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**Thursday,
23 February 2006**

DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

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

Thursday, 23 February 2006.

[illegible]

SEANAD ÉIREANN

*Déardaoin, 23 Feabhra 2006.
Thursday, 23 February 2006.*

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

*Paidir.
Prayer.*

Business of Seanad.

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

The need for the Minister for Social and Family Affairs to review the current disability pass scheme, to allow persons who are in receipt of this pass to travel on public transport during peak times when they are going to or from their school or college as a means of encouraging persons with a disability to remain in full-time education and to be supported by the State through this scheme.

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 outline the present position on Milltown sewerage scheme, Tuam, County Galway.

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

The need for the Minister for Education and Science to outline the current status of the new primary school for Kilfinane, County Limerick; the remaining stages to be followed; the time-scale for these stages; when she anticipates construction will commence and the length of time construction will take.

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

The need for the Minister for Transport to outline if it is his intention to recruit the much needed additional driving testers from outside the Department as opposed to within the Department, where there is already available a pool of highly qualified driving testers with the relevant experience, knowledge and expertise.

I regard the matters raised by the Senators as suitable for discussion on the Adjournment. I

have selected the matters raised by Senators Brian Hayes, Kitt and Finucane and they will be taken at the conclusion of business. Senator Ulick Burke may give notice on another day of the matter he wishes to raise.

Order of Business.

Ms O'Rourke: The Order of Business is Nos. 1 to 4, inclusive. No. 1 is a referral motion whereby the subject matter of motion No. 15 on today's Order Paper is being referred to the Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights for consideration. The proposal relates to the accession of the European Community to the Hague Conference on Private International Law. At present, the Community enjoys observer status in the organisation and the formalisation of the relationship between the Community and the conference is seen as being desirable. This motion will be taken without debate. No. 2 is a referral motion whereby the subject matter of motions Nos. 17, 18 and 19 on today's Order Paper are being referred to the Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights for consideration. Motion No. 17 concerns a proposed regulation to transform the current Rome Convention, which is an intergovernmental agreement, into a Community instrument and to modernise certain aspects of it. Motion No. 18 concerns a proposal which seeks to enable a maintenance creditor to obtain easily, quickly and generally free of charge an order capable of circulation and enforcement without obstacles in the European Union area of justice, enabling regular payments of the amount due. Motion No. 19 relates to the proposed Council decision annexed to the communication 2005/648 proposal that measures relating to maintenance matters be adopted by co-decision of Council and European Parliament instead of by Council in consultation with the Parliament. This item will be taken without debate. No. 3 is the Teaching Council (Amendment) Bill 2006 — all Stages to be taken at the conclusion of the Order of Business and to conclude not later than 1 p.m., with the contributions of spokespersons on Second Stage not to exceed ten minutes, those of other Senators not to exceed six minutes and the Minister to reply not later than five minutes before the conclusion of Second Stage. No. 5 is the Irish Medicines Board (Miscellaneous Provisions) Bill 2005 — Report and Final Stages to be taken at 1 p.m. and to conclude not later than 1.30 p.m.

Mr. B. Hayes: Members will be aware that at the last election to the European Parliament my party colleague, Senator Jim Higgins, gave a commitment to the voters in his constituency that if he was elected to the European Parliament, he would resign his seat in the House and attempt to offer it to a representative of the emigrant

[Mr. B. Hayes.]

community. The issue was raised in the Dáil last week by my party leader and the Taoiseach said that the matter should be worked out among the group leaders in the Seanad. Will the Leader give a guarantee that, if Senator Higgins were to resign his seat and thereby cause a casual vacancy, Fianna Fáil would not contest that vacancy to ensure that the seat would be given to a representative of the emigrant community? Given that the Government parties could decide to put one their members into the seat, this result could only be achieved with cross-party agreement.

Senator Higgins wants to resign from the House and ensure that his replacement is somebody from the emigrant community. He is sincere about this and we should be equally sincere to the many people throughout this country who believe it is right and proper that an emigrant's voice be heard in this House. This is an opportunity to do that for the next 12 to 14 months or whatever time remains between now and the next general election. I ask my colleagues to consider this issue seriously and to offer this opportunity. The Taoiseach has said that he wants the group leaders in the House to resolve the matter. That can be done if all the political parties will agree, in effect, not to take this seat if a by-election is caused. This is a way forward and I ask Members to expedite the matter as soon as possible.

Mr. O'Toole: I support Senator Hayes. Fine Gael has had a strong and solid record on this issue for some time. In 1987 and 1988 former Deputy Jim Mitchell and myself were the only two Members of the Oireachtas pushing for representation for emigrants in the Houses.

Mr. Norris: No, they were not the only ones.

Mr. O'Toole: This was long before Senator Norris got around to thinking about it. He was looking at the wider world.

Mr. Norris: Not a bit of it.

An Cathaoirleach: I appeal to Senators not to interrupt. The House deserves better.

Mr. O'Toole: However, I warn Senator Brian Hayes that when I spoke at that time to a number of groups in London, one avid and enthusiastic young journalist took every possible occasion to oppose me. As he is now, 18 or 19 years later, Senator Hayes's constituency colleague and the Minister of State at the Department of Foreign Affairs, I hope his position has changed in the meantime.

There is a significant issue in this regard. People have gone on the record. Senator Higgins made his point clear, as did the Taoiseach. I would like this to happen. I would like to have some method of moving forward so that some-

body can represent the emigrant view in the House for a year and a half, which would be in line with the issues we have discussed with regard to Seanad reform. It would be a good dry run for that. I ask that it be supported.

On a similar issue, Members may not have noticed that the final item on today's Order Paper is a proposal for a Council regulation to encourage silkworm rearing, together with an explanatory note. I draw attention to this nugget for the following reason. The Whips of each House have been asked to consider how e-Government might work at parliamentary and Chamber level. I do not know if Members have recently tried to get access to the papers listed daily on the Order Paper. Whereas older statutory papers are easily found, usually on the Attorney General's website, it is difficult to get access to the current papers, which are placed in the Oireachtas Library in hard copy. It is an example of information that could be available electronically for Members to access.

For a number of years we have dealt with the issue of the mutual recognition of qualifications in European countries. The Medical Council is experiencing extraordinary difficulty with regard to doctors who are struck off the register and not allowed to practice in other jurisdictions but who must be accepted and recognised by the Medical Council if they come to Ireland. That seems to turn the whole idea of the mutual recognition of qualifications on its head. At a time when foreign teachers, pharmacists and veterinary practitioners cannot be recognised here due to qualification problems, the idea that a doctor from another European jurisdiction who had been struck off cannot be rejected by the Medical Council is appalling, in particular given that the Medical Council is doing all it can to expand its role as a supervisory authority of the medical profession in terms of visiting GPs and so on. We should discuss this issue, show support for the Medical Council and ask the Minister to introduce the appropriate legislation.

Mr. Ryan: I support my colleagues with regard to emigrant representation. However, I am no longer sure that a meeting of the group leaders will work because one never knows what the Fianna Fáil backbenchers might do. We will need more than to have the Leader tell us she is in agreement because the backbenchers have decided they will assert themselves. Obviously, giving away a seat may not appeal to them. It might be deemed by the Clare county councillors as a hostile act. We will have to wait to see about this matter.

We have regular requests in the House for debates on issues. One issue which is becoming widespread and perhaps should be debated is amnesia. The Government has forgotten it prom-

ised that Cork Airport would be debt free and is pretending it never quite said that.

Mr. Daly: Deputy Rabbitte forgot whether he got €2,000 or €3,000.

Mr. Ryan: The Government made an unequivocal commitment in this House and in other places that Cork Airport would be debt free. It is now talking about lumbering it with a debt which in order to be paid off in a reasonable period would impose extra charges of approximately €10 per passenger at the airport. This is a decision over which the present board had no say but it is now being lumbered with a debt over which it has no control. If the Government does this, the directors will have no option but to resign because they would otherwise be guilty of reckless trading. It is sleight of hand to force the privatisation of Cork Airport. It is dishonourable and characterised by amnesia.

I will not refer much to other recent incidences of amnesia. We know what they are. However, there seems to be an epidemic of it in the country.

Mr. Daly: Tell us about Pat's amnesia.

Mr. Ryan: I refer to a hair-raising interview given by Judge Mary Martin today on "Morning Ireland", in which she said she was now afraid to drive on the main roads of Ireland, first, because of the trucks——

An Cathaoirleach: That person is independent of this House.

Mr. Ryan: She will not have to defend herself from what I have to say because I intend to sing her praises. I accept I should not have mentioned the person's name.

A judge of the District Court said she was afraid to drive on our main roads. What astonished me was that she said the gardaí in Portlaoise, who used to be on traffic duty, have been taken off that duty to work in the prison.

Mr. Daly: She did not say that.

Mr. Ryan: I am sorry to have to refer repeatedly to our road safety record. However, the truth is that we are not in a position to enforce the law. I do not care who misrepresents me in this regard. All the talk about the need for people to take responsibility, which is correct, will be no more than meaningless hot air if we do not enforce the law. When I hear a District Court judge say she is afraid to drive on our main roads, it is time for us all to wake up and realise there is a national crisis in this regard.

"Morning Ireland" is flooded with e-mails every morning it deals with the issue of road safety. It appears to the public that in the grand plan of events, the high-minded Members of the

Oireachtas have other issues and are not concerned about an issue that affects every family in the country.

Mr. Leyden: I am glad to inform Senator Ryan that there has been a new——

An Cathaoirleach: The Senator should inform the Chair. He should also keep to the Order of Business.

Mr. Ryan: I am happy for the Cathaoirleach to pass on the Senator's message.

Mr. Leyden: The Merlin Park accord between the Labour Party, Fianna Fáil and the PDs has taken place. It is an update of the Mullingar accord.

Mr. U. Burke: That is out of order. We have heard enough of that.

An Cathaoirleach: The Senator should keep to the Order of Business.

Mr. U. Burke: Has the Senator joined the NUJ?

Mr. Leyden: I call on the Leader to arrange an early debate on the proposal by the Minister for Justice, Equality and Law Reform, Deputy McDowell, for the establishment of a Garda reserve force. The legislation went through this House but it was enabling legislation. A commitment was given that the details of the regulations would be put before the House for debate. The proposal is to create 4,000 reserve members.

I compliment the Minister on the increase in the strength of the Garda Síochána to 14,000 during the lifetime of the Government. Some 2,000 extra gardaí will be appointed before 2007.

Mr. Ryan: How many members has the Garda Síochána?

An Cathaoirleach: Allow Senator Leyden to speak without interruption. Senator Leyden need not elaborate.

Mr. Leyden: I fail to understand——

Mr. B. Hayes: Here is the big "but".

Mr. Leyden: —— how a reserve garda can be put on the beat after just three weeks of training compared with two years for the standard garda.

Ms O'Rourke: That is scaremongering.

Mr. Minihan: The Senator should read the proposals. He does not know what he is talking about.

Mr. Leyden: I have read the proposals.

Mr. Minihan: The Senator does not know what he is talking about.

An Cathaoirleach: Order, please. These will be points for the debate. Senator Leyden has made his point.

Mr. Leyden: It seems the new accord is like the old accord, but we will proceed in any case.

Mr. Minihan: The Senator got that right. We will proceed with the Garda reserve force.

Mr. B. Hayes: Would the Government side like to take a break on this issue?

Mr. Leyden: I hope Senator Minihan can restrain himself during the debate. This is not the debate. I am requesting a debate, with the Minister coming before the House.

Mr. Minihan: We had it yesterday.

Mr. Leyden: I would like to have more details of the Garda reserve force which was proposed without the support of the Garda Representative Association or the Association of Garda Sergeants and Inspectors.

Mr. Finucane: Senator Leyden has made a valid point and I rise to support him. We should have a discussion as there has been much confusion on the issue. Yesterday, the Minister for Justice, Equality and Law Reform brought some clarity to the matter when we all received a document clarifying what the Garda reserve force would consist of and the total number of hours to be worked, etc.

It is interesting that approximately 1,000 members from the Garda associations met last weekend in Sligo, and they appeared to be opposed to the idea. If we have a discussion on it in this House, the Minister should, correctly, have a discussion with Garda associations and clarify what is happening. There is merit in the Minister's proposal and in us having a discussion in this House, hearing the Minister's intentions from his own mouth. He would listen to us about the concerns which people have articulated to us. If we have these discussions, the Garda reserve force could make a meaningful contribution to this country, as the special constabulary force does in London.

Mr. Norris: As it does in the North.

Mr. Finucane: Senator Leyden is correct in contending that it is time to clarify the matter fully. The Minister, in all fairness, has gone some way in doing this. The issue has the support of Commissioner Conroy, and it seemingly has the support of the Department of Justice, Equality and Law Reform. Somewhere along the way the

message of what the issue is has failed to be completely communicated with the Garda forces themselves.

Mr. Minihan: That is because of overtime issues.

Mr. J. Walsh: I would welcome a debate on that issue. The Garda reserve force and other aspects of the comprehensive Garda Síochána Bill 2004 were constructively debated in this House over a long period.

Mr. B. Hayes: That is correct.

Mr. J. Walsh: It is very important that we reach a point where the Garda representative associations do not see themselves in conflict with Government policy.

Mr. B. Hayes: Hear, hear.

Mr. J. Walsh: That would be a serious matter for our democracy. Some of the megaphone diplomacy on the issue has been unwise. A debate in this House could be helpful.

With regard to the various calls for a debate on road traffic and speed limits, I would like a debate specifically on the appropriateness of current speed limits. On Wednesday of last week at a meeting of the Joint Committee on Transport, I stated that when I travel to Leinster House, I am more likely to see a Garda presence checking for speeding offences in a 60 km/h zone of dual carriageway at Kilmacanogue. That does nothing for the public accepting, supporting and adhering to speed limits.

Mr. Ryan: Hear, hear.

Mr. J. Walsh: That is the climate we wish to create. We are all aware of places where speed limits, particularly of 60 km/h, have been put in specifically to assist the granting of planning permissions. That matter should be considered. Unless we get the public's respect, legislation and regulations brought in are unlikely to be adhered to.

We receive many reports but a very good document was received recently on research and development. It shows that while we have an increasing investment in research and development in this country, we are significantly behind the average within the EU and that of OECD countries. As the manufacturing industry moves to lower-cost economies, it is essential that we plough investment into this area, so we can break into a higher type of job creation. I ask the Leader to consider a debate on this.

Mr. Norris: I respectfully disagree with my colleague, Senator Brian Hayes, about the idea of Senator Higgins, MEP, resigning and his seat

being made available to a representative of emigrant groups. I campaigned from an early date on this issue. The response I received from emigrant groups was that they would not be satisfied with two seats in the Seanad. It would be good for them to be represented, however. I do not approve of handing over seats, by agreement, without an election.

Ms Ormonde: Hear, hear.

Mr. Norris: Senator Higgins, MEP, is a fine representative, a man of ability and integrity who performs very well in this House. He has not been here, however. The people he is supposed to represent are left unrepresented. There should be an election.

I ask for a debate on Iraq, which is heading inexorably and tragically towards a sectarian civil war. It is important to debate the matter even if we are stifled about the Shannon Airport issue. I note the Government has responded to the inquiry in Europe, which I have seen. It is full of obfuscation, bluster, irrelevancies and half-truths. As we are not having an investigation here, I will write a gloss on it and send it to the inquiry.

I wish to raise a matter that I hope many Members of the House will be interested in, genetically modified food and experiments that are proposed for County Meath involving a German potato crop. It is of no relevance to Irish agriculture. I ask for a debate on the issue, and I would like the Minister for Agriculture and Food, Deputy Coughlan, to be present. I stated at a press conference yesterday that a senior representative of Monsanto was included in the Irish delegation to talks in both Hong Kong and Cancun. This representative was given full accreditation. A representative of *The Irish Times* telephoned the Department about the matter and was told this was not true. The Cathaoirleach would not allow me to name the person and I will not do so. I have a photograph of her as part of the delegation. She had access as a delegate to areas to which she should not have had access. Her title is the director of government affairs, Europe-Africa, Monsanto Services International. She is based in Belgium and I have a hard copy of the list of delegates.

An Cathaoirleach: We will have a debate on the matter.

Mr. Norris: She was brought in under the cloak of IBEC.

An Cathaoirleach: They will be very important points in the debate. We cannot have a debate during the Order of Business.

Mr. Norris: We must get the truth, not more obfuscation and bluster.

A Senator: Name her.

Mr. Norris: It is incumbent on newspapers of record such as *The Irish Times* to probe and not just accept the prevarication of the Department of Agriculture and Food.

Mr. Kitt: Some 12 years ago I was my party's spokesman on emigration and I would support a debate in this House rather than a meeting of party leaders on the question of emigrants. It should not just be a question of representation in this House. As Senator O'Toole knows, the debate began with votes for emigrants, some 12 years ago. We stood on our heads looking for a way to allow emigrants to vote, and considering which emigrants would vote. The matter was abandoned because it was so difficult.

I would like a debate on representation here. The idea of a Senator representing emigrants would be very useful, although I know many Senators feel they represent emigrants in the debates we have had so far. It is more important that we discuss the welfare of emigrants and the work of the Department of Foreign Affairs in assisting those groups.

Mr. B. Hayes: Yes.

Mr. Kitt: This is particularly with regard to helping returning emigrants with issues such as housing and other welfare needs.

I join Senator Norris in calling for a debate on Iraq. What is happening there is appalling, and it is heading towards a civil war. There are other issues also with regard to Palestine, and Iran's potential involvement there. Iran has many questions to answer. I would support a debate on Iraq and the Middle East.

Mr. Browne: I was not here yesterday for the Order of Business but I associate myself with the comments made by my colleague, Senator White, regarding Carlow. I ask for a debate with the Minister for Communications, the Marine and Natural Resources on the matter of directory inquiries and ComReg.

A high percentage of the population have mobile phones but we are forced to go through numbers such as 11850 and 11811 to get mobile numbers. Perhaps it is time for us to have telephone directories listing mobile phone numbers, for those people who want such numbers listed. There are large costs involved currently. It might cost up to €1.30 to telephone a number such as 11850 from a mobile number and even if a person is connected, he or she could pay 21 cent per minute afterwards. This is an example of a rip-off.

Mr. Ryan: Hear, hear.

Mr. Browne: I urge the Leader to arrange a debate with the Minister for Communications,

[Mr. Browne.]

the Marine and Natural Resources to ask why, when most people have mobile numbers, telephone directories do not list mobile numbers.

Mr. B. Hayes: Hear, hear.

Mr. Browne: Why are we forced to go through services such as 11850 and 11811 to access numbers, paying exorbitant rates at the same time?

Ms O'Rourke: It would be for people who want their numbers listed.

Ms Feeney: I rise to support Senator O'Toole in seeking a debate on doctors struck off in other jurisdictions being allowed to practise here. The Medical Council is governed by the Medical Practitioners Act 1978. It is 28 years old and is so antiquated it needs a complete overhaul. As a former member of the Medical Council I have sat on tribunals which have struck doctors off for professional misconduct but its hands are tied over doctors coming in from other jurisdictions. Irish patients have been badly damaged by these doctors——

Mr. Norris: Well said.

Ms Feeney: ——and will continue to be damaged unless there are amendments or other changes to the legislation.

I also call for a debate on road safety. I am aware that Senator Ryan called for a debate several weeks ago following a report by the NRA on speeds and speed limits.

Ms Tuffy: I support the call of Senator McHugh yesterday for a debate on the survey of young people that was carried out by the National Youth Council. Some of the young people surveyed felt they were the subject of negative attitudes on the part of some sections of society, including politicians and the gardaí, which attitudes the young people reciprocated. The message for politicians is to do more to engage young people in debate and discussion. I do not know if Senator McHugh suggested this but the Leader could invite representatives of the National Youth Council and other youth organisations, who could also meet with representatives before or after the debate.

Mr. Glynn: I also support the comments of Senator O'Toole on doctors who have been struck off outside the State. Many comments have been made in this House on a certain clinic, one of whose doctors had been struck off for malpractice in another jurisdiction and was practising alternative medicine. His wife was also struck off. I am conscious of the need to recognise duly qualified people from other jurisdictions, provided the standards in that jurisdiction are in line

with those demanded by the Medical Council. Senator Feeney rightly pointed out that a legislative void needs to be filled by way of an amendment.

On road safety, there is merit in the Government examining the driving standards of people coming from other jurisdictions. I am not saying the standards in Ireland are particularly high because they are not. However, it is important that driving licences held by people from other countries are of a standard acceptable to the Government and State. There is evidence to suggest that is not the case.

Mr. McHugh: It is now clear that scientific advice from Teagasc on nutrients for grasslands, tillage and other crops was not fully reflected in the legislation brought forward in December 2005. That is why there is an impasse. In the meantime the Teagasc authority and the Minister for Agriculture and Food have asked scientists from Teagasc to review the current standing of that advice. Last Monday a document was presented with a series of recommendations, such as increasing phosphorus levels in soil where they are low, which will not have a detrimental effect on water quality. In addition, there are recommendations for nitrogen limits on farms with a low stocking rate, which will not contravene EU water guidelines. Arguments are also advanced for a significant lead-in time for pig, poultry and mushroom farmers.

I call on the Minister for Agriculture and Food and the Minister for the Environment, Heritage and Local Government to take heed this time and listen to these common sense recommendations because farmers have been up in arms since December and before.

An Cathaoirleach: The Senator has elaborated very well.

Mr. McHugh: New technological advancements are also recommended, such as the development of organic manure, for which we must have higher grants for people wishing to invest.

Mr. Norris: And less slurry.

Labhrás Ó Murchú: There are communities, particularly in urban areas, who are devastated by anti-social behaviour. Young married couple wishing to rear their children in a safe, dignified environment cannot do so because of unabated thuggery. Defenceless old people, who should have our protection and deserve our voice, are terrorised in their homes. In their twilight years they are entitled to some contentment. We have debated this issue on several occasions and at the end of each debate we all felt helpless because we knew we needed radical approaches.

The Minister for Justice, Equality and Law Reform has put forward a radical proposal for a

Garda reserve force but is met by a turf war among vested interests and the victims are forgotten again. I accept that the Garda voice must be heard but not on the airwaves. It should be heard around the table in a dignified and focused manner because otherwise it does not help the Garda or anybody else. We should give the Minister support or we will continue to debate the issue with a sense of hopelessness and helplessness. I am disappointed with the progress of the debate because the victim should be the priority.

Mr. Quinn: On a blustery summer day last year I saw a yacht run into difficulty a few hundred metres from the shore in Dublin bay. After ten minutes I realised the mast had broken, the yacht had turned upside down and its two members were unable to get it upright again. I telephoned the RNLI and within ten minutes the boat was rescued. I raise this because it was a dramatic incident and I realised the Royal National Lifeboat Institution is a voluntary organisation which does not accept State funding but operates on its own. When it runs short of money it gets it from Britain. As Senator Ó Murchú noted, since the Garda reserve force was proposed some time ago many people have had closed minds to the possibility of an unpaid reserve force working in our community. The Royal National Lifeboat Institution is a good example of such a body and we should not close our minds to such a force helping to solve the problems we have. The proposal represents an effort by the Minister to do something about it. I am sure we will debate it and I ask the Leader to find time to do so in a cool atmosphere. The Minister's concept is worthy of consideration.

There was a reference this morning to the amount of waste paper and litter arising from the free newspapers being distributed in Dublin. We in this House are responsible for a huge amount of waste paper.

Mr. Norris: Hear, hear.

Mr. Quinn: Every day we receive the Order Papers in a large brown envelope addressed individually to each of the 226 Members of both Houses. It seems that the quantity of envelopes and paper used is very wasteful and I wonder whether we can address this issue. Last year, we were unable to get Oireachtas envelopes during the ferry dispute because it turned out that they are imported, which is understandable in the context of modern Europe. However, it is in our hands to deal with the waste paper we generate.

An Cathaoirleach: That is a matter for the Committee on Procedure and Privileges.

Mr. Daly: I want to add to the comments made by Senators O'Toole and Feeney on the ability of people from other jurisdictions to practise here.

The Leader might ask the Minister for Justice, Equality and Law Reform to give us an up-to-date briefing on the issue. I am aware of a person who, despite speaking seven languages and being licensed in another jurisdiction, cannot get a licence to practise here. A useful debate could be held on the way in which the visa system has been reorganised.

With regard to comments made on yesterday's Order of Business, which I missed, there is not a scintilla of evidence to the effect that any prisoners were transferred through Shannon at any time since the beginning of this controversy. The reports made in that regard have largely come from the wild and unfounded allegations made by one or two binocular wielding individuals who crawled around under the bushes in Shannon at all hours of the day and night.

Mr. Norris: The claims were fully supported by photographic evidence and eye witness testimony. There is no doubt that rendition flights passed through Shannon on return journeys or to refuel.

Mr. Minihan: Senator Daly referred to prisoners, not aeroplanes.

Mr. Norris: Equivocation.

Mr. U. Burke: Senator Norris was incorrect in suggesting we proposed that an election should not be held for the appointment of a successor to Senator Higgins. We proposed that an election be held, with an undertaking from the Government benches that they would not take the seat.

(Interruptions).

Mr. Norris: May we have more elections of that kind? I want to stand in one.

An Cathaoirleach: Senator Norris should resume his seat. He can only speak once on the Order of Business.

Mr. U. Burke: The increasing number of unruly incidents in classrooms in Ireland —

Mr. Leyden: And here.

Mr. U. Burke: — resembles the behaviour of Senators, as the Cathaoirleach is well aware.

An Cathaoirleach: What about this classroom?

Mr. U. Burke: The increasing disruption and unruly behaviour in classrooms have caused serious problems, not only for teachers but also for diligent students. I hope the Minister for Education and Science will, as a matter of urgency, introduce regulations and protocols to ensure no grey areas exist. The Minister needs to clarify the situation because, at present, school managers,

[Mr. U. Burke.]

teachers, parents and other partners in education are uncertain as to what can be done within the law to deal with unruly students. Some 47% of teachers who take early retirement do so as a result of stress, while the damage done to pupils within the classroom cannot be quantified. I hope we can hold an early debate on this matter.

Mr. Fitzgerald: I rarely agree with Senator Ulick Burke on educational matters but I concur that bullying is an ongoing issue. However, I was heartened when the Minister recently drew up or expanded a number of initiatives and frontloaded funding to address the issue.

The issue is of serious concern for parents and, in particular, for children whose learning environment is seriously disrupted. Many attempts have been made over the years by teachers and management boards to address this difficult and vexed question, with varying degrees of success.

I heartily support Senator Ó Murchú on the issue of anti-social behaviour in our communities. Everywhere I go in my constituency, I hear comments on anti-social behaviour, whether that involves loitering, drinking, public brawling or other activities which I will not refer to here. Despite the best efforts of the Garda and its ongoing responsiveness to calls from communities and public representatives, the problem is not being solved.

Gardaí find it particularly difficult to address the problem of anti-social behaviour arising on private property but causing serious public disruption. I recently made representations to the Minister for Justice, Equality and Law Reform on this issue. One of the causes of this problem is that gardaí are somewhat removed from their respective communities but the special reserve force offers a significant opportunity to address that issue. We should hold a debate to tease out the successes of existing programmes and assess the potential of the Minister's proposals to address any failures.

Mr. Ross: Senator Ulick Burke's suggestion that we should all stand for re-election and that those who oppose us should sign an agreement that they will not take the seat is utterly splendid.

Mr. Norris: Hear, hear.

Mr. Ross: We should pass that by acclamation immediately. On a more serious point, while it is difficult to criticise such a good parliamentarian, Senator Higgins ought to resign.

Mr. B. Hayes: Then the Government would get the seat.

Mr. Ross: That is preferable to an empty seat. It is wrong that anybody should dictate to whom

he or she bequeaths a seat in this House, however worthy the recipient.

Mr. B. Hayes: He is not suggesting that.

Mr. Ross: It is wrong for Senator Higgins to say that he will vacate his seat if the emigrants take his place. This was a device used in the European elections by Senator Higgins to appeal for the votes of constituents whose relatives had emigrated. His tactic worked extremely well but, in terms of the status of this House, it is ridiculous for anybody to agree to vacate a seat on the condition that it goes to whomsoever he or she wishes.

Mr. B. Hayes: He never said that.

Mr. Ross: We will be giving seats to our sons, daughters, brothers and sisters if that becomes the case.

Mr. B. Hayes: On a point of clarification, he said he would resign on the basis of the Government agreeing not to take the seat.

An Cathaoirleach: The Senator already made his contribution.

Mr. B. Hayes: Unless Senators Norris and Ross want the Government majority in this House to be enhanced, theirs is a ridiculous proposition.

An Cathaoirleach: The Senator's point has been quite adequately made.

Mr. Ross: It would be preferable for a Member of the Government to have the seat than for nobody to occupy it.

Dr. Mansergh: Hear, hear.

Mr. Ross: I wish to make a further brief remark.

An Cathaoirleach: The Senator should be aware that a time motion has been proposed and that I want to accommodate another Senator.

Mr. Ross: I am concluding on a request I should have made yesterday for a short debate on the Financial Regulator. AIB's profits of €1.7 billion may have been noted in the House yesterday. We can forget about the profit figure and the past scandals, but anyone who watched Monday's edition of "Prime Time" knows that AIB is at the same racket in different ways by inducing vulnerable people to take out particular types of insurance on personal loans which they do not understand. We should look not just at the global nature of the profits but how they are made because most people do not know what is happening behind the scenes. The Financial Regulator, which is meant to police the bank, has ques-

tions to answer about why it has not spotted many of these things, why it has not brought it to the attention of the public and why this is always left to politicians or the media.

Mr. Kett: I agree with Senators Ross and Norris about Senator Jim Higgins's seat. If we are going down the road of handing seats to people who feel they are marginalised, I suggest we give it to someone with a disability or from the Traveller community.

Ms O'Rourke: Senator Brian Hayes quoted the Taoiseach speaking in the Dáil on Senator Higgins's seat. It is wrong for a person to hold a seat and a salary for almost four years without contributing to the House. We are not allowed to talk about those who are not here but it is wrong.

Mr. Ryan: It has been happening for years in the Dáil with a raft of Fianna Fáil seats.

Mr. B. Hayes: It has only been for two years.

Ms O'Rourke: Since the European elections, sorry. I just cannot understand how a person can draw that salary, it is incredible that one would take that wedge of money and not give anything for it. That is my position on the matter. If a person gets money, he or she should work for it. That is what I was taught. I am giving my opinion. I will ask the Taoiseach what he meant by that comment.

Mr. U. Burke: He has probably changed his opinion by now.

Ms O'Rourke: The interviewer who spoke to Senator Higgins on the radio asked why he did not donate his money to the Immigrant Council of Ireland. It is his money and he is entitled to do with it what he wants but I cannot comprehend taking a wedge of money without working for it.

Mr. B. Hayes: He remains a Senator. That is my point. Do we not have an agreement?

An Cathaoirleach: The Senator cannot interrupt the Leader when she is replying.

Ms O'Rourke: I thank the Cathaoirleach for his protection. I listen carefully to what everyone says but when I open my mouth, it is blah, blah, blah and everyone wants to get up again.

Senator O'Toole is interested in the rearing of silkworms.

Mr. O'Toole: I am listening.

Ms O'Rourke: We will have to see if he has a little farm out there. He also raised the serious issue of the mutual recognition of qualifications. We do not have mutual recognition of disqualifications, which we should have. A doctor who is

struck off in Poland should be struck off here. I have a related point in reply to Senator Feeney.

Senator Ryan agreed with Senator Brian Hayes about emigrants and also asked about Cork Airport's debt-free status. I fully agree with him. I was present for the entire debate on Aer Rianta and there is no doubt that it was not in the legislation. There was an attempt to insert it but the draftsman did not think it was suitable. Strong indications were given, however, that it would not carry a debt.

Mr. Finucane: The then Minister for Transport, Deputy Séamus Brennan, promised it.

Ms O'Rourke: When I voiced my reservations about the Bill, many others claimed it was fabulous. Senator Ryan also mentioned that a judge of the District Court said this morning on "Morning Ireland" that the behaviour of truck drivers frightened her and I understand her point of view. There is a national crisis in road safety.

Senator Leyden is keen on the Merlin Park accord. He also called for an early debate on the Garda reserve. I have a note that the Minister for Justice, Equality and Law Reform has said he is happy to appear before the Joint Committee on Justice, Equality, Defence and Women's Rights, on which there are Members of this House, to discuss the issue. We were all enthusiastic about the Bill in this House. Everyone said they supported it.

Senator Walsh condemned the megaphone diplomacy surrounding the matter, with the article in yesterday's *Evening Herald*. He also mentioned the disparity in speed limits and called for a debate on research and development.

Senator Norris disagreed with Senator Brian Hayes's proposal on Senator Higgins's seat, saying there should be an elected Member and, as Senator Ross said, better it be a Fianna Fáil Member than no elected Member. Senator Norris also wants a debate on genetically modified foods.

Senator Kitt asked for a debate on the welfare of returning emigrants, particularly in housing, while Senator Browne supported the comments made yesterday about the attacks on the home of the vice-chairman of the Green Party and also asked about directory inquiries for mobile telephone numbers. Many people do not want their mobile telephone numbers included in a directory. It is at a person's discretion.

Mr. Browne: The same applies to land lines.

Ms O'Rourke: Yes, but most people do not want the number of their mobile telephone in a directory.

Senator Feeney mentioned struck off doctors and asked about the Medical Practitioners Bill. It will be published this year and will replace the

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Act that established the Irish Medical Council. She also mentioned the issue of speed limits.

Senator Tuffy suggested that young people should come in to listen to a debate on young people and that we should meet them beforehand. That is a good idea.

Senator Glynn stated that we should recognise medical qualifications from outside the State. Mutual recognition would fall within Commissioner McCreevy's services directive. There is also merit in looking at the road safety standards in other jurisdictions.

Senator McHugh raised the advice given by Teagasc on the nitrates directive and wants the two Ministers to come into the House to listen to a debate, particularly on the technological advances that have been made in this area.

Senator Ó Murchú offered his support for the Garda reserve and pointed out that the Bill went through this House. I can remember the debate and Members' enthusiasm for it.

Senator Quinn linked that idea to the RNLI, the members of which do the work for nothing other than a sense of community. The Garda reserve would do the same. It is sad that a feature of the debate is the question of why anyone would work for nothing. Clearly, whoever wants to go on the Garda reserve would do it from a sense of duty to the local community, a praiseworthy attitude. The Senator asked about the envelope we get that contains the business of the House. The Cathaoirleach said it is a matter for the CPP and we will raise it there.

Senator Daly also called for the early introduction of the Medical Practitioners Bill and stated with great certainty that no prisoners are going through Shannon Airport. I do not know about that.

Senator Ulick Burke has been nominated to run for the Dáil. I welcome him to the club and I hope he does well, although not at our expense. He supported Senator Brian Hayes's comments. I agree with the Senator as regards unruly incidents in classrooms and the stress experienced by teachers.

Senator Fitzgerald referred to a number of initiatives the Minister has introduced in the area of bullying. I often think about unruly pupils and stress in the teaching professions and so forth. Young people will continue to behave as they have always done, which includes bad behaviour on occasion.

Senator Ross called for common sense and stated that vacating seats in the House should not be condoned.

Mr. B. Hayes: Or condemned.

Ms O'Rourke: I used the correct word, although it is easy to mix up the words "condone" and "condemn". The Senator called for a debate

on the Financial Regulator, particularly on misinformation regarding the type of insurance available to people who do not understand what or why they are taking out insurance policies. I fully agree with him on the issue.

Senator Kett argued that if we are to single out emigrants to be given a seat in the House, people with disabilities should also be singled out. This approach is fraught with difficulty. I will endeavour to ascertain what the Taoiseach meant.

Mr. B. Hayes: We await progress.

Order of Business agreed to.

Treaty of Amsterdam: Motions.

Ms O'Rourke: I move:

That the proposal that Seanad Éireann approve in accordance with Article 29.4.6° of Bunreacht na hÉireann, the exercise by the State of the option, provided by Article 3 of the fourth Protocol set out in the Treaty of Amsterdam, to notify the President of the Council of the European Union that it wishes to take part in the adoption and application of the following proposed measures:

proposal for a Council Decision on the accession of the European Community to the Hague Conference on Private International Law,

a copy of which proposed measure was laid before Seanad Éireann on 5 January 2006, be referred to the Joint Committee on Justice, Equality, Defence and Women's Rights in accordance with paragraph (1) (Seanad) of the Orders of Reference of that Committee, which, not later than 9 March 2006, shall send a message to the Seanad in the manner prescribed in Standing Order 67, and Standing Order 69(2) shall accordingly apply."

Question put and agreed to.

Ms O'Rourke: I move:

That the proposals that Seanad Éireann approve, in accordance with Article 29.4.6° of Bunreacht na hÉireann, the exercise by the State of the option, provided by Article 3 of the fourth Protocol set out in the Treaty of Amsterdam, to notify the President of the Council of the European Union that it wishes to take part in the adoption and application of the following proposed measures:

(i) a proposal for a Regulation of the European Parliament and the Council on the law applicable to contractual obligations (Rome 1),

(ii) proposal for a Council Regulation on jurisdiction, applicable law, recognition and

enforcement of decisions and co-operation in matters relating to maintenance obligations,

copies of which proposed measures were laid before Seanad Éireann on 12 January 2006; and

(iii) proposal for a Council Decision annexed to the Communication from the Commission to the Council calling on the Council to provide for measures relating to maintenance obligations taken under Article 65 of the Treaty Establishing the European Community to be governed by the procedure laid down in Article 251 of that Treaty,

copy of which proposed measure was laid before Seanad Éireann on 24 January 2006, be referred to the Joint Committee on Justice, Equality, Defence and Women's Rights in accordance with paragraph (1) (Seanad) of the Orders of Reference of that Committee, which, not later than 2 March 2006, shall send a message to the Seanad in the manner prescribed in Standing Order 67, and Standing Order 69(2) shall accordingly apply."

Question put and agreed to.

Teaching Council (Amendment) Bill 2006: Second and Subsequent Stages.

Question proposed: "That the Bill be now read a Second Time."

Minister of State at the Department of Education and Science (Mr. B. Lenihan): I am pleased to bring the Teaching Council (Amendment) Bill 2006 to the House on behalf of my colleague, the Minister for Education and Science, Deputy Hanafin, who is currently on official business in China. I am aware from talking to the Minister that she would have been keen to have steered the Bill in this House.

As Senators are aware, the Bill passed all of its Stages in Dáil Éireann last week and the Minister is grateful for the time allocated to the Bill at what has been relatively short notice. The Bill is very short and consists of a number of amendments to the Teaching Council Act of 2001. The amendments are of a technical nature, which are designed to cover a legislative *lacuna* regarding the teaching council. This *lacuna* became apparent only recently and it is wished to resolve the position as soon as possible.

The legislative *lacuna* concerns a technical issue relating to the first elections to the council which were held in 2004. Under the Teaching Council Act, 16 of the teaching council's overall membership of 37 were elected directly by teachers, either employed in or qualified to teach in primary or post-primary schools recognised by my Department. Nine of the 16 elected teachers are elected from the primary sector and the remaining seven are elected from the post-

primary sector. Of the remaining 21 members, 16 were nominated by the education sector partners — trade unions, school management bodies, parents' organisations and third level institutions. The Minister makes five direct appointments. As is normal practice, all members of the council ultimately hold their appointments from the Minister for Education and Science.

The Teaching Council Act of 2001 provides that the first elections had to be held under regulations made by the Minister for Education and Science. In accordance with the provisions of the legislation, the regulations, which are known as the Teaching Council (First Election of Members) Regulations 2004, SI 916 of 2004, were signed into law on 10 September 2004 by the then Minister, Deputy Noel Dempsey. While the elections were held under the required regulations and these regulations were, in turn, made in accordance with the Teaching Council Act, it became apparent recently that the relevant provisions of the Act were not commenced when the regulations were made, thus raising a potential question about the legal basis for the elections. This is the *lacuna* to which I referred.

The amendments covered by this Bill retrospectively validate the power to make these regulations, thus ensuring there can be no question about whether the elections were held in accordance with the Teaching Council Act. The basis of any regulation is in the parent statute and the relevant provision of the parent statute was not commenced when the regulations were made. Given that the overall membership of the council is closely linked with the elections, these amendments will also ensure there can be no issues in relation to the nominations and appointments to the council. In essence, retrospective validity is sought to be given to the transactions and membership of the council. There can be no question about the lawfulness of the council's membership regardless of whether the members are elected, nominated or appointed.

The legal *lacuna* addressed by the terms of this Bill does not have any impact upon the work of the teaching council. The Minister launched the Council almost a year ago, on 28 February 2005, in the Royal Hospital Kilmainham unaware of the illusory basis of the existence of the entity. Its members were, therefore, in a position to undertake the necessary preparatory work in advance of its formal establishment. This is normal practice for bodies of this nature which, in effect, have a two tier approach to their commencement, namely, an initial preparatory stage and the actual legal commencement of operations in accordance with their governing legislation.

The Teaching Council Act provides that the council cannot have any legal standing until its formal establishment day, on which it formally and legally commences its operations. After the establishment day the council must be in a posi-

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tion to be able to fully commence its work so there can be no lead-in or transitional period. This is the reason the Minister, in line with the Teaching Council Act, launched the council in February 2005 leaving a significant amount of time for preparation work.

The lack of legal status for the council until establishment day also means its members will have to be reconfirmed in their appointments once the council has been formally established. This process is normal for statutory bodies of this nature, such as the National Council for Special Education, NCSE. Therefore, while the members to the council were elected, nominated and appointed for the launch date of 28 February 2005, they will not become actual legally appointed members until the council's establishment day.

At the launch of the council in February 2005, the Minister for Education and Science indicated her wish that its establishment day should occur in March this year. Having spoken to the Minister, she has informed me that it is her intention, following consultation with the council, to confirm the precise date over the coming weeks. At this stage I am pleased the Minister's deadline will be met.

Although the council does not have a legal status at present, since its launch in February 2005 it has undertaken a great deal of preparatory work in order that it can fully meet its obligations after establishment day. This preparatory work is part of the normal prudential process to ensure State bodies similar to the council are fully able to discharge their statutory functions from day one of their legal existence.

Under the able leadership of its chairperson, Ms Joan Ward, and director, Ms Aine Lawlor, the council has completed most of its initial start-up administrative tasks and has recruited staff and secured an office premises. The three statutory committees and three standing committees of the council have been established on an informal basis and the members of each have been working very hard over the past six months on their respective areas of responsibility in order that their preparatory work will be well advanced prior to the council's legal establishment. On behalf of the Minister, I thank all members of the council and its staff for their efforts in this regard.

One of the three standing committees, the registration committee, is in the final stages of completing the council's procedures for the registration of teachers and the recognition of teaching qualifications in order that the council can begin work on this important area immediately after its establishment day. Senators may be aware that some of this work is already being done by the Registration Council which will cease to exist on establishment day of the Teaching Council. The legislation then provides that this

vital work will immediately be taken over by the council and this is why there can be no lead-in period or learning process for this work.

I take this opportunity to thank, on behalf of the Minister for Education and Science, the members of the Registration Council and its staff for the important and very complex work which they have undertaken in this area over the years. I would also pay tribute to the members of the inspectorate in the Department who performed a similar function regarding the primary sector as the Registration Council did for the post-primary sector. This work will also transfer to the Teaching Council on its establishment day.

Considerable work has been done by another standing committee, the education committee, on codes of professional conduct and practice for teachers, which are at draft stage and will be subject to a widespread consultation process later this year. The statutory investigating and disciplinary committees have also undertaken a large body of work into what will, undoubtedly, be difficult but important areas for the maintenance of standards for the teaching profession.

The Teaching Council Act sets out three wide-ranging and ambitious objectives for the council. In essence, and it is important that this message gets as wide a coverage as possible, the Teaching Council is concerned with teaching rather than the narrower focus upon teachers. Its objectives cover the regulation of the teaching profession and the professional conduct of teachers, in addition to initial teacher education and training, as well as the continuing education and training and professional development of teachers.

The council will have a strong developmental role in the education and development of teachers to ensure that we continue to maintain the current very good standards of our teachers and schools. Although the council will not merely be concentrating upon the professional conduct or competence of individual teachers, it is recognised that, for a minority of teachers, these may well be issues which need to be addressed. In this regard, the Teaching Council Act sets out the functions and powers of the council very clearly. It is important when dealing with such matters that they are approached with integrity, fairness and balance and I am confident that the council will do this.

Although the Minister is very pleased with the level of preparatory work undertaken in readiness for the full commencement of the council's functions after its establishment day, the council will face a number of challenges as it creates for itself a position of genuine respect and credibility on the Irish education landscape. As the regulatory body for the profession of teaching, the council has the very real potential to secure and enhance the status of this most vital profession in the eyes of people throughout the country. By meeting the challenge of acting as a focus for all

that is best in the profession, the council will do much to diminish any concerns about the concept of self-regulation. We have been well served by teachers throughout the generations and it is right and proper that we entrust them now with a much greater say in the regulation of their own profession. I have no doubt that the council will rise to that challenge and, in doing so, ensure that the high standards achieved to date in regard to both teachers and teaching continue into the future. Molaim an Bille don Teach.

Mr. U. Burke: I welcome the Minister of State to the House and I assure him that we will co-operate fully with the speedy passage of this amending legislation. The most important part of the speech we have just heard was when the Minister of State said: “the Teaching Council is concerned with teaching rather than the narrower focus upon teachers”. When the Teaching Council was first proposed, fears were expressed about the powers and targets that were supposed to exist. A great disservice was done to the teaching profession by elements of the media which focused on the idea that this was a vehicle through which inefficient teachers would be sacked. The imbalanced debate took a new focus and unfortunately it was negative rather than positive. I regard the Teaching Council as a very positive step forward for the profession and for teaching and I am delighted the Minister of State has included this aspect in his contribution. It should not merely focus on teachers alone, but also on the concept of teaching.

In the past two days newspapers have carried two disturbing reports. One report dealt with teaching and the issue of literacy. It was highlighted that many students graduating at various levels had serious problems with literacy. We all know this is the case for many reasons. The importance of the junior certificate has often been debated in this House and the other House, and by the partners in education. While it also applies at leaving certificate level, in particular the junior certificate examination papers contain multiple-choice questions with an increasing emphasis on students ticking a box to give the correct answer. While this may not apply to such an extent to examinations on the languages, mathematics, history and geography, we are providing an easy option when compared with the traditional format. While I am not a traditionalist in any way, we are providing an option which does not press students to express themselves.

I have not corrected examination papers but I have assessed them up to leaving certificate honours standard in which students are required to structure complete sentences. Opting out of that process will result in many students coming out with an incomplete product. We are not getting the best out of students because of the way we

set the papers and test them. That model needs to be changed.

Illiteracy is a problem and it is too convenient for people to stay illiterate. In modern life we have the text language used on phones, which is undoubtedly leading to problems. Compositions by children now contain an element of such language because it is fashionable. With question papers that allow for such composition, we will always have problems with some students. If we want students to perform to the best of their ability they must be examined in a way that searches for their best ability.

Many students are failing leaving certificate pass and junior certificate mathematics examinations and officialdom has responded by proposing changes to increase pass levels, which is fair enough and would give positive sense of achievement for the student. We are talking about high levels of illiteracy from primary to second level, including among junior and leaving certificate students and all those in between who drop out of school. It has been stated in this House that over 1,000 students fail to transfer from primary to second level. The drop-out rate at second level is alarming because those students do not have any qualifications or even adequate literacy skills. Those problems must be tackled. The current format of examination whereby students have to tick boxes is unsatisfactory and a contributory factor to the literacy difficulties at that level.

The increasing problem of unruly behaviour was mentioned earlier. One of the main functions of the Teaching Council will be to suggest a mechanism whereby that problem can be dealt with as a matter of urgency. Statistics indicate that 47% of retiring teachers do so as a result of stress-related factors. That is not good enough. We must have clarification on where the responsibility lies for dealing with unruly behaviour by students because that has been a grey area over the years. It is bad enough if it is having such an effect that 47% of teachers retire because of stress but it is even worse when we see diligent students who want to get on with their work being disrupted in school. Whatever it takes to address the problem must be done by all the partners in education, be it the Teaching Council, the Minister or the boards of management. There must be clarification on the action that can be taken within the law and by whom. It is time this problem was dealt with and grey areas clarified once and for all. We are a well-educated society and if we are to prosper and continue the economic advantages we have currently, it is important our education system produces highly-educated people. Nothing must be allowed to disrupt that process.

It is unfortunate that many commentators outside the area of education have pointed the finger at bad teachers. It is unfair and unacceptable that

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the morale of teachers would be undermined by outsiders without any justification. Where it is justified it must be addressed but where there is no justification it is important that somebody steps in. It is the responsibility of the Minister and the Department to put in place a process for people in the profession who are experiencing difficulties.

I ask the Minister of State to request the Minister, now that the council is in place, to consider delivering education in the best possible environment, for which she will have the full support of this side of the House. People who cause disruption to that process must be dealt with in a positive way by the powers that be, and somebody must clear away the grey area that existed in the past.

Mr. Fitzgerald: I welcome the Minister of State to the House and I welcome this short Bill. The Minister explained the necessity for the Bill, which relates to a legal lacuna which could result in a challenge to the constitutionality or legality of the council. This Bill was needed to remove that lacuna which will be done by way of amendments. The Bill is important because it regularises the entire operation in the build up to the establishment of the council next month.

In that regard I welcome the Minister of State's statement that the Minister, Deputy Hanafin, has informed him that the establishment day for the council will be at the end of next month. On establishment day, the council is formally operational. It can begin to perform all its functions with full legal authority under the Act that set it up three or four years ago. I did not have the opportunity at that time to discuss that legislation and I will make some comments now about the teaching profession that I might have made at the time.

It is important to point out that the existence of the technical lacuna did not in any way inhibit the progress of the development of the structures needed under the Act. It was heartening to hear the Minister of State say that the council is in place, albeit informally. I understand from what he said that the various committees are in place, staffed and ready to go. It was also heartening to hear that much preparatory work has been done and that the committees are ready to perform all the functions required of them once they are made aware of the establishment day when they will be given formal legal status.

The fact that an additional Bill had to be brought forward is not a serious issue, although it would have been better if it had not been necessary. The three statutory committees and the standing committees are up and running, as are the registration committee, the education committee and the investigation and disciplinary committee. All the progress I referred to has taken

place prior to the establishment day, which we welcome. I understand the chairman, Ms Ward, has been appointed, although I cannot say when, as has the director, Áine Lawlor. The council has obtained a premises and recruited staff. In terms of the overall umbrella organisation of the council, therefore, it is ready to go, which is to be welcomed.

It is easy to understate the importance of this Teaching Council. It is an important milestone on the road to the ongoing professional development of teachers but it is equally important for our students and the country as a whole. Through the Department of Education and Science, standards, policy, qualifications, programmes, development and so on have been progressed. The council will now establish standards, policies and procedures for the education and training of teachers, and it will include a professional code of conduct.

I agree with Senator Burke that there has been far too much emphasis in the media and among commentators about the issue of a code of conduct. The code of conduct is vital but it is not the only area at the heart of this issue. Issues such as standards, qualifications and training are also important.

When a regulatory council is being set up for professionals, the question is whether it is to be regulated from within, without or from both angles. There is a large degree of self-regulation and professional autonomy at the heart of the Teaching Council. The Teaching Council which is being established next month will enhance the status and morale of teachers. Teachers' morale has been battered quite significantly in recent years because of much unjustified criticism of them.

Just as the council will help teachers it will equally help parents. It will help reassure parents that the teachers into whose care they are placing their children will not alone meet the highest standards of qualification, professionalism and competence but will be seen to meet those high standards. Parents will know the council has a clear course of action if a teacher is found to be failing in his or her profession. There have been isolated cases where teachers have failed to meet the highest standards in fulfilling the obligations, duties and functions of the profession. Sometimes there has been a justifiable degree of concern among parents about the uncertainty of dealing with such issues. That there is now a clear set of procedures and policy available to the council in its dealings with the Department of Education and Science on such issues is reassuring for parents.

I pay tribute to our teachers, not only for the past ten, 15 or 20 years but going back over the generations. They have played a very important role and made an incalculable contribution to the development of the country economically and socially. We have had enormous challenges in both spheres. In general, they provided an excel-

lent standard of teaching. They have helped to inculcate the highest values of personal integrity among students from primary to second level education. They have promoted civil and social responsibility among students which are even more important than ever given all the challenges of drug abuse, alcohol addiction and so on. Down through the decades and the generations many teachers have been models of community leadership. They have shown example to children not alone through the school structure but out in the community. They have also played a very important role in building community structures, and promoting sport and youth activities.

I am not trying to be a male chauvinist, but there has been a decline in recent years in the promotion of some outdoor competitive physical sports activities because of the low number of male teachers. That is not casting an aspersion on female teachers who are extremely good and many of whom are well known to me and give great leadership. Nevertheless we should use the opportunity to encourage teachers, through the council, to rebuild the spirit of promotion of sport and youth activities through schools. There is no doubt they have been the basis for the high standards achieved in competitive sport and we have to salute our teachers for that enormous contribution.

Like all other professions, teachers have come to recognise and accept the need for a structure, such as the Teaching Council, to meet the ever-increasing demands on their professionalism and the challenges to their competence and responsibilities as educators in the maintenance of educational standards and quality. It is reassuring to learn of their co-operation and input into the steering committee and the various developments that have brought us to this point.

The setting up of the Teaching Council goes back to the 1991 OECD review of Irish education and the 1992 Green Paper, *Education for a Changing World*, both of which strongly recommended the setting up of such a council. Therefore, it has not come out of the blue, it has been evolving for a period and is all the better for that. With that evolution came many important inputs which will make it an effective and successful council.

Nurses have An Bord Altranais, doctors have the Medical Council and solicitors have the Incorporated Law Society. Teachers will now have their own council because the regulation of any profession is essential to maintain and enhance the highest possible standards. It is high time the State gave recognition to teachers for the role they can play in such a council. I commend the manner in which this is being done through the Teaching Council.

The issue of self-regulation has been raised from time to time and not always for positive reasons. There are, perhaps, one or two professions that have come under the spotlight because the public perception has been that their

self-regulation has not always been successful. There is a challenge to the notion that teachers should be self-regulated. I would offer a counter challenge for a number of reasons. The Teaching Council will allow teachers to have a large degree of input into the spectrum of educational matters relating to teaching and education from primary through the continuum of education. It is high time, given the tremendous record of teachers in the history of education, we entrusted to them a far greater say in the running of their activities and in the evolution and development of the profession in terms of standards, quality, entry, their work, the environment in which they work and the difficulties that pertain to their work.

Even more important, in terms of the challenges for teachers and school principals in recent years, is the increase in needs, such as the National Council for Special Education, and all that means in terms of extra commitments and responsibilities in schools. There are significant challenges for teachers resulting from self-regulation but there are also significant gains. I have no doubt given my knowledge of teachers, their commitment and the sense of vocation shown down through the years, that they will embrace these challenges with enthusiasm.

Sometimes the issue of self-regulation comes under the spotlight for negative reasons. Reference has been made to the fact that teachers and teaching unions in general come in for much criticism because of the perception that teachers who fail to meet certain standards are not always dealt with effectively. One of the challenges for the Teaching Council will be to win public support and the genuine respect and credibility of all the partners in education. To do that it will have to secure and enhance the status of teachers and teaching in the eyes of the public. I have every confidence it is capable of doing that as I know of teachers' record and commitment to the vocation of teaching.

Teachers have much to gain from the new council and will be consulting it to develop their profession. Ongoing professional development is perhaps more essential for teachers than members of many other professions in that there is a central dependance on teachers for their contribution to social and community development and, of equal importance, economic development. The Government, as with previous Governments, has brought education to the centre of economic development and has clearly acknowledged the contribution it can and must make to our economic future.

Teachers have a key role to play and face considerable challenges and opportunities. I have no doubt they will use the council as their voice to enhance the perception of their work and the appreciation of the challenges they face. They will also use it to enhance the need for co-operation by parents and all other partners in education. I commend the Minister of State on the announce-

[Mr. Fitzgerald.]

ment to establish the council next month. I look forward to its very successful operation.

Mr. O'Toole: Fáiltím roimh an Aire Stáit. Tá an reachtaíocht thar a bheith tábhachtach. Gan amhras, níl i gceist anseo ach botún a rinneamar b'fhéidir anuraidh nó dhá bhliain ó shin a cheartú. Níl sé sin ró-thábhachtach. Rud atá antábhachtach ná féachaint ar conas atá an feachtas seo ag dul ar aghaidh, agus an tábhacht a bhaineann leis sin. Níl rud ar bith níos tábhachtaí in aon chuid den saol ná oideachas a bheith curtha ar fáil do dhaoine.

Let me begin by making a point to the cynics, the people who do not consider the worth of education but look beyond it. My first lecture in economics began with the statement that the basis of a good economy is a healthy, educated young population. This is the basis of everything else. This is not to say that teachers take all the credit for the Celtic tiger, it is not that simple. It is a question of society, in all its aspects, advancing through education.

The most crucial point, which was touched upon by my colleagues and the Minister of State, is that the campaign to establish the Teaching Council was driven by teachers. To those who say teachers are worried about accountability, I reply that they have always wanted their profession to be regulated properly. Teachers at all levels have been seeking this initiative for many years and welcome it, although many would say it will put them under the cosh now and again. Nonetheless, the teaching profession has reached out to make itself accountable. Other professions have been much slower in this regard. We are still trying to get some professions to agree to some form of oversight or regulation.

People will argue that a lot of money has been paid for benchmarking in the public sector and they will ask what they get back. I could go through all the areas of the public sector and state what communities have received back but I want to consider education and teachers specifically. In the past year, teachers and their unions have bought into the concept of whole school evaluation and published reports in this regard. Teachers say they have nothing to hide and are proud of what they do, and the evaluations demonstrate what they do. They have also bought into the idea of a teaching council as an oversight body to monitor their work. Will the Minister of State mention this to any of the cynics, doubters, anti-public service types and anti-teacher types who ask what they get back?

Through the aforementioned steps alone — there are many more — we have, over the past two years, got back from primary and post-primary teachers more than we could have dreamt of. This is the reality and we should be proud of it. Teachers have rightly argued over the detail and no doubt will do so again, because this is what negotiation is all about, but the fact is that

there has been delivery and the teaching profession can be proud of what it has done.

I listened to the debate in the Dáil and found it discouraging, painful and extraordinarily negative. I do not know from where it came. The teaching profession is setting up a teaching council that will deal with all the relevant issues, including qualifications and the pre-training and postgraduate training of teachers. This represents a bonus to society. Consideration is being given to the following: continuing professional development and its benefits to teachers, pupils and society; ethics and codes of conduct, including the question of how teachers should behave; the checks and balances that exist; and new international developments so we can ensure we are leaders in terms of global best practice. As part of the establishment of the Teaching Council, we are also considering the present and future recognition of teachers and how they fit within the school structures. All these positive initiatives are being taken and the community is being given confidence in the teaching profession, yet all I heard in the other House was Members asking how teachers could be sacked.

Mr. U. Burke: Exactly.

Mr. O'Toole: There is one simple answer — one sacks a teacher as one sacks anybody else. If teachers do not do their work they can be put out the door following due process. That is the end of that discussion. The Teaching Council will withdraw recognition, where required, in a proper and balanced way. I have not the slightest doubt that the members of the council will do their job professionally, responsibly and equitably and that there will be full accountability. This council represents a very important step in terms of what we should be seeking for the future.

The council has 37 members. We have spoken about their commitment and, in this regard, they are meeting every six weeks. They are trying to reach out to the communities in which they meet, outlining their role and plans and inviting questions. The president of the council, Joan Ward, a former colleague of mine, and the director, Aine Lawlor, are people of quality. I do not know all the members on the council but know many of them, some of whom are past presidents of the INTO, the ASTI and the TUI. The members are all committed to getting the arrangement right and know that when they are negotiating teachers' salaries, they will be able to say teachers deserve more money, better rewards and greater appreciation because they do as good, if not a better, job than members of the teaching profession anywhere else in the world. We can match them anywhere.

It is very often forgotten that in terms of the selection process and staff numbers, there is a greater intellectual investment in the teaching profession than in any other profession of which I know. I do not want to sound superior in saying

this. Using a crude measure, a significant part of the national intelligence is invested in the teaching profession. It is right that this be the case and that it be recognised. Given this intellectual investment, it is also right that we make demands of our teachers, and that is why we can do what we are doing today with confidence. We are considering setting up new educational structures for people who are dealing with extraordinary societal change, as politicians know better than most. Society has been turned over in the past ten years and teachers are dealing with the consequent difficulties every day as they arise in the classroom. They have to deal with the increased levels of violence and crime in the community about which politicians hear in clinics and by telephone. They have to cope with problems which result from drug use, abuse and misuse. Every problem that is found in the community arrives in the classroom on Monday mornings. The Minister for Education and Science made that point to me when I was talking to her last week about her visit to a school in a disadvantaged area. She told me that a child approached her as she was leaving, at the end of a lovely day of presentations, etc., and asked to be allowed to sleep in the school that night. We should think about what prompts a child to ask such a question. We can be proud of the manner in which teachers are dealing with such issues on a daily basis. We know about the changes in family structures they are dealing with — perhaps we helped to bring such changes about. There has been a movement away from the extended old-fashioned family structures we were used to. Parents are now involved in different kinds of relationships. They might be involved in second relationships following divorces or separations, for example. Children might have to live in different homes because their parents are living apart.

Not only are teachers trying to come to terms with such changes in society, but they are also moving forward in other ways, for example by introducing the changes in the new curriculum. I would like to mention a third result of benchmarking, which is evident when the Minister for Education and Science attends EU ministerial meetings. Ireland is the only country in western Europe to have introduced a new curriculum on two occasions without any problems. I accept that hard negotiations were necessary, but the process was completed without any strikes, industrial action or withdrawal of support. Demands were made and all sorts of conditions were attached — I make no excuses for that because teachers are entitled to put safeguards in place — but the new curriculum was successfully implemented. When I spoke to a French education Minister two years ago, he said that he wished a similar deal could have been reached in France. He could not understand how teachers, parents, the Department, the inspectorate and groups like IBEC and ICTU were able to negotiate the new curriculum in a spirit of co-operation and in the best interests

of children. Given that new curriculums in other countries are written in offices and imposed on the teaching profession, is it any wonder that rows take place? The successful operation of the Teaching Council is part of the great deal we have gained from the partnership process.

I am leading up to the major point I would like to make about the Teaching Council. Demands are being made of the Minister of State and his officials. My colleagues on all sides of the House recognise that the Teaching Council will be a successful body. As politicians, the Minister of State and I are aware that when such bodies are doing really well, politicians bask in the reflected glory as part of the establishment that put them in place. Such bodies are suddenly on their own, however, when they have to take difficult decisions and make hard choices — when they have to recommend things that people in their professions will not applaud. Can the Minister of State press a button in the Department of Education and Science to ensure that the Teaching Council will be allowed to act as an independent body? We should invest our trust in the council by allowing it to do as it sees fit. I accept that over-arching controls should be in place, but there is no need for the council to have to seek the approval of the Minister at every hand's turn, as it has to do at present.

Ms Ormonde: That is the big issue.

Mr. O'Toole: It will bring the work of the Teaching Council to a halt. It has not created a problem to date, but it certainly will in the future. We need to give the council the freedom to show us how well it can do its job. If there are problems with its work, we can rein it in, but we should let it off for the time being. The people involved in the council have enthusiasm, energy, knowledge, professionalism and commitment. They can make it work. They are providing great leadership. The best of people are involved in the council. We should give them their head by allowing them to do what they have to do. We should trust them to deliver an even better teaching profession than the great teaching profession we have at the moment.

The Bill before the House, which has been introduced in the interests of all our futures, represents a great step forward. I compliment the Minister, the Members on all sides of the House and the officials outside the House who were involved in the production of the Bill and the 2001 Act. This is a good day for education. We can rely on the Teaching Council to deliver all we require of it and to meet all the demands we make of it. This Bill will allow it to ensure that the teaching profession at primary and post-primary levels will continue to be a shining example and a gem among the educational structures of Europe.

Ms Ormonde: I welcome the Minister of State, Deputy Brian Lenihan, to the House. Like Senator O'Toole, I was disappointed when I heard some of the comments made in the Lower House. Having listened to the debate in that House, I feel that some Deputies need to be reminded of the need to get on with this amending legislation. The Deputies in question did not address the core reasons for the establishment of the Teaching Council. This amending legislation relates to a small part of the council's operations.

We need to talk about the Teaching Council. When I told some of my former teaching colleagues last weekend that the Seanad was to have a debate on the Teaching Council during the week, they did not know what I was talking about. While a great deal of preparatory work has been done since the Teaching Council Act 2001 was passed, it seems that this Bill is necessary, unfortunately, because a legislative lacuna has been uncovered. I have a problem with the word "lacuna" in this context — I have to get my head around it. It seems that a commencement order will have to be made if the council is to be established by the end of March. This amending Bill is necessary to give a legal basis to the regulations which were signed into law in 2004, thereby allow the Teaching Council to become a statutory body and get on with its work.

The Teaching Council has not been the subject of any publicity. It is a shame that teachers do not seem to know anything about the council. God knows that teachers have received bad press in recent years. Everyone outside the profession seems to think that teachers have it all because they get three months of holidays, they are finished every day by 2.30 p.m. or 3.30 p.m. and they work just 22 hours per week.

Mr. U. Burke: I hope the Senator reminds such people of the truth of the matter.

Ms Ormonde: Such people do not talk about the stresses and strains faced by teachers. Senator Ulick Burke rightly highlighted this issue at length on the Order of Business this morning. There is a great deal of stress involved in teaching. The case of a little girl who wanted to stay in school rather than go home, which was raised earlier today, says it all. As someone who taught in a disadvantaged area for many years, I could write a script on the basis of my observations in the classroom every day of the week. I know of excellent teachers who were pushed beyond their capacity to deal with the problems they faced.

I welcome the establishment of the Teaching Council, which is a great step forward. The social status of the teaching profession has been eroded over the years. Teachers have been classed almost as second class citizens by people who think teachers have a doss job. I am glad the Teaching Council will restore the status of the profession by supporting teachers as they try to fulfil their aspirations and expectations and to provide the

appropriate standard and quality of education. It has already been acknowledged that similar councils are in place in the medical and legal professions. Given that teachers are professionals, it is right that a Teaching Council of 37 members has been established. The council will be self-regulatory; in other words, it is mostly teachers who will run the show. That is terribly important.

I will spell out the purposes and objectives of the Teaching Council. I understand that it will have three committees, one of which will have responsibility for the registration of qualifications. I do not really understand what that means. The Department of Education and Science used to have responsibility for such matters, but I understand that will no longer be the case. Will the Teaching Council be involved in the harmonisation of qualifications? This issue was raised this morning in another context. If the council is to assess teachers' qualifications, it will have to liaise with the teacher training colleges. Will it have an involvement in the content of courses? This is an important issue. Some teacher training colleges need to reinvent themselves because some of their courses are outdated. This matter also needs to be considered as part of the brief of some educational institutions which are not officially recognised as teacher training colleges. This part states that they will now analyse, assess and monitor "fitness to practise". I hate that phrase. It leads me to think that they are now looking at the teacher. This Teaching Council is about the teaching profession rather than the teacher and I would be worried that it would be misinterpreted. How does one assess fitness to practise? How will it be monitored? It is difficult role to observe whether a teacher is doing his or her work properly. It could be influenced by many factors, such as a particular class having very disruptive children. Fitness to practise will question whether the teacher is capable, yet in another set of circumstances, that teacher could be excellent. In that respect, evaluation of fitness to practise is a huge responsibility. Does evaluating suitability to teach include the vetting of teachers before they are appointed? This is currently happening with PE teachers. Does the vetting of teachers come under the role of the Teaching Council, or is it still under the Department of Education and Science? There are a lot of grey areas between these bodies in respect of which body does what. This needs to be clarified.

I welcome the concept of the Teaching Council and I am glad that it is up and running. I look forward to working with it and with the Department in trying to move forward. It will enhance the profession and it is well overdue.

Ms Tuffy: This is a technical Bill and I will not go too far into its background, but as it deals with something retrospectively and ensures that something is not invalidated, as described in the memorandum, then I worry whether the Bill will be legally sound. I presume the Minister obtained

full legal advice about it. People who are not experts about this can never know for sure and we are not experts in the Seanad on the level of technical, legal detail involved. I wonder why the relevant sections were not commenced when they should have been. That is the sort of thing we should ensure does not happen in the future. There is always a worry that legislation such as this cannot be challenged. With what it thought was sound legal advice, the Government has tried previously to do things retrospectively but has not succeeded.

I would like to raise a number of issues that relate to teaching in general, the first of which is absenteeism among pupils. The Minister of State's party colleague, Deputy Curran, put down a question about levels of absenteeism in the Clondalkin area. A total of 1,276 students in the area were absent for 20 days or more in the school year, which seemed a very high proportion of students in the area. It involved 847 primary school students and 429 post-primary students. Through my work as a public representative, I have found out about pupils who seem to have fallen through the gaps in the education system. They have been expelled from or left particular schools, but no alternative has been put in place for them. I am not apportioning blame to anyone, but some of these students might be out of the system for months. That does not augur well for their prospects of completing school. Very often, the child may have special needs or the child may experience domestic problems. The Government needs to do much more to tackle that problem.

I recently read a reply given by the Minister of State about the National Educational Welfare Board. A total of 61 education welfare officers and 12 senior education welfare officers have been employed. That is nowhere near the full complement of educational welfare officers. There is a great problem with absenteeism and much more needs to be done about that. There must be a more proactive approach to students who are falling out of the system. I dealt with such an issue in the last few days. Somebody unrelated to a particular child, but who was worried about the child, wanted to know what to do to get the child back into the school system. No one was available to ensure that the child was back in school.

A number of efforts have been made to provide alternative syllabi for the leaving certificate, such as the applied leaving certificate and other schemes. However, more needs to be done to provide flexible options for people who are at risk of dropping out at junior certificate or leaving certificate level. I am aware that the Traveller community has a problem in this respect. They need to be able to study for the junior certificate, but they may have to do it part-time so that they can work as well. However, to ensure that they keep a foot in the education system, we need to support them in a structured way. The classes should be provided for them during the day on a

part-time basis and they could be given a training allowance to attend.

Minister of State at the Department of Education and Science (Mr. B. Lenihan): I thank Senators for the broad welcome they gave to this measure and for the quality of the debate. For a while I believed that this truly was a vocational Chamber until Senator Tuffy spoke, because every Member who spoke before her was also a member of the teaching profession. As someone who is not a teacher, I have always been lost in admiration for the very high standard our teachers have set in our schools and for the excellent education system they have provided in this country. There was very little discussion on the point at issue in the legislation, the lacuna in which Senator Ormonde attempted to explore. The lacuna was that the Minister does not commence the section which should have been commenced in order for him or her to make the regulations under it. The present Minister rightly took the view, given the amount of work done already at the Teaching Council, that it was important to ensure that the work would be validated retrospectively and that no doubt would ever be cast on the appointment of the original members of the council. It would have been possible simply to reissue new regulations, but that would be to treat the work that has already been done as somewhat of a hiatus. It is a measure of the respect the Minister has for the work that has already been undertaken by the council that she has decided to embark on this course of a full legislative change to give solidity to what has already been embarked upon, albeit that the establishment date is just a few weeks away.

Senators naturally and properly took the opportunity of the debate to canvass wider issues in the educational system which relate to the functions of the Teaching Council. Senator Ulick Burke raised the issue of illiteracy. His contribution was interesting. He made the point that there is a distinction between illiteracy *simpliciter*, if one can categorise it as such, and the standards of spoken and written language which currently obtain. He was right to advert to the impact technology has had, although technology should offer opportunities for improvement as well as disimprovement. However, it is an important issue relating to the work of the council because one of the functions of the council is to set the educational standard for teachers not just in terms of initial qualification but also in the area of continuing education, which is so important in our rapidly changing world.

Senator Burke then referred to the issue of unruly behaviour. This is a major difficulty for the teaching profession. There has been a radical change of approach in teaching over the generations. I am descended from a line of teachers and I have seen that radical change. As Minister of State with responsibility for children I am aware of the huge advantage and enjoyment

[Mr. B. Lenihan.]

many children derive from their participation in school now compared to previous generations but I am also aware of the pressure this places on teachers. The Minister established a group to examine the issue of discipline in schools and that group will report within the next few weeks. I look forward to receiving the recommendations of the group because it is important this issue is tackled and addressed.

Senator Fitzgerald traced the genesis of this legislation and the importance of the council setting proper professional standards for teachers. Senator O'Toole mentioned that the teachers had requested that this legislation be enacted. I agree with Senator O'Toole that we have had a constructive relationship with the teaching profession, which is very much to be praised. Senator Fitzgerald also raised the issue of the under-performance of teachers. That is not an issue, in the first instance, for the Teaching Council. It should be addressed as part of the normal management of a school. That is the reason there are boards of management and principals. They have a particular function in that regard.

Senator Ormonde touched on this when she asked about the basis of the fitness to practise and disciplinary provisions of the legislation. It is clearly set out that this relates to breaches of legislation or to the violation of a professional code prescribed by the council for teachers. We are public figures in public life so we might advise the teachers to be careful in the formulation of their code. Once it is formulated, however, it will become the basis for activating the disciplinary provisions. Fraudulent or inaccurate registration is another ground. A number of grounds are set out in the legislation. Some Senators were unhappy with comments made in the Lower House about under-performance by teachers. The first port of call with this issue must be the board of management and the principal of the school in question. Clearly, disciplinary questions might arise from that but that is how the issue should be tackled in the first instance.

Senator O'Toole mentioned the autonomy of the council. The council has substantial autonomy under the legislation. The Senator was concerned that there would be a dead hand from the Department on the council but a great deal of work has already been done in the various committees dealing with education, registration, discipline and fitness to practise, so the council can act in an autonomous way. This is part of the constructive relationship the Government and the Department are anxious to have with the teaching profession. On foot of benchmarking we have initiated the whole school evaluation process as well as the Teaching Council and this was also mentioned by Senator O'Toole.

Senator Ormonde referred to the issue of professional standing and the basis upon which discipline should take place. She also raised the vetting issue. We are having discussions with the

Teaching Council about this at present. The Garda central vetting unit has been decentralised to Thurles and an increased number of staff have been allocated to it. It is our intention to extend the vetting arrangements to new entrants to the educational system as soon as is practicable. An issue that arises in that context is whether the Teaching Council should have some role in connection with the vetting. A difficulty for the Garda authorities is the large number of employers in the education sector. This issue is under examination in the Department and I hope to be able to make a positive announcement in the near future, to use the immortal phrase.

I was delighted Senator Tuffy raised the problem of absenteeism. It is and was a matter of great concern to this and the previous Government. In fact, the Minister delegated to me responsibility for the administration of the Education (Welfare) Act 2000. One of the points that is not appreciated by Members of the Oireachtas and the public in general is that the responsibilities cast on the Educational Welfare Board under that Act are far more extensive than the simple issue of absenteeism. Indeed, one of the difficulties with the legislation is that it also imposed a wide range of legal obligations on the board relating to the keeping of records by school principals, the return of records to the board and the question of appeals against suspensions and expulsions from schools. A great amount of the welfare officers' time has been consumed in advising parents and students about their rights of appeal against an expulsion or suspension from school.

Senator Tuffy referred to the number of welfare officers. The number of officers engaged is far in excess of the number that were engaged under the old school attendance scheme, although the school attendance officers only had functions in the county boroughs. It remains a sad, incontestable fact that the bulk of the problems exist in the county boroughs and in the new suburban areas around Dublin. That is also where the bulk of the absenteeism occurs. The Senator specifically mentioned the Clondalkin area but there are other areas in the city, Fingal and south Dublin and other borough areas in the State where this difficulty exists.

I am anxious to make headway in tackling this issue but to do so we must consider the different type of child or youngster involved. I have made it clear in my meetings with the board that in primary education we must foster a culture of attendance. The parent must understand that he or she has duties in this respect as well. Since they can procure the attendance of their child at primary school, it is the fundamental duty of a parent to do so. I make no apology for the fact that I have asked the board to embark on prosecutions. No prosecution has taken place under this legislation whereas there was a regular pattern of prosecution under the school attendance legislation. Unfortunately, prosecution is necessary in certain cases to ensure parents comply

with their duties. The State cannot physically remove every child and escort him or her to a primary school. Somebody must undertake that obligation.

The argument is made that to bring persons before the courts is a penal measure. However, I have advanced the idea with the board, and the board has considered it, that judges be empowered to refer such parents to a suitable parenting course so they learn to appreciate their responsibilities in that regard. Of course, the problem of attendance at primary school is not as serious as the problem at second level. The fact remains, however, that a certain proportion of children do not attend primary school. That issue must be addressed. We all know primary education is the foundation and that without that foundation we are going nowhere.

Having dealt that way with primary education, I do not see much scope for the big stick when one moves to consideration of second level education. The issues raised by Senator Tuffy relate primarily to students or young persons who do not opt to take second level education. One of the key issues in regard to second level education is the existence of viable alternatives to the formal education system. Some proportion, if not a large proportion of those who are unwilling to participate in second level education, need an alternative approach.

I have asked the board to prepare the necessary regulations under the Act which will provide for recognition of alternative education. Those regulations have been submitted by the board and are under examination at my Department. I hope to clear them soon. Above and beyond that, as Senator Tuffy rightly stated, it is not enough simply to have the regulations in place, although that might clean up our statistics. We need practical systems in place to ensure that students who drop out at second level are linked to these courses. This issue is being considered by the welfare board. I am glad the Senator gave me the opportunity to give some account of my stewardship in that area.

I thank Senators for the welcome they gave the Bill. It is important legislation. As Senators noted, teaching is an important profession. It is set a good standard in this legislation, which was requested for it. The Bill is in no sense, as some legislation concerning professional interests can be, a conspiracy against the public. It is very much concerned with setting proper standards and not just the registration but the education and development of teachers, as well as, in the very extreme cases where it is required, dealing with the question of discipline and fitness to practice. It is good legislation. On behalf of the Minister, I am glad to present it to the House and thank Senators for their welcome for it.

Question put and agreed to.

Bill reported without amendment and received for final consideration.

Question proposed: "That the Bill do now pass."

Mr. U. Burke: I thank the Minister of State and his officials for bringing the Bill before the House.

Given that the council is to be an autonomous body and registration fees are to be its source of finance, if official registrations have not occurred, what has been the source of finance for the council to date?

Mr. Fitzgerald: I thank the Minister of State for facilitating the speedy passage of the Bill. I also thank the Opposition. The Bill will have a significant impact on the future development of teaching and the issue of quality and standards within teaching. Therefore, the primary beneficiaries will be the pupils and students of Ireland.

Ms Tuffy: I thank the Minister of State and his staff.

Minister of State at the Department of Education and Science (Mr. B. Lenihan): I thank the Seanad for its welcome for the legislation. With regard to Senator Ulick Burke's question, under the legislation the Minister has the power to fund the council in the next two years. It is her intention to consider that.

Question put and agreed to.

Sitting suspended at 12:55 p.m. and resumed at 1 p.m.

Irish Medicines Board (Miscellaneous Provisions) Bill 2005 [*Seanad Bill amended by the Dáil*]: **Report and Final Stages.**

An Leas-Chathaoirleach: This is a Seanad Bill which has been amended by the Dáil. In accordance with Standing Order 103, it is deemed to have passed its First, Second and Third Stages in the Seanad and is placed on the Order Paper for Report Stage. On the question "That the Bill be received for final consideration", the Minister may explain the purpose of the amendments made by the Dáil. This is looked upon as the report of the Dáil amendments to the Seanad. For the convenience of Senators, I have arranged for the printing and circulation of the amendments. The Minister will deal separately with the subject matter of each related group of amendments, and I have circulated the proposed groupings. A Senator may contribute once on each grouping. I remind Senators that the only matters which may be discussed are the amendments made by the Dáil.

The first group comprises amendments dealing with technical drafting. It consists of amendments Nos. 1 and 4 to 8, inclusive.

Question proposed: "That the Bill be received for final consideration."

Minister of State at the Department of Health and Children (Mr. S. Power): Amendments Nos. 1 and 4 to 8, inclusive, are technical drafting amendments. An amendment was needed to the citation in section 1(5) to reflect that the Bill would now be enacted in 2006. Amendments Nos. 4 to 8, inclusive, were made to remove subparagraphs (s) and (t) of section 11 from the Bill. These subparagraphs are a duplication of two subparagraphs already in the Irish Medicines Board Act 1993 by virtue of two European Community regulations. Account was not taken of this in the drafting of the Bill, so it is necessary to correct the anomaly by way of technical amendments.

An Leas-Chathaoirleach: Are the amendments in the first grouping agreed? Agreed. The second grouping of amendments deals with the Animal Remedies Act 1993. It consists of amendments Nos. 2, 3, 14 and 15.

Mr. S. Power: The objective of amendments Nos. 2, 3, 14 and 15, made to the Animal Remedies Act 1993, fall into two broad categories. The first is to ensure an adequate legal basis in the future for the collection of fees by the IMB arising from changes in EU legislation. The second objective is to use this opportunity to update and express in euro amounts the penalties provided for under the Act for breach of licensing and other requirements.

I draw Senators' attention to the fact that under the Animal Remedies Act 1993 and regulations made thereunder, the IMB acts as a licensing authority with respect to veterinary medicines, animal remedies and the manufacturing plants in which such products are made. Section 29 of the 1993 Act provides the basis for the collection of fees for these services, which are fixed by the Minister for Agriculture and Food with the consent of the Minister for Finance.

A new framework EU legislation governing veterinary medicines — Directive 2004/28/EC — has come into force in this area. It has been transposed into national law by means of the Animal Remedies Regulations 2005. One of the changes brought about by the new EU legislation is a shift away from time-bound authorisations to open-ended authorisations. This change puts greater emphasis on ongoing supervision by licensing authorities and on reporting obligations applying to licence holders.

Up to now the emphasis has been on licences which were renewable after five years. The Animal Remedies Act 1993 provides an adequate legal basis for the charging of fees by the IMB in respect of these services. However, in view of the change in emphasis to open-ended authorisations, it is of critical importance to ensure that, in future, the legal basis for fees charged by the IMB, both for human and veterinary medicines,

is extended to cover the changed demands placed on the board by the new EU regulatory framework. Accordingly, the amendments to sections 8 and 29 make specific provision for annual fees in respect of open-ended licences.

These amendments also clarify the IMB's inspection role with regard to manufacturing plants and that fees are collectable for this activity, as well as other services such as certification. With regard to the amendments to section 23, it is appropriate to bring penalties under the 1993 Act fully up to date and express them in euro amounts. I draw Senators' attention to changes in the penalties for summary offences. On the advice of the Parliamentary Counsel, the maximum penalty which can be imposed in the District Court is being increased to €5,000 in line with the current norm.

Overall, the amendments are both prudent and appropriate for a measure which relates to the statutory activities of the IMB. The amendments to section 1 introduce a citation regarding the Animal Remedies Act 1993.

Mr. Browne: I welcome the amendments but I make the point once again that I do not understand why fines are not index linked. I realise the Attorney General has difficulty with this matter but I suggest to the Minister of State that it be considered at Government level. It makes sense for fines to be index linked, as opposed to being a fixed amount, which goes out of date almost immediately.

Mr. Ryan: Senator Browne is correct. It is always a mystery to me what cannot be done. Some extraordinary things are attempted and it is no surprise when the Supreme Court sometimes throws out such initiatives.

I will state again that we now have a completely new part of this Bill, Part 7. The Bill, entitled the Irish Medicines Board (Miscellaneous Provisions) Bill 2005, now involves amendments to the Misuse of Drugs Act, the Irish Medicines Board Act 1995, the Control of Clinical Trials Acts, the Health Acts, etc. When the Bill was introduced in the Seanad, I stated that it was being made into an extremely complicated piece of legislation. The contents are perfectly understandable. It appears to be the proclivity of the Department of Health and Children to make simple items more complicated.

Anybody now searching for the updated position on any parts of this Bill will need to employ a lawyer to figure it out, as it is now scattered. Why could this not have been done by a series of short Bills? For the future of our food industry and to move up the value added chain, to use an awful cliché, it is extremely important that the use of animal remedies should be properly regulated and that the appropriate fees should be charged.

Who will pay these fees? If it is the farming organisations, directly or indirectly, the Minister of State can expect yet another row because they

seem to have a profound hostility to anything that costs them money, as distinct from what costs the rest of us money to help them out of a difficult spot.

Mr. S. Power: I thank the Senators for their contributions. I am restricted to the subject matter before us but will deal with the matter raised by Senator Browne. Most Members of both Houses support the principle that fines be kept up to date and it is an issue that has been discussed on many occasions in both Houses. However, it is a complex legal area and we do not wish to amend the legislation in a piecemeal manner.

As the Senator will be aware a fines Bill is being drafted in the Parliamentary Counsel's office and I am advised that it is due for publication before the end of this Dáil session. I am also told that the Bill provides for a system of updating the value of all existing fines which can be imposed in the District Court, and maintaining the value of those fines in the future. Low inflation such as we have at present ensures fines remain relevant for longer periods.

On the matter raised by Senator Ryan, the objective of the amendments to the Animal Remedies Act 1993 falls into two broad categories. On the question of fees the intention is for the industry to pay them directly to the IMB.

Mr. Ryan: That is just as well.

Mr. S. Power: It should be self-financing. The food industry is very conscious of the importance of there being as much transparency as possible. A number of measures in the Bill are taken in the interests of the consumer.

An Leas-Chathaoirleach: Are the amendments in group 2 agreed? Agreed. Group 3 relates to licences granted by the Irish Medicines Board and consists of amendments Nos. 9 and 10.

Mr. S. Power: These amendments delete the references to the amendment of licences and authorisations from section 9(9) of the Irish Medicines Board Act 1995. Section 9(9) obliged the board to notify the appropriate advisory committee whenever the board grants, suspends, renews, revokes or amends an authorisation in respect of a medicinal product. In view of the fact that over 11,000 such amendments are made annually, the implications of requiring such notifications would be significant for both the board and the advisory committee and would effectively render the purpose of the notification and scrutiny process ineffective. In these circumstances the amendments were made so as to discontinue the need to notify amendments, which will enable the advisory committee to concentrate on the more significant issues which arise with the granting, suspension, renewal or revocation of licences or other authorisations.

An Leas-Chathaoirleach: Are the amendments in group 3 agreed? Agreed. Group 4 relates to amendments of certificates for test results and consists of amendments Nos. 11 and 12.

Mr. S. Power: These are technical amendments which make it clear that a certificate issued under section 20 of the Bill is issued under the power of the Irish Medicines Board Act 1995, as amended by this Bill.

An Leas-Chathaoirleach: Are the amendments agreed? Agreed. Group 5 concerns meat labelling and consists of amendment No. 13.

Mr. S. Power: This is also a technical amendment to give a clear definition of the term "retail, restaurant and catering sectors" as used in section 25 of the Bill. This section replaces the current section 54 of the Health Act 1947. The new section allows for the making of regulations to extend the current EU labelling laws on meat to require country of origin information to be provided to all consumers at the point of choice. Such regulations will be enforced by the Food Safety Authority, which already enforces extensive EU food legislation in these sectors. We have been advised that to ensure uniformity the retail, restaurant and catering sectors should be defined as including food business operators referred to in EU Regulation 178/2002, which lays down the general principles and requirements of food law. In this way the term encompasses all food service outlets that are subject to that law.

Mr. Browne: I welcome the amendment but question how enforceable the labelling provision will be. It is a massive problem because we have no idea where food is produced. Food is being brought into the country and relabelled as Irish produce when it is not, and it presents a major challenge for everybody involved in the food industry. I was surprised to learn lately that even sugar from the Carlow factory, down the road from the Minister of State's constituency, was once labelled as produced in Carlow but has now been relabelled as produced in Europe, which means a choice of 25 countries for anybody wishing to move the factory out of Carlow. It is a grey area that we will not solve today. Consumers are not being told the truth about the origin of products.

Mr. Ryan: I agree fully with Senator Browne. There is a lack of will to enforce in this country and I believe it will manifest itself in this case. I am not a scaremongerer about health issues but there must be absolute certainty about the origins of chicken or other meat derived from birds. There are idiots, and I use the word deliberately, who think it is smart to circumvent the regulations but they will actually succeed in bringing down the industry. The beef industry took years to recover from the idiots who used growth hor-

[Mr. Ryan.]

mones and those who played games with BSE, and the same thing will happen again. I appeal to the Department and the Minister to ensure that rules about labelling of origin are enforced and verified by the relevant bodies, or it will be pointless.

This amendment excels in gobbledygook that will keep lawyers occupied forever. It is not the fault of the Minister or the Department but something must be done. It reads “persons operating... within the meaning of Article 3 of the European Parliament and Council Regulation EC 178/2002 of 28 January 2002”. That is bad enough but superscript 13 is appended to it, which is given below as “OJ L31,1.2 2002, p.1”. I really understand every single bit of that. I am not blaming or attacking anybody but if we do not come up with a way of incorporating European legislation into our own, how can any middle-ranking public servant enforce something, if that is the legal reference to which he or she has to refer? I have no objection to the amendment but this is certainly not the way to make people aware of what is happening.

Mr. Glynn: I completely agree on the sourcing of food. Greed and quick profits are central concerns of producers in terms of feeding their livestock but, because food is needed to sustain life, it must be nutritious and of a high standard irrespective of its origins. We have done our job by introducing legislation and, when the Bill was before the Dáil, the Members of that House found it necessary to include further amendments. The value of this Legislature will be illustrated if this legislation serves its purpose.

Mr. S. Power: I thank Senators for their contributions. This new section will initially allow for the making of national regulations that will expand the beef labelling currently required under EU legislation to include the provision of information on the country of origin of beef to the consumer at his or her point of choice. That should be welcomed by consumers and the food industry because it means, for example, that a person ordering beef in a restaurant will be able to learn where the meat comes from by reading the menu.

The amendment will also allow for the subsequent extension of the requirement to provide country of origin information on other meats, such as poultry, pork and mutton. It is anticipated that this initiative will commence at retail level and progress in due course to the restaurant and catering sectors. However, this is not a straightforward matter but will involve considerable complexity, as well as approval at EU level. The latter may be difficult to secure because the requirements on country of origin labelling of these meats at EU level are different from and less comprehensive than those for beef and there

is no precedent for this provision in any other member state.

An Leas-Chathaoirleach: Are the amendments in the fifth grouping agreed to? Agreed.

Question put and agreed to.

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

Mr. Ryan: Although no Member would object to any single provision in this legislation, because it includes amendments on a range of unrelated areas, it is an objectionable Bill. How, for example, are amendments to the provision for medical examinations for school children related to the Irish Medicines Board (Miscellaneous Provisions) Bill 2005? I do not know whether the Oireachtas, the Government or the Attorney General is responsible but it is a dreadful way to do business and a guarantee for future trouble and confusion. Middle ranking civil servants will be blamed for mistakes that could equally be made by eminent barristers. How will one know, other than through a careful search, that the health Acts have been amended by this Bill?

Mr. Browne: I share Senator Ryan’s view of this Bill. When it was first introduced, I asked for a briefing on it and was told that it was quite simple and contained few major provisions apart from expanding the categories of people who can write prescriptions to include nurses. That was an important selling point in what appeared to be welcome legislation but matters transpired very differently and the Bill now covers a wide array of areas, from free dental care and school-age children to food labelling.

I am not happy with my own performance on this Bill, which was affected by my bafflement with it. When the legislation was last before the Seanad, I predicted that it would return here because it would be subjected to numerous amendments in the Dáil and was proven right.

One can either agree with Senator Glynn’s opinion that the Bill reveals the importance of a second House or regard the legislation as bad and flawed in the first place — I opt for the latter. We have been totally bamboozled by some of the amendments and I was delighted to realise that even people with superior intellects, such as Senator Ryan, did not have a clue about some of the references made by the Minister of State today.

Mr. B. Hayes: The Senator is too hard on himself.

Mr. Ryan: He is being hard on me. I do not like to be labelled an intellectual.

Mr. Browne: Some of the amendments were merely comical and I would hate to debate the merits of this Bill on “Prime Time.” In my three

and a half years in this House, it is the first occasion on which I have been unhappy about my own knowledge of a Bill after completing my consideration of it. I was in disagreement with a number of amendments because of my confusion.

I ask the Minister of State that, in future, we are given briefing material before debating complicated legislation, which did not happen in this instance. Would he understand the amendments before us today if he was not briefed? I am sure that he did not even understand the script he read. It is unfair on the Opposition because it prevents us from doing our jobs as parliamentarians.

I am struck by a number of typographical errors in the Bill, which suggest rushed and bad legislation. I am not happy with some of the amendments made in the Dáil but take them at face value and in the hope that the Government and its civil servants have introduced them in good faith.

A major issue, the barcoding of prescriptions, has been overlooked. This was raised last week in a court case concerning Ms Naomi McElroy of the *Sunday Mirror*.

An Leas-Chathaoirleach: I remind Senator Browne that we can only discuss the contents of the Bill. That issue will have to be addressed on another day.

Mr. Browne: The Bill deals with giving people the option of writing prescriptions and the aforementioned court case highlighted the farcical nature of the current situation. Currently, anyone can get a prescription from a pharmacy by having a letterhead printed. In England they are barcoded.

An Leas-Chathaoirleach: That is not relevant at this stage.

Mr. Browne: It is a matter we should have considered and it is regrettable it is not in the Bill. Prescriptions should be barcoded in the interests of patients and the public. I am unhappy with the Bill but I hope it is not as bad as it seems.

Minister of State at the Department of Health and Children (Mr. S. Power): My views have not changed merely because I am sitting on this side of the fence. These amendments are of a technical nature and, when discussing such legislation, we tend to use phrases and language which we do not use on a daily basis. People can have difficulties in understanding this parliamentary speak.

Regardless of the legislation we introduce, I would like to think that officials are available to brief Members because the greater the scrutiny we can give, the better the end product. There was no intention on the Government's part to conceal any part of the Bill. Ultimately, the changes were introduced for the good of the consumer.

Question put and agreed to.

An Leas-Chathaoirleach: When is it proposed to sit again?

Mr. Glynn: At 2.30 p.m. next Wednesday, 1 March 2006.

Adjournment Matters.

School Transport.

Mr. B. Hayes: I thank the Leas-Chathaoirleach for selecting this matter and welcome the Minister of State to the House to address this straightforward issue. The disability pass is a good thing. It has been modified over the years to help people with a disability to use public transport. With the new modes of transport, there is now a connection between Luas, Dublin Bus and other forms of public transport. It gives those with a mild form of disability independence and flexibility.

A specific concern of a person from my area has been brought to my attention. A 17 year old youth with a mild disability must use public transport on a daily basis to carry him from his home to his school, where he will shortly sit the leaving certificate. He is regularly informed, however, by Dublin Bus personnel that he should not access the service during peak times, between 7 a.m. and 9.45 a.m., the very times children travel to school. He wants to go to college next year and wants to use public transport to get there. Will he have to deal with the same problems going to college?

I have raised this with Dublin Bus and was told the Department of Social and Family Affairs runs the scheme. Why is it a condition that someone with a disability who must use public transport cannot use it on the basis that it is peak time? He may have the wrong end of the stick and Dublin Bus may have given me inaccurate information but I would like the Department of Social and Family Affairs to outline the exact position. If that is the exact position, it must be changed as soon as possible.

The disability pass is of great benefit to those with a disability who can access public transport, allowing them to involve themselves in all aspects of life. An urgent statement would help to bring clarity to the issue once and for all, not just for those with a disability but for public transport companies such as Dublin Bus.

Minister of State at the Department of Education and Science (Miss de Valera): I thank the Senator for raising this issue. The main objective of the free travel scheme administered by the Department is to encourage older people and people with disabilities to remain independent and active in the community. The free travel scheme permits a recipient to travel for free on most CIE public transport services, Luas and a

[Miss de Valera.]

range of services offered by a large number of private operators in various parts of the country. A pensioner can also travel for free on cross-Border journeys between the Republic of Ireland and Northern Ireland. Currently 640,000 are customers in receipt of the free travel scheme at an annual cost of €57 million.

Peak time access restrictions apply on Dublin Bus and Bus Éireann provincial city services in Cork and Limerick. The restrictions are imposed from Monday to Friday from 7 a.m. until 9.45 a.m. and from 4.30 p.m. until 6.30 p.m. There are also restrictions on Friday evening travel from 4 p.m. to 7 p.m. within a 20 mile radius of Dublin, Cork and Limerick cities. The operators who apply these restrictions have advised that they do so because of pressure on bus capacity at peak commuter times.

With the agreement of the relevant operators, the Department issues unrestricted passes, permitting free travel at peak times to certain customers with disabilities for the purposes of attending educational, long-term rehabilitative and therapeutic courses recognised by this Department. The disability allowance administered by the Department is payable from age 16 years and recipients of this scheme are entitled to participate in education courses either full-time or part-time without it affecting their entitlement to disability allowance and free travel pass. Also, there are 1,000 customers previously in receipt of disability allowance receiving FÁS training at any given time. Secondary benefits are retained by these customers including free travel.

Through its supports and services, the Department has been very successful in assisting and encouraging customers with disabilities to remain within the education cycle. One significant measure is the back to education allowance programme, which is a second chance educational opportunities programme designed to encourage and facilitate people to improve their skills and qualifications with a view to returning to the work force. There were 7,300 participants in the scheme for the 2004-05 year, of whom 650 were customers previously in receipt of illness related payments. Unrestricted travel passes are available to customers with disabilities attending the back to education allowance programme.

Unrestricted travel passes are also available to customers in receipt of disability allowance from the Department who are attending certain third level courses or work of a therapeutic nature, certain long-term rehabilitative courses or who are aged over 16 and studying at a second level school. In addition, customers in receipt of an invalidity pension from the Department, or similar EU or bilateral pension attending therapeutic work may also have an entitlement to an unrestricted travel pass.

Unrestricted travel passes are available to visually impaired customers who satisfy the conditions for the blind pension and are attending

certain full-time, long-term rehabilitative courses. Visually impaired children under 18 years of age, who are registered with the National Council for the Blind or the National League of the Blind of Ireland, or who satisfy the conditions for a blind pension, may have an entitlement to an unrestricted companion travel pass. A companion pass allows any one person, aged 16 years or over, to accompany the pass holder for free when travelling.

In addition, since 1997, the Department has successfully negotiated with CIE to issue in a number of exceptional circumstances temporary unrestricted passes for a limited period of six to 12 months to facilitate unavoidable hospital appointments. There are currently some 19,000 unrestricted free travel passes issued by the Department.

A range of other supports is provided by the Department's locally-based facilitators who have access to additional services, such as the special projects and family services funds which provide funding for specialised training and supports. In 2005, 20 special projects catered for people with disabilities at a cost of over €570,000 in addition to 13 family services projects at a cost of some €99,000. The range of services provided by the Department as a means of encouraging persons with a disability to remain within full time education are under constant review and I am satisfied as to their continued relevance and flexibility.

The question of removing restrictions for all tree travel pass holders has been raised on a number of occasions. The Minister is keeping this issue under review and will examine the scope for extending the current arrangements as soon as this can be done.

Mr. B. Hayes: I thank the Minister of State for that comprehensive reply. If I give the specific details to the Department of Social and Family Affairs, an unrestricted pass might be issued.

Water and Sewerage Schemes.

Mr. Kitt: I thank the Minister for coming before the House. The village of Milltown near Tuam in County Galway lies on the N17 close to the County Mayo border. As one of the tidiest towns in the county it has won many Tidy Towns awards.

It is a source of frustration and disappointment that construction of a sewerage scheme planned to commence in Milltown some years ago has been postponed until 2007. I have raised this issue in the House on previous occasions. The Milltown scheme has been incorporated in a new bundle of design, build and operate — DBO — schemes. Before Christmas, however, the Minister for the Environment, Heritage and Local Government, Deputy Roche, announced that he was considering the fast-tracking of smaller water and sewerage schemes costing less than €5 mil-

lion. This would apply to the Milltown scheme on a stand-alone basis, as it is costed at €2.1 million, but when bundled together with Carraroe, Claregalway and Craughwell the total value of the DBO scheme exceeds the €5 million limit. For this reason, the community is asking whether it is preferable to seek to have the scheme constructed on a stand-alone basis under the Minister's new €5 million scheme or continue as part of a bundle under the design, build and operate programme.

Every sewerage scheme includes a treatment plant and collection system. I understand the treatment plants for the four villages in the Milltown bundle will be built by the same contractor, whereas I am informed it is possible that different contractors will construct the collection systems. Work on a collection system, that is, the pipe network through the village, pumping station and so forth, should commence immediately. I understand a site has not yet been selected for the treatment plant and responsibility for designating a site lies with Galway County Council. Work should start on a collection system and a site for the treatment plant should be identified. I hope the Minister of State, Deputy de Valera, will be able to secure from her senior colleague the €2.1 million badly needed to carry out the works on the Milltown sewerage scheme.

Miss de Valera: I make this reply on behalf of the Minister for the Environment, Heritage and Local Government, Deputy Roche, and thank Senator Kitt for raising this matter. The Senator will be aware of how important the availability of effective sewerage schemes is for the development of all areas, including that of Milltown. I am pleased to note, therefore, that the Department continues to promote investment in modern water services infrastructure to support social and economic development. Last December, it published the Water Services Investment Programme 2005 to 2007, containing almost 900 water and sewerage schemes at different stages of development and planning.

The programme includes approximately 60 major water and sewerage schemes for Galway, with a value of more than €451 million. Many towns and villages in the county, including Athenry, Ballinasloe, Barna, Carraroe, Clifden, Glenamaddy, Headford, Oughterard and Tuam, can also look forward to new or upgraded sewerage schemes. In addition, areas such as Carna-Kilkieran, Tuam and Headford will benefit from improved water supplies. Also included are new regional water supply schemes for Costelloe, Gort, Ballinasloe, Clifden, Loughrea, Dunmore-Glenamaddy and Portumna. All of these schemes will play a major role in the development of the residential, tourism and commercial sectors of these areas.

The Minister is pleased that the Milltown sewerage scheme, which has an estimated cost of €2.1 million, is approved under the programme to

start construction in 2007. The scheme is being procured as a bundled project in conjunction with three other schemes in County Galway. The Department recently approved Galway County Council's fee proposals for the consultants it has selected to prepare the contract documents for the scheme. The way is now clear for the council to finalise these documents with a view to inviting tenders for construction of the schemes. However, as the Senator is aware, the Minister recently announced that for every project in the water services investment programme valued under €5 million, local authorities will henceforth be entitled, after they receive preliminary approval, to proceed through to construction without further reference to the Department. This will give local authorities unprecedented authority to advance individual schemes with a minimum of Departmental involvement. The Minister hopes the result will be a significant acceleration of hundreds of individual schemes, from drawing board through to completion.

In the case of Milltown and the other schemes being procured with it, it is intended that the treatment plants for all four schemes will be procured under a single design, build and operate contract. The council's proposals in this regard will have to be submitted for the Department's approval. However, where the costs of the individual wastewater collection networks are less than €5 million, these elements will be subject to the devolved procedures. In this regard, wastewater treatment plants and the collection networks are not usually constructed by the same contractor, given the different specialties involved, and the two contracts are normally the subject of different procurement procedures. As part of the devolved procedures the council will have to submit certain limited supplementary information in connection with the wastewater collection networks.

In summary, therefore, the way is now open for the council to proceed with the preparation of tender documents for the wastewater treatment plants. Once these documents are submitted and cleared by the Department, the council will be able to go to tender for the construction of the new plants. In the case of the wastewater collection networks, when the council submits the additional information it has been asked for, it will be able to go to construction with these elements without further reference to the Department.

The Minister assures the Senator that when the council's submissions are received in his Department they will be examined as quickly as possible with a view to progressing the scheme to construction without delay.

Mr. Kitt: I thank the Minister of State for her comprehensive reply which clarifies several of the matters I raised.

Schools Building Projects.

Mr. Finucane: I do not intend to elaborate in detail on the conditions prevailing in Kilfinane school, which dates back to 1909, because I have discussed the school several times here and in the Other House. The recent announcement that a new school had been approved for the Kilfinane area has been welcomed. I hope this is not a false dawn because in 2001 a new school was promised and the issue arose again prior to the previous general election. Will the Minister of State indicate when the various stages of the building project will be completed? When will the project go to tender and construction commence? Answers to these questions would provide a clear indication, far in advance of the next general election, as to when the new school will be completed. This is the reason the text I submitted to the Cathaoir-leach is so neat and succinct. I look forward to the Minister of State's response.

Miss de Valera: I thank Senator Finucane for affording me an opportunity of outlining to the House the position of the Department of Education and Science regarding Kilfinane Convent primary school, Kilfinane, County Limerick. My colleague, the Minister for Education and Science, Deputy Hanafin, recently announced details of 54 primary schools and eight post-primary schools which will commence architectural planning for building and modernisation works in 2006. I am pleased that a new, six-classroom primary school in Kilfinane was one of the projects she announced.

The new school will be built on a greenfield site and in addition to the six classrooms, the appropriate level of ancillary accommodation for a school of that size will be provided, including a general purpose hall, library, administration areas and two external hardcourt play areas. The next step is to appoint a design team to the project,

comprising an architect, a quantity surveyor, a services engineer and a civil and structural engineer. Once appointed, the design team will commence the architectural planning phase of the project. Architectural planning of major capital projects involves work from determining site suitability through the detailed design of the project and obtaining planning permission, to preparing bills of quantities.

On 27 January last, representatives from the school attended an information seminar in Tullamore, hosted by the school planning and building unit of my Department, for the new school projects commencing architectural planning this year. The purpose of the seminar was to brief the boards of management on the projects, to introduce them to key members of the Department's staff with whom they will be dealing in the course of their projects, to set out their roles and responsibilities and those of the school building unit on progression of projects, and to advise on the next steps to be taken.

In the case of Kilfinane, the board of management, as a client, will ultimately be responsible for the rate of progress of the project through the design phase to the point where it is ready to go to tender and construction. In that respect, officials from the school building section of the Department of Education and Science will work closely with the board of management over the coming weeks to assist in the appointment of the design team and getting the project started. In the case of all large capital projects handled by the school building section, progression of projects to construction will be considered in the context of the School Building and Modernisation Programme 2006-2009.

I again thank the Senator for raising the matter.

The Seanad adjourned at 1.50 p.m. until 2.30 p.m. on Wednesday, 1 March 2006.