

Vol. 183
No. 8

**Thursday,
6 April 2006**

DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

TU AIRISC OIFIGIÚIL—*Neamhcheartaithe*
(OFFICIAL REPORT—*Unrevised*)

Thursday, 6 April 2006.

[illegible]

SEANAD ÉIREANN

*Déardaoin, 6 Aibreán 2006.
Thursday, 6 April 2006.*

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

*Paidir.
Prayer.*

Business of Seanad.

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

The need for the Minister for Education and Science to give an update on the provision of additional permanent building accommodation for St. Andrew's national school, Lucan.

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

The need for the Minister for Health and Children to consider applications for a number of centres (details supplied) for additional funding to make up the shortfall, to ensure that the combined allocation of €4.5 million for County Limerick is not lost.

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

The need for the Minister for Health and Children to make a statement on the future of Hume Street Hospital.

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

Order of Business.

Ms O'Rourke: The Order of Business is Nos. 1, 2 and 3. No. 1, the Criminal Law (Insanity) Bill 2002 [*Seanad Bill amended by the Dáil*] — Report and Final Stages, to be taken on the conclusion of the Order of Business and to conclude not later than 1.30 p.m.; No. 2, statements on youth affairs, to be taken at 1.30 p.m. and to conclude not later than 3. p.m., with the contribution of spokespersons not to exceed ten minutes and those of other Senators not to exceed six minutes. The Minister will be called upon to reply not later than five minutes before the conclusion of the statements; and No. 3, the Diplomatic Relations and Immunities (Amendment) Bill 2005 — Committee and Remaining Stages, to be taken at

3 p.m., and to conclude not later than 4 p.m. There are no amendments to that Bill so if it is possible we will take all Stages.

Mr. B. Hayes: We agree with today's Order of Business. Will the Leader find out from the Minister for Communications, Marine and Natural Resources, why the Government has decided not to designate the Ryder Cup as an event for free-to-air viewing? The Minister stated three months ago that he would designate it but yesterday he announced that was not possible. I have yet to hear an explanation from him as to why it is not possible.

This is a major intentional sporting event in this country. It is the second biggest worldwide sporting event in terms of audience numbers. It will showcase this country as no other event can do. Irish golf fans will be very disappointed that the only way they can see this event next September is by buying into the Sky package. Less than 20% of Irish homes have Sky so about 80% of people will not be able to see the Ryder Cup. It is utterly wrong that people will not have free viewing access to this major international sporting event, which has brought such pride to this country. One of the great success stories of Irish sport in recent years has been the achievements of golfers such as Paul McGinley, Pádraig Harrington and Darren Clarke.

Golf is one of the only sports in this country which has no partitionist view. The Golfing Union of Ireland is a 32-county body. Golf is a sport that brings people together around the country yet the Government has chosen not to designate the Ryder Cup as a free-to-air event. It is the wrong decision and I want to find out why it has been made.

There will understandably be concern about the suspected case of bird flu in Fife in Scotland that we heard about yesterday and about which we will hear more today. There is a responsibility on all politicians and community leaders to show concern about this and to be prepared for the worst possible scenario, but also not to overreact because of our significant poultry industry. We do not want people to stop eating chicken. It is important that the risks to human health are put in perspective. The Government should commence a national campaign today to ensure people are aware of this so we do not see a massive downturn in our poultry industry.

Mr. O'Toole: The initial reaction from a group of people I was with when I heard the news about the Ryder Cup not being transmitted free-to-air was that this would be a great boon for the vintners industry and the publicans of Ireland. In terms of the discussions we have had here on the control of drink and alcohol consumption, this is a boost to alcohol consumption. It is an offshoot of this matter and however it is dealt with we should be aware of this issue even if it costs us money to do it.

[Mr. O'Toole.]

I wish to raise an issue which was in the news some weeks ago and which I have researched somewhat in the meantime, namely, the lack of screening for newborn babies for hearing disabilities. Currently we carry out what is called a distraction test to assess children's hearing when they are about one year old. A nurse clicks his or her fingers and observes if a child reacts. All this identifies is children who are profoundly deaf.

There is a simple and cheap test that involves putting a probe in a day-old baby's ear for a couple of seconds. This immediately picks up any difficulties which can be followed by a simple treatment of brain stimulation which ensures, for instance, that a child beginning school has almost full language capacity. This is a significant improvement and I ask that we would consider this option. This could avoid a significant amount of hardship on families. It is one of the few measures in the health area which is very inexpensive and it could be provided to every maternity hospital in the country for approximately €3 million or €4 million a year, which is peanuts in terms of the cost of the health budget. The returns would give new life to families and children to protect their children. It is not just a matter of the problem being identified but the treatment being provided to ensure that a child develops properly. The Tánaiste and Minister for Health and Children should come to the House to deal with this issue.

Mr. Ryan: Is trua é go raibh rudaí ráite ag deireadh na díospóireachta aréir faoi Chomhaontas Mhuileann gCearr, agus má tá daoine chomh dáiríre sin faoin nGaolainn, b'fhéidir go bhfoghlaimeoidís í. Bhí an seans céanna acu is a bhí agamsa an Ghaolainn a fhoghlaim, agus níl aon rud eile ag dul leis. Má tá siad dáiríre faoin nGaolainn, is é an chéad rud le déanamh ná í a fhoghlaim i gceart.

An Cathaoirleach: On the Order of Business.

Ms O'Rourke: He is talking about it.

Mr. Ryan: Seans nár thuig siad mé.

I asked yesterday for a debate on Aer Lingus and specifically on the business case that has been made. I still have not heard the business case. The Taoiseach announced in the Dáil yesterday the best advice. The Leader knows more about these things than I do. Has she met an international consultancy yet which ever recommended anything other than an IPO for a State commercial agency? Has a consultancy ever recommended that a body should remain in public ownership? The bottom line is that the private sector is more efficient than the public sector. In the case of the London underground, for instance, it was concluded that a private body would be 40% more efficient than public ownership. I do not know where they got the figure from. My own view is

the reason there is always enthusiasm for privatising State commercial agencies is because the first decision taken after privatisation is that the salaries of the senior executives are doubled, trebled or quadrupled and therefore there is a significant incentive for senior executives always to want their agency privatised.

I wish to hear what is the business case, based on the national strategic needs and Aer Lingus's capital needs, for privatisation. The case has not been heard and it is extraordinary that we are walking down this road without a proper coherent and defensible business case.

On an unrelated matter, five years ago a report on palliative care was delivered to Government and accepted. The full implementation of the proposals would cost approximately €150 million a year. There is currently a deficit of approximately €100 million. It is a mystery to me why something which is so humanly necessary and also so politically valuable to Government, has been left undone. There is hardly anything in the health area which impacts on more families than the care of the dying. Yet a report which was supposed to be fully implemented by now is singularly unimplemented for the sake of €100 million. One of the reasons is that money is being given to the HSE and to the sub-groups to do this but they are not allowed to recruit extra staff because of an embargo on staffing. This is not joined-up thinking. If funding is to be provided for a project, the staff must be employed to provide the service. This makes no sense and it demonstrates that the problems with the health service are not just to do with money, even though that is important, but are to do with the absolute ineptitude of the this present Government in particular to deliver. Why would the Government not provide a good palliative care service? The money and resources and the plan are in place; it is simply awaiting the implementation. The absence of a proper palliative care service would be a very valuable issue to debate. It is acknowledged by everyone as being a necessary and vital service.

The nation's heart was broken by the letters in the newspapers from a man describing the conditions under which his wife died. It should not have happened. This is now a rich country. The money is there but there is something wrong in the lack of a political will to deliver. It is time to dispose of whatever issue was in the way. This service could be fully implemented within 12 months if the will was there. The House should ask the Tánaiste to explain the reason it is not being implemented.

Mr. Scanlon: Last week, a Polish national died suddenly in County Sligo. He was 39 years old and died of a heart attack. He had only been in the country since February and had just started work. The person who employed him runs a small business. He contacted the man's family in Poland, his wife and two children, a ten year old

boy and a seven year old girl. They wished to have the remains repatriated. The cost of repatriation is approximately €10,000, a substantial amount of money in this country and it could be two years' salary in Poland.

I was asked to help in this case and I contacted the Polish Embassy. I was disappointed by the attitude of personnel at the Polish Embassy to this case and this is the norm. It is only through the good work of the community care people of the HSE in Sligo, some Polish friends and the local community who collected the money that the remains were returned to the family. Poland is a very Catholic and caring country but I wish to record my disappointment at the attitude taken by certain staff in that embassy. It was even suggested that the man could be buried in County Sligo which I regard as disgraceful.

Mr. Finucane: I rise to support Senator Brian Hayes with regard to disappointment over the decision not to designate the Ryder Cup competition as free-to-air. The Minister fuelled a certain level of expectation that this would happen when he announced he was to have broad-ranging consultations and raise the matter at European level. The Minister has put forward as the reason that the Attorney General is not satisfied that it satisfies the criteria for designation. Could the Attorney General not have given the benefit of his advice at the start and so avoid the expectation growing that it would happen?

I note a worrying trend. The Heineken Cup has captured the imagination of the Irish people with the successes of the Munster and Leinster teams in recent times and rugby is on the crest of a wave as a result. The next Heineken Cup series beginning in November will be on pay-per-view television. This is very disappointing. We would appear to have got it wrong in 2003 in our designation of these sporting events. I am disappointed with the approach adopted by the Minister which fuelled such expectations.

Irish motorists will need to be familiar with the 31 penalty points announced last week. It is disappointing to note that road safety statistics show that 20% of penalty points have been allocated to foreign drivers and will not apply to them because they live outside the jurisdiction. One quarter of all road crashes involve uninsured vehicles. Since 2002, penalty points issued for uninsured vehicles included those 2,000 issued to foreigners. Only 120 Irish motorists have been uninsured. The importance of insurance is well known. The Revenue Commissioners have stated they have no knowledge of the number of foreign cars in the country. If we are trying to put this jigsaw on road safety together, it is about time we grappled with the statistics of up to 600 foreign drivers being issued with penalty points for careless driving.

We are trying to confront the road safety issue. We had better pull this piece of the jigsaw together if we want to be effective. Otherwise, we

will experience a constant spiral in the number of road deaths. It is about time we grappled with this issue. Foreign drivers are an expanding cohort of the population. They come from a different driving system with different signage and they would normally drive on the other side of the road. It is time we examined this situation in a more serious way.

Mr. B. Hayes: Hear, hear.

Mr. Leyden: Following the Easter recess, will the Leader put down a motion in regard to a recent publication by Forfás on competitiveness, particularly with regard to energy, which is the most serious future challenge? The Minister for Communications, Marine and Natural Resources should be invited to the House to explain the present position with regard to the Corrib Shell gas field. Some 60% of our gas energy needs are contained in the Corrib field but it is not being exploited. The people of Roscommon town had to live for years with acrylic nitrate going through the town to the Asahi plant in Ballina, at high risk, because they supported the retention of jobs there. Acrylic nitrate is more dangerous than any natural gas.

I appeal to Statoil, which is selling its plants in Ireland, to continue to honour the Statoil premium club promotion, which ended at the end of January. Millions of points are held but nobody can avail of them. I have contacted Statoil and take this opportunity to state that if the company does not honour the points, I will take the matter to the Competition Authority. The company should honour the premium club promotion.

Mr. Finucane: Name and shame.

Mr. Leyden: I am naming the company. I am in negotiations with the company and hope it will address the matter. I represent ordinary people throughout the country, and I have a few points myself.

Dr. Henry: Earlier this week the Union of Students in Ireland and some other student bodies held an information event in Buswells Hotel for Members of the Oireachtas, which I am sure many Members attended. The students told us that the Minister for Education and Science has brought forward her proposals regarding funding for students in third level education. Will the Leader ask the Minister to come to the House soon after the Easter recess so that Members can contribute on her suggestions before they go to Government? It is an important issue. In many countries third level students graduate with enormous debts and I would not like to think that is the direction we would take. I would be grateful if the Leader could organise a debate.

Mr. Glynn: I am in total agreement with Senator Finucane on road safety. I have raised

[Mr. Glynn.]

this matter previously, as have other Members. There is an obligation on the vendor of a vehicle, whether a garage, car sales outlet or private individual, to ensure that the purchaser of the vehicle has insurance. Vehicles should not be released until that happens but it is not happening, which is why problems arise.

A spate of purse-taking from shoppers in Dunnes Stores and other outlets took place in Mullingar last Saturday. A neighbour of mine reported the matter to gardaí and was informed it was the fourth complaint they had received and that a group of non-national women was believed to be responsible.

I have stated in the House previously and reiterate that I am not anti-immigrant — I was an immigrant myself. However, gangs are coming to this country from eastern Europe for nothing but the purpose of perpetrating crime. These acts were carried out under the pretence of picking up something that had dropped on the ground, with three or four women involved in all cases. I ask the Minister for Justice, Equality and Law Reform, or whoever is responsible, to ensure that these people, when apprehended, are shown the gate. We welcome non-nationals and those who come to work. I was welcomed across the water but I went to work, not to thief purses or anything of the kind.

Mr. Bannon: I ask the Leader to invite the Minister for Enterprise, Trade and Employment to the House to debate the blatant misuse of employment law by some companies in the State, particularly in the construction industry. There have been numerous recent complaints that Irish workers in the construction industry were let go from their jobs and non-Irish workers taken on at much lower rates of pay. This should not happen but it is happening throughout the country.

This type of behaviour is morally wrong and illegal. It is time for the Government to take action. I have had complaints from Irish workers who were told their services were no longer needed but when they checked they found that other workers had been taken on within their companies when they were let go.

We need a debate on this subject, which is of great concern to native Irish workers and is causing much resentment in some parts of the country. This abuse has been ignored by the Government and should be addressed as soon as possible. I do not agree with the undercutting of Irish workers. We do not want resentment to grow. The Leader might arrange for a debate on the issue for as soon as possible after the Easter recess.

Mr. Hanafin: I join the call for a debate on the privatisation of Aer Lingus, particularly in light of the fact that France, which is at the heart of the European social economic model, privatised Air France and retained a key share. When com-

mentators look back at previous privatisations, they should be fair. On the occasion of the Eircom privatisation, investors did not make as much as they had done when Greencore and Irish Life were privatised, or from other equities in general given that private investors in this country have done well. However, the State did extraordinarily well in the case of Eircom. The Minister of the time, Mr. McCreevy, should be commended on putting €5 billion into the National Pensions Reserve Fund, which has doubled in value and is of benefit for all for the future.

I join the call for a debate on road safety and the need for insurance companies to take a lead. Given the vast profits they are making, they might develop a loss leader to ensure that road safety is paramount.

Mr. Quinn: A friend telephoned me last night in great excitement to tell me two swallows had just arrived in his garden for the beginning of the migratory season. It is a reminder that this is the time of bird migration. Therefore, when Senator Brian Hayes spoke of bird flu in Scotland, I was surprised to hear that the dead swan in Scotland was found one week ago, although this was just announced today. We should not be scare-mongering about this issue but we should invite the Minister to the House to explain exactly what steps are being taken. A 3 km zone was placed around the town in Scotland this morning to make sure that all traffic in and out was searched. I am not sure that we have made such preparations. A debate would be useful.

With regard to Senator Hanafin's comment that the National Pensions Reserve Fund has done well in recent times, I noticed in a newspaper today that this does not always happen with regard to pensions. It was announced yesterday that active pension fund managers have been outperformed by pigeons making random pecks on stock lists spread out in Trafalgar Square. I congratulate the National Pensions Reserve Fund. I recently asked the Leader whether we could find time to debate the issue of pensions. It is worthy of consideration in the near future.

Labhrás Ó Murchú: Senator O'Toole raised an important issue in regard to hearing impairment, particularly among the young. Given his profession, the Senator will be well aware of the disadvantage at which the young are placed when they have hearing problems. We should acknowledge that hearing deficiency is widespread throughout the community. Often there is a veil of secrecy surrounding a hearing deficiency as if there were some type of stigma involved. We have major debates on various issues from time to time as to why that is the case.

Regarding Senator O'Toole's point, if there is a procedure to diagnose whether a newborn child has a hearing deficiency, particularly in the early days after birth, and if remedial action can be

taken, we cannot measure that benefit in cost terms. Senator O'Toole made the point that such a test is not costly. The incidence of hearing deficiency is a serious problem. Young people are entitled to equality of opportunity but they will not have that if they have a hearing impairment. It is no longer acceptable to use archaic methods to establish whether a young person has a hearing deficiency. I would like us to debate this issue. While this might seem to be a relatively mundane issue, many people would be delighted if we debated it. Such a debate might lift the veil of secrecy which surrounds this issue.

Mr. Cummins: I asked in recent weeks when the Minister for Justice, Equality and Law Reform would introduce a new gaming and lotteries Bill which has been on the agenda for some time. When is it intended to bring that Bill before the House? I note from today's newspapers that many of the large bookmakers chains intend to install slot and poker machines in their shops throughout the country, which they estimate would gross them in excess of €50 million in profits per year in the years ahead. It would be a retrograde step to install such machines in bookmakers shops and attempts to do so should be resisted by the Minister responsible.

Mr. B. Hayes: Hear, hear.

Mr. Cummins: I hope a provision to that effect will be included in the Bill when it comes forward.

I also raise the issue of private members' card clubs that are springing up around the country and which have been expanded into casinos because of a loophole in the law. The Minister responsible stated that he intends to plug that loophole but again it is a case of our hearing words rather than seeing any action. When does he intend to introduce legislation to curb these clubs setting up casinos?

Mr. Mooney: Will the Leader arrange for the Minister for Foreign Affairs to come into the House after Easter to make a statement on the Government's policy on the Middle East in light of the recent announcement by the Hamas Prime Minister that his country is running out of money and some 140,000 state employees, whom I understand constitute one third of the Palestinian workforce, will now lose their salaries. This situation is coupled with what seems to be a land-grab by Israel with the continued construction of the wall and the announcement by acting Prime Minister Olmert that he intends to unilaterally take decisions in respect of land on the West Bank by the autumn. The European Union is somewhat spineless in this regard.

Mr. Ryan: Hear, hear.

Mr. Mooney: Ireland has a key role to play in this regard. It is important and opportune that this House should have an opportunity, first, to hear the Government's policy on the unfolding events in the Middle East and, second, to allow Members on all sides of this House make their contribution.

If the pigeons, to which Senator Quinn referred, might be able to pick a winner for the Grand National on Saturday, I would be delighted.

Ms O'Meara: I support Senator Mooney's call for a debate on events in Palestine and the Middle East.

I ask the Leader to schedule a debate after Easter on the issue of creche regulations. I anticipate that during the Easter recess the Minister of State with responsibility for children will publish a new set of regulations. I hope he does so because they are widely anticipated and needed. Rather than such regulations being simply noted on the Order Paper, I request the Leader to schedule a debate on them, as it is important we have such a debate.

We should also have a debate, as I requested yesterday, on issues around acute care services, namely, accident and emergency services and specifically on the policy on acute care. I ask that the Minister for Health and Children would come to the House and speak on those issues because my sense is that there is a good deal happening. We should have a role in debating those and other issues relating to them.

Mr. Feighan: I agree with Senator Glynn that there is a crime spree involving eastern European gangs. However, the Garda does not have the resources to deal with this problem. I know that from my experience of it having taken more than two weeks for a specialist from the Garda to take photographic stills from my computer.

We read in the newspapers in recent days of a young man having been shot dead in Clonmel, Denis Donaldson having been shot dead in Donegal and a young Lithuanian man having been killed after being dragged 100 yards under a van while trying to stop the siphoning of diesel from his truck. The Garda do not have the resources to deal with such so-called petty crime. Until the Minister for Justice, Equality and Law Reform introduces the 2,000 extra gardaí promised, these petty crimes will go unnoticed.

We should invite the Minister to the House to debate the ever increasing level of crime, often violent crime, to which we have become immune. If three of four different types of shootings were happening ten years ago, we would have been in uproar but now we seem to pass them off willy-nilly. Something must be done about the ever increasing crime in our country and the only way to do that is to ensure that the 2,000 extra gardaí are recruited.

Ms O'Rourke: The Leader of the Opposition, Senator Brian Hayes, raised the matter of why the Ryder Cup will not be free-to-air on RTE. He pointed out that 80% of people do not have Sky Sports. It will transpire that most people who want to see that event will go to the pub and arising from that there may well be accidents or incidents. The Senator asked me to inquire about what national criteria apply, in other words, whether RTE meets them. The decision on this matter is based on the advice of the Attorney General. On this occasion, that advice should be made public.

Mr. B. Hayes: Hear, hear.

Ms O'Rourke: Often there is too much secrecy surrounding the advice of the Attorney General. He gives good advice and is employed to do so. Irrespective of what Government is in power, the Attorney General is always an eminent person. It would be helpful if such advice could be made public and I do not know why it should not be. I will endeavour to find out the position on this matter.

There was a great sense of disbelief and worry about the broadcasting of next year's Heineken Cup and that has grabbed people's attention. The rugby games last Saturday were wonderful; they were absolutely first class. People have suddenly begun to think they would like to see them again and they were great spectacles. We should get to the bottom of the advice in this regard rather than be expected to simply swallow it without knowing its basis. I am sure it is founded on good principles but we would like to know what they are.

Senator Brian Hayes raised the matter of concern about the suspected case of bird flu in Scotland. He also said we should be careful and proper in our preparations but should not overreact. When such an issue arises many people's reaction is that they will not eat chicken. However, chickens are well roasted and anything harmful would be bet out of them by the time they come out of the oven or the pot. I am sure we could arrange for the Minister responsible to come to the House after Easter to discuss the matter.

Senator O'Toole raised the matter of a test that can be given to newborn babies which can immediately identify any potential negatives, particularly in their hearing ability. The heel test is given immediately to all newborn babies which picks up abnormalities of another kind. I have not heard of this new test, but if it is available and very reasonable, it should be carried out.

Senator Ryan spoke in Irish about the Mullingar accord. The Senator will always be welcome in Mullingar. I will show him around that town at any time.

Mr. Ryan: Deputy Penrose has made that clear to me.

Ms O'Rourke: The Senator should let me show him around that lovely town or he could come to Athlone.

An Cathaoirleach: The Mullingar accord is not relevant to the Order of Business — I mentioned that already.

Ms O'Rourke: We spoke as Gaeilge about it. Senator Ryan said it was fine and strong but we did not hear why he did not turn up to support his comrades.

An Cathaoirleach: I ask the Leader to stick to the Order of Business and not to stray into talking about the Mullingar accord.

Mr. Ryan: I explained in Irish why I did not do so.

Ms O'Rourke: Yes, as Gaeilge. None of the four of you were here to support your comrades or colleagues last night.

An Cathaoirleach: The Leader should please address the Chair on today's Order of Business.

Ms O'Rourke: The Senator mentioned Aer Lingus. Some Ministers are forthcoming in appearing before this House but many are not. Apart from hitting them over the head, I cannot drag them screaming here.

Mr. Ryan: We will get them out of office and do it fairly soon.

Ms O'Rourke: I am sure the Senator would appear before the House all the time. We have consistently asked the Minister in question to discuss the Aer Lingus issue and road safety, and we will continue to do so.

Mr. Ryan: There is also the Cork Airport issue.

Ms O'Rourke: Coming to the end of every week, my office contacts all the people who have been requested. Some are very generous and respond immediately and some are less so. Of course, these people have other engagements. We will again endeavour to hear the business case put forward, which is what the Senator is asking for.

A very good report has been published on the hospice movement in Ireland, and I was considering scheduling a debate on it for when we come back.

Mr. B. Hayes: Yes.

Ms O'Rourke: It shows alarming gaps, particularly in the midlands and other areas, with regard to hospice care. It would be a worthwhile debate. The Senator also mentioned care of the dying, with money being provided by the embargo on staffing, and he asked if the Tánaiste

would come before the House to debate the matter.

Senator Scanlon discussed the death of a Polish person in his community. I am also disappointed at the response of the Polish Embassy on the matter, but the HSE and community care services have been generous in helping to get the body of the man repatriated. Senator Dardis reminded me of a case where an Irish person in Copenhagen became ill 25 years ago. The Irish Embassy charged him for a phone call, never mind helping him get home. I suppose there is a protocol for such events. Generosity in such a case would be most welcome.

Senator Finucane mentioned the advice of the Attorney General with regard to the Ryder and Heineken cups. He referred to the lack of insurance for foreign drivers and was supported in this by Senator Glynn. He mentioned that the vendor of a car could ensure that the buyer had insurance, but the vendor may be so glad to get a sale that he or she would off-load it immediately. We must sort out the jigsaw of safety and attempt to make it coherent. There were more road deaths yesterday and already today.

Senator Leyden referred to the Forfás report. We have requested it as Senator Quinn raised last week the issue of the overdependency with regard to energy, which is highlighted in the report. Senator Leyden mentioned the Corrib field and appealed to Statoil for the premium points to be honoured. I note the Senator declared his own interest. We hope to have the Forfás report after Easter.

Senator Henry would like a debate on funding for students, with the relevant Minister here to discuss it. In addition to suggesting that the vendor of a car should ensure that the buyer has insurance, Senator Glynn raised the robberies in Mullingar which he stated were being perpetrated by a group of eastern European women. He argued that they should be shown the gate if they are found guilty. Many Irish people are doing similar things, although they may not have carried out those robberies. It is not helpful to point out a particular nationality or grouping which carry out certain actions. In so doing we get a type of vicarious pleasure, as we are not doing it. Other misdeeds are being done by Irish people.

Senator Bannon mentioned the rates of employment in the construction industry and that Irish workers are being undercut. Senator Hanafin raised the privatisation of Aer Lingus. It is amazing that France has privatised its airline because the country is so precious with regard to employment and bound by labour laws. It has usefully privatised Air France, one of the bigger airlines. The Senator is correct in stating that the State did very well out of the earlier privatisations. Senator Hanafin also requested a road safety debate, and argued that the insurers, out of their rich pickings, could take a loss leader and help in the matter.

Senator Quinn raised the matter of the possible bird flu case in Fife in Scotland and he argued that we should plan ahead, which we should. He noted that the National Pensions Reserve Fund had been doing well, but the managers have been outperformed by pigeons. I saw the Senator on the BBC approximately a week ago. He offered great morning television and he did well. He spoke of other matters rather than the pension fund.

Mr. B. Hayes: He goes from coast to coast.

Mr. Ryan: It is the start of an election campaign.

Ms O'Rourke: Senator Ó Murchú raised hearing problems with young people. He is correct in stating that medical hearing problems are not discussed frequently, and there are few quality opportunities. He argued that the veil of secrecy should be lifted.

Senator Cummins discussed the new gaming and lotteries legislation and the loophole which exists with regard to card clubs. Bookies could put up slot machines in their premises, which is awful. Having made them illegal, I doubt if it would be allowed. I thought we would have word of when the Bill will be debated, but we have not.

Senator Mooney asked for a debate on the Middle East. The Palestinian Prime Minister has stated that his country is broke, as Hamas will not denounce violence.

Mr. Ryan: Israel will not denounce violence either.

An Cathaoirleach: The Leader to reply without interruption.

Ms O'Rourke: The country is getting €150 million on humanitarian grounds, but this is merely a stop-gap. We will endeavour to have the debate. Senator O'Meara also asked for a debate on Palestine and for a debate on the new set of crèche regulations. I have been speaking to the relevant Minister of State and I told him we would like to discuss them in this House. He is one Minister of State that will not be allowed to get away.

Senator Feighan raised the matter of Garda resources and asked for the Minister for Justice, Equality and Law Reform to come before the House to discuss the issue.

Order of Business agreed to.

Sitting suspended at 11.20 a.m. and resumed at 11.35 a.m.

Criminal Law (Insanity) Bill 2002 [Seanad Bill amended by the Dáil]: Report and Final Stages.

Acting Chairman (Mr. Kitt): I welcome the Minister of State to the House. This is a Seanad Bill that has been amended by the Dáil. In

[Mr. Kitt.]

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 of State may explain the purpose of the amendments made by the Dáil, and that is looked upon as the report of the Dáil amendments to the Seanad. For Senators’ convenience, I have arranged for the printing and circulation of those amendments and their proposed grouping. The Minister will deal separately with the subject matter of each related group of amendments. Senators may contribute once on each grouping, and I remind them that the only matters that may be discussed are the amendments made by the Dáil.

There is a typographical error in the list of amendments that I wish to bring to Members’ attention. It is an error in the printed list of amendments made by the Dáil. Amendment No. 46 should read as follows: “In page 22, line 21, after “2005,” etc.

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

Minister of State at the Department of Justice, Equality and Law Reform (Mr. B. Lenihan): The amendments in group 1 have been grouped together because they arise in the main from drafting improvements suggested following discussions with the Parliamentary Counsel. I will explain their context for benefit of Senators.

Regarding amendments Nos. 1 and 6, the Office of the Parliamentary Counsel advises that the provisions are not necessary in the light of the new provisions in the Interpretation Act 2005. The definition of functions is now governed by section 21(2) and Part 2 of the Schedule to the 2005 Act. Subsection (2) provides that in an enactment that comes into operation after the commencement of this Act, a word or expression to which a particular meaning, construction or effect is assigned in Part 2 of the Schedule has the meaning, construction or effect so assigned to it. Part 2 of the Schedule defines what is meant by “functions”, providing a new statutory definition for interpretation purposes of the expression “functions”.

Dr. Henry: I am sorry, but it is a little difficult to hear the Minister of State.

Mr. B. Lenihan: I apologise.

Dr. Henry: The difficulty lies with me rather than with the Minister of State.

Mr. B. Lenihan: Shall I raise my voice?

Dr. Henry: Thank you.

Mr. B. Lenihan: I was explaining to the House that the amendment is a technical one following enactment of the Interpretation Act 2005. Amendments Nos. 1 and 6 simply harmonise this legislation with the Act. It is not necessary to include certain provisions in the legislation, since they are now governed by the Interpretation Act 2005, before whose enactment this legislation was drafted.

The purpose of amendment No. 3 is merely to clarify that references to a legal representative means solicitors or barristers practising in the State and to align a reference. Regarding amendment No. 8, the Parliamentary Counsel advises the Minister that there is no need to refer to the statutory basis of the Central Mental Hospital in the Bill, since section 39 of the Mental Treatment Act 1961 already provides that the Central Criminal Lunatic Asylum established pursuant to the Central Criminal Lunatic Asylum (Ireland) Act 1845 is to be styled alone as the Central Mental Hospital.

Section 39 was preserved from the repeal of the 1961 Act by section 6 and the Schedule to the Mental Health Act 2001. Amendments Nos. 9 and 11 provide for the insertion of the words “by order” after “children” to make it clear that the designation of centres by the Minister for Health and Children is to be done by way of orders to be made by that Minister.

On amendment No. 7, the Minister was advised by the Parliamentary Counsel that the new Interpretation Act governs the matter and there is no need for the phrase to be in the legislation.

Amendment No. 17 deals with the question of an assessment prior to a decision by the court to commit a person to a designated centre. This amendment was necessary because section 3(4) did not provide a power for the court to commit a person to a designated centre. Amendment No. 24 is a related amendment to secure the same purpose.

Amendment No. 19 corrects an incorrect reference to “section” as meaning section 4, it should be to the subsection, meaning section 4(3)(b). Amendment No. 20 refers to the precise part of section 5 which sets out the essential elements of the concept of diminished responsibility.

Amendments Nos. 22 and 23 clarify what is to happen once the appeal court confirms that a person is unfit to be tried. The Bill is currently silent on the matter. It now provides in this amendment that proceedings will be adjourned until further order and may, if the judge is satisfied, having considered the evidence of an approved medical officer and any other evidence that may be adduced that the accused person is suffering from a mental disorder and is in need of in-patient care or treatment in a designated centre, commit him or her to a specified designated centre.

Amendments Nos. 27 and 28 provide for the insertion of the word “and” instead of the word “or” in section 3(6)(b) and (c) in order to bring

them into line with the similar reference in section 3(6)(d).

Amendment No. 29 provides for the deletion of the words “for Justice, Equality and Law Reform” from the reference to the Minister as they are unnecessary because it is already defined in the interpretation section.

Amendment No. 31 clarifies that the reference to the “clinical director” is to the clinical director of a centre in which the patient is detained.

The purpose of amendment No. 32 is to remove the reference to indictable in section 12(3)(a). The correct reference should be to an offence because section 3 deals with summary offences, indictable offences triable summarily and indictable offences.

Amendments Nos. 33, 35, 37 and 38 tidy up some of the provisions and language of the Bill. The Minister agreed with Senators’ comments that the word “disposal” is inappropriate and these amendments flow from the decision to delete the concept of disposal from the legislation. The wording which the Minister proposed at the time was for the word “disposal” to be replaced by the words “as to how the patient should be dealt with”. Having reflected further on that change in consultation with the Chief Parliamentary Counsel, the Minister was still somewhat unhappy with the text. He therefore decided to replace the words “as to how the patient should be dealt with” with a more elegant drafting construction using the words “in relation to the patient”. At the time when the original change was made in the Seanad, some other provisions which included the word “disposal” were overlooked. The Minister therefore took the opportunity on Committee Stage in the Dáil to change them by replacing them with the words “in relation to the patient”.

Amendments Nos. 34 and 36 relate to lengthy discussions in this House on the question of “care and treatment” and “care or treatment”. The Minister’s preference was for “care or treatment” on the basis that it clearly means that a person can either be cared for or treated. The other formulation could be open to the interpretation that if a person was not capable of being treated, they should not be cared for either, and that is wholly unacceptable. The purpose of these two amendments was to bring the references to “care and treatment” and “treatment or care” respectively into line with the other references in the Bill to “care or treatment”.

Amendment No. 39 clarifies that the reference to “centre” at the end of section 13(2) is to the “other” centre to which the patient is to be transferred. This is ambiguous in the current wording.

Amendments Nos. 40 and 41 substitute more correct terminology into section 14(6)(a) and (b). This relates to the supplying of copies of the certification referred to in subsection (5) to the prisoner and the Minister. The current text uses the word “statement” when referring back. The more

correct word is “certification” as there is no reference in subsection (5) to a “statement”.

Amendment No. 42 is a technical drafting amendment proposed by Parliamentary Counsel. Amendment No. 43 is also a technical drafting amendment to make it clear that the review board is not reliant on the initiative of the Minister in reviewing detentions pursuant to certification, and that it can act on its own initiative in reviews of detention under section 14 generally.

Amendment No. 45 was discussed on Committee Stage in the Seanad on foot of a Fine Gael amendment and the Minister introduced an amendment to meet the points raised on Report Stage. However, the Minister was concerned at the use of the word “arraignment”. It connotes procedures in a trial on indictment and accordingly its applicability in District Court proceedings was questionable. As that clearly is not what is intended, the Minister proposed this amendment to clarify the matter.

Amendment No. 46 makes it clear in the context of courts martial under the Defence Act 1954 that the two definitions of “mental disorder” must be borne in mind and that their application is dependent on the context in which they arise.

Amendment No. 48, which was proposed by Deputy Costello and accepted by the Minister following consultation with the Parliamentary Counsel, provides for the Irish version of the Mental Health (Criminal Law) Review Board to be inserted into the long title of the Bill. The Irish version is in fact already included in the establishment provision for the new board in section 10.

These amendments were technical in character and I thank Senators for their patience in allowing me to explain them.

Mr. Cummins: These are mainly drafting amendments that improve the Bill. The Minister of State has explained the contents of the amendments and Fine Gael accepts them.

Dr. Henry: I am not enthusiastic about the amendments made regarding “care or treatment” instead of “care and treatment”. One of my main criticisms of this Bill is how it will be implemented by those who must use it. It should be aligned as closely as possible with the Mental Health Act 2001 because the same people will have to use this legislation and, to avoid mistakes, the closer things are, the better. Inserting “care or treatment” can also allow for the warehousing of people, which would be a great pity. I am aware of the argument that a person with Alzheimer’s disease could not be treated satisfactorily but there are various attempts to treat all sorts of psychiatric illness so it is not a good argument.

There is a different definition of “patient” at the beginning of the Bill from further on, when “patient” is defined under the Mental Health Act 2001. I can see my psychiatrist friends having problems with this. I welcome, however, the fact

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that any mistakes regarding diagnoses made in lower courts can be rectified in upper courts. That improves the Bill.

The change in amendment No. 8 to the definition of the Central Mental Hospital, established in pursuance of the Central Criminal Lunatic Asylum (Ireland) Act 1845, is wise if we are to move the Central Mental Hospital from Dundrum. The 1845 Act states that it will be in Dundrum. However, I do not have a copy of it with me. Those are some criticisms I would make of the changes.

I am glad provision has been made for the transfer of patients back to prison. When I tabled my amendment on transferring patients from prison to court and from court to the Central Mental Hospital, the substance of which the Minister kindly accepted, I had forgotten about transferring patients back to prison if they were no longer in need of inpatient treatment.

As far as I can see from reading the Bill, the designated centre is still only the Central Mental Hospital. I am glad to note outpatient treatment is allowed. If the person was fit to be treated in what could be described as a "designated centre" in a psychiatric hospital as close as possible to his or her home, could he or she be sent there by the court? There would be a difficulty implementing this because a large number of psychiatric institutions do not have locked wards or enclosed areas which would enable them to accept such patients. I am not sure from reading the amendments and the Bill if the designated centre can only be the Central Mental Hospital. Could the designated centre include other psychiatric institutions? I am glad to note that for summary offences, in particular, people can receive outpatient treatment. Perhaps the Minister of State will clarify the issues raised.

Mr. B. Lenihan: On the question of the designated centre raised by Senator Henry, the position is a little wider than she envisages because section 3(1) provides that the Central Mental Hospital is designated as "a centre" — note the use of the indefinite article — for the reception, detention and care or treatment of persons or classes of persons committed and transferred thereto under the provisions of this Act. Section 3(2) expressly provides that the Minister for Health and Children by order may after consultation with the Mental Health Commission established under section 32 of the Act of 2001, designate a psychiatric centre as a centre for the same purpose. Other centres can be established, which is clear in the legislation.

There was a long discussion between the Senator and the Minister on the question of care or treatment. The Senator mentioned the need for consistency in the legal definitions psychiatrists must use under the 2001 Act and this legislation. In fact, the other legislation is not consistent on the question of care or treatment. At

least the Minister has taken a consistent approach in this Bill and has laid down a standard of consistency for the purposes of this legislation which he believes meets the need to provide either care or treatment these persons.

Acting Chairman: I call on the Minister of State to speak on the subject matter of the amendments in group two.

Mr. B. Lenihan: These amendments have been grouped together as they relate generally to the definition of the term "mental disorder" set out in section 1 of the Bill. On Committee and Report Stages of the debate on the definition of "mental disorder", amendments to provide for a definition of what precisely was covered by the term "intoxication" were tabled by Deputy Gerard Murphy on behalf of Fine Gael. Deputy Costello also tabled an amendment on the point on Report Stage. Their principal concern was to ensure the term "intoxication" embraced all intoxicants and not only alcohol. The Minister explained that "intoxicant" in law does not only mean alcohol but he undertook nevertheless to consider whether a specific definition should be inserted in the Bill. This was done by means of amendment No. 2 on the list before the House.

The Minister would like to acknowledge that Senator Terry also tabled an amendment on Committee Stage in this House on 7 April 2004 which is in very similar terms to the Minister's amendment which is drawn from the Criminal Justice (Public Order) Act 1994. At that time, the Minister thought it was better to leave the term undefined and Senator Terry withdrew her amendment. It only goes to show that persistence with this Minister can, on occasion, pay off and he wishes to formally acknowledge Senator Terry's perspicacity in this regard.

The Minister in his response to this amendment referred to the report of the Law Reform Commission on Intoxication published in November 1995. Senators might be interested to know that the commission states that the definition of "intoxication" or "intoxicant", in the sense that either term involves the consumption of drugs as well as of alcohol, does not appear to have given rise to difficulty in any jurisdiction, including our own, studied by it in the course of its work nor was it raised as an issue by any of the experts who met the commission. In practice, intoxication is not accepted as a defence in Irish courts and the commission goes on to point out that, if anything, it has been found to be an aggravating factor.

The definition of "mental disorder" was constructed from the outset on the basis that there was no need to spell out that, in strictly legal terms, "intoxication" does not only mean a state of intoxication stemming from the consumption of alcohol.

On amendment No. 4, speaking generally for a moment, Senators will be aware there was much debate in this House and in the Dáil about the

terminology and language used in the Bill and the Minister's position on the definition of "mental disorder" used in section 1, and the need to keep this separate from the definition of "mental disorder" in the 2001 Act. This reflects the basic policy underlying the Bill in this area that the ultimate resolution of the issue of mental disorder in the context of insanity in the course of criminal proceedings is one of law and not medicine. I am happy to state that one of the sternest critics of this approach, the Mental Health Commission, has now indicated that it accepts the need for this variation. It notes that the definition of "mental disorder" used in the Bill is identical to that used in the definition in the Mental Health Act 2001 when referring to issues of treatment. It accepts that the Bill uses a different definition when the matter is being considered during court proceedings.

However, on Committee Stage in the Dáil, the Minister said he would look again at one element of the definition of "mental disorder" in section 1 which referred to "mental handicap".

12 o'clock The Minister believed the term "mental handicap" was not as pejorative a term as some might consider. Neither did he believe it was an exclusionary term. However, he agreed to the change proposed by Deputy Costello which was supported strongly by other Deputies and thus the appropriate reference now will be to "mental disability" instead of "mental handicap".

Dr. Henry: The clarification of intoxication was a good idea and is important. I understand the reasons for the definition of "mental disorder". It is good that throughout the rest of the Bill "mental disorder" is described as being within the meaning of the Act of 2001 because these people will have the protection of Part 4 of that Act when detained in a designated centre under this legislation. I understand the difference in the two definitions of "mental disorder". I am particularly glad that under section 3(3), Part 4 of the 2001 Act shall apply to any person detained in a designated centre under this legislation.

Ms Tuffy: I refer to the definition of "mental disorder" and the amendment tabled by my colleague, Deputy Costello. I thank the Minister for making the amendment. I do not believe the term "mental handicap" is a derogatory one. However, in modern discourse, it has become a term which is considered inappropriate and in light of that, it was correct to make that amendment; I appreciate the issue was taken on board by the Minister.

Mr. Cummins: I am glad the definition of "intoxication" has been included. I am also glad the amendment tabled by my colleague, Senator Terry, was eventually accepted by the Minister.

Mr. Kett: I thank the Minister for tabling that amendment. We discussed the term "mental

handicap" when we dealt with the Disability Bill. It is politically correct to use proper language when discussing these issues. We have probably moved on by replacing the term "physically disabled" with "physically challenged". We can play with words at certain times.

Acting Chairman: Will the Minister of State speak on the subject matter of group 3, which contains amendments Nos. 5, 13, 14, 25, 26 and 30?

Mr. B. Lenihan: These amendments have been grouped together as they are technical in nature. They involve relocating definitions in the Bill, clarifying references and correcting typographical errors. Amendments Nos. 5 and 30 follow on from an amendment suggested by Fine Gael during Committee Stage in the Dáil. The Minister agreed at the time that the current construction was a little unusual in that "patient" is defined in section 12 although the term first appears in section 11 and is used again in section 13. Having discussed the matter with the Parliamentary Counsel, the Minister agreed to relocate the definition in section 1. The amendment to section 12 is consequent upon this change and simply provides for the removal of the definition of "patient" from that section. This was done by means of amendments tabled in similar terms by the Minister and Deputy Murphy.

On amendment No. 13, section 3(3)(a) makes it clear that where references to "the Court" arise, that is, by means of the use of a capital letter "C", this is to be understood as meaning "the District Court". A small letter "c" denoted courts in general. The court in question in the opening line of subsection 4(a) is the District Court. However, in line 3, page 6, there is an erroneous reference to "the court", which, following the definition, means a court other than the District Court. The purpose of this amendment was to correct that.

Amendment No. 14 is a technical amendment following from the definitional issue I mentioned in respect of courts. Amendments Nos. 25 and 26 involve tidying up and clarifying certain expressions in the Bill. Amendment No. 25 is concerned with correcting the reference to "tribunal". This should be a reference to the "Review Board". Amendment No. 26 provides for the insertion of "Review" before "Board" so the references will be consistent with the reference to "Review Board" in the interpretation section of the Bill.

Dr. Henry: These amendments are mainly technical. I would have thought it would be wiser to have the same definition of "patient" in this Bill and the Mental Health Act. Given that this is the only opportunity I have to comment on the review boards, I must say they are totally different to those included in the Mental Health Act, not just in terms of their function but also in

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terms of how their members are appointed. People must apply to become members of the Mental Health Commission and are vetted to determine whether they are suitable to serve on the boards. However, the Minister has the power to choose the members of the review boards envisaged in this legislation. Worse still, he has the power to remove them. As we always say, we are not worried about the present Minister but that we may not always have as reasonable and rational a Minister in the future. Such a Minister might not be so careful and cautious in appointing individuals to the review boards and in removing them if they act in a way he does not consider desirable. I am therefore sorry the review boards are not more like those envisaged in the mental health legislation. Otherwise, I understand the small amendments being made.

Acting Chairman: I ask the Minister of State to speak on the subject matter of group 4, which contains amendment No. 7.

Mr. B. Lenihan: Amendment No. 7 is similar to an amendment originally proposed by Labour Senators. Senators might recall that the issue of orders capable of being made by the Minister for Justice, Equality and Law Reform or the Minister for Health and Children under the Bill was raised in the Seanad and also in the Dáil by Deputy Costello. After much debate on the matter, the Minister agreed to include a relevant provision in the Bill. This shows how amenable to persuasion the Minister can be on occasion.

The relevant provisions in the Bill are sections 2, 9 and 23, which refer to designated centres, the establishment day for the new mental health (criminal law) review board and the making of commencement orders. This amendment requires that every order made under the Act must be laid before both Houses of the Oireachtas. The argument presented in the Seanad and Dáil in support of these proposals centred on Ministers being held accountable to the Oireachtas as regards the making of such orders. I understand the Minister commented previously on the other avenues available to Deputies for ensuring that Ministers are held accountable. However, as Deputy Costello put it in the Dáil, it is a caveat to ensure that we see what is happening. The Minister would support that principle.

Dr. Henry: I am sure everyone would agree this is a very good amendment. It is essential that such important orders are laid before the Houses of the Oireachtas. I am quite sure it was very wise to make the amendment.

Acting Chairman (Mr. Leyden): I ask the Minister to speak on group 5.

Mr. B. Lenihan: On amendment No. 10, the issue of prisons, or parts thereof, being design-

nated as centres was the subject of much debate in this House and it featured strongly in the debates at all Stages in the Dáil. Senators might recall that the Minister decided to provide for the designation of a prison or part thereof in response to the Henchy committee recommendation for the establishment of special units for persons described as coming within a class sometimes referred to as psychopaths or sociopaths, but whom the committee considered more proper to identify as persons suffering from a persistent disorder, disability or personality, which manifests itself in abnormally violent or aggressive conduct. That such persons in these categories may not be amenable to treatment was also a factor.

Having listened to the points made on Committee Stage in the Dáil, the Minister tabled an amendment to provide for the designation of part of a prison only, rather than designating a whole prison, as a secure place of detention, in exceptional circumstances, for what would be a very violent person where no other place is suitable. However, the Minister decided to withdraw his amendment in light of further argumentation presented by Opposition Deputies in support of Deputy Ó Snodaigh's amendment and he agreed to accept the Deputy's amendment. Therefore, the provision allowing for the designation of prisons as centres no longer features in the Bill. Again, this shows how open-minded and reasonable the Minister can be.

In talking about amendments Nos. 10 and 44, I must emphasise that the Bill brings a new type of person within its scope. The fundamental difference is that these persons are in a different category from those who are unfit to be tried, or who have been found not guilty by reason of insanity, by virtue of the fact that they are innocent in the eyes of the law. These provisions, dealing primarily with the transfer of prisoners for the purpose of their care or treatment as between prisons and designated centres, are concerned with the onset of mental illness after conviction by a court for a criminal offence. Senators may recall they were included in the Bill by way of Report Stage amendments tabled in this House by the Minister. The intention was to place the existing outdated arrangements for the certification and decertification of prisoners arising from such transfers on a more modern statutory footing.

The need arose in the Dáil to include a further provision in the Bill to allow a clinical director of a designated centre to order the transfer of a prisoner, who is no longer in need of inpatient care or treatment at that centre, back to the prison from which he or she was originally referred. The matter was drawn to the Minister's attention by Dr. Harry Kennedy, clinical director of the Central Mental Hospital.

The lacuna in the Bill in this regard was at odds with the procedure currently in place, whereby two doctors at the Central Mental Hospital can decertify a ministerial order patient, which has the effect of returning the prisoner to the prison

from which he was originally transferred. Clearly, it is important for the treating consultant psychiatrist to be able to discharge a patient when he or she no longer needs care or treatment.

In view of these factors, the Minister dealt with this matter by inserting a new section 17 into the Bill. Senators will note that consultation with the Minister for Justice, Equality and Law Reform is required before a transfer back can be effected. This is to ensure that the prison from which the prisoner was originally transferred is still the most suitable location for him or her.

Dr. Henry: Naturally I am delighted that the Minister accepted Deputy Ó Snodaigh's amendment and decided a prison was not a suitable place for someone being treated for psychiatric illness. I presume other changes will have to be made to the Bill because, under certain sections, it appears that persons could be treated in prison.

The governor, as the clinical director, would make clinical decisions — admittedly having been given advice by a medical practitioner — which does not seem to be in accord with amendment No. 10. This is a very important change and I am delighted it has happened.

While amendment No. 44 is also good, I have a slight concern. After a person had finished his or her sentence, perhaps having been in the Central Mental Hospital for some time, is the clinical director in the Central Mental Hospital or other designated centre required to send him or her back to prison or can the person be discharged? The Bill does not seem to make provision for such people to be discharged if they have finished their sentence. At that stage they are patients.

As the Minister of State mentioned Judge Henchy, I am interested to see that the term "was unable to refrain from committing the act" is still used in section 5 and in another part of the Bill. I spoke at some length about the matter when debating the Bill here. Psychiatrists are not very enthusiastic about the idea that even if a policeman was standing at a person's shoulder he or she still could not refrain from committing an act. Unfortunately, I believe we will live to regret it. I believe the Minister was thinking about only very serious crimes. However, I could envisage people committing very minor crimes, like stealing a bottle of milk, claiming they were unable to prevent themselves from doing so and using this provision as a plea. When I raised the matter on Committee Stage, the Minister said that Judge Henchy was the greatest legal brain of the last century and I was not going to argue with him. Nevertheless, I hope we do not live to regret having left that plea in the Bill.

Mr. B. Lenihan: The Senator will be glad to hear that Judge Henchy is alive and well.

Dr. Henry: The Minister said that Judge Henchy was the greatest legal brain of the last

century. I do not know whether he believes there is another claimant this century.

Mr. B. Lenihan: He retired from the Supreme Court in the last century. He penned many erudite judgments which are devoured with great interest by jurists and legal scholars. He was undoubtedly a very distinguished judge. I have no doubt his capacity is unimpaired in that regard.

The Senator asked what happens if a person's sentence expires while they are in the designated centre, which is addressed in section 16 as follows:

Where a prisoner is detained in a designated centre pursuant to *section 15*, the Governor of the prison from which the prisoner was transferred to the centre shall, as soon as it is practicable to do so, give notice in writing to the clinical director of the centre of—

(a) the date, if known, on which the prisoner will cease to be a prisoner, and

(b) any change to such date.

When the sentence expires the person is then free. There is no question of needing to be re-conveyed to a prison in some kind of formal act of delivery. The person is at liberty once his or her sentence has expired. Of course, the provisions of the 2001 Act can apply to a person in that position. They are dealt with by the civil legislation applicable to the care or treatment of such persons.

The Senator also referred to some outstanding superfluous references left in the legislation. The Minister is very anxious to have the legislation passed. The matter has been drawn to his attention. While they are now superfluous to the legislation, the Minister proposes to address this superfluity on another day in a different measure.

Acting Chairman: We now move on to group 6, relating to fitness to be tried. The subject matters are amendments Nos. 12, 15, 16 and 18.

Mr. B. Lenihan: These amendments have been grouped together as they deal with amendments introduced by the Minister relating to the issue of whether persons deemed unfit to be tried because they are suffering from a mental disorder should be treated on an outpatient basis.

The Minister pointed out on Report Stage in the Dáil that as drafted, the provisions of section 3 could be regarded as not going far enough to give the courts discretion to deal with a person on the basis that the degree of mental illness might not be serious enough to warrant inpatient care or treatment at a designated centre. Generally speaking, the criminal justice system is concerned with protecting the public, punishing criminals and administering the law in a fair and just manner. The Garda, prosecutors and the courts should strive to conduct their business in a way that protects the rights, not only of the victims of crime but also of especially vulnerable

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persons, including those who are unfortunate enough to suffer from mental disorders.

An important consideration in this regard is that no one with a mental disorder should be inappropriately held in police custody, or in a prison. The Minister is aware of concern that people with mental illness are prosecuted and imprisoned, often for relatively minor offences and in the Dáil he referred to recent research made public last December, which was conducted for the Prison Service by the national forensic mental health service at the Central Mental Hospital.

The Henchy report, on which much of this Bill is based, referred to the need to ensure that persons who, under the existing law, would pass, at least in the first instance, into a prison or other place of detention, should go instead to a designated centre, to become a patient, rather than a prisoner, generally under the ultimate control of the courts. Section 3 was drafted with that objective clearly in mind.

The report, however, also envisaged that the courts would have the power, based on expert psychiatric opinion, that outpatient treatment and community care should be the primary consideration, so that only those whose condition required it would be detained for inpatient services. The Minister's amendments addressed that possibility by allowing a court to decide, on the basis of expert opinion, whether the person charged whose fitness to be tried is an issue, could be referred for treatment or care on an outpatient basis.

The commission wrote to the Minister on this point, suggesting that he should provide for this additional form of court diversion away from prisons and places of detention. Overall, the section, as amended, will bring Ireland more into line with the relevant 1991 UN Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care. Principle 7.1 is particularly relevant as it states, "Every patient shall have the right to be treated and cared for, as far as possible, in the community on which he or she lives". Principle 9.1 provides that "Every patient shall have the right to be treated in the least restrictive environment and with the least restrictive or intrusive treatment appropriate to the patient's health needs and the need to protect the physical safety of others". The amendments will meet concerns expressed by the Department of Health and Children concerning the implications of the Bill for the provision of mental health services.

Of course, such conclusions would only be reached by the court on the basis of evidence provided by an approved medical officer that the accused person is suitable for such outpatient treatment and the Minister has provided accordingly in each of these amendments. Additionally, provision is made for the court to "make such order as it thinks proper" regarding the attend-

ance of the accused person for such outpatient treatment. It will therefore be open to the court to include in the order any conditions to be met by the person, which the court considers appropriate pending the making of any further order. The imposition of such conditions will ensure that all matters relating to the case will remain wholly within the jurisdiction of the court.

I draw the attention of Senators to the terms of the amendments which provide for the outpatient option at section 3(3)(b)(ii) and section 3(5)(c)(ii). References are made in the relevant subparagraphs that "the accused person is suffering from a mental disorder or from a mental disorder (within the meaning of the Act of 2001)". The purpose of this provision is to ensure that in this context, the court will be able to consider the widest possible range of mental illnesses when it is considering the possibility of treatment or care in a designated centre on an outpatient basis.

The difference with the inpatient option is that by confining the definition in that regard to a "mental disorder (within the meaning of the Act of 2001)", the court will be considering only the more serious cases of mental illness which are not suitable for outpatient treatment or care. This is because mental disorder, as the term is defined in section 3 of the 2001 Act, refers to the possibility of "the person concerned causing immediate and serious harm to himself or to other persons".

References are also made to "aggressive behavioural symptoms" or "seriously irresponsible conduct" in other parts of the definition. Clearly, in these cases the option of outpatient treatment or care should not be availed of and the relevant provisions have been drafted accordingly.

While on the subject of non-court disposal options, I also mention the provisions of section 12 of the Mental Health Act 2001, which have not yet been brought into force. This and subsequent sections in the Act deal with the powers of the Garda to take a person, believed to be suffering from a mental disorder as defined in section 3 of that Act, into custody and their subsequent referral and admission to an approved centre. The Minister has indicated that the provisions of section 12 of the 2001 Act should be commenced, now that the Mental Health Commission has been established. He will be in contact with the Minister for Health and Children in this respect. It is important that this considerable lacuna in our current arrangements is addressed. There may be a need to ensure that the Garda is fully trained in the operation of the new measures. The Minister will raise that issue with the Garda Commissioner.

Amendment No. 16 is a consequential amendment that arises from the amendments which provide that a court can refer a person for outpatient treatment. The reference to "committal", which was originally framed in the context of sending a person for inpatient care or treatment, is inappropriate in such circumstances.

Dr. Henry: Amendments Nos. 12, 15, 16 and 18 are extraordinarily important to the working of the Bill. When the people to whom we are referring run into trouble, quite often it does not relate to minor crimes or anything like that and they do not need inpatient treatment. If the original proposal had been pursued, it would really have clogged up the system. I am delighted that these amendments were made by the Dáil. I am pleased that the Minister of State has said that the Minister for Justice, Equality and Law Reform will consult the Minister for Health and Children. It is important that there is as much coalescing as possible to ensure that people are treated in an efficient and humane manner, rather than the manner in which they were treated in the past. These amendments will make a very big difference to the working of the Bill, which is the area I keep looking at. When people contact me to ask how we will work this legislation and how we will deal with it, I tell them that these provisions will make a very big difference.

Acting Chairman: Are the amendments in the sixth grouping agreed? Agreed. We will now move on to the seventh grouping, which relates to the Infanticide Act 1949. The grouping consists of amendments Nos. 21, 47 and 49.

Mr. B. Lenihan: The Minister, Deputy McDowell, mentioned on Committee Stage in the Dáil that he was considering whether to change certain aspects of the law on infanticide set out in the Infanticide Act 1949. Having examined the matter in consultation with the Office of the Attorney General, he proposed two amendments to the Bill on Report Stage to amend the 1949 Act. A further amendment made an appropriate change in the Long Title of the Bill to accommodate these provisions. The 1949 Act, like its 1938 antecedent in England and Wales, was based on the medical belief that mothers face special physical and psychological challenges shortly after giving birth. Such challenges include the condition loosely referred to as postnatal depression, the stresses inherent in being responsible for a new life, new financial and relationship pressures and, in some cases, the added strain of being in an abusive relationship or being a single mother in difficult circumstances. Those factors may, together or individually, lead to a mother killing her child. The 1949 Act created a separate crime of infanticide in recognition of the fact that a conviction for murder may not be appropriate in such circumstances. Although the legislation introduced an early form of the defence of diminished responsibility, it now looks somewhat outdated, especially in its references to “punishment” and to one of the conditions precedent for the defence relating to “the effect of lactation consequent upon the birth of the child”. The Minister presumes that modern thinking places less emphasis on the physical element of this matter than on

what may be termed “environmental factors”, like those I have mentioned.

Amendment No. 21, which provides for the inclusion of subsection (3) in section 5 of the Bill, is in line with the recommendations of the Henchy report. It was pointed out on Committee Stage that the only existing recognition of diminished responsibility in our law is found in the 1949 Act, which simultaneously allows it to be used as a defence to murder and provides for it to be considered as an offence in its own right. The 1949 Act provides for the use of such a defence by a mother who kills a child under the age of 12 months, on the basis that the balance of her mind was disturbed when she did it because she had not fully recovered from giving birth to the child or, as I have said, because of the effect of lactation after the birth of the child. The Act allows juries to return verdicts of infanticide, rather than murder, in such cases, with the “punishment” being the same as that for manslaughter.

The 1949 Act allows the prosecution to prefer a charge of infanticide rather than murder in the first instance, whereas section 5 of this Bill, which deals with diminished responsibility, requires that the accused be charged with murder and that the defence of diminished responsibility be raised by the defendant. The Henchy committee favoured the retention of the 1949 Act on humane grounds, so that the accused would be dealt with as if she had been found guilty of manslaughter on grounds of diminished responsibility. The Minister’s second amendment, No. 47, is in line with that approach. It also removes the reference to “punishment”, which is objectionable in such unfortunate circumstances. That amendment also provides for the removal of the reference to “lactation” from the 1949 Act and its replacement with a reference to mental disorder resulting from the consequences of birth, within the meaning of this legislation.

Amendments Nos. 21 and 47 give rise to a consequential amendment to the Long Title of the Bill, which I mentioned some moments ago. That is the purpose of the Minister’s amendment No. 49, which amends the Long Title to reflect that the Bill amends the Infanticide Act 1949.

Dr. Henry: The decision to introduce amendments Nos. 21, 47 and 49 was an inspired one. The provisions of the 1949 Act which are being amended, such as the reference to “punishment”, were totally outdated from the point of view of the physiology of childbirth. I commend the Minister, Deputy McDowell, on introducing the amendments in question, which have made this aspect of the Bill much more reasonable.

Question put and agreed to.

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

Mr. Kett: I thank the Minister of State for his contribution this morning, which will allow for the implementation of this long-overdue and long-awaited legislation. Practising lawyers have probably been seeking this legislation for many years. A long time has passed since psychiatrists used to refer to their patients as “lunatics” or as suffering from “lunacy”. It speaks for itself that such terms continued to be used in our criminal insanity legislation. It was ridiculous that people who thought they should be excused from criminal liability by virtue of a mental disorder had to seek redress under the Trial of Lunatics Act 1883. I am not surprised that practitioners in this area were demanding change. The comprehensive legislation that is about to be approved deals medically and legally with those whose states of mind render them unable to sit in a court of law. This Bill is very welcome for that reason. I thank the Minister of State and his officials.

Mr. Cummins: I join Senator Kett in thanking the Minister of State for his explanations of the amendments which were made in the Dáil. I thank his officials too. This legislation, which will bring us into the 21st century, is absolutely necessary. The language that was used in previous Acts has long since fallen out of practice and should not be mentioned nowadays. It is welcome that this Bill will bring the provisions made for insanity in our criminal law into the 21st century. I compliment the Minister, Deputy McDowell, on accepting constructive Opposition amendments and I thank his officials.

Dr. Henry: I thank the Minister of State, Deputy Brian Lenihan, and the Minister, Deputy McDowell, for their efforts in the compilation of this Bill, which has taken four years to process. I particularly thank their officials, who tolerated many queries from me during the progress of this important legislation. They showed extraordinary patience in their willingness to give explanations all the time. As our legislation regarding the treatment in the courts of people suffering from psychiatric illness was in such a dreadful mess, it was very important for us to do the best possible job in this Bill. I have mentioned the aspects of the Bill with which I do not agree, but I feel that the legislation as a whole will improve significantly the workings of the courts when dealing with people who are of diminished responsibility or are unfit to plead.

Ms Tuffy: I wish to add to the comments of the other Senators. I thank the Minister and his staff for their work on this legislation, particularly the changes made on foot of suggestions made by the Opposition, including the Labour Party, during the debates in both Houses. I commend Senator Henry on her contributions to this debate, to which she brought a great deal of expertise.

Mr. Cummins: Hear, hear.

Acting Chairman: I thank the Minister of State for coming to the House today and for bringing this Bill through.

Minister of State at the Department of Justice, Equality and Law Reform (Mr. B. Lenihan): On behalf of the Minister for Justice, Equality and Law Reform and on my own behalf, I thank Senators for the time and effort they have devoted to this Bill and for their many contributions which served to improve it as it progressed through this House. I was involved in some of the debates in question in this House.

The Minister decided to initiate the Bill in this House, because he believed that the reflective capacity of the Seanad could improve the legislation. That is reflected in the fact that the most significant changes to it were made during its passage here. The Minister wants to single out, in particular, Senators Henry, Tuffy and Terry, who put in a good deal of work on this Bill and made many positive contributions in the discussions. Senators will acknowledge that the Minister showed a willingness to take on board suggestions for amendments. It might have taken a number of attempts before he accepted certain amendments, but it goes to show that perseverance sometimes may pay dividends. I would not advocate perseverance in all cases as regards this Minister, however.

The Minister was happy to have been in a position to accept amendments to improve the Bill and to be able to deliver, following a promise of further consideration on a range of other points that merited serious attention. The Bill is an historic measure in a way for the following reasons: for the first time there are provisions in place for readily-accessible statutory rules of the test for insanity and related issues in the criminal law; new administrative arrangements will replace outdated and Byzantine rules for the transfer of prisoners who are mentally ill as between prisons and psychiatric centres; the introduction of the concept of diminished responsibility in cases of murder; new rules for courts to avoid referring persons who are mentally ill to prison and allow them, instead, to be referred for care or treatment to a designated psychiatric centre on an inpatient or outpatient basis, as appropriate, under the control of the court; and most crucially, the establishment in line with the European Convention on Human Rights of a new independent review board which will keep under ongoing and active review, with the power to release, the cases of all persons who are detained because of fitness to plead issues, or have been found not guilty by reason of insanity, or who have become mentally ill while serving sentences of imprisonment.

There are many other technical provisions in the Bill which go a long way towards improving and modernising in a most humane manner the complex and often tragic area of the criminal law. Some might argue that it has taken a long time for us to reach this point. As the consideration

of this measure in Seanad Éireann and the other House showed, it took a long time to deal with this legislation, although it does not contain a substantial number of sections. That illustrates the complexity and difficulty of the judgments which we legislators must make in this particular process of the law.

I noticed that the Minister commented in the Dáil that over a quarter of a century had passed since the issue of criminal insanity was first dealt with by Judge Henchy in his report. This Bill substantially takes on board the recommendations of the committee chaired by Judge Henchy. In the circumstances, and in conclusion, the Minister and I want to take the opportunity to thank Judge Henchy and his committee for the seminal work they did when they produced the report in 1978. It is no exaggeration that in many respects it is just as relevant today as it was then.

Acting Chairman: On behalf of the House, I thank the Minister of State, Deputy Brian Lenihan, for his commitment and congratulate him on the passing of the Bill.

Question put and agreed to.

Sitting suspended at 12.35 p.m. and resumed at 1.30 p.m.

Youth Affairs: Statements.

Minister of State at the Department of Education and Science (Miss de Valera): I thank Senator O'Rourke for inviting me here today and for giving me the opportunity to talk about youth work in Ireland. As Senators will be aware, Ireland has the youngest population in Europe. Our present population is over 4.027 million, the highest on record since 1871. A total of 41% of the population, or two in five, are under the age of 25. The EU average for under 25s is 25%. Our young people represent an active and vital force in our country's social, political and economic development and well-being. It is important that we recognise the valuable contribution that young people make to our society and that we support their personal, social and educational development.

Irish society has changed dramatically in the past ten to 15 years. At least four major types of recent change, all interrelated, have been identified, namely, economic, political, technological and cultural. These changes are impacting significantly on the lives of young people. The make-up of the youth population is more culturally diverse than hitherto, increasing the need for intercultural awareness among young people and, indeed, those who work with them. Ensuring that this diversity is seen as a positive thing from which all can gain enrichment is a key challenge for all of us.

Against this background, the youth work service in Ireland has a necessary and valuable role to play in preparing and equipping all our

young people for adulthood. The overall purpose of the youth work service in Ireland is to assist young people to realise their full potential and to become active participants in a democratic society. Youth work can be described as a planned, systematic, non-formal educational process, which assists and enhances the personal and social development of young people. It is complementary to the formal school system and in Ireland is implemented primarily by voluntary youth work organisations and groups. Perhaps where it differs most to the formal education sector is that it is characterised by requiring the voluntary participation of young people.

A benefit of the youth work approach is that when formally linked with school provision, it can diminish some factors that contribute to educational disadvantage and, thus, a link between the community and school life of the young person is forged. This is particularly true where teachers and youth workers are clearly seen by the young person as forming a seamless support for him or her. Youth work organisations such as Foróige, Scouting Ireland, Catholic Youth Care and Youth Work Ireland, to name but a few, provide opportunities for young people to develop themselves in a non-formal and fun setting.

Over 50 voluntary youth organisations operate in Ireland, with a stated membership of over 450,000. Over 40,000 voluntary youth leaders are the main educators, with support from approximately 1,000 full-time staff. These organisations and their young members are represented and supported in their work by the National Youth Council of Ireland. The National Youth Council of Ireland is pivotal to the provision and development of youth work in Ireland and the dedication and commitment of its staff to member and affiliate organisations is highly commendable. Indeed, it is in recognition of the NYCI's ongoing support and advocacy of the youth work sector that earlier this year I prescribed the NYCI as the national representative youth work organisation for a further three years.

The programmes operated by the voluntary youth work organisations vary widely and include outdoor pursuits, arts, recreation, project work and international exchanges. Qualities and skills such as leadership, co-operation, decision-making, motivation, and self-responsibility are acquired by young people through this non-formal learning process. As Minister of State with responsibility for youth affairs I am extremely conscious of the great benefits of youth work to young people themselves and to society. I am aware too that this recognition requires appropriate support. Through the youth affairs section of my Department, I am working with the National Youth Council of Ireland, the National Youth Work Advisory Committee and other interested parties to support the youth work sector. This support is provided by way of financial and other assistance.

[Miss de Valera.]

With regard to financial support for the sector, I am pleased to inform the House that I have acquired significant additional funding for the sector and the schemes and programmes funded by my Department since taking office in 2002. Funding for the sector stood at €23 million in 2001 and has now increased to just over €43 million in 2006. I am sure Senators will agree that this is testimony to the Government's commitment to the work of the sector.

With regard to funding for the sector for 2006, in addition to the €1.012 million increase made available in the Abridged Estimates in November 2005, I secured a further €5.021 million in the 2006 Revised Estimates, bringing the total provision for youth work purposes to €47.037 million in 2006. This represents an increase of almost 15% over the 2005 provision. This substantial increase, together with the 18% increase I secured in 2005, is further evidence of the Government's commitment to young people and is a recognition of the value of youth work as a non-formal educational and developmental intervention which can enhance the personal and social development of young people and can be a significant force in combating social exclusion.

Minister of State at the Department of Education and Science (Miss de Valera): The additional €5.021 million for 2006 comprises the following elements: an additional €2 million for the ongoing development of youth work programmes and services as well as catering for the further progression of the Youth Work Act 2001 and the national youth work development plan; and a €2 million allocation from the dormant accounts fund. This is a once-off allocation which will focus on small capital grants for the provision of equipment and improvements to facilities for local youth clubs. This scheme will complement the Department's existing local youth club grant scheme which is administered through the vocational education committees, VECs. The youth affairs section of my Department is currently working on the details of the funding which will be administered through the VECs. An additional €1.021 million has been made available for the mainstreaming of a further 24 projects under the young peoples facilities and services fund. This fund aims through the provision of services to divert at risk young people in disadvantaged areas from the dangers of substance misuse.

These additional funds provide me and my Department with the means to progress a number of very important policy issues as well as supporting local youth clubs. It also gives me the scope to provide greater support for youth work provision. I look forward to seeing the contribution, which the sector will be empowered to make, as a result of this increased allocation.

My Department's strategy statement states, "Education is central to overcoming socio-econ-

omic disadvantage and poverty". In this regard, it is important to understand that youth work also plays a significant role in addressing the needs of young people from disadvantaged communities. It provides another avenue for participation and inclusion to those young people who might traditionally have had fewer opportunities. It aids and supports the social development of vulnerable, marginalised and disadvantaged young people through non-formal education provision in ways that school is not always in a position to address and provides "successes" to the individual that can be shared in and out of school. The peer support for those with a common experience, the engagement of community actors and youth workers and the facilitation of flexible learning that reflects and respects the cultural values and experiences of participants contribute to the success of non-formal learning.

It is accepted by those involved in the education process in Ireland that innovative approaches are required to meet the identified need of these young people, with provision being made available through non-traditional modes, including those used by the youth work sector, where appropriate.

The development and expansion of my Department's special projects for youth scheme is a recommendation in the national youth work development plan and in this regard I have steadily increased support for these projects. I have provided additional grant-in-aid to allow 32 projects to employ a second worker and have provided grant-in-aid to 13 new projects. There are currently 177 projects in operation and these are recognised as a valuable tool in addressing the needs of marginalised young people in disadvantaged areas. In general, projects are located in areas with high levels of social deprivation, poverty, unemployment, a high youth population and a history of early school leaving.

My work, and that of my Department, is underpinned and guided in the youth work field by two major inter-linked policy documents namely, the Youth Work Act 2001 and the National Youth Work Development Plan 2003-2007. The Youth Work Act 2001 provides a legal framework for the provision of youth work programmes and services by the Minister for Education and Science, vocational education committees and national and regional voluntary youth work organisations. The Act was developed following a widespread consultation process and is providing a co-ordinated approach to the provision and development of youth work services at local and national level.

Some sections of the Act have already been implemented including the establishment of the National Youth Work Advisory Committee. The composition of this committee is unique in that half of the membership is from statutory organisations and half is nominated by the National Youth Council of Ireland. This partnership structure between statutory and voluntary sectors acts

as an important advisory function for me, both in relation to identifying priority areas for development and also on other issues, such as youth welfare, which impact on young people's lives.

I take this opportunity to acknowledge the excellent work and advice given to me on many aspects of youth work by the National Youth Work Advisory Committee and its various sub-committees. I am appreciative of the valuable advice this committee gives me on issues which concern young people. The committee's comments are very beneficial to me and my Department in determining areas which require attention.

Another significant policy document is the National Youth Work Development Plan 2003-2007 which I launched in August 2003. The Act and the plan have, to a large extent, been developed in tandem; the Act provides the statutory framework and the plan provides the road map. The plan is the result of a lengthy consultation process and provides a blueprint for the development of youth work. It has four broad goals and cites some 50 actions to achieve these goals. The plan, the first of its kind for youth work in Ireland, presents challenges to all parties in the development of youth work. It is important we ensure that this work is done in consultation and in this regard I welcome the ongoing work of the National Youth Work Advisory Committee and my Department in the work to date on its implementation.

With regard to the progressive implementation of the Youth Work Act, a sub-committee of the National Youth Work Advisory Committee has been steadily progressing the ground work and developing detailed guidelines and procedures, including those for the designation of local voluntary youth organisations and the establishment of voluntary youth councils, which are vital for the further roll-out of the Act in a planned and structured manner. The work of this sub-committee is continuing.

As a priority for 2005 I identified the capacity development of youth work organisations to assist them in preparing themselves organisationally for the implementation of the Act. To this end I established a development fund of €300,000 for youth work organisations to help ensure that they can achieve the new standards for approval and engage effectively with the new structures arising from the Youth Work Act 2001. Some 30 national and major regional youth organisations received one-off grants in 2005, ranging up to €15,000, to help develop their information communications technology capacity. I am making similar funding available in 2006 for further organisational development of youth work organisations.

Another area receiving my attention is the capacity development of vocational education committees to carry out their responsibilities under the terms of the Act. I am pleased to report that further progress has been made recently in

this regard. A structure for the resourcing of VECs to carry out the functions set out for them under the Act has now been agreed in principle between my Department and the Irish Vocational Education Association. I propose to approve a number of additional youth officer posts to vocational education committees in this regard.

The national youth work development plan strongly recommends the appointment of an assessor of youth work. Following the advertisement of the post in December 2005, an interview process took place and I am pleased to inform the House that the Public Appointments Service is currently finalising various details and procedures relating to the post. The functions of the post include the support and development of good youth work practice through the assessment, monitoring, and review of youth work programmes and services provided by the voluntary youth work sector in Ireland. I regard this development as essential to the development of quality youth work provision and I am confident that everyone involved in the sector will regard it as a very positive step forward.

As a society we have become more aware of our duties and responsibilities in the protection of young people under our care and in the prevention of child abuse. It is vital that young people are given the opportunity for personal and social development in a safe environment. The national youth work development plan also stressed the importance of child protection in youth work. The National Youth Work Advisory Committee developed a code of good practice, entitled, *Child Protection for the Youth Work Sector*, which I published in September 2002. The overall aim of the code is the protection and well-being of all children and young people participating in youth work activities.

Since its publication in September 2002, my Department has supported the appointment of a national co-ordinator for child protection and the establishment of a child protection unit within the National Youth Council of Ireland. The unit is providing ongoing support and comprehensive training for the youth work staff and volunteers. I am very pleased to inform the House that a process for the Garda vetting of new youth work staff and volunteers, which will come into effect later this year, is being agreed between my Department, youth work organisations, and the central Garda vetting unit. This development will serve as an additional precaution in the safeguarding of our young people.

The plan also recommends the establishment of a North-South panel for the professional endorsement of youth work training. In this regard, following detailed discussion between youth work interests North and South in January this year, I had the honour to officially co-launch the North-South education and training standards for youth work with Minister Angela Smith of the Department of Education in the North. The objective of this North-South partnership is to

[Miss de Valera.]

establish a process which is purpose-built to serve youth work training in Ireland, North and South, and which will be consistent in regard to value-base, curricula and quality standards with similar bodies in England, Scotland and Wales. This will help to achieve the highest quality professional training for youth work, North and South, and facilitate mobility in the sector.

As recommended in the national youth work development plan, a national youth work development unit is to be established on a pilot basis within the National University of Ireland, Maynooth. This unit will spear-head youth research and development in Ireland. As some of the actions recommended in the plan are dependent on this unit being in place, the setting up of the unit will allow for the further implementation of various actions.

Two important reviews recommended in the plan, the first on youth information provision and the second on funding of the youth work sector, commenced in 2005. These are nearing completion and will inform future developments in these areas. The national youth work development plan is ambitious, with 50 actions recommended. The steps taken to date are of fundamental importance to the pursuance of quality youth work provision in all its facets. While there is more work to be done, I am sure the House will appreciate that vital work has already been carried out to implement the plan.

Youth work is characterised by the required voluntary participation of young people. A common and commendable feature of such work is the voluntary nature of much of its provision. In an era when people have increasing difficulties balancing work and family commitments, I take this opportunity to highlight the role of volunteers in youth work. The ongoing maintenance of our youth work services would not be possible without the selfless work of volunteers. The range and diversity of the services offered by our voluntary youth work organisations has been brought about by the skills, experience and commitment of the volunteers involved. These volunteers are the unsung heroes of youth work, who give freely and unselfishly of their time each week to enhance the lives of others.

In outlining the many youth work developments taking place, I am conscious of the necessity to emphasise the required voluntary participation of young people. I am aware too that young people themselves must be listened to when determining actions to address their needs. Through various structures in youth work organisations, the National Youth Council of Ireland, student councils, youth councils, Dáil na nÓg and other fora, young people can articulate their concerns and views with mechanisms to feed into the development of public policy making.

Given the importance of young people's input, I hosted an informal conference for Ministers and youth with the dual themes of "Young people and

politics" and "The development of young people at EU level" as part of Ireland's Presidency of the EU in 2004. I followed this up with a national conference for young people in Dublin, entitled "The EU and you", which was aimed at eliciting the views of young people on the European Union and particular aspects of policy at EU level. Building on these initiatives, I held a further national youth conference in 2005 which explored a range of issues, including youth welfare and youth participation at local, national and European level. It is my intention to host a further conference this year and to put a mechanism in place to refer the views of the participants to the relevant policy making areas.

As Minister of State with responsibility for youth affairs, I believe it is imperative we do our utmost to help prepare our young people to take up their adult roles in society. I am sure Senators will agree that we are obliged to give them the best possible preparation academically, emotionally and socially to help them meet the challenges ahead. I look forward to continuing to develop the close working relationships with youth work interests through the National Youth Work Advisory Committee and I am currently identifying priorities for development and advancement of the youth work sector for 2006 in consultation with the committee. I look forward to listening to the views of Senators on the youth sector.

Acting Chairman (Mr. Brady): I call Senator Finucane. The Senator has ten minutes.

Mr. Finucane: Ten minutes is sufficient. The Minister of State must have talked for 25 minutes. Her speech sounded like a thesis for a PhD on youth activity.

Miss de Valera: I was just covering the work done.

Mr. Fitzgerald: It is a good thesis. The Senator should acknowledge it.

Mr. Finucane: It would be better and more spontaneous if the Minister of State spoke without notes because she would change and adapt her contribution.

Miss de Valera: I can do that in my closing remarks.

Mr. Finucane: The Minister of State did so — in two lines.

Miss de Valera: No, I will do so in my closing remarks following the debate, if the Chair allows.

Mr. Finucane: I did not interrupt the Minister of State. She might give me latitude as I have only a short time to speak.

Miss de Valera: Of course.

Mr. Finucane: I was surprised the Minister of State did not refer to the content of a recent report, *Inequality and the Stereotyping of Young People*. The young are often portrayed by the media in the wrong context, with articles referring to joyriding, drug related activity and so on, which tarnish all young people. Though regrettable, this is proven by the report, which contains interviews with young people about stereotyping and the difficulties they encounter.

I would have liked the Minister of State to attend the Funding Fairness event during the week and talk to the students involved, who are the seed corn for the future. They are mostly under 25 and will soon be graduates. The Minister of State should in particular consider the situation whereby 66 bodies throughout the country distribute higher education grants, resulting in long delays in payments to students. Many students who are outside the basic minimum guidelines must pay high tutorial fees and the cost of maintenance. The grant application process should be streamlined to ensure payments are made more quickly than normal. Developments should aim to make young students happy with the structures that exist.

The system is unfair in the context of debate in the Houses on upskilling. People may move to different occupations many times during their working lives. They will often study part-time and must pay fees to do so. If incentives were to operate, courses would be free of charge. Those who study part-time are often the educationally disadvantaged, who are trying to improve themselves, or people with other commitments — they might be married, have young children or in long-term relationships. Rather than having financial and other deterrents, incentives should be provided to encourage such people to achieve whatever upskilling is required.

The young of today live in a more difficult environment than the one in which the Members of this House grew up. The pressures on them are different, a point which is regrettably highlighted by the number of young people who terminate their own lives due to frustration and otherwise. It is rare now to find a young person wearing a Pioneer pin, which points to the type of peer pressure which exists. A macho image is created by the media, particularly on television, whereby a person is deemed macho if he has a pint of lager in his hand but is thought a softy if he is drinking a cola or an orange. That was not the type of pressure with which any of us grew up. There is also pressure on parents of young children at second level school with regard to designer labels. Mothers at home are put under particular pressure to try to accommodate the wishes of their children, who want to be the same as others.

All of these components can be related to the problem of binge drinking among the young, as it is projected in our society. In many cases graduates have a responsible approach to smoking and their own health. Unfortunately, however, all

young people seemed to be tarnished with the same image and stereotyped as being out to create trouble, as suggested by the report, *Inequality and the Stereotyping of Young People*.

In that context, what action are we taking with regard to the large housing developments which are appearing throughout the country? The last thing to happen with regard to these developments is the provision of a structure for those who live there. Young people in these areas often get to know each other but if they congregate at corners or outside houses in what are perceived as gangs, they are called troublemakers. If they play football or another activity in a green area, they are not troublemakers. In many cases we do not provide proper structures for the young.

I will not go into detail of what has been achieved with regard to the various bodies such as the National Youth Council, which is doing good work. However, at political level there are many decisions we, as politicians, could take which would impact on the young and create a better lifestyle and future for them. These matters are within our control. Having met and listened to members of the Union of Students in Ireland during the week, and having read its report, I believe it deserves to be commended for highlighting the difficulties and inequities which exist in the system. I hope the Minister for Education and Science will respond to the difficulties the union has highlighted.

I put forward those points in the context of our changed environment. I am particularly mindful of decisions that can be made at ministerial level which can improve the lifestyles of young people. We would all agree that the stereotyping of young people that is taking place is wrong. Most young people in our communities are responsible, try to do the best they can and can ill afford the consequences of being stereotyped. I hope that we as politicians will do much to discourage such stereotyping.

Mr. Fitzgerald: I welcome the Minister of State and the debate on this issue. In the years during which I have been a Member of the Oireachtas I have had the opportunity to refer to issues such as youth affairs in many contexts in various debates but this is the first opportunity during the lifetime of this Seanad that we have had a debate specifically devoted to youth affairs. It is timely and appropriate for the many reasons outlined by the Minister of State and Senator Finucane.

Figures given by the Minister of State indicate we have upwards of 1.5 million young people under the age of 25 representing approximately 40% of our population. I am sure there are some changes in those figures since the 2002 census. However, addressing the various, growing and complex problems young people face in the transition from childhood into adulthood poses a major challenge to Government, society and the organisations that reach out to them in a statutory

[Mr. Fitzgerald.]

or voluntary capacity. Our young people constitute a much higher percentage of the population relative to the populations of other members' states of the European Union.

Young people have a variety of needs, which many agencies and Departments seek to address. While the Minister of State, Deputy de Valera, is taking this debate, there is a range of Departments that seek to reach out to young people, although the primary focus of this debate is education. Other Departments that also play a role are the Departments of Justice, Equality and Law Reform, Enterprise, Trade and Employment and the various agencies associated with it, Arts, Sport and Tourism and others. They endeavour, in a joined-up Government approach, to target the problems referred to by Minister of State and Senator Finucane.

We would all acknowledge that being young in Ireland is the same as being young in any other country, but being young means different things to young people. Too many young people being young means experiencing the phenomenal success and affluence resulting from the economic growth during the past ten to 15 years and the phenomenal opportunities such growth has presented. I agree fully with Senator Finucane that it is unfortunate and most regrettable that many young people have been tagged in a way that is most unfair, unjustified and does not reflect the overwhelming majority of young people's commitment to structures, citizenship, a civic spiritedness, sport, cultural pursuits and everything that is good, proper and healthy in the long process of transition from childhood to adulthood. They have far greater opportunities than previous generations and the overwhelming majority of them grasp and embrace those opportunities with enthusiasm and passion and go on to achieve great success in their lives in far greater numbers than my generation or previous generations.

The number of young people who go on to third level education is only one example of the opportunities presented. Access programmes have been targeted to meet the needs of young people, notwithstanding what Senator Finucane said he heard the other day. I regret I was unable to attend the meeting at which representatives of the USI made a presentation as I was not in Dublin that day but I look forward to reading a copy of it with which I have been presented. I am sure there are even more problems than those that were rightly identified and articulated by the USI and the various other student unions. While changes were experienced from decade to decade throughout the 20th century, the changes seem to be occurring much faster and society and people's circumstances have become much more complex in recent years. One of the reasons for that, to which the Minister of State and Senator Finucane adverted, is multiculturalism as a result of the wave of immigration into Ireland. Many existing

indigenous challenges, problems and barriers confronted young people over the years but the phenomenal changes that have taken place here due to the onset of the Celtic tiger and its many consequences have thrown up various difficulties for our young people.

Ordinarily when we discuss such difficulties, to many of which Senator Finucane referred, we refer to the pre-schooling, formal schooling, the formal college education and the third level structures that have been in place, which by and large have been phenomenally successful in guiding our young people through the challenging transition from childhood to adulthood. Various programmes were introduced in recent years to address the lacunae or shortcomings that the formal education system has not succeeded in addressing. As we constantly review, revise, assess and evaluate the programmes in place, we become more acutely aware of those lacunae and of those young people who have fallen through the net. Hence, the introduction of the various support programmes within the formal education system.

I want to address some of the issues the Minister of State has been competently and successfully addressing under the youth affairs section of her Department. I compliment her on the manner in which she has promoted, expanded, reviewed, revised, evaluated and secured substantial additional funding for the programmes under her remit in the youth affairs section of the Department. I pay tribute to her because not only is she working through statutory organisations such as the VECs with which I am familiar, having been involved with the VEC in Dublin throughout the 1980s and early 1990s, but through many voluntary organisations outside of the normal school and college system which have been doing fantastic work.

As this is the first time I have spoken on youth affairs in this House in recent years, I want to pay a glowing tribute, in as strong and forceful a manner as I can, to the marvellous work done by the many voluntary organisations as well as the statutory organisations such as the VECs, without which the lacunae in the systems would be unbelievable and which the Government would not be able to fill in terms of funding. People refer to the black hole in terms of addressing problems in the health service, but there would be perhaps an even greater black hole in the community in enabling our young people to develop social and personal relationships but for the incalculable contribution of the those voluntary organisations. I refer to youth clubs, the National Youth Council of Ireland, the GAA, of which I have been an active member almost since the time I was born, the FAI, the IRFU and the scout movement, with which I had the honour to be involved in the 1970s before I was elected to the other House and for which I have huge regard. I am keenly aware of the manner in which that movement has also responded strongly, positively and

effectively to the needs in the area of youth affairs.

When I visit GAA clubs around Dublin, particularly on the north side — they do not let me down the south side too often — I have been very impressed by the role played by the nursery schools introduced in the GAA clubs. I am not as familiar with the FAI but I understand that it and the IRFU promote similar developments. I compliment the GAA on its major initiative across north Dublin in establishing, developing and promoting these nursery schools. It is very encouraging to see mothers and fathers bringing out their daughter or son, some as young as five or six years old, with a hurley in their hands that might be bigger and heavier than the children themselves, or with a football. This happens in the nursery parts of the clubs, and such contributions are a significant measure in taking on the challenges that have been referred to here today and in many other places.

As I pay tribute to the Minister of State and the youth affairs section of the Department, I note there have been two very significant milestones in the development of services to the youth work programmes and services. The first is the Youth Work Act 2001, which has been referred to. As in many other areas, there was not a proper framework on this issue. We have known through the last decades of the past century, either by reading about it or experiencing it ourselves, that the organisations involved lacked co-ordination and focus despite the best determined efforts of the National Youth Council of Ireland. With the Act, these are on a statutory basis and are structured, targeted and focused.

Another significant factor is the establishment of the national youth work development plan. The main ideals, goals and principles which underpin the plan are laudable. They reach out and target many of the matters referred to by Senator Finucane, as well as the lacunae that still exist.

If we are to move forward we should do so in a structured way and this is what the Minister of State is doing through those two vital landmark achievements. It is not simply a question of how many youth clubs are in the country. I believe in youth clubs and I would like to see one in every parish, but they should not just exist for the sake of it. In this regard recently read a comment concerning the lacuna which exists with regard to these clubs. If they are established there must be a structured framework of policy, facilities, programmes, review and evaluations on an ongoing basis. There should be a national framework through which youth clubs and the National Youth Council of Ireland can feed. Youth clubs should not be here today and gone tomorrow, which is what many of us have too often experienced in the past.

I commend the Minister of State for the great progress which has been made over the past few years in expanding the service, evaluating it,

establishing the development plan, implementing the Youth Work Act and securing additional funding. I have no doubt that the young people of Ireland will value the contribution made through the various structures as they move into adulthood.

Ms Tuffy: I welcome this debate. Senator Fitzgerald has commented that it is the first debate he can recall on this issue in this House, and it is a matter which we should debate regularly from now on, perhaps every few months or once a year. We often debate issues relevant to young people, and Senator Fitzgerald mentioned that we have many debates on third-level education and so on. All issues are relevant to young people and what are called youth issues can be relevant to us all. This is similar to what are termed as women's issues, which can also be relevant to everybody.

This debate came about primarily because Senator McHugh of Fine Gael asked for it on foot of a recent survey carried out by the National Youth Council of Ireland concerning the attitudes of young people. One of the statistics in the survey concerned how young people perceived politicians as having negative attitude towards them. That is one of the reasons this debate was called for.

When we discussed having this debate, I called on the Leader to invite representatives from youth groups. I am sure she did that, and the National Youth Council of Ireland was clearly aware of it as it sent an e-mail to me. It has a representative in the Visitors Gallery and I welcome its presence. The National Youth Council of Ireland often sends briefings to me, which are very welcome. We should meet with young people's groups on a regular basis.

The National Youth Council of Ireland might consider seeking to meet with representatives of each political group in the Seanad in addition to the briefings sent by e-mail, etc. I would be available if they are to make contact. It may be appropriate to contact each party leader, as well as the leader of the Independent group. I hope the various groups would feel free to talk to us at any time.

Many young people do not vote, although this is also a general problem. People do not get a vote until the age of 18, although one can have very strong opinions before then. We should consider the issue. If we miss engagement with people at that time of their life, it can set up a pattern of not voting for the rest of people's lives. Some people do not vote when they are young and begin to vote later in life, but some people are lost from democratic participation, which is a terrible shame. Many such people have important issues that need to be addressed and the only way to do this is through the political system.

Politicians must engage more with young people. I was recently asked in a questionnaire if I thought politicians were more remote from

[Ms Tuffy.]

young people than they were 15 years ago. I do not think they are, and the generation gap has narrowed. Politicians are people like everybody else, and the generation gap applies to them as well. Politicians must nonetheless do more, and we should consider different methods. Taking, for example, the Oireachtas website, we should make it more attractive and easier for people to engage with. In this regard American websites often have special links for school students, which we do not have. They should be introduced.

I will mention some of the points in the briefing given to me by the National Youth Council of Ireland. It welcomes the debate, and it has indicated that there are over 50 youth organisations in the Republic of Ireland, mobilising 40,000 volunteers and 800 paid staff, who serve over 750,000 young people. Much work is being done on the ground with young people, something which I know from experience. It is interesting to see a statistic which gives an idea of the amount of people involved. The National Youth Council of Ireland makes the point that young people are not a problem to be solved and youth work is not primarily about solving social problems. It is about adults and young people working together to further personal, community and social development and in doing so, to prevent problems occurring in the first place.

One of the principles singled out by the council is the need for young people to be involved in decisions that affect them. That is contained in the UN Convention on the Rights of the Child, and it has been incorporated into some of the policy documents in this country. The National Children's Office has incorporated the principle in its document on play facilities. The bodies which would implement the policy are not coming on board. I have dealt with my local authority in South Dublin County Council, which would be similar to other local authorities, and it has not implemented many recommendations of the national play policy, despite it being the main body for implementation. The authorities barely go through the motions of involving young people in decisions about planning and recreational facilities, mentioned in particular by the National Youth Council of Ireland.

It is very important to involve young people in planning and trying to ensure that facilities are in place. There is a great dearth in facilities for young people and teenagers or people in their early 20s in particular. People used to be more tolerant of people hanging around on the streets than they are now. People do not want youths hanging around in the streets, yet no alternatives are provided. It is important to provide facilities and to involve young people in decisions as to what facilities they want and are appropriate for their area.

A youth café has been established in my area which opens once a week. It comprises a coffee dock and refreshments are supplied, but no

alcohol. There is a jukebox, a disco and sometimes a live band. It has been very successful and is the type of facility we need to provide in community centres all over the country.

Another example, also in my area, is a youth service provided by the VEC in a newly-opened community centre in Lucan. From the moment the community centre was mooted I pushed for a youth service of this nature, especially one tailored to the tastes of teenagers. We have made a start but much more needs to be done and the issue is one of general planning. We build houses but do not provide facilities for young people.

I received a briefing from the National Youth Council of Ireland which referred to a five-year national youth work development plan, due to be adopted next year. The amount needed to implement it was estimated at €37 million but the amount provided so far has fallen well below that. The NYCI is calling for the plan to be implemented by the end of 2008 and wants €10 million to be provided next year and the following year. It makes other recommendations, such as that Garda vetting be made compulsory and resourced, that the Tipping the Balance report, dealing with volunteering, be implemented, and it suggested a national fund for building capacity for youth groups involving an element of capital funding to buy equipment, etc.

The briefing mentioned that some funding is being provided, such as for the national play policy, but that is often allocated to disadvantaged areas such as those in the RAPID programme. It is an important policy but it makes local authorities and Departments lazy. They look for the easiest and least time-consuming way to spend money so automatically decide on RAPID areas. There should be much more planning of how to spend money for young people in general.

The National Youth Council of Ireland recommends a national plan for the provision of facilities for young people, which I support. Disadvantage can be measured in different ways and I fully support, as I have done in the past, investment in disadvantaged communities, such as those so designated under the RAPID scheme. However, many communities which fall just short of RAPID designation have not received enough investment in recent years. Disadvantage can exist in communities that are considered middle class. For example, in Lucan there has been a very significant amount of development but families struggle to pay their mortgage and both parents must work. There are no facilities for teenagers, which has already led to social problems and will lead to more in the future unless action is taken now.

Mr. Minihan: These statements are particularly appropriate at this time, given the recent publication by the Equality Authority of its report, *Inequality and the Stereotyping of Young People*. I want to put on record my commendation of the

work of Mary Cunningham, director of the National Youth Council of Ireland and Niall Crowley, CEO of the Equality Authority. The greatest gratitude must be to Maurice Devlin, author of the report, and the young people, youth groups and workers who comprised the focus groups.

I will preface my contribution with a quote from the report:

Sometimes the young people drew an explicit parallel between media stereotypes and how politicians saw young people. There was a view that politicians themselves, in the ways they sometimes talked about young people and the issues they highlighted, were both responding to media stereotyping and helping to fuel it.

If Members of this House are to achieve just one positive outcome from the statements, I urge that at least today, in this House, no politician rises to his or her feet and reinforces, even inadvertently, a stereotype of young people. As the report points out, we can do this accidentally just by discussing the issues, even when we are trying to be helpful. Stereotypes, whether of people being anti-social or less intelligent, are just plain wrong. Before anyone is tempted to list certain qualities of young people, be warned. The report also tells us how stereotypes can attribute positive qualities to an entire group, for example, "the warmth and charm of the Irish" or, in the case of young people, "the idealism of youth". Members might think that, on the face of it, this is harmless enough. However, it represents a simplification of a complex social reality. It is often patronising and may in fact be disempowering.

This preface brings me to the substantial issue I wish to highlight during my few minutes, which is stereotyping in education, in particular the post-leaving certificate sector. One stereotype that may damage the entire sector is that further education and PLC courses exist simply for disadvantaged students. It is crass and uninformed. Worst of all, it may actually contribute to what the Progressive Democrats and I see as PLC courses becoming the "Cinderella" of our education system.

Let us look at the reality versus the stereotype. There were 18,000 enrolments in PLC courses ten years ago. Now the number exceeds 30,000 — more than the annual number of school leavers entering third level education. A network of more than 250 centres deliver PLC courses the length and breadth of this country. They are operating in the vocational, secondary and community school sector, with the majority in vocational colleges. They provide over 1,000 courses in more than 60 disciplines. The stereotype is that today's 30,000 students are in some way only "settling" for these courses, settling for second best and that for whatever reason they did not achieve, or succeed in, their preferred choice

of education. I repeat that we cannot allow crass and uninformed stereotypes to persist.

Many students express first preferences for PLC courses. Many people such as young people or women, and I am consciously not stereotyping here, may seek specific training or retraining, or another educational experience. They may seek an educational experience that has a specific focus on work. The problem is not just that young people, and others for that matter who undertake PLC courses, are being stereotyped, but that the stereotype may in some way shape the treatment of the sector. That treatment has, frankly, been less than satisfactory over the past 20 years.

Even though PLC courses developed in the late 1980s, it took some 15 years for the recognition that very significant resources were needed to support the great and valuable service being delivered. It took some 15 years for a report to be commissioned that would make appropriate recommendations to support the great and valuable service being delivered. I am referring of course to the McIver report. Further education centres were originally intended to accommodate student populations much smaller than they have become. We also know that the funding structure was designed for second level, not to meet the needs of today's vibrant further education sector.

Despite being commissioned by the Department of Education and Science in 2002 to review the further education sector, McIver Consulting's recommendations remain unimplemented. Just look at some of the findings. McIver said the administrative, management, staffing and ancillary support structures for the PLC sector continue to be those designed for second level. The facilities, the number and size of the classrooms, the laboratories and work spaces are unfit for the purposes of the PLC sector. The average floor space of further education centres must be doubled. Library resources are inadequate, and there are too few computers. Many have no computer facilities available to students outside class time. The catering facilities in more colleges are inadequate, and staff numbers are too low. The sector needs more librarians and guidance and career counsellors; I could go on.

The findings and recommendations were published three years ago, and the Government accepted them, moving one to wonder what the problem is. My party has made specific inquiries about progress on implementing the recommendations of the McIver review. Regrettably, the reply merely confirms that progress on helping the PLC sector is listless.

Statements on the sector are filled with statistics on how popular PLC courses are, but they do not reflect the State's commitment to the sector. The increasing numbers of students enrolled must be matched by increased funding. In contrast, the 2006 Estimates make little or no reference to specific and increased funding for schools and colleges providing post-leaving certificate courses. The McIver report was published almost

[Mr. Minihan.]

three years ago, and today the recommendations are still being prioritised and the implications considered. My party has called for intermatching on the McIver report recommendations, and I restate that call today.

The Equality Authority's report states that stereotypes of a group such as young people held by a society have an impact on how all its members are viewed and treated and on their status. Many young people engage with the PLC sector. Further education in the PLC sector is not correctly viewed or treated by society, and its proper status is not accorded. The message must be that we should forget the stereotype, since there is now an indisputable case for the further education and PLC sector to be treated as separate and distinct from compulsory schooling, not simply for young people but for all who pursue their education in that valuable and important sector.

Mr. Brady: I welcome the Minister of State, Deputy de Valera, to the House. I have had the pleasure of seeing how she interacts with young people at first hand. She has a particular talent for listening to them.

We have heard much talk in this debate regarding the stereotyping of young people, and the report from the Equality Authority has been mentioned. Having gone through it, I found that one sentence jumped out at me. A young girl named Helen said that maturity did not come with age but with experience and other things. Many of our current issues and problems are blamed on young people in general, which is particularly unfair, and the riots on O'Connell Street spring to mind. It was automatically assumed that the rioters were young people. I was there shortly after the riot finished, and the vast majority of those present were adults in their 20s, 30s and 40s; there were even some in their 50s. We must tackle the generalisation discussed here today.

It is not only the media that stereotype young people. The gardaí, teachers, and security personnel in shopping centres also do so. The Minister, the Government and their predecessors must be congratulated on the fact that they have gone out to ask young people's opinions. They have invited them to sit down with them and asked them their issues and what they feel they need. That is the key, and previous speakers have referred to it.

I recently had the pleasure of attending the Croke Park Conference Centre, where Dáil na nÓg was held. More than 300 young people from around the country were interacting with each other and discussing very complicated issues such as immigration and the problems experienced by gay and lesbian people. Ultimately, they produced suggestions, the Minister being on hand to listen to them. The Minister of State, Deputy Brian Lenihan, who has specific responsibility for youth affairs, brings those issues to the Cabinet

table, providing a direct route for young people into policy formulation. We were the first country to introduce an Ombudsman for Children, and Emily Logan has been very successful. In her case too, I have seen at first hand how she interacts with young people. She is there to protect their interests, providing a conduit for them to report any problems they might have, whether with teachers or with the gardaí.

The Minister of State referred to an increase in investment in young people, which has almost doubled in recent years. I have witnessed that personally, especially through the young people's services and facilities fund. Several projects in the inner city have been fully funded by it, including their personnel. It is not simply a matter of build-ings or rooms; it is also about people. In some cases they volunteer, but in many others they are appointed.

It is no good telling young people where they should or should not be. They must be attracted to such places. In Cabra, in the John Paul II Park complex, a simple room with a coffee machine and one or two Playstations means that kids will come from all over to spend a few hours talking without the presence of adults. It has been extremely successful through proper investment and planning and asking young people for their input. It comes out in the report that young people simply need somewhere to hang out. We have an anti-social behaviour problem, as it is called, and it is not only teenagers or young people who cause it. For example, adults enter off-licences around the city in the full knowledge of the owner to buy alcohol for under-age drinkers. There is no come-back on that, and we must tackle such issues.

I am especially supportive of two matters, the first being the youth diversion programmes run by the gardaí, which are totally under-resourced. One in our area runs on €20 a day. They divert young children from involvement in crime and drugs. The other is the Club for You, which used to be the No Name Club. It organises alcohol-free discos for young people, giving them an opportunity to have a say in their lives and an input into their futures. Education plays a great role in that, and we must listen to young people to see what they want and need.

I congratulate the Minister of State who has done an excellent job. Funding has increased during her term.

Labhrás Ó Murchú: I join with the other Senators who have welcomed the Minister of State, Deputy de Valera, to the Chamber and compliment her on her work in her part of the Department of Education and Science.

I have been looking through a list of approximately 20 pages of projects, grant-aided schemes and so on. The credit for many of them can go to the Minister of State. From her press releases, which she has been good enough to send to us from time to time, her work seems to have

touched virtually every part of the country. For that reason, I am glad that she is here. It is relevant and significant that we are having a discussion on youth affairs. No one could have foreseen this 20 years ago, since the issue was not centre-stage at that point. It has become a central issue in the media and for public representatives and one is tempted to ask why that is the case. We have a larger youth population than any country in Europe. There are always the issues of deprivation and, more importantly, opportunity. There are many opportunities now for young people because of our new-found affluence and the interaction between Ireland and other countries. Young people have the chance to travel through educational, cultural and sporting programmes so they have a knowledge of the wider world and are able to make comparisons and base their demands on them.

I was taken by Senator Brady's contribution. The anecdotal issues he raised are obviously based on his own experience in a given constituency. We should break this down into areas on which we can focus. I looked at the appendix of 33 relevant websites distributed by the Department, each run by an organisation working for young people, and it is just the tip of the iceberg. It gives an idea of the quantity as well as the quality of service being provided.

A group from Dáil na nÓg appeared before the Joint Committee on Arts, Sport, Tourism, Community, Rural and Gaeltacht Affairs recently and submitted themselves graciously and effectively to a question and answer session. Like Senator Brady I was exceptionally impressed because in the past there were contrived situations, with young people being prepared and rehearsed, but here they appeared before hardened public representatives who are interested in real issues. They were exceptionally good.

The one criticism I have — it is more of a challenge than a criticism — is that sometimes they should look to themselves to do things. We must create a balance between State aid and the initiative they have. I set up a club at the age of 16 which was run by young people. We did drama, music and other activities and published our own newsletter. Such initiative should not be stifled.

Each year I watch the Gáisce awards and I am thrilled with what I see. We hosted them in our centre in Cashel this year and to see the initiative and vision displayed by those young people was most impressive. The other side of the coin, however, is that young people today are open to exploitation by commercial interests. There is nothing worse than to see the statistic that more than 50% of young people have imbibed alcohol by the age of 13. That cannot be right, just like the number of young people who have experimented with drugs. Those are two sides of the coin, Gáisce on one side and the suffering as a result of exploitation on the other.

The Minister of State rightly referred to volunteerism. The kernel of success within a com-

munity is when people are involved on a voluntary basis in helping sporting, social and cultural bodies. Cashel has 27 voluntary organisations from a population of 3,000, which shows the extent to which voluntary effort exists on the ground. The Minister of State has helped fund many of those organisation and it is money well spent.

If anything disappoints me, after doing so much to help young people meet the challenges and avail of opportunities offered, it is the number of them who do not vote. I find that difficult to accept. Organisations should make young people realise that voting is the most fundamental right they have when it comes to controlling their own future.

Mr. Moylan: I did not intend to speak in this debate, even though it is very important. There were, however, so many people calling for statements on youth affairs that I am sad to see for the first time this term the Opposition benches empty and only two Opposition speakers in the debate. Those people should consider their positions. Why did they seek this debate every morning? The Minister of State came here with her officials but they do not see fit to turn up.

I compliment the Minister of State on her work in the Department of Education and Science. She is sincere in her efforts, as I know from her speech on youth organisations. There will be expenditure of over €47 million on these organisations in 2006, an increase of 15%. That increase is a testament to the Minister of State.

The facilities for young people at risk and those who work with them to ensure they escape that situation, are very important. The VECs do vital work, with representatives in every town and village getting to the core of youth problems. The national youth plan will provide grant aid for 32 existing projects and 13 new projects and I hope the media will highlight that fact.

I have been involved with young people in the GAA, having trained numerous minor hurling teams, three of which won all-Ireland championships, and I recognise the importance of monitoring those who are involved with young people. The Minister of State is well aware of and is addressing that issue.

I compliment organisations such as Foróige, Scouting Ireland and the Catholic Youth Council, which the Minister of State mentioned, and the developments North and South. We cannot emphasise enough the importance of volunteering, particularly in youth organisations, and we must compliment people who work in a voluntary capacity. Grants are not everything. Many people are involved in organisations such as the GAA, the FAI, the IRFU and Comhaltas Ceoltóirí Éireann, of which Senator Ó Murchú is a prominent member. We must recognise the contribution of young people involved in Comhaltas Ceoltóirí Éireann to song and dance. Senator Ó

[Mr. Moylan.]

Murchú did not mention this but I would like to do so.

Senator Tuffy contributed earlier and I was delighted to see a group of young people in the Visitors Gallery yesterday wearing tracksuits with the words "Lucan Sarsfield GAA" on them. They were accompanied by parents or volunteers. Those young people participate in camogie, Gaelic games, etc., in that club.

It is important that there are playgrounds in every town and village. We also talk about obesity yet we should get young people involved in activities at an early age. Large halls and gyms are attached to schools in many towns but they are locked up every evening at 5 p.m. We must make them available to young people in towns and villages to give them the opportunity to participate.

Mr. O'Toole: I welcome the Minister of State. We need to take a creative approach to the issue being discussed. The issue I wish to address is the waste of resources and the opportunities which are not being given. I agree with Senator Moylan's point that there are facilities throughout the country. We should try to broaden the range of leisure time experiences available to young people. As everyone knows, I am a great supporter of the GAA and help it out whenever I get the opportunity. It is doing tremendous work, as other speakers have said. Other groups, such as Comhaltas Ceoltóirí Éireann, are doing extraordinary work to develop talent.

If children from the inner city got the opportunity to spend a week in the west sailing or orienteering, or if they had free access to the Abbey Theatre, it would give them new experiences. For example, generations ago, among the most disadvantaged were those who ended up in Artane industrial school. By developing musical skills, Artane created the basis for half the show bands and musicians of every type. The young children who were committed to that school with no skills or no hope learned that skill. If these children had the opportunity to go horseriding, sailing, orienteering or something which they would not otherwise do, they might develop a commitment to getting involved in that activity.

I would like minority sports to be developed in the school curriculum, particularly at post-primary level. For one month each year, young people should be able to experience activities they never experienced before. I saw this work with a group of disadvantaged children in primary school who were introduced to the game of chess. They had never seen chess pieces but within one month, a number of them had become superb chess players and still play chess to this day. This happened 20 years ago and it is something about which I think all the time. We are missing an opportunity to provide access to young people. We are all aware of the recent cost assessment

carried out by the Sports Council on the economic gain from sporting activity.

The Minister of State mentioned the protection of people in charge of children. I know people who have given their lives to developing sport for young people but they have reached a stage in the past ten years where they are almost afraid to do so. We know paedophiles find their way to children so they can groom them. Not only must we protect children but we must protect those who work with them and who are happy to know we have run the rule over them so they can look people in the eye and need not be overly careful. Those working voluntarily with young people are making a very significant contribution to society.

Minister of State at the Department of Education and Science (Miss de Valera): It will be difficult in the time available to address all the issues raised very effectively by Senators. I thank Senators for their tremendous contributions. When we talk about youth affairs, we talk about the non-formal side of education. Given the type of consultation which took place prior to the enactment of the Youth Work Act and the national development plan, it is important we adhere to the legislation and ensure the plan is rolled out.

A number of Senators said young people can sometimes be stereotyped. One way to address that is to deal with those who work on a daily basis with youth organisations and who know the positive sides of youth and how best to address difficulties if they arise. That is why we must follow through with the framework we have in regard to these two documents.

We talk about the non-formal side of education because the formal side perhaps does not suit many young people. They are able to develop their personalities, skills and talents through the non-formal side of education and that is where the youth sector comes into play. It is important not only for the formation of the individual but for a cohesive society.

It was interesting to note Dáil na nÓg met in March, to which Senator Brady referred. The issues under discussion and which are important to young people were facilities, interculturalism and migration. Those issues show how Ireland has changed.

Although we are discussing the non-formal side of education, I would be willing to come back to the House to debate further and adult education. There is positive news in the areas of Youthreach, VTOS, Travellers and the work I am doing in regard to child provision for those sectors to allow them to follow through on courses. We have rolled out guidance initiatives throughout the country. There is an emphasis on upskilling given the importance of the knowledge-based economy and implementing the Lisbon Agenda and the Bologna process. I have been able to appoint 35 community education facilitators within the VECs, which is important. I would also

like to mention the national qualifications framework. These integrated measures have an immediate effect on young people. I would like an opportunity to discuss this at a later stage.

The issues discussed today concern the need for young people to have an opportunity to express their views in a safe environment and this

is why the Department has grant-aided youth services and special projects for disadvantaged youths. It administers the young people's facilities and services fund and the local youth club grant schemes. The national youth health programme is run in partnership with the National Youth Council of Ireland and it is considered very important in the Department. Any Senator who is interested and involved in the issues pertaining to young people will know that the national youth arts programme is very important in giving young people an opportunity to develop and express themselves.

The importance of Léargas and Gaisce were referred to. The Department has allocated an extra €2 million from the dormant accounts fund to improve the facilities of youth clubs. This goes to the very heart of the matter, as does the allocation of an additional €1 million for mainstreaming 24 projects under the young people's facilities and services fund.

The question of facilities was raised. It is very important that we afford young people opportunities in a very safe environment. Many young people are looking for facilities that have no connection with alcohol. There is one such facility in Galway and another in Clare and these models could be used in the future.

We want to consider the national recreation policy for youths between 13 and 18 years. This issue was raised and is very important. We are represented on the steering group by the Minister of State with responsibility for children. The school planning section of the Department is involved in discussions with a number of local authorities to make sites available for young people. It is a question of giving them a chance to enjoy themselves. We should be in a position to use as many facilities *in situ* as possible.

Senator Minihan should note that we have increased the number of recognised PLC places by 1,600 since 2005. We recognise the tremendous value of the PLC system and it is important we address matters that arise in this regard in light of discussions on the knowledge economy and inclusion.

Reference was made to the McIver report, the recommendations of which will cost €48 million to implement. The report refers to the need for 800 new teachers and it will have a knock-on effect in the education sector. A number of industrial relations issues need to be addressed in this regard. I asked my officials some time ago to have in-depth discussions with the Irish Vocational Education Association. These have taken place and the results will be made available to me,

through my officials, in the next few days. I hope there will be an agreed way to move forward regarding the principles, ethos and practical implications of the report.

So much could be said on this subject. I thank the Cathaoirleach and Members of the Seanad for deciding to have this debate and for inviting me to address them this afternoon.

Mr. Finucane: May I put the record straight? Senator Moylan referred to there being no Member of the Opposition in the House. I apologise as I had to leave to meet somebody. I am deputising for another Senator today.

An Cathaoirleach: Point taken.

Diplomatic Relations and Immunities (Amendment) Bill 2005: Committee and Remaining Stages.

Sections 1 and 2 agreed to.

Question proposed: "That section 3 stand part of the Bill."

Mr. Mooney: As we stated on Second Stage, this Bill is primarily a technical one to limit the mandate of the Government in extending its role beyond that agreed at the Vienna Convention discussions, as referred to in the Bill. Given that the convention, upon which this section of the legislation is based, effectively reiterated the entire architecture of diplomacy and relations between states, I would be grateful if the Minister of State should explain recent decisions by his Department to change the status of a number of our representatives, specifically in the African countries. It was asked on Second Stage why the current Irish representative in Zambia, for example, retained the title of "chargé d'affaires" as distinct from "ambassador". Similar circumstances obtain in other African countries.

I commend the Minister of State on having acted very quickly in response to the Seanad debate. One would like to believe that he acted as a result of that debate. Perhaps he will outline for us the changes that have been effected in the countries in question.

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): The Senator is correct. A number of Senators raised this matter on Second Stage in the House and I assure them that the development aid sector, including Irish Aid, is very determined that representatives on the ground, who are supervising enormous sums of money on the taxpayers' behalf in parts of Africa, where we operate on a programme-country basis, will not suffer any disadvantage by dint of the fact that they are deemed to have chargé d'affaires status rather than full ambassador status. A number of ambassadors in the countries in which we operate raised this matter with me informally during my many visits to the African programme

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countries. On foot of a visit in December, at which time I was new in my job, I decided I would take the matter in hand and bring it to a conclusion. I am delighted that my senior colleague, the Minister for Foreign Affairs, Deputy Dermot Ahern, agreed with me when I raised the matter with him. As a result of a Cabinet decision made yesterday, he has endorsed our position.

Some Members may ask why we are only upgrading the status of representatives in Mozambique, Tanzania, Zambia and Lesotho from chargé d'affaires to ambassador. We are doing so because these countries are the ones in which we were most involved over a long period. We have deliberately decided not to upgrade *pro tempore* the status of the chargés d'affaires located in both Uganda and Ethiopia.

Members of this House will be very much aware that we take an interest in development issues in these countries but have concerns regarding both. In the past month or so, there was a donor assessment meeting on the circumstances in Ethiopia, which was attended by my officials and officials from other European donor countries. An Oireachtas committee will report to me in the next month or so about circumstances in Uganda following the election in that country. For all sorts of reasons concerning the difficulties and challenges faced in both Ethiopia and Uganda, we decided not to upgrade the status of the representatives therein for the time being. We did not want to send the wrong signal to the Governments in question. They might believe that by upgrading the status of our representatives, we are in some way approving some of their policies or being less than forceful in our concerns about particular developments in both countries. I hope we will see signs of improvement in those countries.

As I indicated to Senators a number of weeks ago, the White Paper to be published in July should set out the principled policy of people who represent us in aid offices abroad being full ambassadors. While it is a principle of policy, there will always be pragmatic administrative or other policy reasons as to why the Department might not wish to upgrade a particular mission at a particular time to the full status of embassy, having an ambassador. This would apply, for instance, in East Timor, or Timor-Leste as it is sometimes called, which has a very small operation and the wisdom of upgrading it to full embassy remains to be determined at this stage. We will consider that mission in the context of the White Paper.

The general purpose of the Bill is to upgrade the status, efficiency and professionalism of the operations we have abroad. In some of these countries, we are spending up to €35 million. It is important that officials supervising such amounts have the full rank and confidence that the title of ambassador brings.

Mr. Mooney: I thank the Minister of State for his clarification regarding the rankings of our diplomatic staff in the countries mentioned. In the ranking of diplomatic speak, if I may use that term, I understand that if a country wishes to display its displeasure to another country with which it has diplomatic relations, what is called a “*démarche*” would be sent and there would be the possibility of the ambassador or chargé being called in. What is the significance of Ireland taking the decision not to upgrade the diplomatic missions in Ethiopia and Uganda? How will this decision be interpreted by the two Governments?

As the Minister of State is aware, the Oireachtas Joint Committee on Foreign Affairs has debated the morality of overseas development aid being given to countries which on the face of it seem to have a very poor governance record. Members on all sides of the House are aware the Government took its decision on Ethiopia because of the violence surrounding the elections there and the alleged flawed nature of those elections. However, Uganda is a headline maker and rarely out of the news. In providing in excess of €30 million, Ireland is a substantial donor country to Uganda. Unlike in Ethiopia, some of that money goes directly to the Ugandan Government. Questions have been raised about the corruption on the part of that Government. Does the Minister of State believe that taking this decision now sends a powerful message?

With the Chair's indulgence, I wish to ask about the decision of the Department of Foreign Affairs not to exchange ambassadors with Burma-Myanmar. This matter, in which I and other Members of the House have a continuing interest, was raised on Second Stage. An appalling human rights disaster continues in Myanmar. Aung San Suu Kyi continues to be kept under house arrest. The democratic wish of the Burmese people has been constantly denied and in recent weeks a bizarre decision has been taken by the junta there to relocate its capital to the border region, which is causing enormous disruption and is creating severe difficulties for the ethnic communities in the region to which it is proposing to move.

It seems like something out of science fiction to attempt to relocate from Rangoon to some isolated part of Myanmar. While I accept it is outside the scope of the Bill, the narrow question is about the decision not to exchange ambassadors and whether the Minister of State can assure the House that he will continue to press the military junta to bring itself into line with international best practice on human rights and good governance.

Mr. C. Lenihan: I welcome the Senator's intervention regarding Burma and the other countries he mentioned earlier. I will deal with the last one first. As I indicated here on the previous occasion when the Bill came before the House, Ireland is one of the foremost countries in utterly condemn-

ing the terrible acts of the Burmese junta. As the Senator is aware, Europe applies some element of exclusion on senior officials from that country travelling to Europe and we participate in that scheme. We are extremely concerned about the ongoing suggestions or allegations of genocide in that country. A number of NGOs have urged me and other European governments to consider initiating a legal case against Burma over allegations of genocide. Obviously no such case would be initiated unless we felt it had a good chance of success before the International Criminal Court in The Hague. This is one of a number of matters that some of our EU partners are considering.

Obviously, it would be catastrophic for any country or group of countries to begin such an action, creating the expectation that it might succeed. Were it to fail, it would have a negative effect and would be used by the unscrupulous regime in Burma to discredit generally international campaigns designed to bring it to account for human rights abuses there. We would not intend expanding diplomatic relations with that country by extending the courtesy of having ambassadors accredited to it. While we have diplomatic relations with Burma, these were established during our EU Presidency as it was necessary to communicate EU concerns directly to the regime, but it did not confer any level of approval on the regime.

We are sending a signal to both Ethiopia and Uganda that we will not extend the title of ambassador to our representatives in those countries as it could be interpreted wrongly as some signal of approval of what is going on in those countries. As we have done in Mozambique, Tanzania, Zambia and Lesotho we would be willing to upgrade our diplomatic representation in those countries to full embassy status should we see discernible signs of improvement and redressing the wrongs that have occurred in those countries in recent months. There are no easy solutions to this issue.

This week I spent time in Paris with the OECD's development committee where 22 of the richest donors in the world were gathered. We had a significant discussion about Ethiopia. The 22 donors came from Asia, Europe and the continent of America. All of them are as perplexed and challenged as we are regarding involvement in Ethiopia. There are no easy solutions. Some people would like us simply to pull the plug on our aid programme. However, doing so would cause serious damage to some of the poorest people in the world.

The issues that have been considered are what are called the "aid modalities". Many of our donor colleagues in Europe and beyond are now switching the nature of their support in that country. The UK, which had commenced direct budget support, has now withdrawn it. As Ireland

had never extended full budget support to Ethiopia, we never needed to withdraw it. We will certainly not extend direct budget support to either Ethiopia or Uganda until we see improvements there.

Other countries are considering aid modalities which Ireland was involved in setting up. We participated in the establishment of a programme of safety nets that prevents 7 million people in Ethiopia from starving every year. Along with other donor countries, Ireland funds the basic social support net in question. We actually designed this particular social net and we were very involved in its creation. It helps to eliminate the potential for the deaths of approximately 7 million people in Ethiopia. The United Kingdom is switching much of the money that it formerly allocated as direct budget support to the mechanism that we were involved in creating and fund on an ongoing basis. I do not want to sound too patriotic by calling it "our mechanism".

There are huge issues in this regard. The chairman of the OECD development assistance committee has recommended that we should continue to engage with Ethiopia and Uganda. The committee acts like a referee on matters of development policy — it makes recommendations of best practice and tries to encourage other members of the OECD to adopt best practice. The chairman of the committee, Mr. Richard Manning, has advised us that large donors and slightly smaller donors like Ireland should retain our engagements in both countries, while intensifying the level of diplomatic pressure we put on the regimes there to change and to rectify the damage they may have done. He also said we should consider changing the underlying systems of financial support that we offer to Ethiopia and Uganda, for example by ring-fencing our funds in a manner that ensures they cannot be tampered or interfered with by the relevant governments. We have been given that advice by the chairman of a committee, of which Ireland is a member, which is the most important body in the development sphere. We will take that course of action — we certainly do not intend to disengage ourselves from either country in the short term.

Disengagement from Ethiopia and Uganda remains a possibility if the circumstances there deteriorate, or if we learn that the Prime Ministers of those countries are continuing to ignore the best advice that has been tendered and offered by the international donors with whom we work on the ground. I hope we do not find ourselves knocking on a door when nobody is responding to the suggestions we make, but if that happens it is obvious that we will have to consider the ultimate solution, which is to begin a process of disengagement. We are not ruling out such a solution but for the time being we continue to feel, thankfully, that there is room to exert diplomatic and other pressure to bring the

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Ethiopian and Ugandan regimes to account for the things which have occurred in those countries.

Question put and agreed to.

Sections 4 to 7, inclusive, agreed to.

Title agreed to.

Bill reported without amendment and received for final consideration.

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

Mr. Mooney: I thank the Minister of State, Deputy Conor Lenihan, for his work on what is essentially a technical Bill. Perhaps the most remarkable aspect of the debate on this legislation is that it is one of the rare occasions when a Government comes to a Parliament to seek to limit its powers. This Bill will limit the Government's powers by ensuring that Ireland conforms with what it signed up to under the Vienna Convention in the early 1990s. This debate has given Members an opportunity to thank the Department of Foreign Affairs, its ambassadors, its *chargés d'affaires* and its entire staff throughout the world who represent this country so well. We are all extremely proud of what they do.

Mr. Bradford: I join Senator Mooney in thanking the Minister of State, Deputy Conor Lenihan, for his co-operation in expediting this Bill, which we considered with some degree of fullness on Second Stage. There was a limited number of speakers on this technical Bill because it is not politically exciting, although it is important. It was necessary for the House to complete its consideration of the Bill this afternoon. I thank the Minister of State for attending this debate and for listening to what Senators had to say on Second Stage. I concur with Senator Mooney's remarks about the Minister of State's staff and this country's broader diplomatic staff throughout the world, who represent Ireland in an effective, diligent and professional manner.

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): I thank Senators for their co-operation. Some Members asked on Second Stage about the number of women serving at the highest level in the Department of Foreign Affairs. I am delighted to inform the House that three additional women were appointed as ambassadors in the latest package of ambassadorial appointments.

Mr. Mooney: Hear, hear.

Question put and agreed to.

Acting Chairman (Mr. Moylan): When is it proposed to sit again?

Mr. Mooney: At 2.30 p.m. on Wednesday, 26 April 2006.

Adjournment Matters.

School Accommodation.

Ms Tuffy: I am sure the Minister of State is familiar with the issue I would like to raise, which is pretty self-explanatory, because the school in question is quite near his locality. I refer to St. Andrew's Church of Ireland national school, which has been located in a building in Lucan for as long as I can remember. While new national schools have been developed in the Lucan area as its population has increased substantially in recent years, they have been Catholic or multid denominational schools. The Department of Education and Science, and not the school authorities, has a responsibility to act in a proactive manner to meet the obvious accommodation needs of the Church of Ireland school in Lucan. I would like the Minister of State, Deputy Brian Lenihan, to outline the up-to-date position.

Minister of State at the Department of Education and Science (Mr. B. Lenihan): I thank Senator Tuffy for raising on the Adjournment of the Seanad this evening the question of the provision of additional permanent accommodation at St. Andrew's national school in Lucan. I propose to give the House details of the Department of Education and Science's strategy for capital investment in education projects and to outline the position in respect of the proposed building project at the national school in question. The modernisation of the facilities in our 3,200 primary and 750 post-primary schools is not an easy task, given the legacy of decades of underinvestment in this area and the need to respond to emerging needs in areas of rapid population growth. Since it took office, the Government has shown a determination to improve the condition of our school buildings and to ensure that the appropriate facilities are put in place to enable the implementation of a broad and balanced curriculum. As evidence of this commitment, some 1,300 building and modernisation projects are active in our primary and post-primary schools this year. Over €490 million is being spent on primary and post-primary projects throughout the country.

The Department of Education and Science has acknowledged the need for a replacement building to meet the future needs of St. Andrew's national school in Lucan. I am familiar with the conditions at the school. It has been established that the present site is unsuitable for further

development because it is too small for the type of development envisaged by the school authorities. A suitable site in the Lucan area needs to be identified before progress can be made on the building project in question. The school's current location in a mature part of Lucan complicates the identification of a suitable site for the school, which is under the patronage of the Church of Ireland Archbishop of Dublin, particularly given the wish of the school authorities that the school should remain in close proximity to St. Andrew's Church of Ireland in Lucan. The school authorities previously undertook to carry out negotiations on the acquisition of a site to meet their needs and to submit their proposals in that regard to the Department.

Previously, the school authority undertook to carry out its own negotiations to acquire a site to meet its needs in this regard and submit its proposals to the Department. However, these proposals did not subsequently materialise when the Department pursued the matter with the school authorities.

The property management section of the Office of Public Works, which acts on behalf of the Department of Education and Science as regards site acquisitions generally, is being asked to explore the possibility of acquiring an alternative site for the school in the context of the band rating applicable to the proposed new building project under the prioritisation criteria for large-scale building projects. In the meantime approval has been given to the school for the rental of temporary accommodation to meet its immediate needs. This is a short-term rental agreement which will only remain in place until such time as the permanent accommodation needs of the school are met. In addition, the Department of Education and Science has approved funding in the amount of €39,725 under the summer work scheme 2006 for works to upgrade the toilets at the school.

I thank the Senator for allowing me the opportunity to outline the position of the Department of Education and Science on the accommodation needs of St. Andrew's national school in Lucan. I agree with the Senator that we must make progress on this issue, but councillors as well as Deputies must work on these problems for the communities they represent.

Ms Tuffy: The Minister of State just added something to the script. I thought his reference to councillors was about land being zoned nearby. The school deserves to have accommodation in its own right and should not be linked with any other requirements.

Mr. B. Lenihan: This is where a great difficulty arises because the control of the land bank in any area is now the responsibility of the councillors. They have a duty to the community to identify

suitable sites for schools. That sometimes involves negotiations and discussions around the murky business of development, in which quite a large number of councillors in that area are not prepared to become involved. I am not suggesting that the land adjacent to the school should be rezoned, but there must be a proactive attitude towards these issues on the part of councillors. The Minister for Education and Science does not control the land bank in Lucan.

Child Care Services.

Mr. Brennan: I wish to share time with Senator Finucane, if that is agreeable.

Acting Chairman: Is that agreed? Agreed.

Mr. Brennan: I welcome the Minister of State to the House and congratulate him on his new responsibilities as regards the child care programme and his recent allocation of €12 million for 62 new projects as well as the inclusion of €575 million in the 2006-10 national child care investment programme.

The total funding committed to the previous scheme, the Equal Opportunities Childcare Programme, EOCP, 2000-06, under the Minister for Justice, Equality and Law Reform, Deputy McDowell, is expected to provide 40,000 new child care places as well as enhancing 32,000 existing places by the end of June. Some 26,000 new child care places were already in place. While the new scheme clearly identifies the ground rules and the funding cap available under the new applications, the cost structure for first applications was not available under the old programme which was administered by Pobal. I understand that €140 million has been decommissioned under that programme. This relates to the four programmes in County Limerick — St. Colman's child care service, Kilcolman, the Desmond Complex ability resource centre, Newcastle West, the Broadford voluntary housing project and Rathkeale Childcare Limited. These account for a total investment of €4.5 million in west Limerick, an area rich deserving of child care places.

A number of anomalies have come to light as regards the funding of those projects. Local committees have entered into substantial investment arrangements as regards planning applications and where those sites are unserved and special circumstances obtain, will the Minister of State say whether additional allocations could be made to make these projects viable in the interest of providing adequate child care facilities in west Limerick?

Mr. Finucane: I thank Senator Brennan for sharing his time with me, and again I welcome the Minister of State to the House, in his new capacity. Senator Brennan and I attended a meet-

[Mr. Finucane.]

ing, along with other public representatives, as regards these four projects in County Limerick. The principle espoused by everybody nowadays is voluntarism. Many of those involved in the four projects are there in a voluntary capacity. In that context, disappointment was expressed at the fact that the funding for the projects possibly relates to 2000-03. In that context, as regards inflation, etc., the criterion being used by the Department equated to approximately €20,000 per pupil as a rough guideline. However, there is no evidence that this has been achieved anywhere. It might be achievable where a brown field site exists and there is planning permission. Most of these projects, however, are located in green field sites. Three of the projects in particular have difficulty in commencing. One of them is based in Newcastle West, where I live, and that is part of an overall social complex that already has planning permission and is progressing.

If we are not to lose those projects and dissipate the efforts put into them up to now, they must have rejigged funding compatible with their financial requirements, or they will have difficulty in proceeding. These are four west Limerick projects that are very important and will create up to 300 child care places in rural locations such as Broadford, Kilcolman and urban centres such as Rathkeale and Newcastle West. I ask the Minister of State to look sympathetically at these projects.

Mr. B. Lenihan: Senators may be interested to hear that there is a motion on the Adjournment of the other House on the exact same subject later today. Deputy Cregan has asked me to do an examination of this matter as well.

I am very pleased, as this is the first time I have had to answer for my new responsibilities in Seanad Éireann. I hope to put what has been undertaken in this area on the record of the House. Senator Brennan referred to particular groups in County Limerick for which capital grant assistance was approved under the Equal Opportunities Childcare Programme, EOCP, 2000-06. To respond to the Senator, it is necessary first to give a brief explanation of the programme, for which my colleague, the Minister for Justice, Equality and Law Reform, Deputy McDowell, previously had responsibility.

An Agreed Programme for Government and the EOCP show the commitment of the Government to developing child care services. The EOCP has both an equal opportunities and a social inclusion perspective and aims to increase the supply of centre-based child care places by 55%, or 31,300 additional places, by programme end. Current forecasts of impact suggest that it will ultimately create at least 40,000 new child care places, of which over 26,000 are already in place. The first meeting of the expert working group on child care established under Partnership

2000 was held within a month of the Government changeover in 1997. The Government has consistently moved promptly, purposefully and proactively to facilitate the development of a top quality child care service across the length and breadth of the country to support parents, the economy and social inclusion through labour market participation. Since this Government came into office for the second time, it has increased the funding provision for the development of child care a number of times and the allocation for the present programme is now almost €500 million.

I want to turn now to the child care projects in question this evening. As the Senators are aware, the four child care projects have been approved a total of €4.5 million in capital grant assistance. Many child care services throughout Limerick city and county have benefited from grant assistance under the EOCP. To end of December 2005, funding of over €28 million has been allocated for child care in Limerick city and county. This funding is leading to the creation of over 1,700 new child care places and supports almost 1,500 existing places throughout the city and county.

In the case of community based not-for-profit capital projects approved under the EOCP, the value for money criterion which is being applied is that the maximum cost per place created should not normally exceed €20,000. This in fact was referred to by Senator Finucane in his contribution this afternoon. Given the enormous sums being invested in child care facilities and the ongoing and welcome development of new projects across the country, I am sure the Senator will understand that there is an onus on us to ensure that value for money remains a key criterion to be used when assessing project proposals.

The four projects in question have been approved indicative amounts of funding, subject to further development of the proposals and external appraisal by a building specialist. All four groups have been in contact with and are receiving support from Limerick County Childcare Committee and have met with other groups in the area that have been approved indicative funding. I understand they are working together to reduce the costs of their projects. I further understand that Limerick County Childcare Committee has been supplied with a list of large-scale capital projects that have progressed within the €20,000 per child care place limit. In excess of 200 large-scale capital grants have been approved under the programme to date, all of which were subject to the value for money criteria, and applicants were able to provide child care places within the criteria and, in some cases, for significantly less than the maximum amount of €20,000.

I also note that the amounts approved to the four projects in question are at the higher end of the scale in terms of large scale capital grants

approved, varying from €1 million to €1.4 million. Only 24 groups nationally have been approved a capital grant in the region of €1.4 million or more. Senators will understand that if the benefits of the programme are to be felt across the country, it is important that funding is not concentrated on a small number of projects and that a national and regional spread of approvals is achieved in order to meet local needs.

I understand that some of the groups in question are in a position to proceed soon and I am hopeful that the current contacts with Pobal will allow the groups to agree revised plans in the not too distant future. It is open for any group to formally appeal the level of funding approved, but I am not aware that any of the groups in question have done so to date. The best way forward would be to liaise with Pobal.

It is only fair to emphasise that the programme has been central to the recent development of child care in Ireland, which will continue to flourish under the stewardship of the Government. Following on from the success of the programme, in October 2005, the Cabinet committee on children received an options paper which contributed significantly to the Government's recent decisions relating to child care. Essentially, all the key players in the child care sector and, in particular, parents, were calling on the Government to make greater funding available for child care and to adopt a more cohesive approach to the delivery of child care services.

The Government considered these matters and on 7 December last, in the budget, a national child care strategy for the period 2006-10 was announced by the Minister for Finance, Deputy Cowen.

Mr. Brennan: The Minister of State stated that it is open to groups to appeal through Pobal and to agree revised plans in the not too distant future. Will he elaborate on this point? Does he speak in terms of size or in terms of phase 1 or 2 of the project?

Mr. B. Lenihan: There are two distinct issues here. What I am urging the four projects to do is liaise with Pobal to see how we can make progress on these applications. The question of appeal is separate. There is a formal right of appeal in the process but the best course for the groups to take at this stage is to work through Pobal and to go back then to the office.

Hospital Services.

Mr. Wilson: I welcome the Minister of State to the House and wish him well in his new role. The City of Dublin Skin and Cancer Hospital, commonly known as Hume Street Hospital, was founded in 1911 for the purpose of providing for the treatment of diseases of the skin, cancer, kidney, bladder and other disorders and diseases of

associated organs. Following the tradition of the voluntary hospitals of the 18th and 19th century, it was funded by voluntary contributions, overseen by a board of governors. In 1916 the hospital was granted a royal charter by King George V. The inspiration behind the formation of the hospital came largely from the late Dr. Andrew Charles, who founded the hospital with a number of other doctors, including his brother Frank. Dr. Charles devoted the greater part of his life to the progress and welfare of the hospital and was succeeded by his son, Havelock Charles. The Charles name has continued to be associated with the hospital to the present day. The hospital pioneered cancer treatment in Ireland.

Since 1985 the hospital has specialised solely in dermatology treatment when Ireland's first five-day inpatient ward and the first psoriasis day care unit were established. This cost effective, patient-oriented dermatology initiative ensured the hospital's viability. With its long tradition spanning 95 years of care and service development, Hume Street Hospital is now recognised worldwide as a specialist referral centre. It is the only hospital in the country totally devoted to the diagnosis and treatment of skin conditions. Its city centre location makes it accessible to patients from both north and south of the city, as well as from other areas throughout the country. Approximately 25,000 people are treated at the hospital annually.

Inpatient treatment was provided Monday to Friday in public wards and private patient rooms. The outpatient service provides dermatology clinics for psoriasis, oral medicine and leg ulcer management. The day care centre offers treatment for psoriasis and eczema to patients whose condition cannot be satisfactorily treated in the outpatients' clinic or who do not require admission to hospital as inpatients.

Since the 31 August 2005, the inpatient ward, consisting of 31 beds, has been closed, allegedly for insurance reasons. The outpatient and day care units are still operating but an air of uncertainty hangs over their future in their present location. The staff understand that the entire operation is to be transferred to St. Vincent's Hospital, although no inpatients beds are planned. Hundreds of people are suffering from severe psoriasis and eczema conditions who need to be hospitalised from time to time, who now have nowhere to go and who will have to queue in accident and emergency units in order to gain access to a general hospital which does not have the specialist facilities that are available in Hume Street Hospital. It is now more difficult for these people to get treatment and some relief for their condition. It is not acceptable that people with severe skin problems are being treated like second class citizens. Beds must be made available for those who need them and the nursing

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expertise must be kept together and not allowed to disperse all over the country.

I pay tribute to the staff of Hume Street Hospital, Sister Mary Duggan and Sister Maura Wrynn of the inpatient section, Sister Carmel Blake and Sister Nora Treacy of the outpatient and day care centre and the two consultants, Dr. Paul Collins and Dr. Sarah Rodgers, who provide life-saving treatment to people who suffer with severe forms of psoriasis and eczema. The patients and staff of Hume Street Hospital want to know what the future will hold for them. They do not know if the hospital will remain open from week to week. This is not a satisfactory way of treating the staff or patients of the hospital.

Mr. B. Lenihan: I thank Senator Wilson for raising this matter on the Adjournment and join with him in his tribute to the staff at Hume Street Hospital. I agree that they have provided a tremendous service down the years and have shown great and exemplary dedication in their work.

The 1988 Comhairle na nOspidéal report on dermatology services supported, as a matter of principle, the concept that dermatology services should be located at and be an integral part of a major general hospital providing a comprehensive range of specialties, including pathology and anaesthesia. It recommended that the services provided at Hume Street Hospital should be transferred to the St. Vincent's Hospital site.

A further Comhairle report on dermatology services published in 2003 fully endorsed this objective and recommended that the 1988 Comhairle recommendation be implemented without further delay. In 2003 a process was initiated by the former Eastern Regional Health Authority to effect the transfer. It has now been agreed between the two hospitals that services will transfer from Hume Street to St. Vincent's University Hospital this summer. A process has been initiated with staff and the unions to facilitate the transfer. It is intended that there will be no disruption to services.

Mr. Wilson: I thank the Minister of State for his reply. However, I am concerned that nowhere in the reply does it state that beds will be provided for the people who need to be hospitalised from time to time. A total of 31 beds were fully occupied in Hume Street Hospital. Either those people should not have been there in the first place or beds should be provided in St. Vincent's Hospital.

It is my understanding there are no plans to provide beds. This is not an acceptable situation. People do not normally die from psoriasis — it may happen in the case of the severe form — but they die in other ways. The only way for sufferers to obtain some relief from this terrible condition is to be hospitalised in a specialised hospital such as Hume Street. I am disappointed that nowhere in the reply is this addressed. I will raise this matter again.

The Seanad adjourned at 3.50 p.m. until 2.30 p.m. on Wednesday, 26 April 2006.