finucane.] as the Minister for reports, which are now gathering dust. It is time for action. We want to hear from the Minister for Health and Children concrete proposals on how this important issue can be addressed.

Mr. B. Hayes: Hear, hear.

Ms Cox: As we prepare for the budget I am seeking a debate on the issue of child care. While I acknowledge significant strides have been made in this area in the past five or six years through increases in child benefit and the number of crèches places available, the manner in which we deal with the provision of child care is fundamentally flawed. That a recent survey showed that over 30% of the respondents spend more on child care in a month than they do on their mortgage is a sign something is drastically wrong. I ask the Leader to arrange a debate on the subject so that Senators can pool their knowledge and ideas and perhaps achieve some reform of the system in order to resolve this issue for working parents.

Visit of British Delegation.

An Cathaoirleach: Before calling the next speaker, I am sure Members of the House will wish to join me in welcoming the Secretary of State for Northern Ireland, Mr. Paul Murphy, MP, and His Excellency Stewart Eldon, the British ambassador to Ireland, and other members of the party who join us in the Distinguished Visitors Gallery.

On my own behalf and on behalf of my colleagues in Seanad Éireann, I extend a very warm welcome to you and sincere good wishes for a very successful visit.

Order of Business (Resumed).

Mr. Norris: I would like to be associated with the Cathaoirleach’s remarks and wish our distinguished visitors every success in their job in the North. I wish to make some points on the kidnapping of Margaret Hassan. To date, luckily, nobody has sunk to the level of beheading or murdering a female kidnap victim. In my view, the fact of her Irish citizenship should not be pushed but rather concealed. There is something rather silly about Irish politicians posturing as if they were in a position to negotiate anything. This country allowed itself to be included, willy-nilly, in the so-called partnership or coalition of the willing. Shannon Airport was used to transport 350,000 troops——

Dr. Mansergh: That is not true.

Mr. Mooney: That is not true.

Mr. Norris: It is true.

An Cathaoirleach: Order, please.

Mr. Norris: These troops are being pushed through our airspace. As was stated the other day, at least we were given €25 million for it. Is there a price on the suffering of the people of Iraq? I ask the Leader to bring an answer to this House about this traffic and, in particular, the fact that an aircraft with clear markings which was used to transport kidnap victims by the United States to countries where they could be tortured, has been seen landing in Shannon. It is quite within the remit of this country to ask the Garda to board that aircraft and ensure that international conventions and the law of this country are not being violated. I want to know why this is not happening. In light of this, I would not be pushing Margaret Hassan’s Irish citizenship.

As someone who has sponsored amendments protecting the human and civil rights of Travellers, I wish to state on the record of the House that I strongly support the Garda Síochána in its action in Dunsink. It is important that Travellers have not only the rights of all citizens of Ireland and that these be guarded carefully but also have the responsibilities and must live to the standards of other citizens. It is quite unacceptable to have arrows, bolts, slings, petrol bombs and all the rest of it. Gardaí were quite right to go in there and find contraband goods. The law is the law for everybody.

I note there is a motion on the Order Paper about road safety and the Road Traffic Act. The House debated this subject and several Members, including myself, made the point that traffic limitations and speed limits will not be respected in the bizarre, crazy situation which pertains at present where a motorway has speed limits going from 70 mph to 60 mph to 50 mph to 40 mph to 30 mph, within a short distance. It is exactly the same road. When one reaches the 30 mph stretch, there is a garda with a gun which is like shooting fish in a barrel. That kind of nonsense, which the Minister undertook to examine, will bring the law into disrepute. It is absurd. I and others try to observe the speed limit but on one occasion I was passed out by a lorry doing 70 mph on one side, a private car doing about the same speed on the inside and somebody flashing their lights and blowing their horn at me.

An Cathaoirleach: While we all hope for the release of Margaret Hassan and can make appeals for her release, I ask Members not to engage in a debate on the situation in Iraq on the Order of Business. We cannot have such a debate on the Order of Business.

Labhrás Ó Murchú: I wish to make reference to the same issue if I may and I will be as brief as possible. I heard the interview Ms Hassan gave at the time of the invasion. She comes across as a courageous and concerned person. There is little point in us trying to rationalise how anybody expects any cause to be advanced by interfering with people of that calibre. I still believe the
invasion of Iraq was a monumental disaster. At the time it happened I made the same point. I still think it was illegal and immoral.

Mr. Ryan: Hear, hear.

Labhrás Ó Murchú: I still think it was unjust.

An Cathaoirleach: There are many Senators offering and if we have a debate on this topic it could go on for the evening.

Labhrás Ó Murchú: To try to advance where we are now on such a flawed basis does not make any sense——

Mr. Norris: Hear, hear. Well said.

Labhrás Ó Murchú: ——and until Britain and the United States are removed from the equation, we will not make progress. We are only clouding the issue by thinking otherwise.

Mr. Norris: Hear, hear.

Mr. Coghlan: I agree with your welcome, a Chathaoirleagh, for our distinguished visitors. It is good to see Mr. Murphy looking so well following his recent slight indisposition. He spoke positively and well in Chepstown and we wish them well.

An Cathaoirleach: We are on the Order of Business. There are many Senators offering.

Mr. Coghlan: I appreciate that and your remarks too. I refer the Leader to the significant profits we read about this morning that the insurance companies have made in the past year and ask what plans the Government has in that regard. It is good news for consumers and policyholders provided there are proportionate reductions. What plans, if any, does the Government have to ensure those reductions are passed through? We went to great trouble in this and the other House to ensure the passage of the Personal Injuries Assessment Board Act and the Civil Liability and Courts Act. These reductions happened without the further good effects which will follow the passage of those measures. What sanction, if any, will the Government impose if they are not passed on? If we are to have confidence in insurance companies, it is important they are seen to be fair and proportionate in their dealings with consumers and policyholders.

Dr. Mansergh: An Irish passport was of great value in securing the release of Brian Keenan. Contrary to what has been stated, Ireland is a neutral country. It did not support the war in Iraq and I share the view that the war was ill-advised and the justification put forward was inadequate. However, we are in a new situation. A UN Security Council resolution in June called on all member states to facilitate the multi-national force which is there at the request of the Iraqi Government.

Mr. Norris: What kind of government is that?

Mr. Quinn: A number of Senators have referred to the crisis in hospitals and the health service in general. It was probably the wrong date on which to do so but on 1 April last year, in an Adjournment debate, I stated that the Mater Hospital was working to its 510 bed capacity, some 80 to 120 of which were occupied by long-term patients who were suitable for discharge in that they did not require any further treatment but remained in the hospital because they had nowhere else to go. Moreover, I stated that the hospital was closing 115 beds.

I reiterate this point because, although we are patient and the former Minister for Health and
Children told us last year that he was working to solve the problem and was coming up with answers, the crisis to which Senators Maurice and Brian Hayes referred today and which is in the headlines is one we must debate. The only way we will get action is if we ask the new Minister to come before the House. As a new Minister she has the opportunity to do something about the problems. She has plans but, before she finalises them, let us make sure we draw attention to the fact that something can be done in the short term. We cannot sit back, wait and be patient any longer.

Mr. McHugh: Many social economy projects are coming towards the end of their three-year lifespan and there is grave concern that they will come to an abrupt end and that FAS is looking for an exit strategy. A total of 64 jobs are at stake in Inishowen in a social economy project involving Tullyarvan Mill, Greencastle Maritime Museum and Inishowen Community Radio, in regard to which a public meeting is being held on Friday night. The concept of the social economy came originally from Ireland with examples such as the co-operative and credit union movements. In Glencolmcille, County Donegal, Fr. McDyer founded the concept of social economy which constitutes social entrepreneurial activity. It is neither business nor community development but something in between.

I call on the Minister for Enterprise, Trade and Employment, Deputy Martin, to seriously consider initiating a pilot programme in Donegal in the wake of the recent job losses and doom and gloom associated with the county. He should seriously consider initiating a pilot social economy project and the creation of a social economy sector rather than the introduction of specific programmes.

Mr. McHugh: Yes.

Mr. U. Burke: In recent years the Department of Education and Science became involved in a pilot project in Donegal to combat bullying in schools at national and second levels. That project resulted in a 50% reduction in the incidence of this serious problem in schools, which has consequences later in life for those affected by it. However, the Department and the Minister have decided not to fund the extension of this programme. The Department is withdrawing funding from it despite it having gone to the expense of training an additional 30 teachers nationally to implement a new programme to combat bullying.

The Leader will be aware that bullying is one of the contributory factors to the awful problem of suicide, which is increasing. On the one hand, the Department of Health and Children provides many glossy brochures that are of no use in tackling this problem so I do not understand why, on the other hand, the Department of Education and Science has decided to withdraw funding from this important area in education. Will the Leader ask the Minister for Education and Science to provide the necessary funding to extend this programme nationwide because tackling this problem is important in view of the increasing incidence of suicide, to which bullying is a contributory factor?

Mr. Bannon: I agree with my colleagues, Senators Brian Hayes, Finucane and others, who called for an urgent debate on our health services. The story of people struggling to gain access to health care is on everyone’s lips. I was delayed coming to the House this morning because six constituents contacted me regarding problems ranging from over-crowding in nursing homes to their appointments being cancelled to hospital patients being treated on trolleys.

Mr. Bannon: The latter is happening in midland hospitals as well as in hospitals in this city.

Mr. Bannon: Yes. Members of the public are appalled——

An Cathaoirleach: The Senator does not need to elaborate on the matter.

Mr. Bannon: ——at a statement by the Taoiseach yesterday that, after seven and a half years in Government, he is going to try to do something about eliminating waiting lists.

Mr. Norris: Hear, hear.
Mr. Ross: Hear, hear.

An Cathaoirleach: Order, please.

Mr. Bannon: That is an appalling statement to make after seven and a half years in Government. It is time he woke up to the facts of what is happening in our health services.

Mr. Norris: It is an outrage.

An Cathaoirleach: It is not appropriate to debate this matter now.

Mr. Bannon: In addition, I would like to include in such a debate the findings of the most recent report on the increase in the incidence of suicide, particularly among young men. We need to debate and address this problem urgently.

An Cathaoirleach: That can be dealt with in such a debate.

Mr. Feighan: Speakers have commented on a proposal to reduce the use of live ammunition and the use of less lethal weapons. I would be horrified if the Garda intended to have fewer armed gardaí. At times of struggle or strike they have stood up to aggression. I for one would be very much against a reduction in the 1,600 armed gardaí who have maintained the security of this State. This House must be forceful on this matter.

I call on the Minister for Communications, Marine and Natural Resources to come to the House to outline what is happening in our postal service. From my use of it and from the experience of my constituents, the service seems to have deteriorated in the past six months. We should have a debate on the efficiency of our postal service.

Mr. Brennan: I request the Leader to invite the Minister for Justice, Equality and Law Reform, in addressing the House this evening, to re-affirm and clarify the commitment given in a letter sent by the previous Minister, on behalf of the then Government, to Mrs. Anne McCabe that the killers of Detective Garda Jerry McCabe would not qualify for early release. After watching recent television programmes and reading recent newspaper articles, it is vital that the Minister and the Government clarify this matter, given that this letter had the complete confidence of, and represented the wishes of, the people of Ireland.

Ms O'Rourke: Senator Finucane mentioned the horror stories in accident and emergency units. One would want a heart of stone not to be bowled over by what is happening therein. The Senator also called for action on the reports the former Minister, Deputy Martin, left on the desk. I am sure the Tánaiste does not need me to tell her that immediate short-term action is required in addition to action on reports, which I hope will rule out what is now happening.

Senator O'Toole contended that the House should be permitted to debate motions that return from committee. I always feel a sense of unease when declaring that an item should be taken without debate because I believe it is very peremptory and dictatorial. I said before that if any Member wishes to have a debate on a motion on the Order Paper that has come back from committee, he or she should call me about it, in which case I could arrange it. We may not be members of a particular committee but we might like to comment on particular motions.

The Senator also raised the matter of the kidnaping of Margaret Hassan and stated we should condemn the occupation of Iraq and extend sympathy to its people.

Senator Ryan deplored the circumstances that obtain in Iraq and the idea of invading a country without a plan as to how to handle matters thereafter. His point was that there should be a reappraisal of policy in this regard. He also referred to the conference on less lethal weapons. The idea of a less lethal weapon is a contradiction in itself. If it is lethal, it is lethal and there is surely no lesser degree of lethality. The Senator also sought a final statement on the Chen case.

Senator Mooney contended we should not be focusing on the past. We know that the UN mandated the invasion of Iraq after the event and asked everybody to support the work of the occupying forces. However, it is important to note that it did not mandate it before it happened. It was a post factum mandate as the UN did not mandate the invasion, which it described as illegal. We were pilloried here for using the word “illegal” but I heard Kofi Annan describe it as such some months ago.

Mr. Norris: We were not asked to support torture.

Ms O'Rourke: Senator Finucane mentioned the horror stories in accident and emergency units. One would want a heart of stone not to be bowled over by what is happening therein. The Senator also called for action on the reports the former Minister, Deputy Martin, left on the desk. I am sure the Tánaiste does not need me to tell her that immediate short-term action is required in addition to action on reports, which I hope will rule out what is now happening.

Senator Cox called for a debate on child care. It is extremely urgent that we have such a debate. I know couples who are paying more than their mortgage on child care. It is a very painful set of circumstances. 
Adoptive Leave Act 1995: Motion

Ms O’Rourke: I move:

That Seanad Éireann approves the following Order in draft:

Adoptive Leave Act 1995 (Extension of Periods of Leave) Order 2004,
There is a flight from the land on a daily basis. We want to help smaller farmers, keep them on the land, enable them to compete and keep them in rural Ireland. Not only will agriculture benefit, but the whole fabric of rural society will benefit if those farmers and their families are kept on the land. The Department will make savings towards the cost of collections and the amendment will also make the Bill more attractive.

Mr. McCarthy: I second the amendment.

Minister for Agriculture and Food (Mary Coughlan): Tá an Seanadóir níos cliste inniu agus sin an fháth go bhfuil an leasú os ár gcomhair. Tá mé ag iarraidh, afach, an rud a dhéanamh do na feirmeóirí. Bhí seansanna acu cheanna leis seo a dhéanamh agus fuair siad tacáist ó mo chomhghleacáin. Ní féidir seo a dhéanamh níos fearr.

Senator Coonan’s proposal would only increase eligibility for the write-off to another 1,000 farmers. My predecessor had discussions with the relevant Departments and nothing better can be provided with regard to this deal. The legislation must provide the best deal possible for farmers while ensuring justification and equitable balance between the taxpayer and the annuitant. The Government has gone beyond the commitment given in the Sustaining Progress agreement “significantly to reduce the burden of land purchase annuities for substantial numbers of farmers”. The burden will be removed for 4,500 farmers.

I appreciate Senator Coonan’s point and his amendment carries some merit. However, I am not in a position to allow the proposed provision to proceed.

Mr. Coonan: The farmers whom we want to help the most are those most in need of such help. The category of farmers affected by the provisions of this amendment is in dire need. These farmers need help in order to stay on the land and to maintain the fabric of rural Ireland by keeping their families on the land. I want this Bill to be successful as it includes many good provisions. If the Minister for Agriculture and Food were to yield on this amendment, however, the Bill would be more attractive. Some 1,000 more farmers would be included and this would achieve the Minister’s stated aim of making the Bill more attractive so that its provisions will be taken up by more farmers and farming families. The amendment affords the Minister the opportunity to achieve this. Why would the Minister go against her objective? The inclusion of 1,000 extra farmers would have a significant impact on those farmers’ lives and businesses and on the rural community.
Mary Coughlan: Acceptance of this amendment would double the lack of resource from the land annuitant to the State. As I indicated on Committee Stage, these people are not necessarily those with significant arrears. This was on the basis of a fair system where, despite a 50% write-off and a review of repayments, significant arrears still exist. It is unjustifiable on the basis of the asset that has been accrued and because there is better access to financial assistance such as loans or mortgages through the private sector rather than the State sector. It is best that the Government tries to address and bring to finality the issue of annuitants. I appreciate the Senator’s point but I cannot accept his amendment.

Amendment put and declared lost.

Mr. Coonan: I move amendment No. 2:

In page 4, between lines 10 and 11, to insert the following:

“(2) Within 10 days of the commencement of this section, the Minister, following consultation with the Minister for Finance shall lay a Report before both Houses of the Oireachtas indicating the grounds in favour of reducing the percentage payable in subsection (1) to 50%.”.

Mr. McCarthy: I second the amendment.

Mr. Coonan: There is a precedent for this amendment in that previous proposed legislation by a former Minister for Agriculture and Food allowed for a 50% write-off of annuities. We all want to make the Bill more attractive. The Government is putting forward a lesser proposal than on the previous occasion, which did not prove successful and was not taken up by the desired amount of farmers. The Bill should offer provisions at least as attractive as those previously available. This amendment deals only with annuity, not arrears. As I pointed out regarding the previous amendment, the cost to the Department of the collection of arrears is outweighing the benefits. If one allows for what the Department will lose by dropping the provision to 50%, thus making it more attractive to farmers, even including the collection cost, it is of benefit to the Department.

In view of the Minister’s refusal to increase the threshold as proposed in the first amendment, I shall press this amendment. The legislation must be attractive for the farming community and we must finally get rid of the land annuities. The Minister spoke about arrears in her reply to the last amendment but she has overlooked a point. When this contract was given by the Land Commission to farmers, there was a period of high interest rates. The Minister observed that rates were on occasion in excess of 11%; they were periodically in excess of 18% and 20%. Much of the money accrued over those years was interest payments by farmers.

The Minister also spoke about assets. It is important to recognise that the members of the farming community who took possession of land from land divisions put significant investment into that land to modernise, reclaim and make it productive. This increased the standard of living in rural Ireland and also the standard of food produced. The Minister must give due recognition to this achievement. I propose, therefore, that the write-off rate be set at 50% rather than the 25% proposed in the Bill.

Mary Coughlan: I am sorry to disappoint Senator Coonan. I like the inclusion of the words “following consultation with the Minister for Finance” in the amendment but even if I were to accept it, the Department of Finance would not approve its provision.

This issue was negotiated by my predecessor. The value of land has increased considerably and the annuities are comparatively minor. A write-off for 4,500 farmers represents the fairest possible provision by my Department. The Department did its best to deal with arrears by offering re-negotiated deals to farmers in difficulty but no effort was made by some of the latter. As is common, people leave matters to the last minute, when pressure is applied, before dealing with their affairs. Each of us may be guilty of taking such a lackadaisical approach. I appreciate Senator Coonan’s argument in attempting to attract more farmers to the Bill’s provisions but the 25% write-off is as fair as the Department can be on this occasion. I do not wish to be disingenuous to Members by saying I could find myself in a position where the Senator’s proposal would be acceptable.

Mr. Callanan: I support the Minister for Agriculture and Food although I appreciate Senator Coonan’s point. I have also read the IFA’s submission. The Minister is correct about the value of land toady in comparison to its value when the Land Commission stopped buying. At that time, land was valued at £1,500 per acre at most. In the years prior to that, land was acquired by the Land Commission for as little as £300 to £600 per acre. When one considers the value of land today, it is unfortunate Senator Coonan is taking the line he is, although I can understand it. It is the taxpayer who picks up the tab, whether capital or interest is lost. The deal being offered in this Bill is extremely generous and fair, relative to the value of land today as against when it was bought or given. We should support it.

Mr. Coonan: In the context of today’s land values, the Senator’s comments are amazing. Much of the land has decreased significantly in value and many farms have been withdrawn from sale in the past 12 months because nobody wants to buy them. Unless one is a big business person, looking for a holiday home or wants to get into farming as a pastime——
Mr. Callanan: In the Tipperary newspapers last week it was reported that people were advised to pull out.

Mr. Coonan: I did not interrupt the Senator so he should allow me the floor.

An Leas-Chathaoirleach: The Senator, without interruption.

Mr. Coonan: I am amazed when I hear what people such as the Minister and Senator Callanan say about this matter. They are far removed from the reality of what is happening in agriculture with the ordinary farmer. The land is worth nothing to the ordinary farmer if he is to continue as a farmer. He farms the land and its value is handed down from one generation to another. To the majority of farmers I speak about, the value of their land is insignificant in the context of this proposal. What is significant is what they must pay to stay on the land.

I am concerned about the farmers who want to stay on the land and raise their families on it. They want to be part of their community. When people speak of the value of people’s houses in Dublin 4 being €2 million or €3 million, how does that affect their work or daily life? The Minister and Senator Callanan should join the real world. The value of the farmer’s property does not apply. If he or she wants to stay on the land, he or she must farm it and hand it on to his or her son or whoever is next in line.

To return to this Bill, most farmers have paid enormous interest rates over the years and have paid significant amounts of money off what they owe. The precedent for the previous proposal was 50%. I propose that the least we should do is follow precedent and set the annuities at 50% rather than the 75% mentioned in the Bill.

Mary Coughlan: Mar a luaigh mé, is món an trua é go bhfuil fearg ar an Seanadóir. Tá a fhios agam faoi bhrú millteanach atá ar na feirmeoirí, ach ag an am céanna, is margadh maith é seo. Dá bhraí sin, níl mé ábalta an leasú seo a ghlacadh.

I appreciate the Senator’s sincerity. We are all sincere in our efforts to provide the best legislation. However, I am not in a position to accept the 50% write-off.

Amendment put.

The Seanad divided: Tá, 20; Níl, 28.

Tá

| Bannon, James.       | Hayes, Brian.       |
| Browne, Fergal.     | McDowell, Derek.   |
| Burke, Paddy.       | McHugh, Joe.       |
| Burke, Ulick.       | Norris, David.     |
| Coghlan, Paul.      | O’Meara, Kathleen. |
| Coonan, Noel.       | Phelan, John.      |
| Cummins, Maurice.   | Quinn, Feargal.    |
| Feighan, Frank.     | Ross, Shane.       |
| Finucane, Michael.  | Ryan, Brendan.     |

Níl

| Bohan, Eddie.       | Leyden, Terry.     |
| Brady, Cyprian.     | MacSharry, Marc.   |
| Brennan, Michael.   | Mansergh, Martin.  |
| Callan, Peter.      | Mooney, Paschal C. |
| Cox, Margaret.      | Moylan, Pat.       |
| Daly, Brendan.      | O’Brien, Francis.  |
| Dooley, Timmy.      | O’Rourke, Mary.    |
| Feeney, Geraldine.  | Ó Murchú, Labhrás. |
| Fitzgerald, Liam.   | Ormonde, Ann.      |
| Glynn, Camillus.    | Phelan, Kieran.    |
| Hanafin, John.      | Scanlon, Eamon.    |
| Kenneally, Brendan. | Walsh, Kate.       |
| Kett, Tony.         | White, Mary M.     |
| Kitt, Michael P.    | Wilson, Diarmuid.  |

Tellers: Tá, Senators Coonan and Cummins; Níl, Senators Brennan and Moylan.

Amendment declared lost.

Government amendment No. 3:

In page 4, line 14, to delete “of Finance” and substitute “for Finance”.

Mary Coughlan: This is a technical amendment.

Amendment agreed to.

An Leas-Chathaoirleach: Amendments Nos. 5 and 6 are cognate on amendment No. 4 and all may be taken together by agreement.

Mr. McCarthy: I move amendment No. 4:
In page 4, line 24, to delete “Department” and substitute “Minister”.

I wish to reiterate the case I made on Committee Stage regarding these amendments. I have obtained advice from senior counsel on this issue in the interim. The Department of Agriculture and Food is not a legal entity. The Minister is the legal corporate entity and, accordingly, the section should refer to moneys due by the Minister to a person. On Committee Stage the Minister stated:

My Department is the competent authority for purposes of EU funding. As many of the payments to farmers have been partially funded by the Exchequer and co-funded by the EU, the advice of the Office of the Parliamentary Counsel is that the Department is the correct legal entity.

This does not address the basic point I raised which is that under Irish law the Minister is the appropriate legal entity. The Public Service Management Act 1997 provided for Departments to be given legal status. Will the Minister clarify whether she is relying on that provision?

Mr. Coonan: I second the amendment.

Mary Coughlan: My Department is the competent authority for the purposes of EU funding. As many of the payments made to farmers are partially funded by the Exchequer and co-funded by the EU, the advice of the Parliamentary Counsel is that the Department is the correct legal term.

Mr. McCarthy: That is similar to the response on Committee Stage. However, the amendments have been tabled in the context of Irish law. The Minister has not addressed the basic point. The Public Service Management Act 1997 provided for Departments to be given legal status and I seek clarity in this regard. Clearly, the Department is not a legal entity. The Labour Party has obtained legal opinion on this matter which is a fundamental point in the context of Irish law.

Mr. Coonan: I support Senator McCarthy and am surprised the Minister is not accepting these amendments. Ministers, by and large, like to give the impression to farmers that it is they who are providing money. If the amendments were made, the Minister would get the credit rather than the Department. From that point of view, I find it surprising the Minister is not in favour.

Mary Coughlan: The Minister is politically responsible. The Public Service Management Act is the Irish legislative measure by which it is determined that the Department is a legal entity. I have been advised that the inclusion in this legislation of the term “Department” is the best way to proceed.

Amendment put and declared lost.

Amendments Nos. 5 and 6 not moved.

Mr. McCarthy: I move amendment No. 7:

In page 4, lines 33 and 34, after “payments” to insert “(other than payments discharged under section 2 or payments otherwise not recoverable in law)”.

This amendment has been changed somewhat since Committee Stage to clarify our intention in tabling it. There could be many instances in which there are arrears of annuity payments which are not recoverable. Such arrears might be statute barred or have been discharged under section 2 of the Bill. In such cases, arrears should not prevent the issue of a certificate for the purposes of section 5. As the Minister’s response on Committee Stage, which I will not repeat, seemed to confuse and misunderstand the amendment, we have tabled it again. We maintain that future payments could not possibly be included as section 5 refers only to payments up to the date of the certificate.

Mary Coughlan: Section 13 provides that the Bill will be commenced by section or paragraph. The first section to be commenced will be section 2, which provides for the write-off and will remove from approximately 4,500 annuitants the burden of land purchase annuities and any requirement to obtain a certificate under section 5. Similarly, anyone who avails of the buy-out scheme under section 3 will not require a certificate under section 5. I have already advised the House that most transactions requiring a certificate will be commercial and involve the selling by annuitants in arrears of land for sums far in excess of the price paid when the land was allotted to them. There is no reason for such annuitants not to pay off arrears. Indeed, the taxpayer is entitled to see the State recoup all moneys due to it, particularly where individuals have gained substantially due to the significant increase in land values.

Furthermore, it is not the general practice of commercial lending institutions to remove burdens on land unless they receive full settlement of debts including interest payments and penalties owed. In the case of land annuities, there is no additional interest or penalty for late payment and it is equitable for the State to collect payments owing to it bearing in mind the burden on the taxpayer. I have previously advised the House that in the case of non-commercial transactions such as family settlements, an annuitant in arrears who is unable to repay should contact my Department without delay.

Amendment, by leave, withdrawn.

Ms O’Rourke: With the agreement of the House, I propose to extend the debate until 12.10 p.m.

Mr. McCarthy: I move amendment No. 8:

In page 4, line 35, to delete “not more than” and substitute “on or after the day which is”. This is merely a drafting amendment which is designed to remove an ambiguity in the subsection. As drafted, the subsection provides that a certificate of the Minister must be dated not more than four months prior to the date of the instrument. The provision is somewhat ambiguous and could be open to the interpretation that the certificate must be dated prior to the instrument and also not more than four months prior to it. Amendment No. 8 makes clear that it is perfectly in order to produce a certificate which is dated after the date of the instrument. While I acknowledge the Minister’s reply on Committee Stage, we have retabled the amendment to make our intention a little clearer. While our proposed wording is longer than the Minister’s, it is clearer.

Mary Coughlan: If the Senator is elected to the Dáil and his party forms a Government, I imagine he will look for the job of Attorney General. As I previously advised the House, I intend that the Minister’s reply on Committee Stage, we have retabled the amendment to make our intention a little clearer. While our proposed wording is longer than the Minister’s, it is clearer.

Amendment, by leave, withdrawn.

Mr. McCarthy: I move amendment No. 9:

In page 4, between lines 36 and 37, to insert the following:

“(2) The Minister shall, on application by a person entitled to a certificate under subsection (1), issue such a certificate as soon as practicable after such an application.”

On Committee Stage, the Minister did not like the phrase “as soon as practicable”. The term “as soon as may be” provides more discretion. There is a strange omission from the section. While an individual is required to produce a certificate by the Minister under subsection (1), there is no obligation on the Minister to issue a certificate to a person entitled to it. It is entirely appropriate, fair and balanced to accept amendment No. 9 to evenly distribute responsibility in terms of issuing certificates.

Mary Coughlan: This matter was discussed on Committee Stage and included reference to the phrase “as soon as practicable”. It is my intention that following the buy-out the number of applicants for certificates will be very small. Even now, the Department issues subdivision consents within a few days of the receipt of a request. It is our clear intention on commencement of the legislation that the matter will be dealt with expeditiously. There is absolutely no reason that should not be so. The Senator has my personal commitment that I will ensure this is the case.

Amendment, by leave, withdrawn.

Bill reported with amendment and received for final consideration.

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

Minister for Agriculture and Food (Mary Coughlan): I thank the House for facilitating this legislation and acknowledge the contributions of Senators on all sides. I thank the Leas-Chathaoirleach, his staff, the staff of the Office of the Parliamentary Counsel, the Attorney General and my new officials who have been working on this Bill for some time. I hope the legislation represents a good deal for farmers and the community. I urge Members to do their utmost to encourage farmers to participate in the buy-out scheme on commencement of the legislation as we will in the Department. Farmers should also be encouraged to prepare for any legal matters which may arise.

I thank Members for the warm welcome and good wishes they offered on my appointment. I look forward to the change of atmosphere in due course.

Mr. Callanan: I thank the Minister for coming to the House and introducing the Bill. I thank her departmental officials also. The Minister dealt very fairly with the comments which were offered from all sides of the House. I thank Senators for contributing.

Mr. McCarthy: I thank the Minister and her officials for attending the House this and last week. The purpose of our amendments was to improve the quality of legislation, an objective to which we all aspire. I wish the Minister well in her new brief.

Mr. Coonan: I thank the Minister and her officials for coming to the House and compliment them on the manner in which they dealt with the legislation before us. My regret is that what will be very good legislation could have been great had the Minister accepted our amendments. I remind the Minister that we will watch carefully to ensure she honours the commitments she has given us that the Department will not raid payments due to farmers from premium payments etc. for collection purposes. She said that would be a last resort. I wish to reiterate that we will be watching that carefully. A commitment has been given to the drawing up of a plan for farmers in arrears. We will be watching that also. The bene-
fits of this legislation to GAA clubs and other community groups is to be welcomed.

Question put and agreed to.

Planning and Related Issues: Statements.

An Leas-Chathaoirleach: I welcome the Minister for the Environment, Heritage and Local Government, Deputy Roche, to the House and wish him well in his new portfolio.

Minister for the Environment, Heritage and Local Government (Mr. Roche): I am pleased to be in the Seanad again not as a Senator but as a visitor to the scene of old crimes.

I take this opportunity to address the Seanad on priorities in the planning area, an issue in which I know Senators take a particular interest given their relationship with councillors and county councils. Land use planning has a higher profile in Ireland than ever before given that we are building more houses than ever and our population is increasing. We will build 83,000 houses this year, approximately three times the European average and five times the per capita level being achieved in the UK. We are constructing more infrastructure and more roads without which our record economic development cannot continue into the future. At the same time, the people of Ireland are becoming increasingly aware of our environment and heritage, particularly our built heritage, and the need to protect both. These differing priorities and interests cause conflict and, occasionally, controversy.

Our planning system which must mediate between all these interests is probably one of the most open and democratic planning systems in Europe. It must take a strategic view to ensure that Ireland Inc. keeps developing into the future at regional level were adopted this year to further implementation of the national spatial strategy than ever existed in the history of planning. The spatial strategy recognises that a greater share of economic activity must take place outside the greater Dublin area while at the same time, more balanced development and population growth. We began speaking about national spatial strategies at an early 1960s when the Buchanan and Myles Wright reports were drawn up. It is extraordinary that 40 years later we are still talking about them. It is time the talking stopped and the implementing started. We are now in a position in terms of resources to achieve things which could not be considered a number of years ago.

The spatial strategy recognises that a greater share of economic activity must take place outside the greater Dublin area while at the same time, more balanced development and population growth. We began speaking about national spatial strategies at an early 1960s when the Buchanan and Myles Wright reports were drawn up. It is extraordinary that 40 years later we are still talking about them. It is time the talking stopped and the implementing started. We are now in a position in terms of resources to achieve things which could not be considered a number of years ago.

The spatial strategy recognises that a greater share of economic activity must take place outside the greater Dublin area while at the same time, more balanced development and population growth. We began speaking about national spatial strategies at an early 1960s when the Buchanan and Myles Wright reports were drawn up. It is extraordinary that 40 years later we are still talking about them. It is time the talking stopped and the implementing started. We are now in a position in terms of resources to achieve things which could not be considered a number of years ago.

The spatial strategy recognises that a greater share of economic activity must take place outside the greater Dublin area while at the same time, more balanced development and population growth. We began speaking about national spatial strategies at an early 1960s when the Buchanan and Myles Wright reports were drawn up. It is extraordinary that 40 years later we are still talking about them. It is time the talking stopped and the implementing started. We are now in a position in terms of resources to achieve things which could not be considered a number of years ago.

The spatial strategy recognises that a greater share of economic activity must take place outside the greater Dublin area while at the same time, more balanced development and population growth. We began speaking about national spatial strategies at an early 1960s when the Buchanan and Myles Wright reports were drawn up. It is extraordinary that 40 years later we are still talking about them. It is time the talking stopped and the implementing started. We are now in a position in terms of resources to achieve things which could not be considered a number of years ago.
by all regional authorities. Local authorities must now take account of the national spatial strategy in the preparation and adoption of their development plans and in varying development plans, local area plans and other plans and strategies. That makes sense. Ireland is a small island in that no area is isolated from another and it makes sense to adopt an holistic approach in this regard.

For the first time Ireland now has national coverage in terms of regional planning guidelines, for which local authorities are to be complimented. These guidelines inform and strengthen the big picture context for the local planning system. The national spatial strategy together with regional planning guidelines and more strategic local planning will provide a much more plan-led system to better address strategic development opportunities and infrastructure priorities. I want to see an end to what happened in the past when houses were built without supporting infrastructure. When my wife and I first settled in Greystones the residents association was run by a woman from Applewood Heights who had an extraordinary sense of humour. She named her house “High and Dry” because there was no water available to her until 3 a.m. Getting up at that time to do one’s washing made for a very interesting life.

If we are to deliver the right plan we need to take account of the bigger picture, to look at the issue in an holistic way and to take into account all regional issues. The guidelines act as a new strategic big picture backdrop for local plans ensuring that the development plans of the different planning authorities in each region are more integrated. In this way, regional as well as county or city level aims and objectives can be progressed in tandem. Regional guidelines will also help to shape and inform the strategic infrastructure priorities for Departments and their agencies. Departments and agencies such as my own Department, the Department of Transport, IDA Ireland and so on, have been actively examining and re-focusing their own policies and activities in the context of the national spatial strategy, looking at ways to support balanced regional development in a more systematic manner. Departments, agencies and the private sector are actively looking towards the investment priorities which the implementation of strategic development frameworks for the gateways and hubs will require. This is a big task but it is not impossible; it can be done if the various actors for once operate in concert.

The other way in which my Department underpins the strategic dimension to the planning process is through guidelines on specific land use topics of national importance. The draft guidelines on wind farms which will help deliver on targets for reductions of greenhouse gases, were recently put out for public consultation. Senators do a great deal of travelling around the country and will therefore be aware of the existence of the good, the bad and the ugly in this regard. Issues such as siting and design are the focus of these guidelines. It is not intended to stymie what is a positive development but to ensure that it takes place in a way that does not have a downside.

My Department has also published far-reaching draft guidelines on sustainable rural housing. For the first time, they provide a policy framework setting out in detail how Government policy on rural housing, as set out in the national spatial strategy, is to be taken forward by local authorities in planning more effectively for rural areas. This is where the controversial issue of one-off housing arises. These guidelines deal with how development plans can support the development needed to sustain rural communities, how development can be guided and facilitated at the right locations and how planning policies should be tailored to respond to the different circumstances in different types of rural areas, be they near either a large urban area or in a remote area. My personal belief is that a countryside denuded of people is a desert. I do not subscribe to the ideology that the countryside cannot have sustainable development, particularly in the area of one-off housing. There is nothing so joyful as a countryside populated with people. With the best will in the world, I cannot understand the ideology that suggests we should force everybody into towns. I do not accept that is the Irish way nor do I accept that it is the best way.

The guidelines are explicit in a way that has never been the case before now. Reasonable proposals on suitable sites for persons who are part of and contribute to the rural community must be accommodated. I know Senators will agree with that sentiment. There must be balance in how this issue is dealt with. It is important to note that these guidelines are based on good planning principles such as ensuring that housing development in rural areas complements rather than dominates its natural surroundings and that water quality and other issues are properly protected. Although the guidelines are still in draft form, planning authorities and An Bord Pleanála have been urged to adopt them, given the importance of the rural housing issue. Senators will be aware of my own views in this regard expressed very frequently in public before I took office and they are not changing. I regard as rubbish the comments of some commentators who have said that an acceptance of the importance of affording people in rural areas the opportunity of building their own homes means that the Government is not fully committed to the principles of sustainable development. I do not accept the ideological approach and I reject that view.

Sustainability must be about people. The most sustainable rural area is one which affords its population the opportunity to build their own homes in the area. I strongly believe that it is reasonable that the housing requirements of persons with roots in or links to the rural community will be accommodated by our planning system. I am familiar with parts of this country which over the years, particularly in the 1950s and 1960s, lost their populations. People were driven out by
economic circumstances. On the issue of the guidelines, I want the particular situation of migrants returning to their home areas to be borne in mind. Senator Kitt has expressed his concerns to me about people returning to the Galway-Mayo area, an area with which I am very familiar. I want the guidelines to accommodate that type of return as much as it accommodates others. A common sense solution to this problem can be achieved. It will not be based on ideology but rather on practical considerations being brought to bear on each individual case.

On the subject of better quality services, the rural housing guidelines will also help to deliver the other fundamental for a good planning system which is a better quality of service. Achieving greater efficiencies in the planning system was one of the main reasons for the 2000 Act and 2001 regulations. They introduced many new measures to enhance the efficiency of the system, for example, by tightening the deadlines for making decisions. The role of third parties in the system was also clarified and their rights of involvement were stated more forcefully, subject to certain restrictions. This is again an issue of balance. We have a good planning system with many positive aspects but from time to time it can be the subject of abuse. There must be greater consistency in the way that planning authorities use our planning laws and there should be a more courteous and open way of dealing with the people who interact with the planning authorities. My Department keeps the procedural aspects of the planning system under continual review. The proposed 2004 draft regulations, which were recently put out for consultation, contain proposals to further streamline the planning application process. In particular, a standard planning application form is proposed for use by all planning authorities which it is hoped will bring greater clarity to the system and will facilitate the introduction of e-planning, electronic planning. I had better explain that concept later, lest we run into the same difficulties as happened elsewhere when the “e” word was mentioned.

The Department will also issue guidelines to planning authorities on how to handle the procedural aspects of the planning process. Some local authorities have good practice but others have appallingly bad practice. There is not consistency across the country. Its lack is quite extraordinary. Best practice should be the norm. The development management guidelines will replace the existing manual which dates back to the early 1980s. They will set out the ways in which we expect authorities to act when they are handling planning applications, complaints about breaches of the planning code and so on.

Changes to the regulations and to the issuing guidelines will not deliver a more customer-friendly service on their own. Everybody in the system must sign up to the provision of such a service. It is essential that local authorities continue the work they are currently undertaking on the delivery of quality customer service. We can measure this by building on the performance indicators which have already been expanded to all main service areas, including planning. I wish to send a message to councils up and down the country. I expect them to come up with performance indicators. Objective indicators which show how a local authority is performing will highlight that which is good and will also highlight where there are problems. By doing so, we will not be in a position of being “after” local authorities, but in a position to encourage local authorities to deliver the quality service to which the taxpayers of this country are entitled.

I intend to develop the existing planning indicators in consultation with key stakeholders and devise a more comprehensive set of planning performance indicators. It is appropriate that I mention this in this House. For the past week, I have been looking at performance indicators in the housing area and the performance from council varies dramatically and frighteningly in some cases. It is Government policy that good practice is the focus across the country. I want performance indicators for planning to be based on the ordinary things by which people will judge the local authority’s performance, for example, the length of time it takes for a pre-application consultation to occur. I am amazed that it would be easier to get an audience with the Pope than it is to get an audience with relatively lowly officials in planning authorities. That is utter nonsense. If a pre-planning application and discussions are in place, citizens will be saved the time, expense, trouble and trauma of making planning applications that simply do not stand a chance.

The Planning Act deals with planning and development. How counter staff deal with inquiries is an issue for citizens. I am not prepared to accept a standard of discourtesy which has been reported to me and of which I have first-hand experience. I expect public servants to treat the public with the respect it deserves and that is the desire of every public representative from the most junior town councillor up to Members of the Oireachtas. Standards must be maintained. On the issue of performance indicators, I question how people can check the progress of their planning decision. It is astonishing there is no system for notifying people. Some local authorities are good in this area while others are very bad. This is one area where technology could help. I said we were trying to change the standard forms so there is a standard process. With modern technology, one should be able to go onto the Internet, go to the website of the local authority and find out the progress of one’s planning application. It is not rocket science. It is simply the application of a system that exists in the private sector. It must exist in the public sector.

We have achieved a breakthrough in motor taxation. One gets a pin number and pays one’s tax on-line. It relieves the queues at counters for those who cannot use the electronic system. The same application of common-sense technology
can help greatly in the local authority area. We need to work on the indicators that show the quality of service. If any Senators have ideas, and they have first hand experience in this area, they will be pushing an open door.

Responsibility for good planning and customer service does not rest solely with local planning authorities. An Bord Pleanála has also an obligation to meet the higher expectations for customer service from public bodies in modern Ireland. My Department is actively working with the board on systems to ensure quality decisions, consistency in reports and so on. It is not fair or reasonable that one can get inconsistency at either board level or local authority level, depending on the state of someone’s files or who turns up on the day. There should be consistency through the planning system. It is reasonable that people have an expectation that their case will be treated in the same way as every other case.

In my contacts with An Bord Pleanála, I have been impressed by the courtesy of the staff. They have done work but there is more to be done. A recent innovation is the introduction of a complaints handling system within the board. I celebrate the fact that the board has a complaints handling system. That is progress. This will ensure complaints are responded to promptly and that mistakes are corrected. However, most importantly, it will ensure lessons from the past are implemented. To make a mistake is the mark of a sensible human being. That applies at all levels of public administration.

I see significant advantages for planning authorities and individuals in the full roll-out of an electronically based planning system service. E-planning — I hate the jargon — will be critical in terms of opening up a really transparent planning system. It will reduce the time needed for individuals to interact with the planning authorities. Some progress has been made but I am impatient that enough progress is not being made. Some progress has been made in using modern information and communications technologies and some councils are well advanced while others are still back in the days of the quill pen. That is intolerable. If we are to give good quality customer service we should be prepared to use every technique available. The State has invested fairly heavily in computing services for local authorities and they should be used.

There should be an increased use of websites to provide information about development plans and lists of current applications. Why is it that a list of current applications is not available in every local authority? Why can we not see what is happening? For example, why can we not have an inhouse file tracking system to see the progress of a planning application? Senators are aware of this from their experience as public representatives. When somebody goes to the local authority to look at the file, the file cannot be found because it is out.

Mr. McCarthy: More often than not it is in somebody's boot.

Mr. Bannon: Or lost.

Mr. Roche: The Local Government Computer Services Board has developed a wide range of planning-related programmes for authorities. E-planning has great potential for planning authorities and that potential must be unlocked. I cannot understand the reason no planning authority allows the submission of planning applications online.

Let us look at what the Revenue Commissioners have done. They have made a significant saving for the taxpayer and have encouraged corporate Ireland and individuals to consider interacting with them online. One can pay one’s taxes online. This is one of the most sensitive issues that any private individual or corporate body deals with, yet one cannot do likewise in the planning area. We are back in the days of snail mail in planning when the rest of the country is moving on. I have a degree of impatience in this regard. I hope to be in a position shortly to take steps that will drive forward the achievement of a full e-planning service in all local authorities because it will be a better service. That is not to say one can only go that route because there will always be people who do not want to do so. It will supplement the existing position where people have to queue at counters and put up with the current frustration and annoyance.

The planning system can and must be improved if Ireland is to develop. My Department and I have much to do to support local authorities and the planning board in delivering my twin goals of a strategic planning system at national level and an accessible system responding to customer needs at local level. I am confident that with a good legislative base and a good policy framework in place, the guidelines and indicators which are coming on-stream will make a real improvement. Senators have a significant amount of experience in this area. I have never taken the view that wisdom and experience reside only in Government and in Departments. We are here to do our best to make the system better for the people of Ireland. If there are any suggestions or observations or areas where there are blackspots I would like to hear about them and I will certainly take on board anything this House has to say on the matter.

Mr. Bannon: I welcome the Minister, Deputy Roche, and his officials to the House. I welcome his off-the-cuff remarks in regard to one-off housing in rural areas. It was a breath of fresh air compared to what we heard during the past four or five years or more. Since the Government took office many wild decisions have been taken in the area of planning. Hopefully, the Minister will bring more realism to the planning system.

Arising from my experience as a local public representative for the past 19 years, I wish to
make a few comments which I hope will be of interest to the Minister and his officials and might stimulate a debate on how to deal with local public representatives. Under the Planning and Development Act 1963 public representatives have three main objectives, namely, the reshaping and modernisation of our cities, towns and countryside to meet the demands of traffic and the growing economy; the identification and development of centres of economic and social growth; and the preservation and improvement of amenities, an issue that has been neglected by local authorities due to a shortage of funding over many years.

This development is designed to ensure that life is comfortable, enjoyable and profitable. There is nothing wrong with the word “profitable” in today’s world but it has been blackguarded by those in the business of development, building and so on. A small percentage of people have witnessed irregularities. The jury is still out and I hope those involved will be prosecuted. The majority of those in the development business are good, honest, decent, hard-working people and make a contribution to the economy, something we should all recognise.

The central feature of this Act is the county development plan, to which the Minister referred. Meetings dealing with the preparation of county development plans and the budget are some of the more important for public representatives. This is where we all need to be tuned in, particularly councillors. Each county council was required, in its role as a planning authority, to prepare a development plan within three years of October 1964. The 1963 Act required that this plan be reviewed at least once every five years and more often if necessary. It is also important that we do not wait to review any major new developments until a new plan is introduced.

Under the Planning and Development Act 2000, each planning authority is obliged to prepare a development plan for its functional area every six years. It is important to note that the making of a development plan is a function reserved for the elected members of local authorities. In that context, I was disappointed that county development plans did not get a special heading in the booklet, Local Government and the Elected Member 2004, recently published by the Department of the Environment, Heritage and Local Government. It is such an important matter that it should have had its own heading. However, I know it does not because I studied the booklet in detail at 3 o’clock this morning.

Mr. Roche: The Senator has an interesting social life.

Mr. Bannon: The former Minister, Deputy Cullen, obviously had other things on his mind at the time such as the squandering of €60 million of taxpayers’ money on the flawed e-voting system. I hope the Minister will give due con-}

consideration to different systems before he attempts to introduce them again, as I have no doubt he will.

Mr. Roche: We will be back.

Mr. Bannon: The development plan must consist of a written statement, maps, drawings and plans indicating the development objective of the particular county. It must show the local authority’s objectives for the development and renewal of obsolete areas; the preserving, improving and extending of amenities; and the further provision of new water supplies and sewerage services. The extension of these supplies and services such as housing, traffic improvement, land use, zoning and enveloping may also be shown on the county development plan.

It is important to remember that, once made, the development plans do not require the sanction or approval of the Minister for the Environment, Heritage and Local Government, although some changes in this respect have been considered by the Department. With so many new councillors elected in June, it is important for the development of counties that this message is communicated by the Department and I hope the Minister will embark on such a programme. In that context, I understand seminars are being organised by the IPA and other bodies to update councillors on legislation. Moreover, a document of this kind should be introduced and forwarded to each elected member.

All policy matters are reserved for the local authority except those which were removed by the Minister’s predecessor in respect of waste management to allow him to introduce mass incineration. A number of applications are before the authorities and more are submitted daily as companies plan incineration in different parts of the country, about which the public is very concerned. I plead with the Minister to ensure that any system of waste disposal which is introduced is safe and has no health implications. This very important issue must be examined because research in the US and Europe is producing conflicting results. I ask the Minister to proceed with caution and hope he has a change of mind on this issue.

Submissions and observations by individuals and voluntary bodies can be of great help to local authorities in their task of formulating objectives for development plans. The public consultation exercise must be improved throughout the country to involve local communities, voluntary groups, associations, societies, statutory bodies, service providers and the public through the distribution of a questionnaire to aid the process. It is important that everyone is involved in the planning process so that everyone knows what is happening. A common sense approach is always important.

Naturally, public representatives will press the claims of one part of their area more than others.
This positive action is to be welcomed and, if the public representatives' proposals find their way into the development plan, as is often the case, the local authority officials are obliged by law to take all necessary steps to ensure that they are implemented. I am often not happy with the implementation of the county development plans when public representatives have been fobbed off with excuses such as the lack of staff or funding. Such excuses should not be accepted by public representatives. The Minister should also ensure that funding is made available for the implementation of the plans.

As we all know, planning is not a new process. Historical records indicate that ancient cities had areas set aside for housing, temples and other activities. Walls were built around towns, some of which are still with us today. The design of some of our buildings, towns and cities gives an impression of great vision in the minds of those who gave us the artefacts which history has fortunately preserved. I am proud that one of my greatest achievements as a member of Longford County Council was to save Longford Courthouse by not allowing it to be destroyed by a wrecking ball, as planned by council officials and Fianna Fáil in County Longford — this fact is on record. Unfortunately, we have not been as vigilant or active in the preservation of our artefacts as our neighbours in Europe who have preserved small towns and villages.

Planning in the counties was not a prominent feature until relatively recently. The old Acts under which planning was governed dealt primarily with towns and cities but it was not the mandatory system we have today. Planning for anything naturally requires a common sense approach and the country developed well without laws in the past. However, the population has changed and it is important to have a process in place. However, there are buildings which are a credit to the people who constructed them in the 1700s and 1800s when there was little or no planning.

As in many other areas, Governments have taken initiatives from advances in law in other countries and decided that Irish people have to be controlled. The tombstone of rural Ireland is already being made because of too much bureaucracy and regulation in planning. I am glad the Minister made a statement to the House in this regard. Planning presents a great difficulty in the context of rural regeneration. The Planning and Development Act 2000 has discriminated against people who wish to return and settle in the rural area from where they came. Many find that the planning door is slammed in their faces as they are effectively excluded from their place of birth under the terms of the Planning and Development Act 2000. In that context, I am glad the Minister intends to revise the Bill, as I hope I correctly assume he does.

A typical case is that of a man who wanted to move his family and business back to the midlands last year. His new house on the family farm would have provided extra comfort for his aged mother and mother-in-law and the business would have provided good jobs and long-term security for a village of more than 60 people. The location and design chosen for the house were the least obstructive and the furthest away from a stream on his farm, just more than a mile from the town. He agreed to install a Puraflo sewerage system, which was not requested by the local authority. The family went to great pains to conform to the local county development plan and gained unconditional approval from the county council after approximately two months. However, An Taisce promptly appealed the decision to An Bord Pleanála and several months later the family received a letter stating that planning had been refused on the basis that it was unsustainable, isolated, constituted random development, seriously injured the amenities of the area and would affect tourism.

Several months later that person received a letter stating that the permission was refused on the grounds that the proposed development was unsustainable, isolated, constituted random development, would seriously injure amenities in the area and affect tourism. It referred to roads in the area being too narrow and that, therefore, the proposed development would pose a danger to public health. All this appeared in a damning report indicating a refusal even though all these issues had already been addressed and had satisfied the planner when the local council granted the person planning permission.

The officials from An Taisce and the inspectors who wrote the report for An Bord Pleanála obviously were from outside the area and working to a different agenda. This was a bitter blow to the family and such a trend, if allowed to continue, will spell the death knell for our rural areas. Unfortunately, this case is not unique. I know of many similar cases and the list is growing. I hope the Minister will act to counteract this trend. He has indicated that he will do so and I sincerely hope he follows through on that. I am as concerned as anyone else about protecting the environment but, increasingly, applications are being frustrated by the refusal of authorities to grant planning permissions for single rural dwellings for an applicant's own use. This issue is frequently raised.

With farming in a depressed state it is not possible for a family to live off the land. Many farmers wish to provide sites for their sons and daughters who work in neighbouring towns. Sites in towns may cost as much as €60,000 to €70,000 while a young person might be offered a site on his or her parents' farm which would be of great assistance to that person securing a more affordable house. The Minister spoke of the number of houses being built and this is an area to which he should give due consideration.

Many applicants are frustrated in their efforts to obtain planning permission because planning regulations have become increasingly restrictive. I am very much in favour, as is the Minister, of allowing people to live in their home areas and to
raise their families in the vicinity of their parents’
house or the home of a friend without damaging
the beauty of the countryside. I am informed by
council colleagues throughout the country that
too many planners and An Bord Pleanálai are tak-
ing an easy way out by finding some point on
which to refuse applications for planning per-
mission. The reason given is trivial in some cases
such as the need to protect agricultural land,
which is a joke when one sees some of the best
land in the country currently being planted. I am
not calling for a policy of ribbon development but
merely one of allowing people to live in the place
where they grew up and commute to work in a
nearby town or to work from home.

What is causing most bitterness and resentment
throughout the country is that some applications
can go through unchallenged, yet even if one con-
forms with the requirements of county develop-
ment plans in every detail and spends an average
of €25,000 applying for planning permission,
one’s hopes can be dashed by the planning
authority.

**Acting Chairman (Mr. U. Burke):** The
Deputy’s time is well exhausted.

**Mr. Bannon:** Applicants have lost considerable
money in applying for planning permission.
Organisations such as An Taisce are not qualified
to properly investigate the merits of each appli-
cation. Nevertheless, they are allowed to work an
inside track to dictate what they consider is best
for our countryside and therefore appeal against
any development they choose to. The Minister
should introduce whatever ministerial directive it
takes to remove such personnel. Members of the
public are fed up of being herded into towns and
villages to suit the notions of stubborn people
in some of those organisations.

**Acting Chairman:** I ask the Senator to
conclude.

**Mr. Bannon:** On the issue of An Bord Pleanála,
we should have regional planning boards because
many of the members of that board may never
frequent an area outside Dublin. It is important
that the people concerned know what is hap-
pening on the ground. I encourage the Minister
to set up regional planning boards, if possible, the
members of which would know the regions. That
suggestion should be considered.

**Acting Chairman:** The Senator has far
exceeded his time.

**Mr. Kitt:** I wish to share my time with Senator
MacSharry.

**Acting Chairman:** Is that agreed? Agreed.

**Mr. Kitt:** I join others in welcoming the Min-
ister, Deputy Roche, to the Seanad and thank him
for addressing us on this important debate which
I am glad is taking place today. I was particularly
interested in what he said about emigrants. Com-
ing from County Galway I have a great interest
in this issue, as have people from the west in gen-
eral. The Minister’s comments are evidence of the
Government’s policy on this issue and its inten-
tion to help people who wish to return to their
home county. I fully support what he said.

I was a member of Galway County Council in
the 1970s, as was the Acting Chairman. Serious
issues arose at that time regarding planning in
rural areas, particularly in Connemara, and
section 4 motions were moved on occasions which
the media criticised. We had to do that, however,
because of the serious issues facing us. I recall
one particular case where councillors from Con-
memara wanted to help a person to build a house.
The applicant was a garda and a footballer and
we were told not to mention either fact because
it was all about proper planning and develop-
ment. At least now the words “sustainable plan-
ning and development” are included, which is
important. The position with regard to planning
in the county has been helped by the 2000 Act.

The Minister made a key point on pre-plan-
ing. The consultation, which is not always avail-
able but should be engaged in, is important.
People tell me there are a great number of plan-
ning applications in Galway, the second largest
county in the country, but we have to sort out this
question. Whether what is required is the pro-
vision of extra staff or having various offices
located throughout the county and not only in the
city, there should be more pre-planning and con-
sultation. People often ask me and other public
representatives why they cannot have a particular
colour brick or a bay window on the house, the
reason they have to change a particular window
or why they cannot have a two storey house.
These questions sometimes arise too late when
the planning permission is close to being granted.
That aspect is vitally important.

The Minister did not refer to An Taisce but
Senator Bannon did. The Minister spoke recently
about An Taisce’s obsession with one-off housing
and I hope it will back off on that issue because
one-off housing is important in rural areas. An
Taisce does good work, however, as I have often
said in this House, particularly in respect of
awarding green flag status. Some 40 schools in
County Galway have that status and other good
work has been done regarding the blue flag
status. That is very important.

The Acting Chairman will be aware that in Bal-
linasloe recently there were objections on
environmental grounds to a hotel project. I hope
that type of issue could be dealt with more
quickly and that the next application submitted
for planning permission by that hotel will be
granted because it is an important development
for the town and we should encourage that sort of
development.

The former Minister, Deputy Cullen, brought
Duchas under the auspices of the Department
and I pay tribute to him for his work in that
regard. That appeared to be a welcome development but again certain issues arise regarding SACs and certain flora and fauna which have caused problems. I hope to raise on the Adjournment tomorrow evening the question of people who found that their land was designated as far back as 1998 or 1999. They would have received very little money for that designation, yet it has adversely affected them, particularly in respect of planning.

The Minister is correct in what he said about the huge increase in housing, planning applications and the number of permissions that were granted. We should bear in mind, however, that in many circumstances applications are withdrawn because the applicants know they will be refused. That figure may not be taken into consideration when we are talking about the activity in question. Obviously, the withdrawal of applications happens because there is some confrontation; we should examine some of the reasons those applications are withdrawn. One reason is that some local authorities refuse to allow backland development. Such development can be very good in a town and I have seen some very good examples throughout the country. Some county councils have no time for it whatsoever.

Another reason applications are withdrawn concerns the ban on building within a radius of 1.5 miles of a town or village. This has caused problems. The question of site distance has always been with us. If county councillors suggest that we build houses in the towns and villages, they should bear in mind that we do not have water and sewerage schemes, particularly the latter, in all our towns and villages. The proposed clusters of houses, which I believe are a good idea, cannot be developed without the availability of water and sewerage facilities. It is important that we invest in such schemes, some of which could cost between €1.5 million to €2 million. If we cannot build on the primary and secondary routes and are forced to build elsewhere, we should do so in a tasteful way, as the Minister stated. I agree fully with what he said about development in the countryside.

The Minister mentioned wind farms. Just 12 months ago there was a landslide in Derrybrien in south Galway. Fish were killed, there was much environmental damage and there could have been a major effect on the water supply for Gort. This highlights that people have both good and bad experiences with wind farms. The issue is still in the news this week, which suggests that there is a very strong case for consultation on the development of wind farms. We do not yet really know the reasons behind the landslide in Derrybrien. A similar landslide occurred in Pollatomish near Belmullet in Mayo. It is important that we investigate further the causes of landslides. The question of offshore wind farms also arises because they may represent a more popular option.

One point in particular that I noted in the Minister's speech concerned spatial planning. I am glad we have a spatial plan whereby towns have been designated as hub towns or gateways. This has been talked about since the 1950s and 1960s. Towns obviously want industry, transport and health services and therefore it is important that we work on this given that we now have a spatial strategy.

It is significant that most local authorities have extra staff working on the very important issue of planning enforcement. There has been an increase in the number of convictions of people who are breaking the law in this area. The Minister will be familiar with the issue of quarries in his own county and the west. Better regulations should apply to the operation of quarries. I know all quarries now have to register with local authorities, which is very important, but the number of complaints I receive about large trucks and quarry activities is increasing. I hope the Minister will consider the control of quarries. In response to this debate, he or the Minister of State might outline whether more investigation can be carried out into the means of dealing with those who are operating illegally.

**Mr. MacSharry:** I welcome the Minister to the House and congratulate him on his recent appointment. I look forward to working with him over the coming years. I am delighted to have the opportunity to make a few points on the important subject of planning, on which we all have so much to say. In the two years in which I have been a Member of this House, I have looked forward to the opportunity to speak on planning. Notwithstanding that we all appreciate that the person who comes up with the optimum planning system will probably win a Nobel prize because planning is a highly subjective, variable and difficult issue to solve, I have no doubt that there is a better planning system than the one we are currently operating. The former Minister made great strides in beginning to tackle the problem of one-off housing, but there is still much to be done. Rural planning is not the only issue. There are many others, including commercial and urban planning.

To be facetious, coming from the west I contend that people need to realise that the west and rural Ireland generally do not just comprise a weekend or vacation retreat for urban dwellers or non-national holidaymakers who wish to come in search of the likes of Peig Sayers in a shawl, with a pint of Guinness in hand and pipe in mouth, looking out over a half door——

**Mr. Bannon:** Is the Senator including the Minister for Justice, Equality and Law Reform in that?

**Mr. MacSharry:** ——and in search of the local store, around which we all huddle, selling all amenities. Far from that, it was rural and regional Ireland that built the Dublin cities and Celtic tig-
[Mr. MacSharry.]

er today. The inhabitants of rural and regional areas wish, as is their right, to develop and evolve in a natural and progressive way such that they will have the amenities they desire in their towns and developing cities and that rural areas will be repopulated, specifically County Leitrim and County Sligo, from where I come. A number of bodies seem to have had difficulty accepting this in recent years.

An Taisce has been subject to considerable criticism. Some 99.9% of this criticism relates to planning and I fully support it. I have called and still call for An Taisce to be de-prescribed as an organisation in the planning process. While I know the Minister has many points to consider, I recommend very strongly that he give every possible consideration to this issue. As Senator Kitt stated, An Taisce does some very good work, but it should not be a prescribed organisation in the context of planning. It could still be involved in initiatives such as the awarding of green flags. Irish Business Against Litter or Green Week, and we could still give it State aid to carry out this brilliant and very beneficial work. An Taisce has had its chance in respect of planning and it has fallen short. It is representative of a very small number of people in the country and most of the planning policies it is introducing seem to be highly obstructionist and objectionist and seem to have less to do with worthwhile conservation than with an attempt to block the natural evolution of rural and regional areas.

The way An Taisce objects is very highly organised in that, more often than not, it lodges objections in the last hour of the last applicable day, thereby causing the maximum possible harm to a young couple who have got a site for a house on a farm from their parents. It also lodges objections to much bigger commercial developments in the last hour of the last day. In a recent application for a development worth about €20 million in Sligo town, the developers in question negotiated frequently with An Taisce from beginning to end over a nine month period. They met all the costs involved in lodging their application but in the last hour of the last day an objection was lodged by An Taisce. Sure enough, An Bord Pleanála agreed and the development was scuttled. This is absolutely inconceivable. We are giving dictatorial powers to an organisation whose members are elected by nobody and representative of an absolute minority in our society. This must be dealt with once and for all.

I fully accept that we need an independent body to overlook the planning system. However, to say something very unusual, which I am sure will not happen too often in the House, I agree with Senator Bannon’s call for an examination of regional planning boards. If An Bord Pleanála was regionalised, it would at least be a little more in touch with the people on the ground. There have been great development plans in recent years, drawn up in the correct way with public consultation. Bodies made their submissions through local representatives and draft development plans and managers’ reports were produced. They could not have been more democratic or representative of the people, yet when planning permission is granted by local authorities, it goes before An Bord Pleanála and is sometimes overturned against its inspectors’ wishes, which is ridiculous. I would be happy if I got something similar to Senator Bannon’s proposal. A review of An Bord Pleanála is needed with a view to regionalisation and reform. There is no reason not to prescribe An Taisce because it would be a positive move.

I would like to deal with the right to object generally. I have no difficulty with people wishing to object to anything provided it directly affects them and they live in the area. It is neither fair nor just that I, Senator MacSharry, could, for example, object to a development in Cork by Senator McCarthy. The people in the area should be allowed to determine what they want in an area. Common sense and pragmatism must become prime components of planning. Planners in all local authorities must be cognisant of the increased costs on developers, whether private individuals trying to build a home or commercial developers. They must be proactive rather than just throwing back application forms. An agent should be informed three weeks in advance that the application permission will not be granted unless (a), (b), (c) and (d) are dealt with, rather than throwing it back at a cost of an extra €100,000 to a commercial concern or €5,000 to a private individual.

I ask the Minister to refer in his reply to the infrastructure Bill which is currently being talked about. It is important to debate this Bill in the context of roads initiatives and infrastructure throughout the country.

Mr. O’Toole: The debate should not conclude at 1.30 p.m. Many Senators wish to speak and we have been asking to debate the issue for a long time. I ask if the Leader might come to the House and extend the time.

Acting Chairman: We will contact the Leader who will make a decision.

Mr. O’Toole: I welcome the Minister to the House and wish him well in a difficult and challenging portfolio. I am sure he will give it his best effort as he did in his previous responsibilities.

It is important to note that the issues we are debating today touch on everyone, including city and country, town and community. It is a bit like neutrality in the Minister’s last portfolio. No one has ever given the matter real thought. In an ideal world, An Taisce would have an important role to play and in an ideal world it would be important to monitor what is being done in the development area. We should remember two facts. Some 150 years ago, Ireland had double the population it has today. It is worth remembering this in terms of people asking where should they
build. More important, the Netherlands is about the size of Munster and has three times our population, yet no one could describe it as a crowded space.

We need to stop the urban sprawl and take a proper approach to people who wish to live in the countryside and build in their local area. We should get the issue of one-off housing properly determined in a way that will suit everyone. That will mean taking difficult decisions and saying to farmers who pretend they are looking for planning permission for their son who wants to sell a site for extraordinary money that this is not acceptable. We must impose conditions on planning applications which will be of help.

I agree with many of the points made by Senator MacSharry. I would ask the Minister to do the following. Without changing the right of appeal, the Minister should shorten the timeframe, even though I know people will object to this. This morning we discussed the Personal Injuries Assessment Board. We have had to shorten the timeframe to ensure people can get their claims dealt with adequately and quickly. The point made by Senator MacSharry is crucial. If things are postponed at the last minute, business plans and house plans go out the window and everyone suffers. I saw a report recently on RTÉ television about a house which was built in the middle of a planning controversy. At the end of the report, the RTÉ reporter more or less invited everyone in the world to object to the proposal to seek retention of the building just because it belonged to a Minister. This was feeding into a particular attitude, whether it is right or wrong.

I love the Burren and Ballyvaughan. I supported strongly here, against much opposition, the proposed Burren interpretative centre, which was never built. That is a loss to the Burren and west Clare. I took the same view on Ionad Oidhreacht in Corca Dhuibhne. These issues are important in order to give a focus to an area as long as they are done properly and with taste. There is an arts college and Italian school and restaurant in Ballyvaughan. I have visited the very nice vegetarian restaurant because I love Ballyvaughan and that part of the country. It had a problem with planning and applied for retention. After going through the process, retention was granted by the council, the decision was appealed to An Bord Pleanála and has just been rejected. I am trying to put this matter in context. The appeal was made by a competitor. There is something wrong in this case because it has nothing to do with planning. I am not making a case for or against this project; I am just pointing out that this is where things go wrong.

People who do not live in an area should not have the same rights as people who do. Many people on the east coast of Ireland like to preserve the west coast as a place they can visit occasionally. They want to keep it as it is and make us a major zoo, which they can visit from time to time and remember Ireland as it was while they go back to the comfort of the suburbs in Dublin. Much of this goes on and should not be allowed to happen. We should clamp down on bad planning where it occurs. We should encourage councils to implement the kind of proposals the Minister’s party spoke about in regard to one-off housing. I do not know what is being done about this. The Minister made a good speech on three occasions but I do not see how it is working out. This is not just an issue in country and west coast areas. I live in north County Dublin in the middle of a farming community. The man next door to me who owns a couple of hundred acres wants his son to build on the farm but he cannot get planning permission. This is happening everywhere.

This policy needs to be examined carefully. I ask the Minister to introduce consolidating legislation to shorten the time allowed to lodge an appeal. If people lodge an appeal, which will potentially cost a business person or a council huge amounts of money, they should be required to do so in a much shorter time so that people know what is happening. There is the example of the disaster of Carrickmines. I have a stronger conservation and environmental record than many people who wear green wellies and tweed jackets. However, we must be practical. I asked qualified archaeologist friends of mine about Carrickmines and they all came up with the same answer. They said we have learned all we could from Carrickmines; there is no longer anything much to be preserved there. I am aware this is heresy to others, but my friends said they have learned everything from the site; this is also what happens in other countries. Certain buildings and edifices must be retained. My friends said that the Carrickmines site should be used for learning purposes, but after that it has no further function.

We need to take difficult decisions and be prepared to justify them. It is not fair to criticise An Taisce if we are not prepared to support it when it takes decisions that may be slightly unpopular. It is right as often as it is wrong. We must examine what is happening in regard to local authority decisions.

Senator MacSharry made a valid point about the connection between a local person and a non-local person. There was a whole spate of planning proposals in County Kerry to change the county development plan and none of the proposals came from the area. We introduced legislation some years ago to stop this happening. People try to do deals which we all know about. Dare I mention the Minister’s county, which has been in the news recently?

We must examine how planning permissions are granted. We talk about building a crescent or group of houses, rather than single houses. It will work if people are given a bit of space in a field, so they live in a cluster rather than in one house.

Where I live in north County Dublin, everybody drives into the city to work. There are accountants and architects who do not need to travel to the city, but that is where their offices
are situated. It is not possible to get permission to build a retail block in an area zoned for agricultural use. There is nothing wrong with zoning an area for a cluster of houses and possibly two offices, along with a farm produce shop or a veterinary or doctor’s surgery. We can build amenities so there are living communities and not just areas which are dead during the day. The planners will not agree with me.

Much needs to be done, but it requires someone to take a hard look at the situation, make difficult decisions and ensure those decisions are implemented. That means standing up to people on every side of the argument. It is an unpopular role, but the Minister can be thorny and he is capable of taking on people from both sides of the argument. He did not take on the job to be a populist, he took it on in order to do it well.

Road and rail connections also need to be developed. With regard to rail connections, we should not be swayed by the arguments of non-visionary people who tell us the population of a place and the likely usage of railways. As the Minister is aware, particularly in his area of Greystone, once the service is provided actual usage far outweighs the prognosis of so-called economists who have said how many would use it. Recently I gave an example of the commuter line between Ennis and Limerick which has quadrupled in terms of usage since it opened last December. This happened without local stations, which will now be built in Newmarket-on-Fergus, Sixmilebridge and Bunratty. I am not even mentioning what would happen if there was a connection to Shannon Airport.

These are the types of planning issues we must consider. By allowing people to move, one can take them off the roads, making the roads safer and making planning better. Approximately six months ago, Senator Kitt made an impassioned appeal in this House to the then Minister for Transport to ensure the interconnector across Athenry junction was put in place so the Sligo-Limerick line was still viable. He was ignored and it was not put in place. That is how we kill our infrastructure. It then impacts on planning because people will not build a house there. The infrastructure of an area is withered and nobody wants to live there.

This similarly applies to the issue of schools. I often make this argument. People ask why two local schools cannot be amalgamated. The difference between one parish and another is significant in Irish society. We are culturally based on parish and village life. If people are moved to a school with a different patron saint, a different football team and different match day colours, something is lost as well as gained. I am not suggesting we should be governed by this consideration, but there are issues which must be taken into account when planning.

There are deep, cultural issues which bind us together and they should also be part of what informs planning decisions. If people cannot live and work in their own place, then planning is not working. It should not simply create more polluted, sprawling and crowded cities.

**Business of Seanad.**

**Ms O’Rourke:** I wish to move an amendment to the Order of Business. This is an ongoing debate and will not conclude today. It will resume and whoever is speaking will report on progress. I did not make that clear this morning. It would have constrained the Minister who would have had to come in now. We are appreciative that he has stayed for the full time and we hope he will join us another day. It is a lively debate, and people have wanted to talk about planning issues for a long time.

However, I was not clear this morning. It will be a debate in progress. We will resume another day. We would like to continue but the Minister has other appointments.

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

Agreed. We will continue until 1.30 p.m.

**Planning and Related Issues: Statements (Resumed).**

**Mr. Brennan:** I will share my time with Senator Mansergh. I welcome the Minister to the House and wish him well in his new portfolio. I have no doubt he has addressed many of the problems within the planning system. Solutions lie in many areas and the Minister is first to identify them.

Local authorities experience many problems in the planning process in respect of staffing levels and applications. The large number of applications is a sign that much development is taking place nationally. Councils are at full stretch to process the applications. A suggestion has been made from both sides of the House that pre-planning discussions should take place. Hopefully the Minister will address the issue of national staffing levels.

In his address, the Minister mentioned national infrastructure. We have seen many changes take place with regard to waste management plans, which have been adopted by local and regional authorities and brought forward to the Minister by county managers. Much has been said about An Bord Pleanála and An Taisce and their roles in the planning process. There is also concern as to how industries will implement their waste management programmes. It is important that elected members of local authorities and the Oireachtas have a say in where they are established. It is fine to welcome development of national infrastructure, but it is important that people have a say, through their elected representatives, in how decisions are made. We have adopted county development plans but it should not be the right of the county manager to be the first person to break the plan. I refer to the issue of waste management which is important. People will be watching this issue carefully in the years ahead.
Perhaps the Minister could elaborate more on that issue.

**Dr. Mansergh:** I warmly welcome the Minister and congratulate him on his appointment. He was an outstanding Minister of State with responsibility for European affairs. Given his particular background in the Civil Service, public administration and local and national politics, he is an extraordinarily well-equipped Minister for the Environment, Heritage and Local Government and I look forward to the impact he will have.

I must declare an interest in this discussion as I have a brother in the planning profession in County Cork. I am not my brother’s keeper, nor he mine, and our views do not always coincide.

The national spatial strategy is important in facilitating development outside Dublin. Development is starting to spread away from the main centres. I am beginning to feel it in Tipperary, especially in the south, in some of the towns other than Clonmel.

There are extraordinary development pressures which in turn put a great deal of pressure on planning offices to work very late to cope with demand. We have record levels of housing and construction. There are also other sorts of developments and these need to be examined.

We have discussed whether there should be a break between planners leaving planning offices after a short time and taking up consultancy work. This was discussed in the context of the central Civil Service.

Senator O’Toole made the point regarding eight million people living in Ireland. In the 1840s people lived and worked in situ and did not have to commute to work. We will have to cope with a much larger population than we have now, but it is a different problem from the great problems that existed then.

The key is pre-consultation between planners and applicants. That works well in some counties in terms of problems being ironed out and people knowing what to expect. In Cork County Council, for example, the architecture department has produced a book of models for one-off housing in the countryside. If one is chosen from among these several dozen models, it may help to reduce planning difficulties.

I am a little alarmed by the degree of ideological conflict. At one end of the spectrum is the Irish Rural Dwellers Association which effectively seems to be saying that all planning should be eliminated and most planners are foreign in any case.

**Mr. Bannon:** Nobody would ever say that.

**Dr. Mansergh:** On the other hand, An Taisce has an ideological approach whereby everybody in this reasonably sizeable country must live in close proximity so as to make public transport viable. One must go with the grain and we should remind ourselves occasionally that we live in a democracy. It is necessary to marry the wishes of the people with the professional advice we receive. It is a constant process of negotiation between the two. I deplore, particularly with regard to Dublin, the views of some commentators that all our green spaces and parks should be built upon. That would be a dreadful approach to take.

*Children Act 2001: Statements.*

**Minister of State at the Department of Justice, Equality and Law Reform (Mr. B. Lenihan):** I thank the Seanad for selecting this important topic for discussion relating to the protection and development of children.

I will begin by outlining the context established by the Children Act 2001. That legislation significantly modernises the juvenile justice and welfare systems in Ireland. The Act was developed in response to the recognition that the juvenile justice system had outgrown the statutory confines of the Children Act 1908 and that further development would require to be underpinned by new legislation. The provisions of the Children Act 1908 for children in care were repealed by the Child Care Act 1991. The primary purpose of the Children Act 2001 was to replace the remaining provisions of the 1908 Act and associated legislation with a modern comprehensive statute covering three main areas of the law, including the administration of the juvenile justice system and additional provisions regarding special care and protection to augment the provisions of the Child Care Act 1991.

The Children Act 2001 was enacted by the Oireachtas in June 2001 and constitutes a fundamental revision of existing legislation governing the treatment of children in conflict with the law and non-offending children in need of special care or protection. The considerations behind the Act were that prevention, through early intervention, is desirable and in the medium to long term likely to produce positive results; where a child is apprehended for committing an offence, diversion should, where possible and where the interests of society would not be adversely affected, be the preferred option; where it is necessary to bring a child before the courts on a criminal charge, a wide range of community sanctions should be available to the court; and detention should be a last resort, but where it is unavoidable it should be in institutions where the ethos is educational rather than penal.

The Act provides the framework for the development of the juvenile justice system. It reflects the thinking that young offenders, by reason of their age and level of maturity, deserve to be dealt with in a different manner from adult offenders. The philosophy underpinning the juvenile justice aspects of the Act is that there should be a suitable intervention for every child who commits an offence, no matter what the
Senators are well aware, in our system this does not always make the task easier. As the Departments for the legislation. However, Senators will agree that the distinction is often hard to draw in practice when faced with a troubled child. Nevertheless, the legislation draws this distinction.

The Act represents a major change in how children are to be treated within the juvenile justice and welfare systems. There is a significant shift away from residential and custodial care. The expansion of diversionary programmes and the option of a community sanction are being developed in preference to detention where this is judged appropriate.

A key aim of the Act is to retain the distinction between offending children and non-offending children, defined as non-offending out of control children and children whose actions constitute an offence. There are two distinct pathways for addressing their needs. The juvenile justice route emphasises a diversionary and restorative justice approach for the children who offend while the health board welfare route emphasises a care and protection approach.

Reference has been made to restorative justice. We are already aware of diversion from the work of the juvenile liaison scheme. One of the important innovations in the legislation is the idea of restorative justice. In other words, the offender should be confronted in an appropriate context by the victim and helped to realise the consequences of his or her actions. I am glad to say that juvenile liaison officers have been implementing the restorative justice model in their case conferences with juvenile offenders and that they report good progress on this model. It has been piloted by various juvenile diversion officers. There is considerable scope for development along those lines as it is an effective way of reminding not only children, but also parents, of their responsibilities.

We must acknowledge that there will always be some cases where a period of detention for a young person will be appropriate and necessary. The Act modernises the approach to the organisation and management of detention facilities for offenders under the age of 18.

This is complex legislation. It involves three Departments in its implementation, namely, the Departments of Justice, Equality and Law Reform, Health and Children and Education and Science. I have delegated responsibility in all three Departments for the legislation. However, this does not always make the task easier. As Senators are well aware, in our system Departments tend to constitute institutional silos with distinct memory banks of their own. That said, the cross-cutting and interdependent nature of the Act reflects the well-acknowledged need to begin to join up the thinking and the operation of services which relate to children across a range of offices. I am assisted by the national children’s office in the implementation of the legislation. Despite its complexity, considerable progress has been made towards implementation.

In introducing and explaining the legislation to the Houses in 2001, the then Minister for Justice, Equality and Law Reform made it clear that it would take a number of years to implement the legislation. It was never represented that it would be enacted forthwith. I welcome the fact that the Seanad is having this debate because significant progress has been made in implementing the Act.

In the Children Act 2001 there are three Parts that specifically relate to the health area, Parts 2, 3 and 11. Almost all of Part 2, with the exception of sections 7(1)(a), 10(2) and 13(2), and all of Part 3, with the exception of 23D, were commenced on 23 September 2004. The regulations for family welfare conferences and special care units were commenced on the following day, 24 September 2004. The necessary inspection and certification process is currently under way and should be completed in the near future. The certification process is the one in which the social services inspectorate must vet and certify the various special care units to be deemed fit for the detention of children under the legislation.

Part 2 of the Act provides for family welfare conferencing to be convened by the health boards. This is the first of three conferencing provisions provided for under the legislation. It will provide a forum for making decisions about a child’s welfare which makes appropriate plans in partnership with families and agencies. The partnership approach empowers and encourages commitment from families, including young people. This is a mechanism for early intervention at an interagency level for children at risk. The function of the conference is to decide whether a child is in need of special care and protection and, if so, to recommend the appropriate order to be sought by the health board from the court. From the juvenile justice perspective, the welfare conference is a preventative measure that should result in fewer children ending up in the juvenile justice system and is, therefore, of great interest and relevance. If the health boards can identify a problem child before he or she has to be apprehended and brought before the courts and if an appropriate response is devised for him or her, that could be a significant advance.

Part 3 provides for the making of special care orders and the regulation of special care units. Senators will recall the numerous High Court proceedings in which Mr. Justice Kelly gave a number of judgments that made clear the Department of Health and Children and the Government had a constitutional obligation to provide secure placements for children who were out of
control. On foot of these judgments, the State made a substantial investment in such facilities. However, while various special care and high support units have been in operation, no legal scaffolding has been established for them.

Generally, a list was taken by a High Court judge exercising the inherent jurisdiction of the High Court to determine how these children would be cared for but I commenced Part 3 of the 1991 Act, which provides for the making of special care orders, in September. This will provide the legal basis for the keeping of a child in a special care unit. A special care order provides for the referral of a non-offending child in need of special care to a secure special care unit. Such an order cannot be made unless a family welfare conference has been held by the health board in respect of the child. The special care order is a measure of last resort when every other available and appropriate care or protection intervention has been availed of and failed. Special care units cater for the main category of child, which, in the past, has fallen between existing safety nets — the out of control or difficult non-offending child. The Act imposes a statutory duty on health boards to institute proceedings in the District Court for a special care order in respect of a child who is in need of care and protection.

There is, therefore, no requirement to take the expensive route of High Court proceedings in regard to these children. The District Court will have statutory jurisdiction to deal with these matters. It is desirable and correct that under these regulations the health board should take the initiative. They are under an obligation to do so as it should not be based on the unilateral presentation by the legal profession of a particular case. A proper assessment is made of the case and, on foot of that, the case will be brought before the District Court. The detention of a child must always be the ultimate resort. The notion that the problems of children can be solved by locking them up must be avoided. I accept the High Court placed an obligation on us to provide these facilities and to give them the necessary, essential legal foundation, which was done through the commencement of this Part of the Act and its associated detailed regulations — I commend the legal service of the Department for its work on them — but this always must be the ultimate option, to which we should be slow to resort. Part 3 also provides for the regulation of private fostering arrangements.

Part 11 of the Act is important, as it relates to all aspects of the legislation, and it places the Special Residential Services Board on a statutory footing. Through the decades, there was considerable confusion within the courts, the legal profession and among social workers about the different residential institutions that existed for children and where children’s residential requirements could be met. The board has an important role in advising the co-ordination of special residential services run by the health boards for non-offending children and the Department of Education and Science for offending children.

The board examines the detention schools where offending children can be placed and it also examines the special care and high support units provided by the Department of Health and Children. The board also has a role in determining whether it is appropriate for a health board to apply for a special care order under the legislation. The executive of the Special Residential Services Board has ten staff including the chief executive officer and four court officers. Two additional court officers are due to be appointed before the end of the year, pending Garda clearance. The expertise of the Special Residential Services Board, its chief executive and staff adds an important extra dimension in achieving co-ordinated and appropriate responses in this area.

The order commencing this Part of the Act, which placed the board on a statutory footing, came into effect on 7 November 2003.

I will outline an example of how the board makes a practical difference. Everybody is aware of the urban legend that has been reported in our newspapers through the years where the court would say there was no place for the child at a particular institution. The practice was that garda, court clerks or a person interested in the case telephoned the institution in question and asked whether a place was available. If there was a negative response, the question was not pursued and the newspapers reported no place was available. The Special Residential Services Board has established a service under which its officers are on call 24 hours a day to co-ordinate the delivery of these places. That will assist us in addressing an issue raised by the Comptroller and Auditor General in his report on the detention centres, which is the maximum utilisation of places. Since last Spring the board has done this practical and important work and, in doing so, a much better picture is emerging of the location of places, the requirements of various areas and how the places should be utilised.

The board also does important theoretical work. The membership of the board is defined by statute and, therefore, there are no political appointees. It comprises a significant number of persons who are involved in the sector and who give their wisdom and experience to it. The board has published a number of papers on different issues relating to its functions.

The Children Act 2001 is primarily juvenile justice legislation and introduces a wide range of innovative measures that will provide a statutory framework for the future development of the juvenile justice system in accordance with modern thinking and best international practice. The foundation of juvenile justice has always been the juvenile liaison scheme. That was put on a statutory basis under Part 4 of this legislation, which came fully into operation on 1 May 2002. It places the existing successful Garda diversion programme or juvenile liaison officer scheme on a statutory basis. This provides for the introduction
of the second type of conference envisaged under the Act, which is based on restorative justice principles pioneered in New Zealand. The child offender is confronted by the victim at a conference presided over by the juvenile liaison officer. There is considerable scope for development in this area. The conference has been piloted in the diversion programme but it could be extended with profit.

Part 6 deals with the treatment of child suspects in Garda stations and it came fully into operation on 1 May 2002, with the exception of sections 59 and 61(1)(b). This Part places the treatment of persons in custody regulations, in so far as they govern the treatment of children in Garda stations, on a full statutory basis.

Part 7 relates to the children’s court. It came fully into operation on 1 May 2002 and established the children’s court, which is the District Court, when hearing charges against children or when exercising jurisdiction under the Child Care Act 1991. Before transacting business in the children’s court, District Court judges are required to participate in whatever training or education course is required by the President of the District Court. I was asked to give a lecture to the judges by the Courts Service. I do not know whether it amounted to training and education but we had an interesting exchange of views.

I also raised with the Courts Commission the question of the condition of the children’s court in Smithfield because the commencement of Part 7 means the legislation applies to everyone up to the age of 18. Previously, male offenders over the age of 16 and female offenders over the age of 17 were dealt with in the ordinary courts and not in a specialised children’s court. One of the consequences of the commencement of this Part is that children aged 17 can mingle with those aged 13 or 14 in cells. The Courts Commission has worked on that problem.

Part 8 sets out proceedings in the children’s court and contains two significant initiatives. The court may adjourn a case and direct the probation and welfare service to convene a family conference, which is the third type of conference provided for under the legislation. The service may formulate an action plan for the child on foot of the conference. The provision was commenced earlier this summer. From a health perspective, the family welfare conference deals with a child who shows very serious symptoms and requires special care and protection but has not come to the attention of the criminal courts. The diversion conference deals with a child at the early stages of offending and is convened by the Garda through the diversion programme. The probation conference, to christen it as such, deals with a person who has come before the courts and the commencement of the provisions in this regard have been particularly significant.

On my appointment as Minister of State, I was faced with the overall embargo on public service numbers but I am glad to say I was able to find the personnel necessary to staff the Special Residential Services Board within the overall allocation to the Department of Health and Children. I was equally assisted in the Department of Justice, Equality and Law Reform in locating in excess of 30 probation personnel to staff the children’s court. It is an extraordinary fact that until this year there were no ring-fenced probation personnel to service the District Court in exercising its criminal jurisdiction on children, although this statement is not meant to detract from the professionalism and dedication of the staff who performed the role previously. The necessary sanctions were obtained last year with considerable difficulty in terms of recruitment, on top of which training had to take place. I am glad we have the personnel to provide the elementary probation service at the District Court.

While it is only a start, at least the service is there and conferencing can take place. With the analysis which takes place at conferences, we will be in a much better position to develop community sanctions, which constitute the next key part of the legislation requiring implementation. Community sanctions will give the courts options short of detention in respect of an offender with a serious record whether it is to choose a mentor or intensive supervision order. There are a number of types of order referred to in the legislation. We will be in a much better position to roll out that part of the Act with a probation service on site at the courts to discuss the problems of offenders at case conferences where a view can be developed as to where to go short of detention.

Part 9 sets out the powers of the courts on child offenders and provisions are made on bail. A number of provisions came into force on 1 May 2002 on structures on fines and costs. There has been some public discussion of parental orders and restriction of movement orders. Parental orders were envisaged by section 113 of the Act and give courts the power to order a parent or guardian of a child found guilty of committing an offence to pay compensation where the court is satisfied that a wilful failure of the parent or guardian to take care of or control the child contributed to the criminal behaviour. Section 114 gives the courts power to order a parent or guardian of a child to enter recognisance. While it is very popular to point to the existence of these provisions and the important powers of the courts, a difficulty is that an offender who has committed a great number of offences before coming to the attention of the courts is not a person whose parents are very involved. Parents may not be easily accountable to the justice system. Sections 133 to 136, inclusive, provide for restrictions of movement orders or curfew orders. Such orders have been made in some cases.

Part 12, to which I referred earlier, relates to the protection of children and updates a number of provisions in the 1908 Act aimed at protecting children against abuse by persons who have care, charge or control of them. The definition of
“cruelty” has been extended and those of “health” and “wellbeing” expanded to include emotional health and well-being. These provisions have been commenced. Part 13 outlines miscellaneous provisions, through all of which I will not bring the House.

Those parts of the Act which have not yet been commenced will occupy the time of the Senators to a greater extent than the foregoing this afternoon. With this year’s work, more than half of the legislative provisions have been commenced. We must maintain the momentum of progress over the next two to three years to ensure the entire Act is commenced. The remaining sections of Part 2 which relate to family welfare conferences are linked to section 77 of the Act. Section 77 is very important and provides for the courts to order a family welfare conference. Children who appear before the courts on suspicion of committing offences and whose real problem may be a need for care or protection by a health board may have a family welfare conference ordered for them. On commencement, section 77 will enable the courts to refer a suspect offender back to the health board. I commend the positive work of Carl O’Brien of The Irish Times in this area. Among the problems which have existed has been that the courts have not been able to make health boards party to proceedings. If section 77 were commenced it would be possible to do so, although there are financial implications. While we have further work to quantify what the financial exposure of the health boards will be in this context, I am confident we can make progress.

Section 23D of Part 3 empowers the Garda to deliver a child to a health board where he or she is considered to require special care or protection. The section is somewhat problematic as such a child will have been arrested by the Garda and taken to a Garda station. Clearly, the commencement of the provision will require the establishment of an out-of-hours service by the health board and the drawing up of clear interagency protocols to ensure, for example, that the Garda would not refer all such children to the health authorities.

Part 5 of the Act addresses the age of criminal responsibility and is not yet in operation. This part of the Act raises the current age of criminal responsibility from the common law age of seven to 12 years. It makes provision for the transfer of responsibility from the Garda to a health board for children under the age of criminal responsibility who are in conflict with the law and in need of special care or protection. It is indisputable that the current common law age of seven is far too low and proceedings are rarely, if ever, taken in respect of children of that age. The Oireachtas decided on the age of 12 and in so doing transferred responsibility from the Garda to the health boards. The commencement of Part 5 will necessitate the establishment of a substantial service to deal with children under the age of 12 whose conduct amounts to criminal behaviour but who will no longer be criminals. There are plans to address this issue.

I preferred the approach taken in the legislation as originally drafted whereby criminal responsibility would have been introduced at the age of ten and phased up to the age of 12. Such a provision would have made our task in this area a great deal easier. A practical problem which has been drawn to my attention as Minister of State involves the excellent diversion programmes run by the Garda which fund valuable projects in certain areas where they are seen to be of benefit. As the legislation envisages that no one under 12 will commit an offence, the Garda will have no vire to conduct diversion projects in communities which require them to cater to 11 year olds. While I do not like to suggest the Oireachtas was ill-considered in its selection of an age and I acknowledge a legislative determination has been made, this aspect of the Act will give rise to difficulty. Maturation is taking place at ever younger ages and very serious offences such as homicide and rape are now being committed by persons under the age of 12. It will not be easy for any Minister for Justice, Equality and Law Reform to commence this particular provision given some of the conferences it entails.

Part 6 addresses the treatment of child suspects in Garda stations and I have referred to the attendance at stations of health board staff. The above provisions have major implications for the health boards, both in terms of a general build up of family support services and the provision of out-of-hours service. These will be required before the remaining sections can be commenced. The health boards are considering the matter and the necessary preparations are being made to commence the sections.

I mentioned that Part 8 had been commenced in terms of probation conferencing. However, we have yet to commence Part 9 which relates to the powers of the courts regarding child offenders. The main element of this Part is a provision for ten community sanctions, eight of which are new. These are an essential component of the Act if effect is to be given to the policy of detention being an absolute last resort. The intention is that where a judge decides in a particular case that the imposition of a community sanction is appropriate, a sanction suited to the needs and misdeeds of the child will be available. Again, this will require significant input from the probation and welfare service. I mentioned earlier that 30 additional staff have already been recruited to implement the provisions of the Act relevant to the service.

Priority is now being given to the phasing in of community sanctions. Proposals to begin pilot community sanctions in 2005 are currently being considered and finalised. Obviously, that decision will rest to some extent on the Estimates process. I am glad we can at least begin to pilot community sanctions next year. The courts always had jurisdiction under a general probation order to decide that a child should do something else
rather than be sent to a place of detention. I take the view that the provisions relating to community sanctions are somewhat over-elaborate as they spell out in very precise detail each community sanction.

The Act provides for day centres and training and activity programmes whereby the probation service would link up with FAS in providing appropriate training courses. It also provides for intensive supervision, a controversial issue in other jurisdictions; for residential supervision and for care and supervision by way of a foster-type arrangement for juvenile offenders. Locating people willing to foster may be somewhat problematic. However, the legislation makes provision for such an arrangement. The Act also provides for a mentor order, something on which I am very keen. We have piloted mentoring, on the health side, in locations such as Galway and Darndale in Dublin and have found that the effect of the mentor programmes implemented by the Western Health Board and the Northern Area Health Board have been to reduce the demand for secure residential places.

The mentoring idea is that a person, not necessarily a social worker, liaises with the troubled child and tries to guide him or her on a one-to-one basis for eight or ten hours a week towards obtaining a job or participating in leisure activities or educational improvement. The cost of a mentoring arrangement is far less than the cost of residential care. Members will have noted from the Comptroller and Auditor General’s report on child detention centres that there is enormous cost involved in providing residential care. One of the reasons for such high costs is that child protection requirements are so strict that a large number of personnel are required to be on duty in these institutions at all times. That is understandable but the costs involved are substantial, far in excess of the cost per detainee of conventional imprisonment in the adult world. That in some ways is very much as it should be. We need to provide full educational facilities for such children. It is impossible to reconstruct in an institutional setting the supports that a good family can give a child. That said, I salute the work done by care staff in these institutions. Such people often work under very difficult conditions.

We are piloting community sanctions in the year ahead. With the placing of conferencing on a statutory basis we are now in a position to start piloting community sanctions. I mentioned in that regard the importance which I attach to mentoring.

Part 10 deals with children detention schools. Responsibility for Part 10 lies with the Department of Education and Science. It provides for the establishment of children detention schools to replace the existing reformatory and industrial schools. This Part has not been commenced, apart from section 159(1) relating to the establishment of the residential services board. While work on the commencement of the educational provisions of the Act is ongoing within the Department of Education and Science and while there is no difficulty in commencing Part 10 in practice, there is a difficulty in commencing it until separate detention facilities are provided for 16 and 17 year olds.

Under an interdepartmental agreement, which underpins the legislation, it was decided that out-of-control children should be the responsibility of the Department of Health and Children, and rightly so, but that responsibility for the offending children would be divided between the Departments of Education and Science and Justice, Equality and Law Reform with the Department of Education and Science taking responsibility for children up to 16 years of age and the Department of Justice, Equality and Law Reform constructing separate dedicated facilities for 16 and 17 year olds. This is a cumbersome legislative structure. While the total number of children involved would rarely exceed 250 we envisage, under the legislation, eight different types of child detention centre. There will be a child detention school for under 16 year old male, female, remand and committal offenders. A similar structure will also be required for 17 and 18 year olds. There is a limited number of 16 and 17 year old females in the remand or committal structure. The number of female offenders in the under 16 years old category has reduced. The establishment of the health facilities has reduced the demand for female places in the conventional child detention centre context.

The Department of Justice, Equality and Law Reform is reviewing all these issues. However, there is no doubt that the education provisions could be commenced were it not for the fact that that Department has not yet established the detention centres for those aged 16 and 17. The economics of a detention centre for 16 or 17 year old females is questionable. However, 16 and 17 year old males currently attend St. Patrick’s Institution or are committed to a detention centre on Spike Island. All of these matters are important. The Department of Education and Science is determined, pending completion by the Department of Justice, Equality and Law Reform of its facilities, to conform to the spirit of the legislation that boards will be established shadowing the terms of the legislation. I am also glad to announce an issue highlighted by the Comptroller and Auditor General in his report on the detention centres as regards the inspection of these institutions has been resolved. The Department has recommenced inspections of all institutions.

The issue of offending and non-offending children in need of special care or protection has been the subject of much controversy over the past number of years, with high profile cases usually concerning the issue of the provision of a placement coming before the children’s court and the High Court on a frequent basis. Serious concerns have been raised in the courts and in media circles about the State’s ability to provide appropriate accommodation for these children.
There have been accusations of lack of co-ordination between the three Departments with responsibility for these children, of children falling through the net and of disputes in court concerning which State agency should be responsible for individual children. There have also been criticisms of lack of places for both offending and non-offending children. Offending behaviour among young people is an aspect of criminal activity which remains of particular concern to the Government. Regular newspaper reports of violent crime and public order offences involving young people are, sadly, something with which we are all too familiar.

In implementing the Act to date, what has emerged is the importance of a co-ordinated approach. This is being facilitated on my behalf by the National Children’s Office. Implementation of the Act is actively monitored by the Cabinet committee on children and I will be reporting to it again shortly with a detailed plan for the implementation of the outstanding provisions. It is also true to say that while we have established a sound statutory framework for a modern youth justice system, some fresh thinking is required with regard to the institutional framework in which it is to be delivered. To this end my colleague, the Minister for Justice, Equality and Law Reform, Deputy McDowell, and I have taken the initiative of establishing an internal task force in the Department of Justice, Equality and Law Reform to examine specifically, at a national and international level, how the State might better manage and target the delivery of its services in the area of youth justice. It is intended that the task force will report to the Minister so that he may bring recommendations to Government next summer. I should point out that the task force is being handled at the highest level in official circles in the Department of Justice, Equality and Law Reform. I attach a great deal of importance to its work. It will take a detached view of our juvenile justice system and of how we can implement as quickly as possible the outstanding provisions of the Children Act.

To briefly sum up, Senators must agree that much progress has been made in implementing the Act’s provisions. Most significantly, the three conferences provided for under the Act are in operation. Those provisions seek to plan the best course of action for a child, underpinned by a partnership approach, of which seek to ensure that detention is a measure of last resort. The three conferences will support prevention through early intervention and in the medium to long term, will produce positive results and ensure that care appropriate to individual needs is provided to each child. In the meantime, I will endeavour to remove the remaining obstacles to implementation. My cross-departmental responsibilities and the cross-cutting role of the National Children’s Office can assist those efforts.

Mr. Cummins: I welcome the Minister of State to the House and compliment him on his grasp and knowledge of this complex and important legislation which was passed in 2001. I agree that some progress has been made in the provisions of the Act but the slogan used by the Government before the general election of, “A lot more to do”, would be apt in the case of the Children Act——

Ms O’Rourke: I remind the Senator it was, “A lot done, more to do”.

Mr. Cummins: I have acknowledged that something has been done——

Mr. Glynn: A hell of a lot has been done.

Mr. Norris: That is unparliamentary language.

An Cathaoirleach: Senator Cummins, without interruption.

Mr. Cummins: I am glad the Minister of State has acknowledged that quite a lot remains to be done. There is a long way to go before all sections of the Act are implemented. It is the old question of resources yet again. The necessary resources must be provided to ensure its implementation. The question of resources is always raised by the Government but we are told at the same time that the country is awash with money. However, time after time, Ministers and others tell the House that if the resources were available, they could do X, Y and Z.

For my sins I was a member of a school attendance committee for approximately 20 years. It was often very sad to come across cases where children who were not attending school were put through the courts system. Many of these children were from very underprivileged families. Their parents were unable to look after themselves, let alone the children. It was very sad to see those children being put into reformatory schools. It is a pity that early intervention was not available then because that is what was required. An inter-agency approach was needed. As the Minister of State said, that approach is gradually coming on
stream with the health boards becoming more involved, but there is still a long way to go.

A number of sections of the Act which could play a role in early intervention have not been commenced. The Minister of State mentioned some of these sections. With reference to the area of community sanctions, he said a pilot project would begin in 2005 and that is to be welcomed. It could act as an alternative sanction to custody and would play a significant role in ensuring that children break the cycle of offending. The Minister, Deputy McDowell, gave some indication that these sanctions would come into play in mid-2004. The Minister of State stated they might be introduced in mid-2005. At least a pilot project is promised for 2005 and that is to be welcomed. I am glad it will happen because of availability of resources.

Another significant part of the Act which has not commenced deals with the area of criminal responsibility to which the Minister of State alluded in his contribution. The age of criminal responsibility is to be raised from seven to 12 years. When is it proposed to take action in this area? I realise the difficulties involved in transferring responsibilities from one Department to another and from the Department of Justice, Equality and Law Reform to the health boards. I suggest that something be done as soon as possible in order to make progress. Nothing seems to have happened to date.

On the subject of detention schools for children between the ages of 12 and 16, the aim of which is to reintegrate back into society the children referred to them, this is to be done mainly through the provision of appropriate educational and training programmes and facilities. What progress, if any, has been made in this area which is critical to the whole concept of early intervention?

Last year, the Minister for Justice, Equality and Law Reform, Deputy McDowell, expressed concern about the problem of the delay between detection and trial, particularly in the case of juvenile offenders and that the present pattern of delay fundamentally undermined the capacity of the system as a whole to respond effectively to crime and to its deterrence. Not only does the delay lessen the chances of conviction and increase the overall costs to the State, it also blurs for the offender the necessary link between the offence and the resulting sentence. More critically, it will hold back any targeted intervention in terms of sentence.

Addressing this problem of persistent young offenders by reducing the delays in the system became a British Government target after the 1997 general election. A pledge to halve the time between the arrest and sentencing for persistent young offenders was achieved in 2001. It has been sustained for the past three years. The key to delivering this has been interagency co-operation which has been developed at national and local level in the UK. I suggest we can learn from our
2001 Act. That Act is designed in such a way that all its provisions dovetail into one another. I agree with the suggestion that it is imperative that all aspects of the Act be brought into operation. I commend the Minister of State on the work he has done so far.

The Act provides the framework for the development of the juvenile justice system. It reflects the thinking that young offenders, by reason of their age and level of maturity, deserve to be dealt with differently from adult offenders. That is true because they are in a different age category and are still only developing. As a consequence, the implementation of the Act and the regulation that emanates therefrom would have to be designed to cater for those who are still at a developmental age. That is what this legislation does.

The philosophy underpinning the juvenile justice aspects of the Act is that there should be a suitable intervention for every child who commits an offence, irrespective of the nature of the offence or the circumstances of the child who commits it. It re-enacts and updates the provisions of the 1908 Act to protect children against abuse by persons who have the custody, charge or care of them. The Minister of State made the point that detention or custodial care should be the last resort. I agree totally with that view. As one who worked in a care profession for many years, that has been widely recognised in the psychiatric profession for some time. With the advent of Planning for the Future, the psychiatric services clearly recognise that. The application of this legislation is comparable to that policy. It provides for a family welfare conference and other provisions for dealing with non-offending children in need of special care and attention.

The Minister of State has dealt with the various Parts of the Act that have been implemented and has referred to those which have not been implemented. I shall touch on a number of aspects of the Act and the position as I see it as a public representative and as a parent. When a child gets into trouble he or she has to be dealt with. One could use the term “crisis intervention” where the victim confronts the perpetrator, whether old or young. The same applies when people are dealing with those who have an addiction. They are confronted by those closest to them such as a spouse, partner, employer or best friend. It is only in that way, if it is possible to get through to them at that level, that they begin to realise they have a serious problem and start to do something about it.

An issue on which I have always harped is parental control. I regret to say that children control their parents very well in many cases. In fact, there is absolutely no control. That is what has to be dealt with. Parental control and responsibility is central to all of this. Certainly the State, the Garda, the caring institutions and the educational system have a role to play but parental control plays a pivotal role. We have all heard of latchkey children. For many children who are home at 4 o’clock, the door is on the latch; that is when many fall in with the proverbial Fagin of Dickens fame. They are not nicking a wallet or pinching a pocket or two but are pushing drugs and engaging in all their attendant evils, especially in urban areas. That has been proven. Children of a relatively tender age have been known to come into the clutches of drug pushers and drug barons.

We know parents have to work. There is one section of the community to which I wish to pay tribute, not because I want to be patronising, but because I want to be honest. I am married to someone I call the minister for home affairs. Women play a pivotal role in this area. Given that many women have to go out to work, there has to be a recognition by the powers that be that although much has been done in regard to the provision of creches and so on, more needs to be done. Parents are central to the issue.

Another area that needs attention relates to those children who suffer from ADD and ADHD. I arranged at one stage for three children and their parents to be received by the committee of which I am a member, the Joint Committee on Health and Children, and by the Joint Committee on Education and Science. If those children are not detected, they will come under the unfavourable eye of the law. Many end up in the psychiatric services because nobody knows what to do with them and they cause huge problems at home. This is an area into which money must be invested. While resources have been allocated to date, more are required. It is imperative that the condition ADD-ADHD is recognised, diagnosed and treated. It has been proved that if it is treated there is a large measure of success.

Senator Cummins referred to school attendance. We all know that school attendance by children from certain deprived areas around the country is low. However, we should not give up. The Garda has a role to play as well as other support services. Unfortunately, in some cases, sufficient action is not being taken.

The gravity of the offences committed by people has to be brought home to them. We saw on the television news where two murders were perpetrated on the one day, one in Dublin and one in Mountmellick, by juveniles of a tender age. I can say from professional experience that there are those, irrespective of age, who harbour serious thoughts about causing damage and hurt to others. It is not enough to say they will grow out of it, as has been said in the past. I regret to say that in the main they do not grow out of it. They are dangerous people who need institutional or residential care because society must be protected, irrespective of the age category of the potential offender.

The adverse impact and influence of television must also be appreciated. Some of the television programmes being broadcast, particularly on satellite channels, are absolute dirt. They are filthy and unfit to be viewed by adults let alone by children, which is regrettable. It has been proven beyond doubt that children are influenced by
some of these programmes. We must examine and be conscious of what is broadcast on television in particular, and take corrective action when inappropriate material is transmitted. I do not refer to our national television stations but rather the filth and rot broadcast by other channels.

The abuse of alcohol by children in their early teens is another growing trend. The Midland Health Board carried out a survey in recent years, the results of which leave one gob-smacked in terms of the percentage of boys and girls in their early teens who are drinking on a regular basis. The figures are worrying and we must deal with the issue.

The impact of health board services must be appreciated. In so far as their responsibilities lie, the health boards have done a good job. In many cases, they have taken on difficult situations when children had to be taken into care by social workers doing their duty, which I applaud. However, in some cases, there is little public support for health board social workers’ actions and we must compliment them because they are doing a good job in difficult circumstances. I do not want to highlight the fact, but we must now recruit social workers in South Africa and other far-flung countries because people are not entering the profession in Ireland. Much has been done, but more needs to be done.

We could do more to provide sports facilities. In this context, I acknowledge the work of the GAA as well as the soccer, rugby and other sporting clubs. They need our support because they are occupying young people and burning up their surplus energy by providing facilities. Unfortunately, however, there is a category of young people who will not avail of such facilities.

I wish the Minister of State well. He has done tremendous work with this portfolio and, as has been acknowledged by Senator Cummins, he has a tremendous grasp of his brief. I ask him to take particular notice of the ADD and ADHD organisations as well as the Dyslexia Association of Ireland. Children who suffer from such conditions, if they are not detected in time and corrective measures taken, can find themselves on the wrong side of the justice system and may end up in the psychiatric system in inappropriate circumstances.

Mr. Norris: I welcome the Minister of State to the House. He is a very good person to be in charge of this area.

I am now of an age that, when I was a child, terms such as attention deficit disorder and dyslexia were not recognised. Any child who was disruptive, of whom there were many, was bashed into submission. I saw it happening in the school I attended and I am not sure it was a very good idea. However, there has been a relaxing of physical sanctions and the phenomenon of latchkey children has grown. Although one cannot apportion the blame entirely to any of these, there is no doubt that children have changed like the rest of society. There is a violent element among young people which I do not recall from my youth or at least it was held in check.

Senator Glynn referred to two recent appalling cases in which children committed murder apparently for possession of mobile telephones. However, one of the boys indicated he was hell bent on committing murder before he set out and grabbed the telephone. Moreover, he said he would have preferred to kill his father. I wonder what process of desensitisation is going on in such cases. Senator Glynn also referred to television but I do not believe television has a significant role to play. However, I wonder about video games because they may well have a tendency to desensitise children. When I was small, we played cops and robbers or cowboys and Indians and we got a great thrill from pretending to be dead through dramatic clutchings of the chest and falling to the ground.

Mr. Glynn: The Senator was a natural in the role.

Ms White: Poor Indians.

Mr. Norris: I always enjoyed playing. Nowadays it is not acted out in that way. Rather, it happens in front of a screen in an impersonal and dispassionate manner as one is simply splatting a very realistic target. I wonder if these technological advances and games may lie behind one of the most chilling aspects of one of the cases, namely, that the young person accused sat through the court proceedings almost catatonic. He displayed no emotion whatever, despite the fact that he had horribly and savagely murdered a young teenager of his own age with a hammer and left his victim’s mother bereft. As far as I know, the woman did not have a partner and her son was her only child.

The inability of the accused child to imaginatively comprehend what he had done is worrying. The greatest preventative measure against violence and criminal behaviour is to encourage young people to imagine the experience of the other person and feel for themselves what it would be like to be on the receiving end of the hammer or what it would be like to be a middle-aged person from whom their only offspring has been brutally, capriciously and unnecessarily removed.

There is something new in these cases. Our society is changing in many ways and there is much greater violence from adults and, astonishingly and regrettably, also from children. Perhaps it stems from the fact that there is a complete lack of a moral centre in Ireland because we have been so let down. The State has been found in breach of its obligations to children. I am glad the Minister of State has included in the Bill provisions to protect children in institutions against bullying and being terrified and against physical and sexual abuse because it was routine in the
The State has failed to be a moral centre and we also have the terribly sad situation whereby the church has lost moral authority because it was not honest about human sexuality. While it was making po-faced statements about perfectly respectable old poofs like myself, priests were simultaneously moving around the place like a three card trick version of find the lady. Some of these priests were serious and serial child molesters. Unfortunately, apart from those who have individually won the right to respect, like Bishop Willie Walsh of Killaloe and a few others, and there are wonderful people still in the church, as a body it has lost its respect. Society has lost its moral centre. There are many things to respect and to look up to. In terms of the general protection of children, I agree with much of what was said earlier about the need to provide positive role models and positive activities for them, although perhaps that is a discussion for another day.

I have some points to make that are directly relevant to the Bill, but in terms of the welfare of children we have heard about the drugs, the interventions of society and all the rest of it. I make this point and I will keep making it to every forum, whether it is appropriate or inappropriate, on the basis that one day some well-intentioned Minister will carry this point back to Government. In the area in which I live I live the one measure that will really help to reduce anti-social behaviour by children is the Breaking the Cycle scheme in terms of teaching, but it is defective. In some ways it is worse than if it was not in place. I see these wonderful, beautifully presented, well mannered children in Marlborough Street who are a real credit to their parents, but I know that in five or six years the majority of them will be on the needle. They will have been dumped off, having been given a glimpse of their potential through the Breaking the Cycle scheme, but then that assistance will be taken away.

If we want to save these children, we should continue that scheme. We should spend the money that is taken from the drug people and that is taken out of the veins of the people in these poor areas. We should put such money back into providing for these children not only all the way through primary school but through second- ary school and university. The first few architects, lawyers and doctors who come through the system will be the role models for this society. That is where we should be investing the money. I very much hope this will happen.

I wish to ask about a clause covered in earlier legislation. It is an important section that was introduced in this House by Senator Ryan and me. It is the guardian ad litem provision which I understand has not been fully operated. Unfortunately, I will not be able to stay to hear all the Minister of State’s reply but I will read it. I would be interested to know about the operation of the guardian ad litem provision. The House will remember this provision was introduced in Britain in the wake of the Maria Colville case where a girl was surrendered back to her parents by a local authority whom they then done to death. This provision was introduced to protect the rights of the child. We put this clause into legislation but for a certain period it was not operated because of financial constraints. There is a partial operation of this system now and it would be useful if the Minister of State would give a report to the House on where we stand in terms of its operation.

I point out because I am non-partisan that it was a Fianna Fáil Government that introduced this provision and it was introduced through this House. There was a major argument about it, but the then Minister of State, Deputy Treacy, brought the Bill back to Cabinet. The Bill had to be recommitted and the Minister of State did not get a very warm welcome in Cabinet when he did so, but he did it because he knew it was to provide for the welfare of children. At what stage is the operation of that provision?

In terms of the behaviour of children, attention deficit disorder was not recognised in my time nor was the impact of diet on behaviour. I listened to much commentary on this on radio. I heard one woman interviewed who had a disruptive child who would go into tantrums and who brought him to a special dietary consultant. It turned out that the ingestion of very ordinary food like sugar had an impact on the child’s behaviour and when his diet was altered, his behaviour became perfectly normal. We have to bear in mind these stories and also have compassion for those parents who try to control their children who are completely and wildly out of control. They appeal for help from the State, but they do not always get it. It is perhaps because of a lack of money, but this excuse can be pleaded less and less these days when substantial revenues are accruing to the Exchequer.

My colleague, the Minister of State, is also a distinguished lawyer. The courts have played a role in this area in terms of reprimanding the State and the Oireachtas for neglecting the provision of residential accommodation. Judges have refused to sentence young offenders. They have said it is ridiculous to send young offenders to completely inappropriate institutions where young people are put in with hardened criminals or sent to institutions which are already overcrowded. If we care about our children, we need to provide the necessary resources. I welcome very much what the Minister of State said about the diversion programme in justice — that is the long-winded heading under which the juvenile liaison officer scheme is dealt with in the report. This scheme is a marvellous idea. It is being put on a statutory basis and I gather some funds and personnel have been made available to implement it. This is the type of measure that is necessary.

In my area there is a terribly decent young garda whom I met during the week. He recently
[Mr. Norris.] married another garda and they are a delightful couple. He is a liaison officer and I remember sitting in the Cobalt Cafe in North Great George’s Street having coffee with him and talking about the problem of juvenile delinquency. He pointed out that an awful lot of these children do not have the regulation family structure and what they ache for is a father figure. A Garda juvenile liaison officer in the community can be just this kind of figure for them, a person to whom they can learn to look up to and who can give them advice and be available for them albeit only on a fairly limited basis. I welcome that measure. It is the way to go.

I also welcome the fact that where parents wilfully ignore, disregard or even encourage criminal behaviour that affects other citizens, there should be the power to require them to compensate the victims of the crimes committed by their children because of the lack of control that they exercise over them.

I also very much welcome the paragraph in which the Minister of State deals with the powers of court in regard to child offenders where community based options are available. Having committed an offence against society, the young person can be directed by the court not to waste his or her time in inappropriate detention but instead can be required to do something positive and put something back into society. That is part of a healing process. A child who does something wrong and perhaps even feels guilty about it can be required to do something positive. That does not diminishing the child but helps to develop the child. That can only be a good thing.

I welcome the fact that money has been provided and that 30 additional staff from the probation and welfare service have been made available to this unit. This has been an important report from the Minister of State. There is progress. He referred to the remaining obstacles to implementation. That is usually a code for the Department of Finance.

Mr. B. Lenihan: Or the Department of Justice, Equality and Law Reform.

Mr. Norris: Or that Department. The Minister of State has the support of this House in continuing to remove these obstructions because this is the will of the Oireachtas. We require and demand the full implementation of this legislation. Bellyaching about not having enough money will not wash in this climate. We are prepared to hear the Department of Justice, Equality and Law Reform in the interests of the children of this country who I have no doubt will benefit from this kind of legislation.

Ms O’Rourke: I am glad to be here for the debate on this progress report. As the Minister of State was speaking I was thinking we should get progress reports on Bills that have become Acts and which are in various phases of implementa-

tion. We pass legislation and live by it and it is consigned somewhere. Legislation becomes a statue and then we do not hear anything more about what has happened in respect of it. It is a good idea to get a detailed progress report such as this on the various parts of legislation that have been enacted and what has happened in regard to the Act.

As the Minister of State was speaking, I heard of many measures with which I am familiar at local level, but I did not know they were part of this legislation. One must bear in mind that the genesis of the 2001 Act was the 1908 legislation and later 1991 legislation. The 1908 legislation was based on centuries of developments mainly of a custodial and penitential nature for young people and it was then amended by 1991 legislation and later by the 2001 Act. Much that is good and of great value has arisen from this legislation.

We mostly hear of the cases in which the judge quite rightly utters a tirade against the Department or various Ministers who are not executing orders that he gives them. Everybody is very distressed about this. We also hear of cases such as those mentioned by Senators Glynn and Norris. These cases are very disturbing to us all. We all have sympathy for the mother in the case of the murder in Laois. The impact statement that she was unable to read in the court was welcome because it demonstrated graphically to us all the distress caused by what had happened. It was a very powerful and emotive statement. Why would it not be? The mother was but 16 when she had her son, and he was murdered when he was 14. I know this was the crime of one person but we are all involved in society in one way or another and should consider what we could do to help in every case.

On the implementation process, I commend the Minister and his officials for being able to skirt the provisions of the Department of Finance on numbers such that they were able to get 30 extra personnel under the global heading of the Department. This was very necessary. The Act represents a major change in how our children are to be treated within the juvenile justice and welfare system. There is a significant shift away from residential and custodial care.

When I was Minister for Education, there was a constant barney over who had responsibility for the various institutions. Nobody wanted responsibility and it was hanging between all the Departments.

If something dreadful happened in one of the institutions everybody ran away from it as fast as they could. The purpose of the Minister of State is to do away with this shirking of responsibility. All blame will fall on his office.

I like the term “diversionary programmes” and the option of community sanction. When the Minister of State is replying, I would like him to state exactly what a community sanction is. What can a young person do in preference to a custodial sentence? We know the kinds of community
tasks that can be done by adults and I suppose the community sanctions that apply to juveniles are versions thereof.

I pay tribute to juvenile liaison officers. We have always had one in Athlone, where I live, and I know much good work was done by that person.

On the basis of what we read in the report, the Minister of State has done considerable work on the issues in question. That so much has happened is of enormous benefit.

Let me refer to a matter that is not referred to in the progress report but which is in itself important, namely, the great pressure under which parents labour to rear their families and pay huge mortgages. I believe Senator Glynn touched upon this. It is now the norm in most households to have two parents working, whether they want to or not. This is because of penal mortgage rates and the need to keep the family and home together. I know this is not the Minister of State’s preserve or his baby — that is the wrong analogy — but perhaps he will update us on the issue of child care. What is wrong is that the issue is nobody’s child, so to speak, and it is talked about very randomly. If the Department of Finance talks about it, it does so in terms of taxation, if the Department of Justice, Equality and Law Reform does so, it is a capital matter. However, it is now the norm that a couple’s monthly child care cost exceeds that of their mortgage. When one is not involved at this level one says the cost of child care is dreadful and moves on, but it really is dreadful, as I have occasion to know from my family’s family. It is horrendous and a significant burden on parents, yet they must bear it if they are to provide for their children. If there is more than one child, paying for child care practically becomes an impossibility.

To return to the progress report, will the Minister of State outline in his reply whether the perpetrators of the recent murders of children in Laois and Dublin had come under the provisions of any Act prior to the murders? Had they come under the purview of a juvenile liaison officer or whoever is responsible for working through the kinds of difficulties they might have been encountering, or had school reports, for example, been examined, might early signs of what was to happen have been revealed? I do not know if this can be worked through.

The issues raised in the report are of great interest to us all. We have all come across examples of them. We realise that custodial treatment is not always the answer for young people caught up in the perpetration of terrible crimes or petty crimes. In many cases they need guidance, care, foresight and a belief that they can be helped if the correct line of action is taken. I hope we will have further progress reports on this important matter.

Ms O’Meara: I, too, welcome the Minister of State to the House and commend him for reporting back to the Seanad so comprehensively on his management of the implementation of the 2001 Act. It is certainly very comprehensive and important legislation. It has been brought into sharp relief by the constant reiteration by the media of very serious matters relating to children, specifically in terms of justice.

The fact that children have been involved in murder has confronted us all, as it should. I do not agree with Senator Norris that it indicates that our moral centre is lacking. It is a case of young people, children, who have murdered people. It confronts society and we need to consider it as a society. I do not agree that we should simply be blaming parents. We need to examine the circumstances in which parents feel unsupported and in which children commit murder. Regardless of whether one is a parent one knows that children do not arrive in the world with a gene that turns them into psychopaths or murderers. There may be a psychiatric problem or a chemical imbalance but, as we know, this is a different issue. Although children do not arrive in the world as offenders, they grow up in families with serious difficulties and in communities that are unsupported, such as west Tallaght. A report published this week stated that, despite the fact that we can now pride ourselves on being a very prosperous and wealthy country, we have pockets of great deprivation, disadvantage and poverty. Last Wednesday, I attended two pre-budget briefings, one in the morning by the End Child Poverty Coalition and the second at lunchtime by a forum which included the National Women’s Council of Ireland and the National Children’s Nursing Association. I am pleased that organisation is represented here today to hear the debate. Arising from the briefings, I asked the Leader of the House to arrange a debate on child care issues and we are here today, which is great.

There are many other child care issues which I hope the Minister of State will debate with us in the future, specifically the whole area of the cost and provision of child care.

Before I deal with that matter, I want to raise the issue of poverty, children and child care. The whole area the Minister of State raised is not unrelated. The provision of child care is related to how we as a society view the care of children. As an economy with virtually full employment, which has almost 50% participation by women in the workforce, we have a huge number of children being cared for each day outside their own homes by people who are not their parents. There is nothing wrong with this because it works well. The Minister of State knows that one of the reasons it works well is the regulation which was put in place by his predecessors and for which he has responsibility. This is working, except for one thing, namely, the cost of child care, which was raised by the Leader of the House. The cost of child care is such that women are beginning to leave the workforce, particularly if they have a third child. The other aspect is that people who provide child care find it increasingly difficult to meet the increasing costs of being providers with-
out creating a situation where people cannot afford to use their services.

This is a very serious issue for our economy and for providers. It is an extremely serious issue for parents but the bottom line is that it is a very serious issue for children, which is what the debate must be centred around — the welfare of children. We are lucky in this country that the providers of child care are people who want to have very high standards when it comes to providing the best possible environment for the children under their care, which is generally the case. However, we as Members of the Oireachtas and the Government must ask where our commitment to children stands. We could range this question over the area of the legislation about which Minister has spoken and what I am focusing on, child care. The fact is that investment in child care can be, and has been shown to be, an important and useful vehicle for tackling inequality. Children who live in poverty, in particular, their parents and the communities in which they live need the support of child care. I ask the Minister of State and the Government to examine how they can use high quality child care provision to ease the effects of poverty in this country.

In its submission last week, the End Child Poverty Coalition highlighted a number of issues. First, 66,000 children in Ireland live on an income below the poverty line and experience the deprivation of such basic items as a substantial meal over a two-week period, or must go without heating due to lack of money. The figure of 66,000 equates to 6.5% of children as measured in the living in Ireland survey 2001 undertaken by the ESRI. The key recommendation of the End Child Poverty Coalition, which includes the National Youth Council of Ireland, the Society of St. Vincent de Paul, Focus Ireland, Barnardos, Pavee Point, the Children’s Rights Alliance and OPEN, was to extend medical card coverage to children because of the well-known link between poverty, inequality and ill-health. This is something that can be done and which we have debated in the House on several occasions. The rolling out of the Government’s commitment on medical card eligibility is extremely important for many children. An increase in the FIS income threshold was referred to in the document. It states that child care provides not just the opportunity for parents to take part in the workforce, but valuable developmental opportunities for children. Child care can give children in disadvantaged areas a head start in life. I know much is happening and I am aware of this in the community in which I live. However, I am thinking specifically of disadvantaged areas and how high quality child care provision can make a difference in tackling poverty.

A good friend of mine is involved in parenting courses. She is finding a huge demand for the service she provides in a number of deprived areas in this city. There is no question but that linking the issue of parenting and child care is very important not in the context of blame, but in the context of support, which is where child care provision comes in. How can we support the many single parents who are under pressure? I meet many single parents and I always ask them when are they doing a training course and getting to work. They say they cannot work because of the cost of crèches and there are support places in Nenagh for single parents. This is how we should examine how to support parents, identify problems and take responsibility as a society for our children in particular.

I hope we will return to this debate and give more time to the whole issue of the cost of child care. The fact that so many parents are now at work is great for the economy. I want to emphasise the importance of examining and developing a policy around support for the child care industry. Approximately 20 years ago when I began in journalism, one of the main issues about which I used to write was crèches and pre-school provision. In those days, while it was very difficult to get a good quality place for a child, one could hardly get the issue on the agenda. The issue is now on the agenda but we pay lip service to it. While almost 50% of the workforce is female, the fact remains that we do not attach sufficient importance to child care. The fact that there is not paid parental leave is an indicator in this regard as is the fact that we do not provide support for child care providers and parents for whom, according to the submission by the Irish Congress of Trade Unions to the forum last week, the cost of child care is like a second mortgage. Increasingly, half people’s wages are going on child care.

Central Statistics Office figures indicate that while the rate of participation by women was at 50.7%, in May 2004 it went down to 49.4%. Surveys indicate that parents, the vast majority of whom are women, are leaving the workforce because of the cost of child care with which they cannot cope. The Government must pay attention to this aspect. I will be asking that we return to the subject again and that we put the matter at the top of the agenda.

Ms Cox: I wish to share time with Senator White. I am delighted the Minister of State is here today. He gave a comprehensive review of the Act and the work being done. I wish to focus on and widen the debate. The Minister of State does not have responsibility for child care and its cost, but it is important to use this opportunity to address the issues, particularly as we are facing into the budget. I am sure the Leader will allow another debate on child care in the near future. However, it would be remiss of me to let the opportunity pass without speaking on the matter today.

I wish to place my remarks in context by recognising the work that has been done and the successful initiatives that have been put in place regarding the way in which we deal with the issue
of looking after the children of our nation. I smile each time I see the bumper sticker which says be nice to your children because they pick your nursing home. Our children are our future. Every penny we invest in our children and their future will be repaid hundreds of times over in terms of increased peace and prosperity, a stable society and economic growth. This area deserves the greatest attention and investment.

I welcome the appointment of the Ombudsman for Children. When the Minister for Education and Science, Deputy Hanafin, was Minister of State with special responsibility for children, she brought that legislation to this House. We were excited by the concept and it is marvellous to see the work that has been done in that regard.

The national children’s plan is a fantastic document. It sets out the strategic role with regard to the Government and the objectives which we should work towards. We see all types of initiatives, such as playgrounds, throughout the country which reflect commitment in this area. When I was elected to the House in 1997, there were not as many playgrounds in Ireland. Now they are sprouting up all over the place. Those types of initiatives and facilities are important and I commend the Government in this regard.

In 1997, people received IR£38.10 child benefit for a first and second child; in 2004, the amount is €131.60. People receive €165.30 in child benefit for a third and fourth child. According to a book published by CORI, there is widespread support for increasing child benefit if child poverty is to be eliminated. Child benefit is also an effective component in any strategy to improve quality. It remains a key route to tackling child poverty and is of particular benefit to families on the lowest incomes. It is up to the Minister of State and his Cabinet colleagues to ensure that, as we approach the budget in 2005, we continue the increases in child benefit and that we do not stop and think our job is done. It is not done.

I want to address the issue of child care costs, although I will need to return to it in another debate. I am not sure if the Minister of State or his colleagues understand the point I wish to make. I employ a childminder and I pay this individual a salary and PRSI out of my net income. None of that is tax deductible. It is ridiculous. We must bring this to the attention of the Minister for Finance, Deputy Cowen. We are running around in circles, wasting money and not getting the benefit of it. We have improved the number of crèche places, child care services and child-minding and education facilities. That is wonderful but it is not enough. Some 30% of people pay more for child care than they do for their mortgage. It is a startling and frightening statistic and we must do something about it. I look forward to another debate on the issue.

Ms White: I thank the Minister of State for his comprehensive explanation of the Bill. I do not want to repeat what my colleagues have said. However, I experienced a physical reaction and pain when thinking of the children who need this law to protect them. It is disturbing and upsetting.

Representatives from the national nursery association are sitting in the Gallery. Some of us were at the association’s press launch last week. I support the tremendous job its members do.

Some of my colleagues and I met with the Minister for Finance today to discuss the matter of child care. One if the issues we raised is that capital allowance is a total disaster. It is as non-beneficial to child care costs as the first-time buyer’s grant. The capital allowance that developers receive is increasing the price of property before it gets to the provider. I ask the Minister of State to encourage the Government to address the failure of capital allowance to provide an economic child care cost.

The Government’s response to child care through the children’s allowance scheme is ridiculous. Last year, the then Minister for Finance said it would continue to address the costs for child care through the children’s allowance. However, many people do not use it for that purpose. If child care costs €180 or €190 per week, the monthly children’s allowance is not adequate. It is ridiculous and useless.

The Government has an opportunity to initiate a modern child care policy. It is a complex issue. We told the Minister so. The report is a 26-page document. The issue of child care crosses 11 Departments. The Minister of State mentioned the concept of a silo. If we had vision, we would bring child care under the remit of one Department. I do not know whether that will be achieved. The Government must start, in the next budget, to find a solution for child care for different income groups and disadvantaged children.

Mr. Browne: I welcome the Minister of State to the House and congratulate him on his reappointment. There is no real disagreement on this important topic. The points raised are universal. There is a need for greater psychiatric care for troubled children. The recent case of a child being murdered for his mobile telephone proved that point. There was perhaps a psychiatric difficulty. It is vital appropriate resources are given where needed. The child care Act was enacted in 2001, but I am not sure what progress has been made in three years. A substantial section still remains. How wise is it to have it spread across three Departments? It must be hard to administer. I am not sure if there is a solution but it is an issue worth bearing in mind.

Teachers have no difficulty in identifying the children in their class who have behavioural difficulties. The problem is getting the necessary help for those children. The idea of the former Minister for Education and Science, Deputy Noel Dempsey, of introducing standardised testing is concerned mainly with the identification of learning difficulties but is connected with the issue of behavioural difficulties. Such a measure will achieve nothing because we already know the children who need help. The issue is what
teachers should do when they know there is a child in their class who has either learning or psychological difficulties. Invariably, it takes a year or two for such a child to be assessed and to receive the necessary help. This is where the difficulty lies.

I am aware of one 12 year old who was brought to the Garda station in Carlow by his mother because he was so drunk. It is terrifying to imagine. He has been picked up in the town on numerous occasions by gardaı£, sometimes for verbally abusing teachers. When one imagines a 12 year old, one pictures a small, angelic creature but, unfortunately, this is not always the case.

I have been reading reports in the newspapers of cases in the children’s court; it is depressing reading. Last September, one quarter of cases in the children’s court in Dublin had to be adjourned because of the absence of juvenile defendants’ parents. This sends the wrong signal and must be rectified immediately. Three of the four convicted of the horrific gang rape in County Limerick were on bail at the time of the crime. The ring-leader should have been in jail as he was less than half way through a three-year prison term. He had absconded several times from different detention places, including Oberstown in Lusk from which he was released because of a shortage of beds. He was returned there when his criminal behaviour continued only to abscond a number of times before being sent in 2003 to Trinity House for more serious offences. He absconded from there after threatening staff with a screw driver. It was after that he was involved in the rape.

This is a consequence of the breakdown of services. As a teacher, I was not confident that social services would deal properly with children whose difficulties I reported to them. In one case, the social services were asked to investigate when pupils from one family were missing school on a regular basis. We received no reply and, upon inquiry, learned that social services staff had visited the pupils’ houses but, finding nobody there, had taken no action. The social services must follow through on queries in order to prevent a disastrous situation such as that in Limerick. I am aware of the case of a father who is in court pleading for psychiatric care for his 17 year old daughter who was released by the social services when she was 14. This family is in a desperate situation, having acknowledged there is a problem but without receiving the help it requires and deserves.

The important issue is early intervention, which has been a common theme in the House today. Other countries have considered the efficacy of open detention centres versus closed prisons and most Members would welcome this approach of seeking to rectify the problem rather than creating a more serious one down the line. The idea of a children’s prison in St. Patrick’s Institution is a cause of concern to some people. The Minister for Defence, Deputy O’Dea, got some cheap publicity from this area during his time as Minister of State by speaking of curfews and parents of vandals being made to pay fines. In reality, there has been one case in the past few years in this area so words have not been matched by actions. Many judges are apparently quite confused as to the powers they possess and they have not implemented the law as it currently stands. I am sure the current Minister of State, Deputy Brian Lenihan, with his legal background knows more about this than me. If it is the case that judges are not implementing the law as it stands, something must be done to rectify this. If the law is weak, it should be fundamentally strengthened.

There are many issues to consider, one of which is housing for children in view of recent reports which indicate that some children live in dire housing. An issue brought to my attention in September is the back to school footwear and clothing allowance. This is a simple scheme which has been underspent by €4 million this year. I am not surprised by this as the limits have not been changed for 11 years which means that many people do not qualify. Parents who urgently need money to prepare their children for school are getting off to a bad start. I understand that many health boards have also underspent in many of their areas. This would normally be good news but it is worrying that health boards are under-spending with regard to key welfare payments because it means people are not getting the benefits to which they are entitled. The Minister of State should review the limits even before the budget and investigate whether the health boards are underspending in key areas. If so, the threshold should be raised. I ask him to consider the clothing and footwear scheme in particular because it is causing hardship and preventing children from making a good start to the school year.

Minister of State at the Department of Justice, Equality and Law Reform (Mr. B. Lenihan): I thank Senators for their contributions and welcome the House’s debate on the implementation of the Children Act 2001. I have not been disappointed by the quality of the contributions. It has been a most informative debate and I appreciate the support extended to me by Members regarding my work in three Departments. Senator Browne queried the necessity of involvement by three Departments but this was a decision made by the Oireachtas in 2001. I assure him that I have often questioned the wisdom of this arrangement. It is the system for which the legislation provided, however, and it is my job to implement it in a robust manner.

It is important to appreciate that we are discussing a very troubled group of youngsters. I have responsibility in the Department of Education and Science for the Education (Welfare) Act which aims to address the problem of non-attendance. This group does not consist only of students who did not attend school in the past. In the Department of Health and Children, I have
responsibility for children taken into care. Again, some of the children we are discussing have been taken into care and others not. These are the children coming to the attention of the law and not just through the diversion scheme, appropriate and important as it is. The most difficult group consists of those who come habitually before the courts.

Senator Cummins started from a good point of departure when he referred to the experiments which took place in the United Kingdom, whereby the objective of bringing offenders to justice in a more rapid manner was achieved on foot of a pledge given by the British Prime Minister, Mr. Tony Blair, prior to his election. It was discovered that with the same level of investment but better interagency co-operation, a dramatic reduction could be achieved in the time between bringing an offender before the courts and the disposal of the offence. The Minister for Justice, Equality and Law Reform, Deputy McDowell, and I met the consulting group which piloted that programme in different metropolitan areas in Britain, such as the greater Manchester area. One of the issues being considered in the review of the juvenile justice system by the Department of Justice, Equality and Law Reform is the one highlighted by Senator Cummins at the outset.

Senator Glynn showed tremendous insight of the type of problem we are facing with juvenile offenders. I agree entirely with his analogy with the psychiatric service and that incarceration must be the last resort. It is popular to call for it to criticise Ministers for not providing enough of it. It must only be a last resort, and to respond to that. I have some difficulty with the idea that the age of responsibility should be fixed at 12 years of age, but I do not support the idea that seven and eight year olds should be sent to jail. However, some high profile offences have been committed by 11 year olds in European countries in recent years. I am not sure whether the Oireachtas considered that when the legislation was enacted. It would be difficult for any Minister for Justice, Equality and Law Reform to commence a section which would exempt an 11 year old murderer from the stigma of offending.

Senators O’Meara, White and Cox discussed the important question of child care which is related to this issue and is a subject worthy of a separate debate. The Minister for Justice, Equality and Law Reform, Deputy McDowell, is responsible for the equal opportunities child care programme and I am responsible, through the Department of Health and Children, for the legal regulation of the standards that apply. Senator White also mentioned the involvement of many other Ministers and agencies. There has been significant investment under the equal opportunities child care programme, but we must extend that programme on the capital side. The issue also involves current staffing costs in disadvantaged areas. The programme must be extended when it expires in 2006.

The question of tax incentives is constantly raised, but I must strike a cautionary note in this regard. Senator Cox asked why expenses on child care are not tax allowable. Giving a tax break increases the cost of the service being rendered. It is an economic cast iron argument that the supplier makes a greater profit from the service when the State provides tax incentives. This was the result with the first-time buyer’s grant. We must examine how we can reduce the cost. This may mean we must consider more supply side measures to reduce the cost. I accept that argument and the argument made by several Senators that we must do what we can to reduce the cost of child care provision. I have had much contact with this area because I have represented the Minister in his dealings with many of the county child care committees that do marvellous work in liaising with the Department on the needs of their particular areas. They have also produced a marvellous audit of our national needs.

Reference was made to various tax incentives. We must remember that these have resulted in the establishment of a substantial infrastructure,
Mr. B. Lenihan: for example in workplaces, of high quality crèche places. However, besides these areas and the other sectors mentioned, child minding is still important in the context of child care.

Another issue we must consider, to which almost every Senator referred, is early education. We must consider what we are going to do, not just to set standards for early education but to ensure it is provided to two, three and four year olds. This is vital.

Ms White: It is a critical stage.

Mr. B. Lenihan: One of the problems with the programme in the Department of Justice, Equality and Law Reform is that it is focused exclusively on providing additional places rather than on early education. It is expressly designed, and has been well executed and implemented by the officers of the Department, to increase the number of places. However, it is not designed to address the issues of early education which fall within the remit of the Department of Education and Science.

I have wandered from the main subject, the implementation of the Children Act. I welcome the Department of Justice, Equality and Law Reform’s decision to conduct a high-powered review of its responsibilities under its legislation and its responsibilities for juvenile justice generally. I take this as a signal that this area will be addressed in a concrete way in the immediate future.

Garda Recruitment: Motion.

Mr. Dardis: I move:

That Seanad Éireann commends the Government and the Minister for Justice, Equality and Law Reform for:

(1) their restated commitment to the programme for Government undertaking to “complete the current expansion of the Garda Síochána and increase recruitment so that the numbers will increase by a further 2,000”;

(2) the increase in the ranks of the Garda Síochána from 10,800 in 1997 to the current strength of 12,200;

(3) the Minister’s recent announcement of plans to recruit over 1,000 new recruits per annum to the Garda Síochána thereby bringing the total force to over 14,000 members; and

(4) the Government’s clear plans to reorganise the workings of the Garda college at Templemore, thereby facilitating the ambitious Garda recruitment plans.

I welcome the Minister for Justice, Equality and Law Reform, Deputy McDowell, to the House. I thank him for attending and for his ever-willing availability to the House.

When the current Fianna Fáil-Progressive Democrats Government came into office it agreed that recruitment to the Garda Síochána should increase so that numbers in the force would rise by 2,000 before the next general election in 2007. I am sure the Cathaoirleach shares our confidence that it will be in that year. This increase would raise the strength of the Garda Síochána to 14,000 and would confer significant operational benefits.

It is worth reminding the Opposition of the situation that existed up until 1997 when the current coalition arrangement first came into power. In 1993, Garda numbers were at 10,882, in 1984 they were 10,827, in 1995 they were 10,816 and in 1996 they were 10,804. Therefore, there was a drop in numbers over that period.

On the basis that Deputy Jim O’Keeffe who was Opposition spokesperson for justice in 1979 is now once again the Fine Gael spokesperson, we can imagine that if we were under his tenure we would now be down at a figure of 9,000 instead of advancing in the opposite direction. However, since the present coalition came into power, the trend has been reversed and the numbers increased to 11,748 in its first term. Although we have come through difficult economic times as a result of the hiccup with the Celtic tiger and the cap on public service numbers, the Minister must be commended on obtaining approval to increase the numbers to 12,200 by 2004. The current number is 12,117 and when the current group in training comes on stream on 26 November, the target of 12,200, which is a record high, will have been reached.

There is progress in the right direction and we have a firm commitment in the programme for Government to even greater progress. For that reason, the Minister is to be commended on his recent announcement.

The Fine Gael amendment regrets the “minimal increase”. Compared to its record, which I have just outlined, it should be impressed by any increase.

Mr. Cummins: We did not make the promises.

Mr. Dardis: The Minister is not content to stop at this number. His target is 14,000. That increase is jet propelled in comparison to the Fine Gael snail which was much in evidence before the last election.

Mr. Cummins: Promises, promises.

Mr. Dardis: We must, at least, give Fine Gael some credit. Its amendment does welcome the Minister’s announcement that recruitment is to increase. That concession is a major step forward for Fine Gael.

Mr. Cummins: The Senator is always generous.

Mr. Dardis: Up to a few weeks ago Fine Gael was moaning that the increase was not happening but now the moan is about who will make it hap-
Garda Recruitment: 20 October 2004. Motion

pen. Obviously, the goalpost is shifting as progress is made.

One would wonder whether the Opposition wants the numbers to increase. It seems it would be happier moaning that it never happened. We might be like Senator Bannon — the last person leaving Longford should please turn off the lights. As far as I can gather from anything he says, nothing of substance ever happens there and all the shopkeepers, publicans, farmers and probably all the gardaí have left the county. Happily, that is not the case. This is not a stunt. The commitment has been made and will happen. Management measures have been put in place and were outlined by the Minister in his announcement.

Given the returned growth and strength in the economy, I wonder whether there will be difficulties in securing the 14,000 because of the significant opportunities in the wider economy for young people. I hope there are still sufficient young, willing, patriotic people committed to the State who will respond to advertisements to join the Garda. There are logistical difficulties with regard to Templemore and its capacity to absorb the numbers. In-service training and new facilities will be provided there and space could also be found by deploying new recruits in Garda stations for training and by conducting in-service pre-retirement courses elsewhere. This will help and good management and new facilities will solve the problems.

I was encouraged that the Minister of State at the Department of Finance with responsibility for the Office of Public Works, Deputy Parlon, was present for the announcement along with the head of the Civil Service Commission and the Garda Commissioner. A major capital cost is involved but there is unanimity of effort in respect of this matter.

Many important debates have been held in the House over the years about violence, drug and alcohol abuse, road deaths and criminal and subversive activity and Members have been passionate in their denunciation of such anti-social behaviour. All these issues underline the urgent need for extra gardaí. Even the expanding population demands it and, therefore, there is an understandable demand for more gardaí on the beat, a traffic corps and more support for the victims of crime.

However, a number of these demands are contradictory and difficult to reconcile. On the one hand, we want more gardaí on the beat while, on the other, we want them to produce a more significant paper trail. I wonder at times whether PULSE is only a statistical exercise or whether Garda time is tied up unduly logging incidents where there may not been be a need for paperwork because there will never be a prosecution. It is curious that more technology has led to more paperwork even though we all thought it would be the opposite.

One wonders whether some of the activities in which the Garda is engaged are appropriate. Guns are a major issue and they must be controlled but is it correct that a garda should sit in a station issuing gun licences on a full-time basis? As a farmer, I have a shotgun and I renewed my licence last year. I noted when I was doing my accounts recently that it took eight weeks for the cheque to be presented. It was a small cheque but, if all such cheques are presented together, there is a loss to the force. Such administrative issues need to be addressed. One wonders whether a garda should be engaged in such activity.

I refer to the Noxious Weeds Act 1936. It is important that noxious weeds are kept under control in the countryside but should the Garda be enforcing the legislative provisions? Local authorities or another agency should do so. The Garda should not be a tax collector. Members of the force are involved in recording rainfall. They have more important issues to address and duties such as those I have outlined could be outsourced to other State agencies if they could not be undertaken by private companies. More administrative duties could be undertaken by staff other than gardaí themselves, which would release them to undertake other more important tasks.

The use of clampers in Dublin, for good or ill, at least does not tie up Garda manpower in an inappropriate way. I refer to water bailiffs. I have a warrant as a water bailiff on the River Liffey. That is quite right and many other members of my angling club carry a warrant. Why should the Garda be engaged in this activity? Litter wardens are another example of engaging people outside the force.

Technology must be exploited and used to the maximum advantage. However, there is no substitute for experience. The retirement age for gardaí is 57 and it is 60 for superintendents. A significant reservoir of people with knowledge and experience are lost at a point when they are still active. Some members leave the force when they turn 50 and they are entitled to a gratuity of between €60,000 and €80,000. It is unfortunate to lose the skills and expertise built up by these members and there is a general trend towards increasing retirement age limits. Perhaps that issue will be examined. Even if the current limits apply, we must start thinking outside the box. There must be ways of involving retired members of the force in driving cars and looking after public offices.

We had a good Garda juvenile officer in my local town, Newbridge, who was skilled and experienced in the areas of drugs. When he retired, all his experience went with him and he has not been replaced. He is willing and able to continue to tour schools to give advice to and help young people. There must be a role for people like him within the force, as an adjunct to the force or through the local authority.

The Garda Bill is a matter for another day. However, I echo a comment made by a person who proposed a vote of thanks to the Minister at a meeting recently on the disability issue. State agencies have a duty to lead in this regard. That
point was made forcefully by this person and he spoke more eloquently about the issue than I could. However, people with disabilities could have a role in this area and this issue needs to be examined.

Opportunities exist for young people in the force and, hopefully, there are enough young people with the commitment to service to their country and with enough patriotism that when the advertisements are placed in the newspapers, they will respond generously and enthusiastically so that the force we need can be built up. They will be able to keep the peace within the State, make us all feel safe and support victims. Many members of the force use their own mobile telephones to keep in contact with victims of crime. Perhaps a small allowance could be provided to them so that they would not have to go into the Garda station to avail of land lines to do this work.

Our gardaí do dangerous and sometimes thankless work but most of them would say it is also deeply fulfilling. We are indebted to them for their service since the foundation of the State. Notwithstanding the few bad apples in the barrel, the majority of them work effectively and well in all our interests. I commend the motion to the House.

Ms K. Walsh: I second the motion. I warmly welcome the Minister for Justice, Equality and Law Reform to the Chamber. He has been severely criticised by Opposition Members on the issue of Garda strength over the past two years. I am, therefore, delighted that I and my colleagues in the Progressive Democrats can use Private Members’ time to commend the Minister and the Government for meeting their key commitment to increase Garda strength to 14,000. When he took office in 2002 the Minister made the overhaul and expansion of the Garda a key priority. He is delivering on both. The recently published Garda Bill, which proposed the first root and branch reform of the force since it was established more than 80 years ago, together with the additional 2,000 gardaí will ensure Ireland has a modern, capable, committed and well resourced police force to meet the needs of its citizens.

The Progressive Democrats’ general election manifesto for 2002 committed the party to increase Garda strength by 2,000 members. That commitment was then incorporated into the agreed programme for Government between Fianna Fáil and the Progressive Democrats to be achieved over the lifetime of the Government and that will happen. Plans were initially put on hold in 2002 due to the cap on public service spending. Economic conditions at the time did not permit the necessary expenditure, which was estimated at €330 million, and the Government took the brave and prudent decision to wait until the upturn in the country’s economic fortunes to advance the plan. That time has arrived and the Government commitment will be met.

Members of other parties have jumped around on occasion over the past two years adopting the mantra of 2,000 extra gardaí like a cheap football chant. The same Opposition politicians, when in power, allowed the strength of the force to progressively reduce from 10,882 in December 1993 to 10,827 in December 1994, 10,816 in December 1995 and 10,804 in December 1996. These are the same politicians who try to make political capital from Garda numbers at every opportunity. At a press conference held by the Minister for Justice, Equality and Law Reform last week in the Phoenix Park, the cant was well and truly silenced when he outlined his ambitious plans to swell Garda ranks by over 1,000 recruits per annum.

The ability of the Garda to operate effectively impacts on every community. As the number of personnel available is key to the operational ability of the Garda, the force must operate at maximum strength. Currently, Garda strength stands at a record high of over 12,117 men and women. At the end of this month, the figure will rise to 12,200. Key to public confidence in the Garda is visibility. A community has greater trust and support in the local force if it sees gardaí on the beat regularly and responding quickly to emergencies. Increased numbers will take some of the enormous pressure off existing members, allow for a greater presence of gardaí on our streets and help to boost public confidence in the ability of the Garda to fight crime at all levels.

The detractors have already begun to knock the Minister’s plans and have stated that his goals are not achievable. As always, the Minister is set to defy his critics and achieve his goals through a set of original, innovative and ambitious proposals. The Minister is overseeing a change in the recruitment and training process which will allow for an additional 2,000 members to be recruited and trained without any diminution of standards. The proposal to move in-service training from the Garda College to allow it to concentrate on the training of new recruits is simple and sensible and represents a more efficient use of State resources. There is no need for current members embarking on in-service training to be at Templemore. They can easily be accommodated at a different location. The Minister is working productively with his party colleague, the Minister of State with responsibility for the Office of Public Works, Deputy Parlon, to source alternative accommodation for in-service training and extend the existing facilities at Templemore.

I welcome the Minister’s intention to remove the Irish language requirement and his commitment to recruit new members from diverse ethnic backgrounds. We live in a pluralist, multi-cultural society which our police force must reflect adequately to have the confidence of all citizens. I welcome the Minister’s commitment to consider the age requirement with a view to raising it. Policing is a difficult task which requires a clear head, composure and the ability to carry out duties effectively. Having been married to a member of the force for more than 30 years, I
have some knowledge of how the Garda functions and suggest that more mature candidates may have a great deal to offer.

Increasing the strength of the Garda to 14,000 should not be seen as a quick fix or an easy solution to wiping out crime. It will not matter if we increase numbers to 20,000 or even 40,000 if gardaí do not have the full support of the community. If each citizen fails to play his or her part, we will continue to have crime. Some think there should be a garda in every back yard but that is neither possible nor practical. Such an approach would not be necessary if people played their parts, parents exercised greater control over their children and more people adopted the spirit of the volunteer and gave time to community groups or work with young people. These are issues I have spoken about in this House previously and to which I will continue to return.

I congratulate the Minister on his proposals and wish him every success in implementing them. I assure him of the wholehearted support of the Progressive Democrat Members of the Seanad.

Mr. Cummins: I move amendment No. 1:

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

— condemns the Government and the Minister for Justice, Equality and Law Reform for their failure to deliver on their pre-election promise of 2,000 extra gardaí;

— regrets the minimal increase in the ranks of the Garda Síochána from 11,757 in June 2002 to the current strength of 12,117;

— welcomes the Minister’s recent announcement of plans to recruit additional recruits to the Garda Síochána; and

— bemoans the failure of the Government to bring forward clear plans for the Garda College at Templemore, thereby facilitating the delivery of the ambitious Garda recruitment plans.

I welcome the Minister for Justice, Equality and Law Reform to the House. We are almost half way through the lifetime of the Government and it has suddenly dawned on the Minister that something must be done about his pre-election promise to provide 2,000 extra gardaí before the next general election. The electorate has not forgotten this promise as the Minister well knows from his candidates who sought support during the recent local elections.

This is the third time we have heard the Minister make this particular announcement on Garda numbers. Immediately on coming into office, the Minister backtracked on the promise, since which time he has attempted to resuscitate it in a series of rehashed announcements. The latest outing of the promise took place with great fanfare in the Phoenix Park last week. There were so many bits and pieces to the latest announcement that it seemed to be the product of many hours of creative thinking on the far side of St. Stephen’s Green. It had the look of a proposal which was cobbled together with a bit here and a tweak there. The truth is that when the Minister and his colleagues made the promise in 2002, he knew that to fulfil it within the lifetime of the Government, the facilities at Templemore would have to be expanded. Over two years now have passed and, by the Minister’s own admission, it will be a further year before an attempt is made to expand capacity at the Garda College. It appears the Minister was never serious about delivering on his commitment.

A fair way to review the veracity of someone’s promises is to examine his or her past record to assess what he or she has delivered. Half way through the Government’s term of office, the Minister for Justice, Equality and Law Reform has delivered 243 extra gardaí. Despite the statistics quoted by Senators in support of the Minister, he has a great deal of catching up to do. Figures Fine Gael obtained from the Department of Justice, Equality and Law Reform indicate that from 2002 to the end of this year 1,498 gardaí will have passed out from Templemore. In the same period the force lost 1,255 members due to ill-health, retirement, death or dismissal. Since the Government made its promise, the strength of the force has increased by an average of only 81 gardaí per year. This is a far cry from what was necessary and a statistic which has obviously jolted the Minister into some action at long last.

Crime statistics for the first half of 2004 show that the incidence of rape is 27% higher than in the first half of 2003. There has been a dramatic increase of 175% in the incidence of aggravated sexual assault while gun-related crime has also risen sharply. When Fine Gael left office in 1997, 90,875 indictable offences were recorded representing a 10% decrease on the previous year. In 2002, under this Minister’s watch, 105,840 headline offences were recorded representing a 22% increase on the previous year. There are people in rural Ireland who are terrified in their own houses. Public order offences and alcohol-related violence take place on the streets of our cities and towns on a nightly basis. Finally, the Minister has awoken from his slumber and decided he must do something to deliver on his promise of extra gardaí, which we welcome.

While increasing Garda numbers alone will not solve our crime problem, Garda presence and visibility on the streets of our towns and villages goes a long way in the fight against crime. That is why the Government’s promise to increase Garda strength to 14,000 is so badly needed. I question the will and the practicality of the Minister’s proposed exercise. Why can he not come clean and say that he cannot deliver 2,000 extra gardaí in the lifetime of this Government? Why be so disingenuous as to suggest that 2,000 extra trained
Mr. Cummins: [Mr. Cummins.] gardaí will be on the streets by 2007? Recruits and trainee gardaí cannot be classified as trained to police our streets. They must have the necessary training and experience before being classified as gardaí.

I repeat that the Minister’s announcement last week was disingenuous. By his own admission he recognised the fundamental flaw in his PR stunt when he said: “It will lead to a combined organisational strength of both attested gardaí and recruits in training of 14,000”. This is the actual state of affairs. The Minister agrees his promise cannot be honoured but he does not have the guts to admit it to the electorate.

My party made some constructive suggestions a few weeks ago which we are pleased the Minister has taken on board. Raising the entry age to the Garda Síochána from 26 to 35, or whatever the Commissioner feels appropriate, would increase the pool of potential new recruits. It would also allow into the force those with qualifications and life experiences obtained elsewhere. We also suggested the full implementation of the civilisation of administrative posts currently being performed by gardaí, a matter alluded to earlier and with which Senator Dardis agreed. We also made reference to retired gardaí, another issue which the Government parties are regurgitating. We like to see our suggestions being taken on board.

Mr. Dardis: I am sure we can find something to disagree on.

Mr. Cummins: The motion before us compliments the Minister on his recent announcement. It would be more appropriate if the Minister were to adopt the Inchdoney principle of a bit more humility and a caring approach. He should tell the people the truth rather than trying to compound his errors and deceive them once more.

An Cathaoirleach: As the amendment has not been seconded, it lapses. We will proceed with the motion as tabled.

Mr. M. McDowell: It is very symbolic, if I may say so.

Mr. Kett: I welcome the Minister to the House and congratulate him on his restatement of the commitment given in the programme for Government. While he did not have to restate it for those of us on this side of the House, the fact that he has done so will probably change the tune of the Opposition who will have to find something else to crow about. I read nothing which stated the Minister would meet his commitment during the first two or two and a half years of the term of this Government. I did read he would meet his commitment in five years and I believe that will be the case.

Feeling safe in our homes is probably the most important issue to Members on all sides of the House. It is more important to people living alone in isolated areas and to the elderly in particular. Attacks on such people are cowardly and despicable. The Minister’s words in terms of the provision of extra gardaí will be of great comfort to those families charged with responsibility for the elderly and those living in isolated areas. Such people need reassurance and support and they are getting it from the Minister.

Neighbourhood watch and community alert schemes have done a good job. However, the appearance of patrol cars and gardaí on the beat provides a greater degree of contentment. We on this side of the House never doubted that the promises made would be delivered on. It is a statistical fact that crime levels are decreasing and have been doing so since 1997. The most recent crime which comes to mind is that which took place in north County Dublin. It was an unspeakable act and the Garda have our support in their efforts to find the perpetrator or perpetrators as soon as possible.

The budget for the Garda Síochána has increased from €450 million in 1997 to more than €1 billion today. That in itself speaks volumes. Garda strength, as has already been stated, is at an all-time high and will reach 12,200 by the end of this year. It must be noted that the Garda lost in the region of 67 gardaí from the time the previous Government took office in 1993. We on this side of the House do not need to be lectured about what we are doing in terms of Garda numbers.

Prison places have also increased by 1,300 in the past two years with a promise of a further 700 places which I am sure have since been delivered on. A great deal of legislation has passed through this House much of which deals with the provision of a much safer and better environment for all. We have passed more than 50 Bills since 1997. The prison programme was ceased during the term of office of the previous Government in 1993-97. Not one prison place was created during that time. The response at that time was the introduction of the revolving door. The Minister provided an additional €2 million for overtime in prisons in 2003 thereby providing an additional 55,000 Garda hours targeted at Dublin and Limerick in particular. The emergency response unit which was at the time dealing with gangland crime received the bulk of that money.

The great work done by the Criminal Assets Bureau must also be acknowledged. The fact that a major gangland individual is scratching and scraping in court to try to hold on to his ill-gotten gains illustrates how well the CAB is working. There was a time when the Opposition did not agree with the setting up of the Criminal Assets Bureau. It took the tragic death of Veronica Guerin to bring them round.

Mr. Cummins: That is not true, we introduced it. The Senator should not mislead the House.
Mr. Kett: The problem of street violence involving young people late at night continues to be of great concern to all. It is an issue which needs to be tackled head on. That type of crime threatens the very fabric of society. We can no longer afford to allow teenagers or adults to act like drunken hooligans in our towns, cities and villages. The public order Bill and the Intoxicating Liquor Bill, introduced by this Minister, are two fine Bills which, along with other legislation, will play a major part in improving the situation. However, such legislation must be backed up by the Garda Síochána. We must ensure the Garda devotes the necessary manpower to tackling what might be called “hotspots” in our towns and cities. I believe we can turn the tide. The redeployment of gardaí should be considered. I am sure some gardaí in certain areas of the city may not be doing as much as they might be doing at particular times of the night. They could be redeployed to hotspots within the city.

Most important of all is the decline in the level of crime. Serious assaults have declined by 22%, general assaults by 14%, criminal damage has declined by 8%, sexual offences are down by 20% and drugs offences by 9%. This problem cannot be solved solely by additional gardaí. It is a societal problem which must involve parents and the education system.

The design of housing estates needs to be considered in the equation. Parents have the most important role. The probation and welfare service also plays a vital role. At any one time, over 5,000 offenders are under its care in the community. Extra gardaí will be a very welcome addition to the promise and commitment given by the Minister and I thank him for that.

Mr. Quinn: I welcome the Minister to the House and I welcome his promise of 2,000 extra gardaí. I wish to remind the House of the need for them. When I am in the United States and other parts of the world, I am aware of the high visibility of the police. That visibility is one of the reasons people are law-abiding; they know they are likely to be caught when the police are there. I also recognise that 2,000 extra gardaí will mean, I think, a ratio of 5:1. Due to the long hours worked, including Sunday working, it means no more than 400 extra gardaí on the beat at any given time. It is a reminder that 2,000 extra gardaí may not even be enough. It may be necessary to strengthen the Minister’s hand by giving him the backing to do whatever is necessary to make sure we have a police force that works.

One of the benefits which we have enjoyed in Ireland has been that of a police force which is community based. It has been enhanced in recent years through the use of such schemes as neighbourhood watch and community alert. I was chairman of the Chubb committee that awarded prizes for these schemes over the years. I was amazed at the level of good work done by neighbourhood watch and community alert in backing up the Garda. The community-based gardaí in my area of Howth use bicycles to work very effectively and to be in contact with the citizens. I will take some credit for raising in the House some ten years ago the possibility of having a mounted Garda unit. I was delighted that the Minister responded very swiftly and the mounted Garda unit was established. I think such a unit brings the Garda closer to the citizens. I have used the words “police force” even though it is no longer politically correct to use the word “force”; the correct words seem to be “police service”.

It should be remembered that the Garda has a job of protection and a job which necessitates confrontation. I have had the experience in my life of needing the protection of the Garda. On one occasion, and I will not describe it in detail, somebody threatened to attack me with a butcher’s knife. I was very happy that a garda was present to confront him. I say that as an illustration that this political correctness might be taken a little overboard. I have a fear that many gardaí in recent times have placed a priority on not putting a foot wrong and not attracting any unfavourable attention by behaving in a manner which might be criticised by those who say they are being too tough on someone who is committing a crime. We do not appreciate the need for confrontation. We should not be shy about declaring that there are occasions when confrontation is required. I agree that community-based gardaí with backup from citizens is a good idea but the Garda must be given not just the numbers and the power but also the encouragement to face up to the problems with an attitude of strength that protects society because we all need protection. I am concerned that a garda might be inhibited in his or her attitude because of criticism of his or her actions.

I agree that in the past there was a danger that by being so politically correct, we went out of our way to avoid showing the strength needed against criminals. Those drug barons would not have developed such power ten years ago if this was not the case. It is our responsibility as legislators to ensure that we endow with that strength those who are there to protect society. It was only as a result of the death of Veronica Guerin that we as legislators were willing to do things that we were unwilling to do previously.

I mention that case as an example of so many other cases. Our citizens would prefer to defend a few of what I will call, over-enthusiastic gardaí who stepped over the line rather than having a mollified, emasculated force which was afraid to confront those criminals who do harm to us.

I use the words “emasculate” and “mollified” on that basis. Part of the solution is to ensure that the Garda is given the strength, the courage and the backbone so that it can protect us. That is the reason I was pleased when I visited Templemore two years ago and saw the level of training that is carried on there. It is not solely community-based training, but training to ensure gardaí are able to protect us. I am pleased to hear the Minister plans to do something about Templemore.
because it is clearly under great strain and it requires investment. I believe such investment will pay for itself. I encourage the Minister to keep going in the direction he is going. If I have any criticism it is that he has not gone far enough. I am saddened to say that because I would like to think this country did not need a police force.

Two years ago I was on a small island in the Caribbean which has only one policeman but it does not have any crime. I do not think the reason is because it only has one policeman; I think it only needs one policeman. It is a chicken and egg situation. We should ensure that if we are to achieve success in this area, it is because we have given strength to the Garda, in the professionalism and training given in Templemore and in the encouragement we as legislators give the force to make sure it faces up to the challenges in order to protect us.

Dr. Mansergh: I welcome the Minister to the House and formally congratulate him on his reappointment which I was very pleased to see. The country needs a strong and effective Minister for Justice, Equality and Law Reform and it has one in Deputy McDowell. He has a lot of work under way and continuity is very important. I am not sure whether it is in order to discuss the Opposition amendment to the motion since it has fallen but if I were drafting amendments——

Mr. Dardis: The whole Opposition has fallen.

Dr. Mansergh: ——I do not think I would use the word “bemoan”.

An Cathaoirleach: The Senator will be aware that the content of the amendment can be discussed but it cannot be put to the House.

Mr. Dardis: It is a comment on the people who are not here today.

Dr. Mansergh: We are discussing increasing Garda numbers and perhaps we need to increase numbers on the Opposition side for certain purposes. I once did a calculation that if we were to have the same number of police per capita as in Northern Ireland, we would have a Garda force of approximately 21,000. In 1997, the Garda force was half that number. The history is very clear. One of the key commitments by Fianna Fáil in the 1997 general election was to increase the numbers of gardaí to 12,000. That was almost achieved by June 2002 so it augurs well for fulfilment of the Minister’s plan. This is a commitment of both parties in Government. The 2002 Fianna Fáil manifesto, which followed the commitment to increase the numbers to 12,000 in the 1997 manifesto, stated that, if elected to serve in Government, Fianna Fáil would expand the Garda Síochána by a further 2,000.

The joint programme for Government provides that it will complete the current expansion of the Garda Síochána and increase recruitment so numbers will increase by a further 2,000. In a sense, the baton which was with the former Minister for Justice, Equality and Law Reform, Deputy O’Donoghue, in the last Government has been taken on by the Minister, Deputy McDowell. I know from speaking to him that he is committed to it and, objectively, it is in the interests of the country.

There was a debate in the mid-1990s as to whether the law and order problem was vastly exaggerated. The then Minister for Justice, Equality and Law Reform did not get adequate political support from her colleagues in Government. One of the reasons the present Government is in office is that from the Taoiseach down, the issues of law and order were taken seriously and the feeling was it was not merely enough to deal with the social causes of crime, though those are important. Perhaps I can make one or two specific points about the uses to which the Garda might be put. It is a paradox that it is not by and large those who are reasonably well off in society who suffer most from a lack of law and order, but those in the estates, those towards the bottom of the social scale. It is the case that the Garda, given its present numbers, is sometimes reticent about going in and out of such areas.

A couple of initiatives the Government is taking in the Minister’s Garda Síochána Bill, which is to be welcomed, include a system of liaison between local authorities, communities and the Garda. This already exists with the new police service in Northern Ireland. Such a system would be very valuable in bringing an holistic approach to bear because law and order issues cannot all be dealt with by a method within the jurisdiction of the Minister for Justice, Equality and Law Reform as they also relate to issues such as street lighting, lay out, facilities and so on. The RAPID programme which concerns many deprived areas also focuses on the holistic approach.

The actions of the Garda in Dunsink was raised on the Order of Business this morning. Since then I have read more about it in the newspapers. There is a general principle that all members and sections of the community should be subject to the rule of law and that nobody, by virtue of their particular social status, is exempt. Many communities suffer from the lack of the rule of law and the feeling that many types of people engaging in disorder are virtually untouchable so far as the Garda is concerned. Safety on the streets is important. It is appalling to read of young people being killed on the streets, out of the blue, presumably by other young people who are high on something or other. I agree with the point that a city which is well and properly policed has a significant deterrent effect on attacks.

The joint programme for Government provides that it will complete the current expansion of the Garda Síochána and increase recruitment so
Mr. Ryan: Cuirim fáilte roimh an Aire. Is minic a bhionn sé linn. Tá mé ag éirí — ní déarfaíonn amhrasach, ach I begin to wonder if we are too soft on him. He appears to enjoy his time here and, perhaps, we are too gentle with him. In fairness, he is a frequent attender and a lively participant to the debates. I will not say it is necessarily a pleasure but it is worthwhile being here if the Minister for Justice, Equality and Law Reform is here.

Mr. Dardis: That is a major concession from the Senator.

Mr. Ryan: I do not share and do not like to get involved in too much of the Opposition versus the Government popular hysteria about crime and I have not done so in my political career. It is one of the easy issues about which to generate hysteria. As Senator Mansergh correctly said, very often the people who talk about the hysteria, prominent journalists and politicians, are not at the receiving end but they generate a climate of increased fear in communities where there is already a receiving end. It makes the lot of older people living in poorly-policed and poorly-served communities worse off. When a perception is put abroad that even to go to the local shop for a bottle of milk at dusk is more than an elderly person will risk. I include myself in what I am about to say. I am sure there are moments when I have broken this rule. We all have an obligation not to create a climate of hysteria in our community. If we do, it spoils people’s lives. Fortunately, for much of their lives most people never encounter a serious criminal offence to their person. They may experience petty burglaries or perhaps have a radio stolen from their car. The only time I was assaulted it was my own fault, which I will not go into, although I was not breaking the law. I was working with the Simon Community and was beaten up but I had chosen to be where I was and do not blame anyone else. Beyond that incident, I have been burgled and had my car broken into, which are nuisances only.

A week after I came back from New York, I ended up walking from one end of O’Connell Street to the other at 12 midnight. My 16 year old son was with me and I was genuinely concerned because I saw only one member of the Garda Síochána on the entire length of our main street on a busy Wednesday night. I am not sure whether that is a result of numbers, deployment, organisation or management, but I am more than happy to welcome extra gardaí because their quality has improved beyond recognition.

They seem to be older and better educated, the best evidence of which is the capacity of the Garda college, with its small number of students, to compete in third level sporting competitions. My friends in CIT tell me their may only have a small number to pick from but their average age is higher than the average age of third level students generally. Moreover, what they lack in numbers, they make up for in physical maturity and I presume they are fit, strong and healthy. Therefore, we are obviously recruiting very good gardaí.

As one who often criticises the Garda, I acknowledge that individual gardaí have traditional qualities for which they often do not get enough praise. During all my time with the Simon Community, the vast majority of gardaí showed a capacity for good humour, flexibility, compassion and patience that a large number of people in the caring professions do not. I saw gardaí duck crutches thrown by a particularly well-known character in Cork who is now dead. They did so with considerable good humour because they knew him, his history and his drink problem and were aware that he was homeless. They brought him home on many nights and carefully took evasive action so they did not get flattened by a crutch on the way home.

We need to retain that spirit of public service and managerialism of itself will not do this. Extra numbers committed to the values of the Garda as a community force is what we need. Extra numbers to turn it into a managerial force, based on modern managerial deployment techniques will not restore the sense of community confidence that the sort of gardaí, with whom we are familiar, should give us in society.
Minister for Justice, Equality and Law Reform
(Mr. M. McDowell): I welcome the motion tabled by Senators Dardis, Walsh, Morrissey, Brennan and Minihan to commend the Government and me for our commitment to increasing the strength of the Garda Síochána.

Much has been said and written on this matter. The Opposition has claimed that the Government was not interested in honouring its commitment on the strength of the Garda force. Even when it was announced last week that the Government was embarking on a major recruitment drive to achieve its objective, the Opposition claimed it could not be done. One Opposition spokesperson in the Dáil claimed it would take 25 years to achieve the increases in question. However, it is not only possible but it will be achieved. The Government has approved my proposal to increase the strength of the Garda Síochána to 14,000 members on a phased basis in line with a key commitment in An Agreed Programme for Government and its implementation will significantly strengthen the operational capacity of the force.

On Thursday last, in the company of my Progressive Democrats colleague, the Minister of State at the Department of Finance, Deputy Parlon; the Garda Commissioner, the Commissioners of the Office of Public Works and the chief executive of the Office of the Civil Service and Local Appointments Commissioners, I confirmed at the Phoenix Park conference the Government’s intention to increase the strength of the Garda Síochána to 14,000 and outlined how I am going to do so. Taking into account projected retirements, the plan I announced will lead to a combined organisational strength of both attested gardaí and recruits in training of 14,000 as early as 2006. There will be a full complement of 14,000 fully-attested and qualified gardaí in late 2007 or early 2008.

Before I go into the specific details of this project, it is worthwhile examining the recent history of Garda numbers and comparing the record of this Government and its critics. In 1997, the force strength stood at 10,968 gardaí. Under this Government the strength of the force increased steadily to 11,748 in its first term. That progress has continued since June 2002 and the force is now at more than 12,100, representing an 11% increase since 1997, and will reach 12,200 by the end of 2004, which will be achieved.

The programme for Government commitment in respect of Garda numbers states: “We will complete the current expansion of the Garda Síochána and increase recruitment so that the numbers will increase by a further 2,000”. It is true that this major increase had to be temporarily put on hold because of the cap on public service numbers due to an international downturn in the economy after 2002. However, the Government through its prudent management of the public finances again has us on a growth path. We came through that downturn the least scathed of all the EU economies thanks to the expert financial genius of Deputy McCreevy—

Mr. Ryan: The Minister should not get carried away.

Mr. M. McDowell: —— and the way in which he conducted the economics of the country.

Mr. Feighan: The Government got rid of their genius. The new job notice read, “Smart fellow wanted but not too smart”.

Mr. M. McDowell: After June 2002, and despite the cap on public service numbers announced in the budget of 2002, I secured Government approval to proceed to increase the strength of the force to 12,200 by the end of 2004, which will be achieved.

The Opposition and some other commentators have stated that it is not remotely possible during the remaining lifetime of this Government to recruit in sufficient numbers to increase the strength of the force to 14,000, which is not the case. The logistics of such a major recruitment and training campaign are formidable but these challenges can and will be overcome. I will explain how it will be done. First, the Garda
Commissioner will temporarily move the majority of in-service training programmes out of Templemore Garda College to a new location.

Mr. Cummins: To where?

Mr. M. McDowell: This will enable the Garda College to concentrate mainly on training new recruits. The OPW will advertise this week for expressions of interest in the provision of new accommodation for in-service training. This outsourced facility will provide classroom and lecture facilities for up to 100 gardaí. This facility will be used to provide courses for gardaí who are already inducted into the service; they return to the college for refresher and specialisation courses.

Second, the capacity of the Garda College will be significantly expanded next year. A new four storey block will be built, using efficient system build methods. This will provide for central administration and free up teaching blocks for classroom use. There will also be new library and gym facilities. In addition, the general catering and canteen facilities will be expanded. The plans for this are well advanced by the OPW and were displayed at the press conference in Garda headquarters last Thursday.

Tenders for construction will be invited shortly and construction will be completed by the end of 2005 in time for the peak in-flow of recruits to the college, which will take place in February 2006. The enhanced capacity will also enable the return to the college of in-service training at the end of the concentrated recruitment phase. Parallel with that, work will also be undertaken on relocating the tactical training facility which will be displaced by the new building.

Third, the Garda Commissioner proposes to rebalance phase 3 of Garda training so that of the 16 weeks of this phase — there are five phases in total — all of which are currently spent in the college, the last four weeks will now be spent in Garda stations on practical training. This will further remove pressure on the college’s facilities and also provide trainees with more intensive training experience.

Fourth, the recruitment campaign will start shortly. The Commissioner will place advertisements in the national newspapers within the next six weeks inviting applicants to join the force and record numbers of recruits will be taken on. Each quarter, for the next three years, about 274 recruits will be taken into the college amounting to just short of 1,100 recruits each year. Taking into account projected retirements, it will lead to a combined organisational strength, of both attested gardaí and recruits in training, of 14,000 as early as 2006. Mark my words, as early as 2006 there will be in uniform 14,000 members of the Garda Síochána.

Mr. Cummins: We need qualified gardaí on the streets, not recruits.

Mr. M. McDowell: They will be fully qualified. The Senator seems to ignore the fact that trainee gardaí are on the streets and part of their training involves being on the streets. We have the longest training programme on these islands and in this corner of the world. In the London Metropolitan Police there is a six month training process while in Ireland we have a two year training process. Much of that is spent in practical policing work on the streets, learning professional standards in real life situations.

A recruit garda jumped into the River Liffey recently and saved a man from drowning. I do not think the person who was drowning would agree with the Senator that the action was any less brave or any less effective because there was a little blue band on the recruit garda’s uniform.

Mr. Cummins: The Minister should not try to cover up his mistakes.

Mr. Feighan: Perhaps that man was being attacked by thugs.

Mr. M. McDowell: The necessary resources for the Garda Síochána budget have to be addressed in the normal Estimates process for 2005 and in each succeeding year. I have to battle for the resources in question. The same will apply to the once-off capital costs for the OPW. The increases in the Garda budget will initially be relatively small but they will rise to a significant amount, an annual cost of about €124 million by 2009. That is a significant investment in the strength of the Garda Síochána. The once-off capital costs at the college will be relatively modest, but in view of sensitivities relating to contracts I will not comment on the exact cost of the four storey building, but I believe we will get good value for money.

As part of the preparation for this recruitment campaign, I have taken the opportunity to ask the Garda Commissioner to review the eligibility criteria for entry into the Garda Síochána. Members of this House will know that at present one must be not more than 25 years of age or if one has qualifying service in the FCA not more than 27 years of age in order to become a member of the Garda Síochána. In this modern age and having regard to the circumstances of modern life, we do not have to recruit career gardaí at the age of 18. Senators who have had the pleasure, as I have had on many occasions, of attending passing out parades in Templemore will see people coming into the Garda Síochána from diverse backgrounds such as banking, teaching, graduate positions and a wide diversity of trades and professions. These are people who decided in their early to mid 20s that they wanted to serve this country as policemen and policewomen. That is a good thing. We should look forward to a time when people in their late 20s and early 30s at least should be in a position to make such a lifetime commitment to the State. It is never too late for people of such an age to decide that they should have the opportunity to serve the country. The
Mr. Ryan: How does the Minister know about these things?

Mr. M. McDowell: I used to walk past them approvingly while the Senator would have cowered around the corner to see where they were. I say that in jest.

High visibility policing is a major factor in terms of people’s sense of well-being. In rural Ireland in particular, if there were not to be the increase in numbers under this programme of recruitment, inevitably any Garda Commissioner under pressure to allocate resources to the points of greatest need must look at the burgeoning suburbs of the greater metropolitan areas around Dublin, which are now spreading out 30 and 40 miles and where villages are being transformed into towns. He would feel under significant pressure to bring gardaí to stations in these locations from sparsely populated rural areas. Therefore, if there is to be a programme of renewal and transformation of the Garda Síochána, it would be a desperate pity if it were dragged down by the view that reform would occur at the expense of rural policing. This is another reason we need additional gardaí.

I agree with Senator Ryan that there is sometimes a tendency to over-emphasise criminality in our society. I hope to publish in the near future the quarterly crime figures which arrived in my Department today. I am pleased to tell the House that, even on the basis of a superficial look at these statistics, the crime trend is down yet again, quarter on quarter, as it has been since we first started publishing quarterly figures at the beginning of 2003. However, there has been a constant increase in the number of certain reported crimes, such as sexual crimes. I do not know whether the highly visible presence of gardaí will ever have a significant effect on sexual assaults, many of which are committed in areas where gardaí would not be present to stop them. Since the introduction of PULSE, which resulted in a very significant increase in the number of recorded crimes, there has been a downward trend, even though the figures are reported quarterly.

It is a myth that crime can be tackled by the Garda alone. The causes of criminality are complex and the exact number of causes is the subject of debate. However, marginalisation, exclusion, deprivation, the mentalities of having nothing to lose and nothing to do, poor parenting skills, abdication of responsibility by parents, both rich and poor, increased access to alcohol in respect of some patterns of crime and increased access to motor vehicles in respect of others, all play their part.

However, it is not a middle class or right-wing concern that crime should be addressed by a society. We must remember that it is those who are at the lowest end of the socio-economic ladder who suffer most from crime, as Senator Mansergh stated. I do not just believe this proposition but I know it. Shortly after my marriage I went to live in a place which, to use Sir Humphrey’s great phrase, involved a courageous decision because it was very close to a hotspot of juvenile crime. I saw for myself the serious effect on a settled elderly community of living in an

[Mr. M. McDowell.] existing 25 year age limit is an artificial limitation on the entry of good potential recruits to the force.

It is also necessary that the force reflects the composition of Irish society. We are facing into circumstances which are uncharted territory for this country. We have large immigrant communities who are in their first generation. We must have a police force which reflects the ethnic make-up of our population. At present, it is difficult to recruit directly from among people who step off a boat and ask them to join our police force. There is no reason in principle that there should not be increased ethnic diversity in our recruitment. Certainly, looking forward to the second generation of immigrant communities in Ireland, if we have concentrations of ethnic communities in parts of this country, as was the case in the United Kingdom — I hope that ethnic diversity will be as geographically spread as possible and that we will not have any racial ghettos emerging — we want to avoid the situation that has emerged in many European countries where those communities are policed effectively by white strangers who do not have among their numbers people who come from those communities. I want to avoid the situation which emerged in the United Kingdom of young West Indians feeling that they are wholly alienated from the police force. I want to have a police force where the members are completely reflective of the society they are policing by consent.

For that reason, apart from simply promoting diversity in our recruitment programmes, we also must examine the requirement that to be eligible for recruitment to the force one must have the equivalent of a pass leaving certificate competence in Irish. That is a requirement we could for recruitment to the force one must have the language requirements.

People may ask what will happen to these new gardaí. I have a pledge to make to this House and I have the word of the commissioner that it will be delivered. They will not be assigned to administrative duties or recruited to sit behind desks. High visibility policing is what is needed for exactly the reasons Senators Ryan and Quinn mentioned earlier. The sense of well-being and the sense of order and security in a society are backed up not simply by the numbers of police who are hidden down lanes like the CRS in France in buses ready to quell something that goes wrong——
area where criminality was an expected part of life.

**Mr. Coonan:** It was not Roscommon.

**Mr. M. McDowell:** Women in their sixties and seventies were afraid to go out to buy a bottle of milk after dusk. The middle classes rarely experience this. Furthermore, whereas a middle class family can take in its stride a window broken in a burglary and get on with life, an elderly woman who may not have her house insured must pay a considerable price, not to mention the psychological damage done to her as a result of having her house violated.

Dealing with crime is not just an issue for the have-nots in society, it is just as much an issue for the have-haves. The Garda does not put itself forward as the sole solution in the fight against crime. Every agency and citizen is part of this process. The decline in volunteering, to which Senator Kate Walsh referred, is also part of the problem. So many people are now opting out of voluntary activity and talking about the State’s duty to provide this, that and the other for their children when in fact voluntarism is one of the sinews of a society that has solidarity. It is one of the factors most effective in changing a society suffering from despair and cynicism to one that functions as a community.

I do not pretend that by increasing the number of gardaí by 2,000 I am waving a magic wand over the crime figures, but I am delivering on a commitment this Government made and from which it never wavered. I am delivering on a commitment that was not simply a vote-getter but a social necessity. I say to my critics, particularly Senator Cummins, that I regret his amendment was not moved because I would have liked to have refuted it at great length. In one sense, it was symbolically correct that it was not seconded, but he was the man who prevented the delivery of the 2,000 extra gardaí. He certainly said it would be possible. The president of the GRA, Mr. Greg Fogarty, said the Garda College was already running at full capacity. Despite assurances from the then Minister, he said he remained sceptical as to whether the Minister’s plan could be achieved. I have a certain sympathy for the Minister who is trying to deliver on someone else’s rash promise. People voted for Fianna Fáil and the PDs in the belief that there would be extra gardaí, safer streets and lower crime levels. These people feel bitterly betrayed. In spite of the Minister’s assurances, which I take at face value, the results of the local and European elections proved that people felt betrayed.

There were promises that extra gardaí would be delivered. The Minister said there was a battle for resources, therefore, there is a bit of a contradiction when he praises the Minister for Finance for tackling the €1.3 billion budget deficit given that he ensured the Minister for Justice, Equality and Law Reform did not get the vital resources to deliver the 2,000 extra gardaí. We have said goodbye to the great Minister for Finance, whom Government Members said did such a good job, but he was the man who prevented the delivery of the 2,000 extra gardaí.

The Minister conceded that the plan was abandoned. He told *The Sunday Business Post* that the commitment was not honoured.

**Mr. Dardis:** That is what *The Sunday Business Post* reported.

**Mr. Feighan:** I suspect the Minister may take action against *The Sunday Business Post*. The Minister said he did not realise earlier in the year that there would be a budget deficit of €1.3 billion. He said he had not broken his promise and it could be worse if he had endangered the public finances. He confirmed in the Dáil that the plan was being dropped.

**Mr. M. McDowell:** I did not say that; I said the opposite.

**Mr. Feighan:** That is stated in *The Irish Times*, which does not lie. When the Minister has something to shout about, he certainly takes credit.
**Mr. Dardis:** Does the Deputy read many works of fiction?

**Mr. Feighan:** *The Irish Times* is a very reputable newspaper, not a work of fiction.

I accept the Minister is doing his best to ensure the extra gardaí will be delivered. In the meantime, in the area where I grew up and in other towns, villages and cities, the numbers of young people experimenting with drugs is growing at an alarming rate. While I do not believe 2,000 extra gardaí will solve the problem, they will go a long way towards doing so. The national drugs strategy appears to be failing. Drugs task forces will only succeed if they get the proper resources, including gardaí and so on; some areas do not even have such forces. If the gardaí want to carry out a drugs bust in Roscommon, they must request special assistance. There are no dog units and so on, which is like putting up the white flag to professional crime gangs. If we do not get 2,000 extra gardaí soon, we will need 10,000 extra gardaí to cope with the serious problems that will exist. Unfortunately, the Government has not taken precautions to deal with this issue.

Recruit gardaí and trainee gardaí are not qualified gardaí. I am sceptical that the pre-election promise of an increase in Garda strength from 12,000 to 14,000 can be delivered during the lifetime of the Government. Drugs are taking root in the towns and villages which have not had a gardaí for a long time of the Government. Drugs are taking root in the area where I grew up and in other towns. This might happen in the future.

I would like to put on record my thanks to the gardaí in my constituency who were not afraid to go into Dunsink. It required a large number of gardaí to root out the lawless elements in the area. They did so under the glare of the national media and acquitted themselves very well. I thank them for doing so.

**Mr. Brennan:** I welcome the Minister to the House. I congratulate the Minister, the Taoiseach and the Government on their commitment to implement the programme for Government in respect of the additional 2,000 gardaí. I pay tribute to the Garda Commissioner, members of the Garda and the Office of Public Works for playing a leading role in implementing the plans. The Government is certainly committed to the justice system and the operation of the Garda force throughout the country. We should all acknowledge the tremendous work and sacrifice of the gardaí throughout the country since the foundation of the State. We have witnessed supreme sacrifices being made. I refer to Detective Garda Jerry McCabe who was shot in my village of Adare. I saw the programme on Detective Garda McCabe last night. There are many newspaper articles about the issue, so it is no harm to reaffirm our commitment to gardaí and their families in respect of commitments made by past Governments and Ministers for Justice, Equality and Law Reform. It is important the Government continues to make the resources of the State available. Members of the Oireachtas, the Garda Síochána and the community at large should work together as a team in the fight against crime. I wish the Garda Commissioner well with the allocation of extra gardaí. It is good to see changes in recruitment and in how the force will be used. I also wish the Minister well.
**Mr. McCarthy:** I welcome the Minister to the House. I wish to make a few general observations about the Garda Síochána. There is an issue about how the Garda does its work. We have a fine complement of gardaí. They are unarmed, which is a testament to their ability, professionalism and integrity. Over the years they have commanded great amounts of respect and that is a testament to the way in which they were managed and how they policed our communities. Unfortunately, a number of incidents in recent years have characterised what a minority of people do when they drink too much. They act the maggot and their behaviour is completely foolish and irresponsible.

There is an issue with regard to the administration. Ordinarily, members of the force must undertake. The Minister recently made comments regarding gardaí stationed outside the homes of Ministers or former Taoisigh. The issue relates to the way in which the resources of the Garda Síochána are applied most effectively. How can it be higher priority for gardaí to stand at the gate of a house, where the occupants might leave twice or three times a day, or write up a summons than to police streets or go into schools and speak to young people about the dangers of alcohol? Looking at a better application of resources will result in a more effective use of the force. It might contribute to reducing crime figures.

I want to be parochial about this issue and I hope my point does not seem contradictory. In January 2004, in a village near Dunmanway in west Cork, two gardaí were set upon by a number of youths. They were beaten up while on duty. This happened in a rural area and those gardaí have not yet returned to work. There is a sergeant and four gardaí in Dunmanway. Currently, the sergeant is out sick as a result of the beating he received in January and three of the gardaí are also out sick.

Two weekends ago, two gardaí operating a checkpoint stopped a young driver on suspicion of drink driving. While they questioned the man and attempted to breathalyse him, his girlfriend passed him a knife and he stabbed one of the gardaí and then made off on foot. This happened in a rural town. Those two gardaí are out sick as a result of being injured on duty. That is a frightening experience for anyone. It is wholly unsatisfactory. The upgrade of the existing station was announced a number of times in the past three years, but it has not happened. In this day and age it is unsatisfactory that people must present themselves to a private household without wheelchair access or cells and where the environment is not conducive to a Garda station. It is unacceptable and I expect the matter to be looked at urgently.

Senator Brennan spoke about the unfortunate and sad event in Adare when Detective Garda Jerry McCabe lost his life. Will the Minister reaffirm that the killers will remain in jail and serve the sentences handed down for this despicable act?

**Mr. Brady:** I welcome the Minister to the House and thank him for being generous with his time. I also warmly welcome the announced increases in Garda numbers. I commend the Minister on achieving the current numbers, which, as he pointed out, were achieved against the odds.

My own experience is of Dublin inner city where there are individual gardaí who are respected and admired by everybody. We tend to only hear the negatives. Thousands of senior citizens will attend Christmas parties run by the Garda. The Minister attended a function in Croke Park with the No Name Club, which is a massive success throughout the country. These are the areas where the Garda excels.

Gardaí make a contribution to community life. One of my colleagues made this point in a rural context, but it happens in an urban context also. The additional numbers being allocated will ensure that gardaí can be left in stations for a
[Mr. Brady:] substantial period of time. They can build relationships with the local community, its leaders and other agencies working in the area. I have seen the benefits of this first hand.

I commend the Minister and the Department on the roll-out of the community policing forum model, which is up and running in a number of areas around Dublin city. We are looking at cooperation between the gardaí, local community, local authorities and other agencies which operate within and make up a community. This initiative can be spread throughout the country. It is not just relevant to Dublin city.

I welcome the commitment by the Minister to work closely with the Garda Commissioner in targeting new resources specifically at the areas of greatest need. I welcome his commitment to put these gardaí on the street where they will be visible. A number of Senators referred to the fact that visibility is key to making the whole community feel safer. We must work particularly hard in that regard. We have all heard about so-called “no-go areas”. Any garda on the beat will tell one that no area on his or her beat is a no-go area.

I commend the Minister, the Department and the gardaí on their actions at Dunsink over the past couple of days. They acted professionally under severe pressure. They are to be congratulated. We have heard stories about how low Garda morale is. There should be a comprehensive service operating from the time a person is arrested, through the courts process and linking in with the Prison Service and the probation and welfare service. In Northern Ireland, there is a comprehensive co-ordination of all the services which deal with crime. This is an issue we must consider more closely in the Republic.

In terms of tackling the issue of drugs, in which I have a particular interest, gardaí have excelled themselves and are well on their way to meeting their targets under the national drugs strategy. A 25% increase in seizures has been achieved this year and we hear constantly on radio and television of the seizures which are being made. When one considers that in some other countries seizures by police forces account for only one third of the drugs on the streets, the special drugs units are working extremely well. The drugs court is also operating quite well. The operation of these areas will be enhanced by the increase in Garda numbers.

I was bemused to hear Senator Ryan observe that politicians and others should not scaremonger on crime when members of his party indulged in scaremongering during the local elections by telling communities that their local Garda station would be closed when no such action was being considered.

Mr. McCarthy: At least those communities had Garda stations.

Mr. Brady: There are issues to be tackled but I welcome the announcement of the increase in Garda numbers and wish the Minister well.

Mr. Finucane: The usual approach is for the Government to criticise the Opposition with regard to Garda numbers for the two years in which it was in office in recent times. It should be noted that during the Celtic tiger years from 1997 to 2002, the Government recruited an average of 150 gardaí per year. The praise lavished on the former Minister for Finance, Deputy McCreevy, was somewhat unrealistic because in order to conform to the new touchy feely ethos of the Administration, many Fianna Fáil backbenchers turned on Deputy McCreevy and he finished up in Brussels. They were grateful to him, however, when he went on a spending bonanza for more than a year before the last general election, spending all around him in order to buy the election for Fianna Fáil. We all know what happened after the election to the promise by the former Minister, Deputy McCreevy, that there would be no cutbacks. It is now stated that since there was prudent economic management in the first two years of the Administration, it is time to dispense the largesse and it is in this context that there is to be an increase in Garda numbers.

The Fianna Fáil manifesto of 1997 pledged to withdraw gardaí from routine civilian work and traffic duties and to give these duties to local authorities. Is this proposal dead or has there been a withdrawal of gardaí from civilian duties? The Minister for Justice, Equality and Law Reform, Deputy McDowell, made a significant point when he stated the new recruits would not be involved in civilian duties. I accept and appreciate this comment.

There are many elements in what the Minister is trying to do, one of which is to recognise the multicultural society which exists. We can promote this multiculturalism and the visibility of ethnic communities by absorbing people from those communities into the Garda.

Mr. B. Hayes: Hear, hear.

Mr. Finucane: If this is achieved, the Garda will attain respectability and status from the citizens who have decided to make their home in Ireland. I welcome such a development.

I also welcome the Minister’s assertion that although the Irish language is important within the Garda, it should not be a barrier to recruitment if a person does not have leaving certificate level Irish. It is grossly unfair that a person could be brilliant at mathematics, for example, but be barred from joining the force because he or she does not speak Irish. The Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív, and some other Irish language proponents have expressed reservations about such a development. These reservations are unwarranted and there should be no barrier regarding
Irish competency if a person possesses adequate skills to join the Garda.

Regarding the numbers and the point made in Fianna Fáil’s 1997 manifesto, there has been little recruitment in the last two years. I accept the Minister is accelerating the programme. He was applauded by his colleague, Senator Morrissey, on his sense of vision and creativity in getting the OPW to expand on developments in Templemore and elsewhere. I am amused by this sycophantic tone because I would expect a person with any degree of imagination and innovation within a Department to come up with such suggestions if he or she wishes to pursue a programme of expansion. We will wait and see regarding the success of the programme and I will not be critical of it because I wish the Minister well.

We all know the expansion of Garda numbers is required and we are aware of the degree of lawlessness which exists within communities. A survey Fine Gael conducted last February in conjunction with a national opinion poll provider indicated that many people in the 18 to 24 year old category do not report crimes such as burglaries to the Garda because they do not have confidence in the system. This confidence must be restored. I come from Limerick, which has had its share of problems in the past, but I must compliment the chief superintendent and the Garda authorities for putting the lid on many of the difficulties experienced in Limerick, such as problems with gangs and associated criminal activities. I appreciate what has been achieved in this regard.

The sad death of Detective Garda Jerry McCabe in Limerick has been referred to in this Chamber. We were all touched by last night’s television programme which portrayed the appeal of his widow, Mrs. McCabe, to this Administration. However, I am fearful that if a deal is done between the DUP and Sinn Féin and the Administration. However, I am fearful that if a deal is done between the DUP and Sinn Féin and the Northern Ireland talks progress, Detective Garda McCabe’s killers will be released shortly afterwards. Reassurance was sought by a colleague in this House from the Minister for Justice, Equality and Law Reform of a previous commitment that this would not happen and such a reassurance was given. I will watch with great interest what happens in this regard.

Mr. B. Hayes: Hear, hear.

Mr. Finucane: Many others also await evidence of the strength and commitment of the reassurances given by the Minister to this House on many occasions.

The 1997 programme for Government pledged that to enable the Garda to concentrate on crime control, a community warden service would be recruited by local authorities to reduce the workload of the Garda. This never happened. Perhaps many objectives are never achieved and are included in the programme for Government because they sound good when a party is producing its manifesto. However, there may be a role for local authorities in this regard, as expressed recently by the Minister for Justice, Equality and Law Reform.

There is great concern about crime in rural communities, as highlighted by the recent sad death of a gentleman in the west. People in rural areas are concerned about Garda activity and visibility. Another recent example involved the owner of a post office in County Limerick who was tied up by burglars and left in that condition for hours. These types of crimes are still happening.

I am never a knocker as I like to be constructive in politics and I hope the increase in the numbers are achieved over the two years. I want to see a more visible Garda presence so that members of rural communities, in particular, can feel safe in their homes. We shall wait in judgment on the success of the Minister for Justice, Equality and Law Reform in getting the financial allocation necessary to achieve these objectives. The Celtic tiger is purring again but not as strongly as it did in the past and the Minister will require a lot of funding to achieve many of the objectives that are being trumpeted from various quarters.

Mr. Dardis: I thank all the Senators who participated in the debate. I welcome the Minister of State at the Department of Finance, Deputy Parlon, who is standing in for the Minister for Justice, Equality and Law Reform. It is appropriate that he is here because he is centrally involved in terms of what is required from an infrastructural point of view to achieve what is proposed.

We all agree the Garda Síochána needs extra numbers. The Minister has agreed with this as an objective for Government, but he has also shown how it can be done. The Cassandras — mentioned by Senator Ryan — in the media and the Opposition keep saying these objectives cannot be achieved, but the Minister has shown how they can be met through the provision of extra facilities, relocation of people, in-service training and pre-retirement courses.

The recurring theme of this debate has been the need for visibility. We need to see gardaí on the street and in the communities. Visibility is a powerful deterrent, although there is argument about to what degree. I and several speakers have visited New York where policemen are visible on the corners of every block, certainly on Fifth Avenue and adjacent streets. The results of this visibility are evident to all. I have seen a similar situation in South Africa, especially with regard to the traffic police. One would be reluctant to break the speed limit there because there are checks everywhere. The squad car is not always there but the policemen sit in the bushes with their “hairdryer” to ensure people keep within
The Minister made a point with regard to rural policing. It is important that people who live in isolated areas feel safe because they have been vulnerable to attack, robbery and assault. There is a wider issue in the urban areas. In approximately ten years time, my home area of Newbridge, County Kildare, will, combined with Kilcullen and Naas, have a population equivalent to the current population of Limerick. This increased population will require greater police numbers to service the area. It is imperative that the Department responds to the changing needs of society, whether these relate to increased numbers or the ethnic composition of an area.

I am pleased the Minister has recognised the need for balance in the ethnic make up of the force so that people who settle in our country will be able to identify with the Garda in a way those born here already do. The Minister spoke about second generation people and we must be aware of our prejudices in this regard. The children of a family of Pakistani origin in my area were born in Ireland, are citizens and were educated here. However, they are frequently asked where they are from. They come from Newbridge, but people do not understand that and just because their skin colour is different, it is assumed they are foreigners. We must be ready to consider our attitude.

I thank Senators for their contributions to this constructive debate. I am sure the Minister will take into account the telling points made. Senator Quinn mentioned the frustration experienced by gardaí who must deal with violent and difficult people. He would advocate an aggressive response and I agree, although it should be proportionate. Gardaí who must deal with violent and difficult people often experience frustration when they find themselves in trouble as a result. This is not right. They should not have to face that frustration nor to have to suffer long delays in getting matters to court to deal with troublemakers in society whom they want put away because of their violence or criminal activity.

In my time in this House, I cannot recall an occasion when an amendment was not seconded. The rhetoric of the Opposition is not matched by the action. If people want to speak on a subject and have proposed an amendment, it should be seconded and voted on.

Question put.

The Seanad divided: Tá, 30; Níl, 17.

Tá

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

MacSharry, Marc.
Mansergh, Martin.
Morrissy, Tom.
Moylan, Pat.
Norris, David.
O’Brien, Francis.
Ó Murchú, Labhrás.
Ormonde, Ann.
O’Rourke, Mary.
Phelan, Kieran.
Ross, Shane.
Scanlon, Eamon.
Walsh, Kate.
White, Mary M.
Wilson, Diarmuid.

Níl

Bannon, James.
Bradford, Paul.
Browne, Fergal.
Burke, Paddy.
Burke, Ulick.
Coghlan, Paul.
Coonan, Noel.
Cummins, Maurice.
Feighan, Frank.

Finucane, Michael.
Hayes, Brian.
McCarthy, Michael.
McHugh, Joe.
O’Meara, Kathleen.
O’Toole, Joe.
Phelan, John.
Ryan, Brendan.

Tellers: Tá, Senators Dardis and Moylan; Níl, Senators Cummins and Finucane.

Question declared carried.

An Cathaoirleach: When is it proposed to sit again?

Ms O’Rourke: At 10.30 a.m. tomorrow.

Adjournment Matters.

Garda Youth Diversion Programme.

Mr. Brady: I raise this matter to ask what plans the Department of Justice, Equality and Law
Reform has for the future of the Garda youth diversion programme and whether it intends to maintain funding levels for various projects under its auspices. Over the past number of weeks, I have been approached by representatives of a number of projects, particularly on the north side of the city, who have concerns about funding. As the Minister of State, Deputy Parlon, is aware, these projects play a vital role in many inner-city communities and it would be a shame, having brought them so far, to let them flounder. The problem seems to be a lack of commitment to ongoing funding with provision being made instead every three months. There are at least three projects in my area which are very uncertain about the future and do not know if they will continue to exist into the new year.

These projects are extremely valuable in addressing the continuing problems of alcohol and drug abuse by young people. The age profile of drug misusers in Dublin is falling dramatically. I saw one case recently involving a nine year old who was taking cannabis on a regular basis in the north inner city. This is the sort of thing we are up against and the projects in question play a significant role in dealing with the issues individual kids have. Many of them come from very tough family circumstances and these projects provide an outlet for them. In quite a number of cases, the diversion programme has been successful in preventing young children from travelling down the road of crime and drug and alcohol misuse. I am interested to hear the Minister of State’s reply.

Minister of State at the Department of Finance (Mr. Parlon): I thank the Senator for raising this issue to which I am responding on behalf of the Minister for Justice, Equality and Law Reform who has another engagement.

The Garda youth diversion programme was initiated in 1991 following a sudden outbreak of lawlessness in a number of communities involving street violence, public order offences, the unauthorised taking of cars and other criminal acts. These offences were committed mainly by young people and occurred in communities facing many problems. Youth diversion projects were established by the Garda Síochána following a process of consultation with local community interests and youth service providers. They reflect the Garda’s commitment to a multi-agency approach to tackling crime and anti-social behaviour at community level. Projects are established in response to local crime problems with the objective of giving communities a degree of ownership in the tackling of the problems they face.

A management committee made up of local community representatives, local gardai, probation and welfare service personnel and youth service providers is established to run each project. The local community is central to the operation of each project. To address local problems each committee is expected to come up with solutions which are specifically designed to deal with local issues. As a result, each project has developed its own individual style and local identity and each project is different, although all operate within the overall framework of guidelines set out, most recently guidelines launched by the Minister in May 2003.

The guidelines define the objectives of the projects as seeking to divert young people from becoming involved, or further involved, in antisocial and/or criminal behaviour by providing suitable activities to facilitate personal development, promote civic responsibility and improve long-term employability prospects. By doing so, the projects also contribute to improving the quality of life within communities and enhancing Garda-community relations. Project activities include intervention programmes and prevention programmes. Intervention programmes are designed for the needs of specific groups — young people who have offended and are of risk of re-offending or young people who have been identified as being at risk of offending. Prevention programmes are broadly-based programmes directed at all young people within the target group.

Today there are in existence a total of 64 Garda youth diversion projects. Recent years have seen a dramatic increase in the number of these projects, from 12 in 1997 to 64 at present, a process made possible, in part, by funding under the National Development Plan 2000-2006. Following local consultations, the locations of the new projects were prioritised according to local needs by the Garda authorities, in conjunction with the Department. Funding of €5.318 million has been allocated to these and related projects in the current year.

The Garda youth diversion projects should be distinguished from the juvenile diversion programme. That programme, which has been in existence since 1963, was placed on a statutory basis by the Children Act 2001. The diversion programme is a package of measures for dealing with children under the age of 18 who commit an offence. Under the Act, where an offence is detected and the offender is a child, the child must be considered for inclusion in the programme. The director of the programme, who is a Garda superintendent appointed by the Garda Commissioner, decides on the suitability or otherwise of a child for inclusion in the programme. To be admitted to the programme, a child must be over the age of criminal responsibility and under 18 years of age, accept responsibility for the offence committed and consent to being cautioned and supervised. If the child is deemed suitable for inclusion, he or she will be given either a formal or informal caution and may be placed under Garda supervision. In certain circumstances the victim of the offence may be invited to attend the caution or a restorative caution may be held in relation to the child.

The main focus of the youth diversion projects is to challenge the antisocial or criminal incli-
nations of the young people concerned. They, their parents, community members, local gardaí and project co-ordinators are overwhelmingly of the view that the projects are beneficial. The Garda authorities and the Minister are strongly committed to the youth diversion projects and the principle and practice of diversion in the criminal justice system, a commitment warranted by consistent findings of national and international criminological research.

Although the Garda juvenile diversion programme and the Garda youth diversion projects are not appropriate for all juveniles or in all situations, they nevertheless provide an important intervention in the lives of those juveniles who have taken a wrong turning in the process of maturing into young adults. For example, research indicates that of all those formally diverted from prosecution, some 88% do not come to the attention of the Garda Síochána again by their 18th birthday.

Proposals made by the Garda Síochána to the Department on establishing projects are examined within the context of available resources. While the Minister cannot give any commitment as to future funding, I can assure Senators that in the course of the Estimate negotiations now under way the Minister is committed to maintaining and, if at all possible, increasing the resources available to the projects.

Mr. Brady: I thank the Minister of State for his reply.

**Schools Refurbishment.**

Mr. Bannon: I am seeking an update from the Minister for Education and Science regarding funding for the upgrading and refurbishment of Lanesboro community college.

Lanesboro is a small town on the Shannon. The Minister of State will be aware that the Convent secondary school and local vocational school in Lanesboro amalgamated some nine or ten years ago. There was great co-operation between both bodies, pupils and teachers and promises were made at the time that necessary funding to support the amalgamation and to improve the facility would be put in place. The school accommodates students from counties Longford and Roscommon, covering a catchment area of up to ten parishes. Children travel up to 14 miles to the school.

The closure of Newtownforbes school last year by the former Minister for Education and Science resulted in many of the students of that school having to be accommodated in Lanesboro community college. Accommodation at the school is poor and dangerous and vast repairs are necessary. The former Minister for Education and Science promised much in 2001 but delivered nothing. He promised a cheque by return of post but that did not happen. There are 260 pupils enrolled at the school. An inspection by a health and safety officer from McCarthy Safety Limited, pointed out that fire extinguishers were out of date and unusable with some being in a poor state of repair having been installed in the 1960s when the school was built. Fire extinguishers are important safety equipment which should be available to all schools.

The school has no fire alarm system, another serious matter. There is a great deal of overcrowding in many classrooms at certain times. The school is fitted with round plugs which are illegal particularly in woodwork and metalwork rooms. There is asbestos in many parts of the roof resulting in sections of the school being dangerous and hazardous. Such problems have been addressed in almost all other schools to date. However, Lanesboro remains on the hind-tit in terms of funding for its refurbishment. It was obvious to the inspector from the amount of dust in the woodwork room that there is no permanent dust extraction facility in place. Wall mounted fan heaters tended to blow the dust around the room, an illegal practice nowadays. Also, the fluorescent lights do not work given the school has not been rewired since the 1960s. The electricity system is a fire hazard. There may be serious implications if funding is not provided to facilitate refurbishment of Lanesboro community college.

As I stated earlier many of the sockets are the previously used three-pin round type which do not have an in-built protection facility. When I visited the school recently I discovered that the fuse board covers were open, that light switch covers were missing and that many were tied together with tape.

An Cathaoirleach: The Senator’s time has elapsed.

Mr. Bannon: Additional fire escape facilities need to be installed at the school. The number of pupils enrolled at the school has doubled and current fire escapes are inadequate. The school is in a shocking state of repair. The furniture in the ladies and gents toilets is broken and has resulted in many cuts and bruises.

An Cathaoirleach: The Senator must conclude.

Mr. Bannon: A necessity in most schools today is viewing panels in doors, yet they are not in place at Lanesboro community college. I plead with the Minister to revisit the school——

An Cathaoirleach: The Senator must conclude if the Minister of State is to reply.

Mr. Bannon: ——and to ensure funding is made available for its refurbishment.

Mr. Parlon: I thank the Senator for affording me the opportunity of outlining the proposals of the Department of Education and Science in respect of the proposed refurbishment project at Lanesboro community college in Longford. The Department of Education and Science received an application from County Longford VEC for
the refurbishment of the existing building at Lanesboro community college. I am pleased to inform the Senator that the proposed refurbishment project for the school is at the early stages of architectural planning on the 2004 school building programme and has been assigned a band 2 rating by the Department in accordance with the published criteria for prioritising projects. When publishing the 2004 school building programme, the Department outlined that its strategy for the future will be grounded in capital investment based on multi-annual allocations.

Officials from the Department of Education and Science are also currently reviewing all projects that were not authorised to proceed to construction as part of the 2004 school building programme, including the project at Lanesboro community college, with a view to including them as part of a multi-annual school building programme from 2005. The Department expects to make further announcements in this regard before the end of the year. I thank the Senator once again for raising this matter and I hope this clarifies the position.

Mr. Bannon: The Minister of State did not give me any confirmation with regard to the start-up date of refurbishments.

An Cathaoirleach: The Senator should resume his seat.

School Staffing.

Mr. U. Burke: I thank the Cathaoirleach for selecting this matter and the Minister of State for his attendance. I wish to share my time with Senator Kitt.

Scoil an Chroı́ Naoife is a mixed school of 278 students. It is situated in the town centre. The biggest disadvantage faced by this school is that it has failed since 1998 to get access to any of the schemes such as Breaking the Cycle and Giving Children an Even Break. Those schemes are particularly relevant in this case as 35% of the enrolment in all classes are children from Traveller families. Of the remaining 65%, half are from disadvantaged backgrounds, whether because of unemployment, single parent homes or other homes with social difficulties. It is obvious that there is a great need for support staff and resources. The school principal, management and staff are to be admired for their dedication and commitment towards the provision of the highest possible standard of education.

Their greatest need is an additional 2.5 RTTs. This is based on clear criteria and they would be entitled to those teachers if a scheme was in place to provide additional support as a disadvantaged school. The school needs additional support staff as there has been a large throughput of teachers over the years. It is difficult to teach with such intensity with such a pupil structure. It is time-consuming and demands teachers with the energy to cope. I ask the Minister of State to clearly indicate that there will be provision for additional teachers, particularly the 2.5 RTTs, as well as one home-school liaison teacher. The Minister of State will understand that unless these children are catered for now, the problems will multiply. It is to the credit of the staff and management of the school that there has been so few dropouts during the course of the school cycle. The school applied in March 2004 to the Department for these additional staff and the application has not been processed. As a matter of urgency the new Minister must clearly indicate that she recognises the need and is willing to support them and provide the necessary wherewithal.

Mr. Kitt: I thank Senator Ulick Burke for sharing his time and I thank the Minister of State. I support what Senator Burke has said about additional support staff. This school is housed in two buildings with a busy main road between and this is very difficult for both staff and students alike. It is important that the school be awarded disadvantaged status which would mean a more favourable student-teacher ratio, improved capitation grant and ready access to initiatives to combat disadvantage. I hope the school will be given the two resource teachers and the home-school liaison officer referred to by Senator Burke.

Many of the better-off parents tend to send their children out of the catchment area and this has far-reaching consequences for the school and for society as a whole in Ballinasloe. This is a question of discrimination against Travellers if they do not get the same rights and entitlements as those in the town of Tuam where schools are classed as disadvantaged and where the extra benefits are provided. It is important for the Minister of State to clarify that the children will have the same entitlements and benefits as those in other schools in County Galway and throughout the country as a whole. The extra resource teachers and home-school liaison officer should be given to this school. A speech and language class is also required. These are some of the points made very strongly by the school. We were all very pleased to be in the school recently when a new mural was unveiled in the playground by Deputy Kenny, the leader of the Fine Gael Party. I hope the good work of the teachers will be recognised by the Department and by the Minister.

Mr. Parlon: I thank the Senators for giving me the opportunity to outline to the House the position of the Department of Education and Science in respect of Scoil an Chroı́ Naoife, Ballinasloe, County Galway.

Tackling educational disadvantage is one of the top priorities of the Department of Education and Science. By ensuring that available educational resources are targeted at the most disadvantaged people in the education system at all levels, the objective is to ensure that all young people leave the education system with a high
quality education and related qualifications to support their full participation in society and in the economy. The Department’s approach to tackling educational disadvantage is set in the context of the Government’s National Action Plan Against Poverty and Social Exclusion, 2003-2005, NAPS inclusion and the latest partnership agreement, Sustaining Progress, which contains a special initiative focused on literacy, numeracy and early school leavers.

Some €540 million is being provided by the Department in 2004 for programmes specifically designed to tackle educational disadvantage in accordance with the strategies outlined in the NAPS inclusion and Sustaining Progress. This includes provision for programmes at pre-school, primary and post-primary levels, as well as provision for the youth sector, further education measures and programmes designed to broaden access to third level for students from disadvantaged backgrounds. This direct expenditure on educational disadvantage represents an increase of over €80 million on the 2003 provision and comprises some 8.45% of total projected expenditure by the Department in 2004.

Scoil an Chroí Naoife, Ballinasloe, is included in the urban dimension of the Giving Children an Even Break programme, which was launched in 2001 to tackle educational disadvantage at primary level. Each school participating in this programme is in receipt of a level of additional support reflecting the level of concentration of pupils from educationally disadvantaged backgrounds in the school. These levels of disadvantage were established as a result of a comprehensive survey of primary schools carried out by the Educational Research Centre, ERC, in 2000 at the request of the Department of Education and Science. All the schools identified as having pupils enrolled with characteristics of disadvantage were invited to participate in Giving Children an Even Break. This programme replaced the previous process of designation of schools that serve areas of educational disadvantage, with the Department adopting the more refined approach of ensuring that individual “at risk” pupils are targeted.

Under the programme, Scoil an Chroí Naoife is benefiting from the allocation of supplementary grant aid towards providing additional educational supports for the children concerned. The total amount of supplementary support provided since 2001 is approximately €20,700 and the school has been allocated an amount of €4,120 under Giving Children an Even Break for the 2004-2005 school year.

The staffing of a primary school is determined by reference to the enrolment of the school on 30 September of the previous school year. With an enrolment of 269 pupils in total on 30 September 2003, the school has the following level of staffing: a principal and ten mainstream teachers, two learning support teachers, four resource teachers for Travellers and three resource teachers for children with special needs. The school is also in receipt of supplementary capitation grants of approximately €23,000 per annum to support the education of the Traveller children enrolled there.

Scoil an Chroí Naoife has received an allocation of 19 whole-time equivalent teaching posts for the 2004-05 school year as already outlined and its overall pupil-teacher ratio is approximately 14:1 at present. While the school has received all of the posts to which it is entitled under current arrangements, the Department will keep the school’s staffing position under review from year to year in the light of changing circumstances.

The Department of Education and Science is finalising a review of educational disadvantage schemes with a view to building on what has been achieved to date, adopting a more systematic, targeted and integrated approach and strengthening the capacity of the system to meet the educational needs of disadvantaged children and young people. The Department will announce the results of this review, and its impact on existing schemes, as soon as possible. I thank both Senators for raising this matter and I trust this clarifies the position.

The Seanad adjourned at 7.55 p.m. until 10.30 a.m. on Thursday, 21 October 2004.