



# SEANAD ÉIREANN

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*Dé Máirt, 28 Aibreán 2009.*  
*Tuesday, 28 April 2009.*

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Chuaigh an Cathaoirleach i gceannas ar 2.30 p.m.

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*Paidir.*  
*Prayer.*

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## **Business of Seanad.**

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

The need for the Minister for Community, Rural and Gaeltacht Affairs and the national drugs strategy to make a statement on the lack of drug rehabilitation facilities outside Dublin.

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

The need for the Minister for Education and Science to outline the timeframe for the commencement of construction for the sanctioned new Clifden community school; the rationale for the blocks being encountered between the school and his Department; to advise the board and parents on the way in which to advance the process towards the speedy delivery of the new school for Clifden; and if he will make a statement on the matter.

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

The need for the Minister for Education and Science to confirm that he will continue to fund the staffing of three special child development centres, namely, Burren View in Galway city, Stepping Stones in Tuam and Springfield in Ballinasloe.

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.**

**Senator Donie Cassidy:** The Order of Business is No. 1, statements on the Association for Criminal Justice Research and Development Report on Minorities and the Criminal Justice System, to be taken at the conclusion of the Order of Business and to conclude not later than 6.15 p.m. Spokespersons may speak for 15 minutes, all other Senators may speak for ten minutes, Senators may share time and the Minister is to be called upon ten minutes from the end of the debate for concluding comments and to take questions from leaders and spokespersons.

**Senator Frances Fitzgerald:** Every day in this country businesses are facing ever more pressure. As every Senator will be aware, unemployment is rising. We frequently meet people at the doors where there is not just one person unemployed but a family of three and four. If it

[Senator Frances Fitzgerald.]

is not direct family members, it is in-laws or daughters' sons who have lost their jobs and one meets parents worrying about mortgage repayments and how their sons and daughters in turn will pay their mortgages.

It is disturbing to read the words of the former Minister of State, Deputy John McGuinness. It is quite shocking to read in the *Irish Examiner* what he said. He spoke about the inefficiency and lack of professionalism that confronted him at both political and bureaucratic levels within the Department tasked with the job of supporting our businesses and enterprise, and putting the initiatives in the budget that will help business. Of course we did not see these initiatives in the budget and businesses are waiting nearly 18 months for the kind of support they need to maintain and protect jobs.

I want to move an amendment to the Order of Business, to ask for an urgent debate on job creation, job protection and training. This is an internal Government spat. People watching it really are disgusted because they want to see a plan to ensure jobs can be protected and created, and that people will have access to the kind of training they need and not be left at home for months on end having lost their job with no possibility of retraining or entering employment again. That is where the focus should be. That is to where we must bring the focus back and I want to see this House bringing the focus back to that today.

**Senator Joe O'Toole:** I raised the issue of Shell in north Mayo last week and at the time I was not aware of the full facts of the matter. I want to make clear in this situation that as somebody who have been a constant critic of Shell for more decades than I care to remember and who has been a street protestor all my life, addressed protest meetings, sat on streets and engaged in civil actions against various matters time and again, I support and admire people who take such actions. However, I do not, will not and cannot condone the kind of intimidation that is going on at present.

**Senator Eoghan Harris:** Hear, hear.

**Senator Joe O'Toole:** I received a telephone call from a young man during the week. He is a young newly-qualified engineer with a job with a company which got some work from Shell and who is working down there. He spoke of people coming outside his door, blowing horns and intimidating families. It is quite appalling. This idea of balaclava-clad people breaking in and attacking workers is something which I will not and cannot support. If we put it up to Shell with stringent regulations, laws and requirements, arraign it in front of boards and make it jump the bar, and it does all that, then we, in a democracy, have a clear responsibility to ensure the law of the land is maintained. What is happening in Mayo, where people are fearful of speaking out and being intimidated, is far from left-wing activity. It smacks more of fascism. All last week's activities must be investigated. I have heard claim and counter-claim and spoken to people on all sides. However, I have no time for balaclava-clad people in the dead of night imposing and supporting terror. No democratically elected person can have time for such activity. I completely disagree with the Government handing away the mineral rights of this country for a song to Shell and to others.

**Senator David Norris:** Hear, hear. They were handed away for nothing.

**Senator Joe O'Toole:** That is, however, another issue. The fact is that the law is in place. I voted against it and I was outvoted. The Government should take control of this and support the Garda in Mayo whose members are badly used and misused.

I want a debate on this issue and that we hear all sides of it. I also hope the two Eamons, the Minister for Communications, Energy and Natural Resources, Deputy Eamon Ryan, and

the Minister for Community, Rural and Gaeltacht Affairs, Deputy Éamon Ó Cuív, would stop their popularity contest in Mayo and take action on this issue.

**Senator Alex White:** The hospitals co-location project that was announced with much fanfare by the Minister for Health and Children, Deputy Mary Harney, and her colleagues in Government was buried by measures taken in the recent budget. Now that this project, which involved the folly of relying on the property development sector to deal with the development of health care, is in tatters, like many of the Government's policies, will the Leader arrange a debate with the Minister on how we will fund our health care system and how we will end, once and for all, the disgrace of the two-tier health care system in which people's means and incomes determine, if not the quality of health care, at least the speed at which they receive it?

In that context, I warmly welcome the publication yesterday by the Fine Gael Party of a policy programme for universal health insurance. It is an excellent contribution to the debate. The Labour Party has held the view for the best part of a decade and has published extensive policy documents to the effect that universal health insurance is clearly the way we should have proceeded when the matter was being addressed in recent years. It now manifestly is the way forward. I ask the Leader that the Minister for Health and Children attend the House to address the crucial question of health care funding now that the co-location project is at an end.

**An Cathaoirleach:** Before I call Senator Harris, I remind Members their contributions on the Order of Business are confined to a maximum of two minutes.

**Senator Eoghan Harris:** I strongly support Senator O'Toole on the Shell to Sea campaign. Over the past several weeks, three groups of men wearing balaclavas have gathered in this country without any apparent fear of the law. In Limerick, 20 to 25 men intimidated Stephen Collins whose son was shot to death by a murder gang there. Last week in County Mayo men wearing balaclavas broke into the Shell site. Anyone with a cursory knowledge of the Internet will know that the Shell to Sea campaign has long ago——

**Senator David Norris:** Come off it.

**Senator Eoghan Harris:** Senator Norris is what Lenin called a useful idiot.

**Senator David Norris:** A what? I did not hear that.

**Senator Eoghan Harris:** A useful idiot is what you are.

**Senator David Norris:** You have no evidence linking them.

**An Cathaoirleach:** Senator Harris, without interruption. If any Member interrupts, I will ask him or her to leave the Chamber.

**Senator Eoghan Harris:** The third group of people wearing balaclavas were a group of a dissident republicans who broke the windows of the Sinn Féin Northern Ireland Assembly Member, Daithí McKay, the other night. He had been standing up for Protestants who had been subjected to sectarian attacks.

The Limerick group has links with dissident republicans. The Shell to Sea campaign is infested, as I told Senator Norris last week, with them. Senator Norris is ridiculous. He should go on the Internet to check the Éirígí website to see who is running the Shell to Sea campaign.

Their spiritual first cousins in Northern Ireland are intimidating Sinn Féin Northern Ireland Assembly Members. That is a disgrace. I particularly call, as Senator O'Toole did, on the Minister for Community, Rural and Gaeltacht Affairs, Deputy Éamon Ó Cuív, and the Minister

[Senator Eoghan Harris.]

for Communications, Marine and Natural Resources, Deputy Eamon Ryan, to stop conniving, going down on their knees and pleading with these people, as they did a few weeks ago in begging Maura Harrington to come off hunger strike. That kind of slumming with Sinn Féin or IRA people always ends in trouble. I predicted some time ago that Dr. Jerry Cowley would lose his seat if he connived with these people. I tell Senator Norris——

**An Cathaoirleach:** There should be no comments across the floor.

**Senator Eoghan Harris:** ——that if he keeps on playing with these people, they will blow up in his face some day.

**Senator Paudie Coffey:** I agree with the calls from my colleagues for a debate on health care. Fine Gael has proposed an alternative policy which deserves debate in this House and I ask the Leader to facilitate this at an early stage.

The Minister for Health and Children, Deputy Harney, came to the House some time ago to discuss the cancer strategy. She proposed at that time that we would have centres of excellence under the guidance of Professor Tom Keane. It all sounded very good and it reassured the people that cancer care in this country would go to new levels. I am sorry to report to the House — this is already in the public domain — that a regional hospital, Waterford Regional Hospital, which was recently studied by HIQA, which is responsible for standards in hospitals, failed in three quarters of the standards that were required of it in regard to cancer care. This is a very sad indictment of our health policy. The Government has failed cancer patients when we hear of studies detailing these levels of substandard care for cancer patients.

I ask that the Leader bring the Minister for Health and Children to the House to further discuss this issue. Vulnerable cancer patients cannot afford to be without adequate care, particularly in our regional hospitals. Although BreastCheck was promised countrywide, I heard today that people in the north west, which is many miles from my area, will not have the service, which is a scandal in this day and age. I ask the Leader to address this matter urgently.

I was horrified to discover recently that with the cap on public recruitment, clerical officers will not be covered for summer work, which will have a huge knock-on effect for patients in our hospitals. Waterford Regional Hospital, which caters for more than 450,000 people, does not have digital voice recording systems or an IT system to keep up with medical patient records. Everything is dependent on the clerical officer and if a new person comes in, the whole medical history is lost. That will have a knock on effect on waiting lists. It needs to be urgently addressed.

I formally second the amendment by my colleague for an urgent debate on job creation. I have called for this on a number of occasions in the House. Waterford and the south east has suffered as much as any other part of the country. I ask the Leader to facilitate that as soon as possible.

**Senator Geraldine Feeney:** Senator Coffey is under the illusion that we do not have BreastCheck in the north west, but I am very pleased——

**Senator Paudie Coffey:** We do not have it in Donegal.

**Senator Jerry Buttimer:** Ask Deputy Jimmy Devins.

**Senator Geraldine Feeney:** ——to tell the Senator we have BreastCheck in the north west.

**Senator Paudie Coffey:** We did not have it in Waterford until a few months ago.

**Senator Fidelma Healy Eames:** BreastCheck operates in the west but not in the north west.

**An Cathaoirleach:** There should be no interruptions. The Senators will have their opportunity to speak later.

**Senator Jerry Buttimer:** Deputy Jimmy Devins has lost his job.

**Senator Geraldine Feeney:** It was pointed out that there was no BreastCheck in the north west and I am replying to say that there is and that we are very pleased with it.

**Senator Paudie Coffey:** It is not nationwide, as was promised.

**Senator Geraldine Feeney:** It is working very——

**Senator Jerry Buttimer:** Deputy Jimmy Devins has gone west as well.

**An Cathaoirleach:** Please understand that no interruptions are allowed.

**Senator Geraldine Feeney:** I inform Fine Gael Senators that it is working very effectively and the people of the north west are delighted with it.

**Senator Jerry Buttimer:** Tell that to Senator MacSharry.

**An Cathaoirleach:** Senator Buttimer, there should be no interruptions.

**Senator Geraldine Feeney:** I rise to ask the Leader, as other Members have done, to organise a debate on health, particularly in light of the new document issued by Fine Gael yesterday. I was just saying to my colleague, Senator O'Malley, that in 2006 when we were in New York at a UN General Assembly, Deputy Liz McManus was with us and she visited Boston. I agree with Senator Alex White that this issue has been the clothes of the Labour Party for a good many years, but the Mullingar accord is well and truly dead when one sees Fine Gael robbing Labour's coat.

**Senator Alex White:** The PDs——

**Senator Frances Fitzgerald:** That is ridiculous.

**Senator Fidelma Healy Eames:** Some people research their work, not like you.

**An Cathaoirleach:** The Senator should speak through the Chair and should not look for interruptions.

**Senator Geraldine Feeney:** Can I just——

**Senator Fidelma Healy Eames:** You do not deliver, do you? You do not have a clue.

**An Cathaoirleach:** Senator Healy Eames, there should be no interruptions or I will ask you to leave the Chamber.

**Senator Geraldine Feeney:** Senator Healy Eames should relax. I hope there will be something in the document for you.

**An Cathaoirleach:** The Senator should speak through the Chair on questions to the Leader.

**Senator Geraldine Feeney:** There are more questions than were answered yesterday. I heard the Fine Gael leader say he would not be caught off the ball by answering something when he was asked what it would cost middle-class Ireland——

**Senator Jerry Buttimer:** We can answer the question.

**An Cathaoirleach:** Please.

**Senator Geraldine Feeney:** ——and what it will mean to taxpayers.

**Senator Frances Fitzgerald:** The Government is spending €16 billion on health and there are no services.

**Senator Geraldine Feeney:** Fine Gael is giving unhelpful long lead-ins to deliver free GP and free pharmacy services. It is giving itself three years. It is a lot of wriggle room.

**An Cathaoirleach:** The Senator's time has concluded.

**Senator Geraldine Feeney:** It certainly will not work. Fine Gael has not researched it.

**Senator David Norris:** I ask for a debate on the current difficulties that Dublin Bus is experiencing as a paradigm of the situation that exists now which can be very easily exploited by maverick elements. So many people are upset about the economy that it is easy to separate them from their legitimate union representatives. I deplore the fact that after six weeks' hard negotiations this has been frustrated in this way with intimidation, which is very regrettable.

I always hesitate to take a sectarian angle on anything and I regret having to use the word "Protestant". However, it is notable that the Church of Ireland Archbishop Dr. John Neill spoke very strongly about the way in which cuts, which he described as very discriminatory, will affect what he described as Protestant schools and described an unbelievable lack of understanding within the Department. Caretakers, secretaries and teachers will now all be lost in a dispersed and vulnerable community. I ask for a debate to allow us to look at this matter calmly.

I support Senator O'Toole's call for a debate on the Corrib gas field. This was disgracefully sold out by a previous Minister who is totally discredited. I have supported some of the campaigns and protests of Shell to Sea as have many distinguished clergy. I know of no connection that has been demonstrated between them and the Real IRA or any of these thugs. However, I would welcome an opportunity to scotch this. In response to my dear friend Senator Harris, I do not mind if he thought Lenin would call me an idiot. Lots of other people have done so too.

**Senator Eoghan Harris:** A useful idiot.

**Senator David Norris:** However, there was more of Stalin than Lenin about that.

*Dracula* is a very famous book written by a famous son of this city. He was a cousin of my great grandmother and I am glad to say I have entertained many members of his family here today, including D'Acree Stoker and previously his great grandson. The family has suggested that particularly since Romania has exploited this mercilessly and the town of Whitby has become the most popular resort in Britain on the basis of the *Dracula* connection, is it not time that we did something and put a statue of Bram Stoker somewhere in this city which he helped to make famous?

**Senator Joe O'Toole:** Hear, hear.

**Senator Mary M. White:** Hear, hear.

**Senator Eoghan Harris:** In front of Anglo Irish Bank.

**Senator David Norris:** Mr. D’Acre Stoker is writing a sequel to *Dracula* and film contracts have already been signed.

**Senator Paul Coghlan:** I support the proposed amendment to the Order of Business calling for a debate on job creation because of the devastatingly increasing pressure on business. There are some horror stories throughout the land. Despite the moneys that were allegedly earmarked within the banking system to assist small and enterprising businesses, this is clearly not available. Every day enterprising business people are being refused by our banks, which prompts the question as to when we will have the full recapitalisation. More importantly and allied to this — the Leader has a clear duty to arrange a debate in very early course — is that statement regarding the inefficiency and lack of professionalism of the Department of Enterprise, Trade and Employment which, if true, is a damning indictment of the Department. We in this House, and presumably those in the other House, need this answered immediately. As soon as the Tánaiste returns from the trade mission to the Far East, the Leader should arrange for her to come to the House to deal with that entire subject matter. In dealing with the pressure on business and the lack of finance available, when will the Government inform us of the proposed timeline for the creation of NAMA? With regard to the €90 billion mentioned, when will we know the true figure? When will we be made aware of the bad loan losses? We will not make any recovery until this situation is sorted out but, sadly, it seems the Government is dragging its feet on this major matter. I ask the Leader to arrange for a debate on the issue and to respond on this.

**Senator Fiona O’Malley:** I agree with Senators O’Toole and Harris about the level of intimidation to which workers are subjected when they try to go to work. The Shell to Sea campaign is ongoing. We visited the site in question and what is happening there is disgraceful. I agree completely with what Senator O’Toole said, that the Ministers with responsibility in that area need to get down to business and ensure people can go to work. We saw the effect this has on the economy in Belmullet and the surrounding area. We have heard here today how desperately we need work and employment throughout the country and the Belmullet area is thriving as a result of Shell. We need to get the gas onshore.

There is another case of intimidation of workers today in Dublin Bus. This is a wildcat strike, which is a disgrace. Workers who have jobs are trying to get to work, but they cannot do so because of a ridiculous dispute over a roster. The unions need to get a grip on the issue. Dublin Bus is a public service and the travelling public are entitled that service. Workers too are entitled to go to work without being intimidated. The strike is an outrage. Union leaders must stand up to this kind of behaviour. It is time we had a debate in the House on the matter.

**Senator Ciaran Cannon:** I too support the call for a debate on job creation. It was most disturbing to hear a former Minister of State at the Department that is supposed to be charged with creating jobs say he was sorry he did not have time to kick a larger hole in the wall of incompetence within the Department. Job creation is the single most effective tool the country has to turn the country around.

**Senator Paul Coghlan:** Hear, hear.

**Senator Ciaran Cannon:** Dropping tax revenue and creating jobs is the solution. It is, perhaps, because the former Minister of State came from a business background that he realised the kinds of supports needed to allow indigenous Irish business develop. I agree foreign direct investment is wonderful and we should do all we can to ensure it continues, but the real



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potential for job creation here has always been and will continue to be through indigenous job creation.

**Senator Paul Coghlan:** That is what the Department is there for.

**Senator Ciaran Cannon:** I support the call for the Minister to come in to have that debate.

The second issue I wish to raise is the issue of the Government's proposed early childhood services, one of the most welcome developments of the recent budget. I spoke to a gentleman yesterday who, because he had a passion for teaching, quit his job at 35 or 36 years of age and returned to college for three years to become a primary school teacher. He looked forward to contributing to the education of children in his area, but now he finds himself without a job. At the end of this term a new group of teachers will graduate from educational colleges around the country, but they will have no jobs to go to.

Last December, UNICEF conducted an international report on early childhood services which set out ten minimum standards that outlined the rights of children to proper early childhood and early educational services. Much to its shame, Ireland complied with only one of those minimum standards. We have a cohort of well qualified teachers who are now on social welfare. The man I spoke to suggested that rather than stare at the four walls of his house each day, he would be willing to begin that service to enhance educational services across the board, for little or no money other than what he gets on social welfare. That kind of willingness to get us out of the mess in which we find ourselves exists among certain sectors of the population. Will the Leader arrange a debate on this to see whether there is an innovative way to use this cohort of unemployed teachers to improve the education system for our children?

**Senator Ned O'Sullivan:** I draw the Leader's attention to this afternoon's launch by the Joint Committee on Climate Change and Energy Security, of which I am a member, of a document entitled Drive for Zero. The document would make a useful template for a debate in the Seanad. I give credit to Deputy Coveney, Senator Buttimer's colleague.

**Senator Joe O'Toole:** Hear, hear.

**Senator Ned O'Sullivan:** He was the driving force, to pardon the pun, behind the document, which has the full support of the committee. It has potential for job creation, which is important, and may make a significant contribution to making the country greener.

I fully support Senator O'Toole and others who referred to the Bellanaboy controversy. Like Senator O'Malley, I visited County Mayo recently and I was impressed by what I saw at the plant, namely, its construction, the numbers employed and the positive mood across that area of north Mayo. The development has recession-proofed towns such as Belmullet. Many people, including parents and young workers, asked us to support it and to prevent the intimidation by bully boys and others from stopping its completion. It is an important project for the future. Many of the people involved are from all over the country, not just Mayo. Young professional engineers and so on are awaiting the project's conclusion, after which they will try to get jobs at the new LNG project in Ballylongford. We in County Kerry would be disappointed were anything like the bully-boy tactics seen in County Mayo to be used in Kerry. They would not be tolerated.

**An Cathaoirleach:** I know they would not.

**Senator Eugene Regan:** I support the points made by Senators O’Toole and Harris regarding the Shell to Sea campaign. There is increasing evidence that it has been infiltrated and has now become very suspect. The concept of peaceful protest is upheld by the law, but such skullduggery is unacceptable and adds to the time and expense spent by the Garda Síochána. It is a considerable distraction and should be condemned.

I ask the Leader about the Seanad’s work schedule. My group leader, Senator Fitzgerald, has suggested the need for a debate on job creation. Instead, we will have statements on a report of a seminar that occurred last October. While the subject of minorities in the criminal justice system is important, we comprise the Legislature and we should have legislation. We should be debating the Immigration, Residence and Protection Bill 2009, in which context the issue in question could be discussed. However, merely filling space——

**Senator David Norris:** Hear, hear.

**Senator Fidelma Healy Eames:** Absolutely.

**Senator Eugene Regan:** ——with statements does the House no credit. Will the Leader reconsider the tabling of such items instead of moving forward with legislation to which the Government has committed itself in successive programmes? That the Government continually fails to fulfil its legislative programme is not the fault of the House.

According to an article in today’s edition of *The Irish Times*, Mr. Naoise Nunn, who was heavily involved in the Libertas campaign on the Lisbon treaty referendum, has abandoned the Libertas ship. Judging by recent polls in Ireland, Poland and elsewhere, it is a sinking ship.

**Senator David Norris:** It is a non-story.

**Senator Eugene Regan:** Mr. Nunn stated that both sides were guilty of scaremongering and misinformation. However the only time the “Yes” side was accused of scaremongering, that is, the Government and parties such as Fine Gael that promoted the Lisbon treaty, was when they put forward the simple proposition that the European Union was of fundamental importance to the Irish economy.

**Senator David Norris:** That is not true.

**Senator Eugene Regan:** He now has accepted this proposition and it is the main reason he has abandoned opposition to Lisbon.

**Senator David Norris:** That is scaremongering.

**Senator Eugene Regan:** Perhaps Senator Norris could learn a lesson from the example of——

**Senator David Norris:** Senator Buttimer.

**Senator Eugene Regan:** ——Mr. Nunn and reconsider his position on the Lisbon treaty in the future. Libertas has done enormous damage to Ireland and in fairness to Mr. Nunn, he is playing his part in ensuring it does not happen again.

**Senator Jerry Buttimer:** I join Senator Fitzgerald and other speakers in asking for a debate on job creation. Senator Feeney and others should note the people are tired of the internal wrangling in Fianna Fáil. They do not care and it is a non-story.

**Senator Geraldine Feeney:** Senator Buttimer should dream on.

**An Cathaoirleach:** Senator Buttimer, without interruption, please.

**Senator Jerry Buttimer:** What people want are jobs and job retention——

**Senator Fidelma Healy Eames:** Hear, hear.

**Senator Geraldine Feeney:** They do not want Deputy Kenny anyway.

**Senator Fidelma Healy Eames:** Effective government.

**Senator Jerry Buttimer:** More importantly, they seek leadership from the Government.

**An Cathaoirleach:** Senator Buttimer, without interruption from anyone else.

**Senator Jerry Buttimer:** Last week, the Leader did Members, including me, a disservice by refusing to answer my request. I hope he will do so today because the Tánaiste and Minister for Enterprise, Trade and Employment has not come to the House since her appointment.

**Senator Fidelma Healy Eames:** The Senator is dead right.

**Senator Jerry Buttimer:** What does this tell Members about unemployment and her attitudes to the unemployed?

I also ask the Leader for a debate on the role of the Revenue Commissioners. I have been informed anecdotally that Revenue, correctly in some cases, has been challenging and investigating small enterprises. I find it extraordinary that Revenue is asking small to medium enterprise owners the reason their revenue is down. Is Revenue unaware there is a recession on? Is it unable to see it or feel it? Rather than harassing business people, the Leader should agree that small to medium enterprises should be assisted in accessing money from banks. Senator Coghlan is correct in this regard. When will full recapitalisation take place and when will small people be able to gain access to money to continue be able to trade? I hope the Leader replies to this point.

Finally, a debate is required on both gangland crime and on law and order. I agree with Senator Harris that too much intimidation takes place in Ireland at present. There is neither respect for nor fear of the law at present and this must be restored. We must revert to the reality that there must be law which is respected and by which all citizens must abide. Moreover, crime must be punished. A message should be sent to those who support crime that their time is up. Members must take a collective stance because for far too long——

**An Cathaoirleach:** The Senator's time also is up.

**Senator Jerry Buttimer:** I will conclude by noting that Fianna Fáil entered Government on a zero-tolerance policy that it has abandoned to the four winds. The ordinary person has suffered in consequence and it is time that Members stood up to such thugs.

**Senator John Hanafin:** While naturally I would share in the calls for a debate on the economy and to have such a debate at the earliest opportunity, to call for such a debate today in the full and certain knowledge that the Tánaiste is abroad doing her duty is inappropriate. The Leader might arrange such a debate at the next timely opportunity. This is an issue about which Members have some expertise because they can recall the many different schemes, proposals and incentives that were introduced in the 1980s and early 1990s to ensure people returned to work. Such innovative methods exist or, in other words, Members have been all around the houses on this issue and could have a useful debate on this specific issue that would contribute to the national debate.

I also wish to share in the views of those who are highly disappointed with the Shell to Sea campaign. In the mid-19th century in England, on the introduction of mechanisation to agricultural areas, a group called the Luddites destroyed the machines.

**Senator Eoghan Harris:** Hear, hear.

**Senator John Hanafin:** Attempts by people in the Shell to Sea campaign to destroy machinery are somewhat similar. Moreover, I suggest that having a gas interconnector in tandem with the supplies off the west coast is not only useful but could be essential for our national development.

**Senator Fidelma Healy Eames:** The role of government should be to serve the needs of its people and on consideration of the present actions of the Tánaiste and Minister for Enterprise, Trade and Employment, Deputy Coughlan, I call for her to come before this House to justify her purpose and her portfolio. Any Minister who oversees the exit of €500 million in VAT from the country deserves to have the portfolio taken from her by the Government. The way she is constantly hitting business and jobs is criminal. It is urgent that the Leader brings her into the House. By allowing these actions to continue, it is the Government that is not being patriotic to its citizens. I would like the Tánaiste to attend the House to debate the delivery of her portfolio *vis-à-vis* job creation.

I call for a healthy and mature debate on the Freedom of Information Act. This week is the tenth anniversary of enactment of the Act. It is very important that we debate the need for broader scope for the Freedom of Information Act, in particular so that we can investigate the actions of the regulator and the Central Bank, public bodies that are not within the scope of the Freedom of Information Act. We have seen the value and the return to the Irish citizen that Senator Ross provided through the investigation of FÁS. We need this accountability for our people at this time.

I would be delighted if there was a debate on Fine Gael's wonderful and comprehensive policy on universal health. The party put much research, time and thought into it and I compliment Deputy James Reilly on that. The policy does not rely on co-location, where we are prepared to give our public assets to private interests, which this Government has relied on for some time. I look forward to the Leader addressing these three issues today.

**Senator Labhrás Ó Murchú:** There have been indications in recent times that a different result will be achieved in the next referendum on the Lisbon treaty. There are a number of reasons that this may be the case. Guarantees have been received by the Government about some of the concerns that caused people to vote against the treaty on the last occasion. It is also connected to the present economic situation, where people have a greater sense of reality. It would be wrong to take for granted that we will achieve a different result later in the year. There is a possibility that because of the debates and the political fall-out that result from the global economic situation, the Lisbon treaty will be sidelined. We are aware of various meetings that are being held throughout the country, not involving political parties generally. There is still a great sense of anger and people could use the referendum to express anger that may have nothing to do with the Lisbon treaty.

We must consider what it would mean if we reject the Lisbon treaty a second time, particularly because of the economic crisis at the moment. It would expose Ireland to bankruptcy. We could not expect to call in favours or flexibility from the other countries in Europe in regard to legislation or monetary instruments. That would not happen. There is a sense in Europe that Ireland has not played its full role on this issue and has not demonstrated that it has a sense of appreciation for what it has achieved to date. I ask the Leader for an ongoing

[Senator Labhrás Ó Murchú.]

debate on the next referendum and not to wait until after the elections in June because we will lose time during the summer.

**Senator Nicky McFadden:** I read with disdain an article in the farming section of the *Irish Independent* today that a lady is getting 20 cent a litre for her milk. She is part of the Glanbia co-operative. I ask the Leader to invite the Minister to the House for a serious debate on this matter. The woman is getting one fifth of the price the consumer pays for the milk, the same price she got in 1983. The family is on the bread line and depends on its savings. We must depend on indigenous industry and we should be supporting farmers. I am sure the meaning of co-operative is obvious — it is a body made of up of parties co-operating and supporting each other. Nevertheless, Glanbia is ripping off our farmers so what is the Government going to do about it? It is incumbent on the Leader and the Fianna Fáil-Green Party Government to sort out this issue. There will be farming families who will not be able to put food on the table.

The Minister for Finance spoke at a meeting of the Irish League of Credit Unions on Saturday and was clapping himself on the back for the way in which he has brought the country forward, etc. He was speaking about how those in Europe are amazed at the steps he has taken in the budget and how no other European government would have been able to deal with the public service as he has done by imposing these dreadful levies.

I have been canvassing, as I am sure the Leader has, and we have met many people who are extraordinarily angry because they are down €50 or €60 per week. I assure the Minister, Deputy Lenihan, that when the full facts of this budget come to affect people at the end of May, there will be riots. The Minister stated that there have not been riots on the streets like there would be in France. The wrath of the Irish people has not yet come to the fore and this Government will know about it on 5 June.

**Senator Jerry Buttimer:** Hear, hear.

**Senator Donie Cassidy:** Senators Fitzgerald, O'Toole, Coffey, Coghlan, Cannon, Buttimer, Hanafin and Healy Eames called for a debate with the Tánaiste and Minister for Enterprise, Trade and Employment, Deputy Mary Coughlan, in the House. As we all know, the Minister is out of the country currently.

**Senator Fidelma Healy Eames:** Bring her back.

**Senator Donie Cassidy:** I have no difficulty with such a debate as this is a most important request and debate, so much so that I am prepared to provide for an all-day debate on the challenges facing the Department of Enterprise, Trade and Employment, especially as they relate to job creation and competitiveness, which has often been outlined to the House by Senator Mary White. The greatest challenge facing us is our competitiveness and this is an ideal opportunity for everyone concerned to be able to meet these challenges and set in place a formula of policies that will enable us to play our part in the next five to ten years with regard to job creation.

There are also the areas of upskilling and retraining and the important role which FÁS is playing. I wholeheartedly welcome the new initiative by FÁS in County Westmeath in particular and Senator McFadden would agree with me. There has also been a roll-out to rural areas like Castlepollard, where we have a new centre. It provides help for rural places such as my local town, where the number on the unemployment register has increased by 150%. That is a serious position and we must use the opportunity to upskill and retrain the excellent

young workforce which is available and assist it in every way in preparing for jobs in two or three years.

I fully agree with the sentiments and views expressed by all Senators. Everyone in this House and every Member of Dáil Éireann wants to see something done urgently with regard to competitiveness and job creation. Another issue exercising all of us, because we are meeting people on the doorsteps when canvassing, is the banking system. Credit is not being made available currently.

**Senator Mary M. White:** Hear, hear.

**Senator Donie Cassidy:** Irrespective of the spin being put on the matter, no organisation or individual needs a spin doctor if they are telling the truth. The truth of the matter is that currently——

**Senator Fidelma Healy Eames:** The Leader's party has had many of them.

**An Cathaoirleach:** There should be no interruption.

**Senator Fidelma Healy Eames:** The party has spent a fortune on them.

**An Cathaoirleach:** The Leader, without interruption.

**Senator Donie Cassidy:** I want to give the House, including the Senator, the benefit of my experience. Credit is not being made available to those who are giving employment. Some 880,000 people have been employed by the small and medium employers and the people who have created the Celtic tiger over the past ten to 15 years, and they must be supported. The Finance Bill is coming to the House in the next three weeks, as Senators know. I intend to hold an all-day debate on that Bill. Following a period of calm reflection, the House can play an important role in offering assistance to the Minister when he is present in the House for the debate on the legislation. If the banks do not make credit available during the next three months, what might happen in this country prior to Christmas is unthinkable.

Everyone is aware of what is happening. Members who are canvassing for the European and local elections have heard stories from those with whom they attended school, grew up and worked. We know not only the people of the generation to which I refer but those of us who are old enough know the members of the two generations which preceded it and we are aware of the massive contribution made by those decent, hard-working families. The Government and legislators of all political persuasions owe it to people whose backs are to the wall to forego the opportunity to score political points and to instead assist them in their hour of greatest need. When things were bad in the 1970s and 1980s, emigration provided people with the opportunity to seek work elsewhere, but that opportunity no longer exists. An 87 year old man informed me in recent days that he has never known a period when small and medium-sized businesses faced so many challenges.

**Senator Paudie Coffey:** Who has been in power for most of the past 20 years? The answer is Fianna Fáil.

**An Cathaoirleach:** There should be no interruptions.

**Senator Fidelma Healy Eames:** Does the Leader make statements of this nature at meetings of the Fianna Fáil parliamentary party? That is where he should be making those comments.

**Senator Paudie Coffey:** The Leader's party has been in government for the better part of 20 years.

**Senator Donie Cassidy:** We know that happened when Senator Coffey's party was last in government.

**Senator Paudie Coffey:** We brought the economy back to life and we will do so again.

**Senator Donie Cassidy:** The standard rate of tax under the Senator's party was 35%.

**Senator Jerry Buttimer:** The Leader should consider the facts. He is afraid to knock on doors.

**Senator Donie Cassidy:** The people of Ireland have never forgiven Fine Gael.

**Senator Paudie Coffey:** We created 1,000 jobs per week.

**Senator Donie Cassidy:** They have never given the Senator's party a mandate in the interim.

**An Cathaoirleach:** The Leader should be allowed to reply to the Order of Business, without interruption.

*(Interruptions).*

**Senator Paudie Coffey:** We created 1,000 jobs per week in the 1980s.

**Senator Donie Cassidy:** That was before the Senator was born.

**Senator Jerry Buttimer:** The Leader must look to the facts. He is afraid to knock on doors.

**An Cathaoirleach:** Senator Buttimer should not make any further interruptions.

**Senator Jerry Buttimer:** The people have seen through Fianna Fáil at last.

**Senator Mary M. White:** This is not a county council meeting.

**Senator Jerry Buttimer:** Those in the Leader's party are afraid to knock on doors.

**Senator Donie Cassidy:** Due to the fact that there was no room at the inn on this side of the House, the Senator went to the opposite side.

**Senator Jerry Buttimer:** I would never have joined Fianna Fáil. I would not stand for election on behalf of a shower like those in that party.

**Senator Donie Cassidy:** Senators O'Toole, Harris, Norris, O'Malley, O' Sullivan, Regan, Buttimer and Hanafin——

**Senator Jerry Buttimer:** They are picking people's pockets. Wait until the first week in June.

**An Cathaoirleach:** If Senator Buttimer makes any further interruptions, he will be asked to leave the Chamber immediately or I will ask the Leader to name him.

**Senator Donie Cassidy:** I would take great pleasure in doing so.

**Senator Jerry Buttimer:** I will name the Leader.

**Senator Donie Cassidy:** The Cathaoirleach has spoken.

**Senator Jerry Buttimer:** I will name the Leader.

**An Cathaoirleach:** There should be no further interruptions.

**Senator Donie Cassidy:** The Cathaoirleach has spoken.

Senators O'Toole, Harris, Norris, O'Malley, O'Sullivan, Regan, Buttimer and Hanafin requested a debate on the difficulties being experienced as a result of challenges to law and order in Mayo and other parts of the country. On Thursday next, all Senators will be able to make statements on gangland crime during an all-day debate on the subject. I look forward to the contributions of all those who made requests for such a debate. I have made arrangements to allocate 15 minutes for the contributions of spokespersons and ten minutes for those of other Senators. This is the most serious challenge the system of democracy in this country has faced for some time. I call on all Members to make a contribution to the debate on this serious challenge to our democracy.

Senators Alex White, Coffey, Feeney and Healy Eames requested that the Minister for Health and Children, Deputy Harney, come before the House to discuss all matters — co-location, the national cancer strategy, BreastCheck etc. — relating to the operation of the health service and the challenges faced by her Department. The Minister has come to the House on many occasions and has always been forthcoming when answering questions. I look forward to her presence in the House and have no difficulty in agreeing to arrange this debate.

Senators Norris and O'Malley expressed their serious views on the interruption of the bus service in Dublin and the challenges faced by customers as a result. I look forward to a speedy conclusion of this difficulty and will leave time aside for statements next week if the dispute is not resolved. I also have no difficulty allocating time for the debate requested by Senator Norris and join him in welcoming Bram Stoker's family to the House.

Senators Coghlan and McFadden highlighted the issues of job creation and the banks. Fine Gael has tabled the motion for Private Members' business tomorrow so the Senators can express their concerns about the national assets management agency, NAMA, then.

Senator Cannon called for a debate on early childhood education initiatives he has outlined to the House. I have no difficulty with having the Minister come here to debate that in the near future. Senator O'Sullivan mentioned the report, Drive for Zero, prepared by the Joint Committee on Climate Change and Energy Security and I join him in congratulating the committee on the good work it did. I will arrange for a debate on this issue at some point in the future, time permitting.

Senator Regan asked about the business of the House. Following the changes to the Ministers of State last week, we have had to redraw the Order of Business for the week and I thank Senators for their understanding. Legislation has always taken precedence and its importance has been to the forefront of our activities. Seven changes were made in the ranks of the Ministers of State and some of them are currently outside the country. I acknowledge the co-operation of the Whips and thank my colleagues for their understanding and patience. Things should be back to normal next week.

Senator Buttimer called for a debate on the Revenue Commissioners. I will fully accede to this request and look forward to the participation of Members in such a debate. The Revenue Commissioners, like everyone else, will find it difficult to collect money because businesses are finding it difficult to collect money. If credit is not made available by the banks, the Revenue Commissioners will find they are in the same situation as those in private enterprise.

Senator Ó Murchú gave the House the benefit of his views on the forthcoming referendum on the Lisbon Treaty and the challenges we face. I agree that the economic future of Ireland lies with Europe, that has never been truer. I shudder to think what would have happened to our interest rates were we not in Europe.



[Senator Donie Cassidy.]

Senator McFadden called for a debate on agriculture as we see prices for milk fall to 1983 levels. Our hearts go out to those in the agricultural sector. Those of us from the lake county of Westmeath know what is happening daily as we meet constituents. The co-operative movement, which was set up by the grandfather of Deputy Pat the Cope Gallagher, has certainly stood the test of time. Those who have read the book telling his life story will acknowledge that it was a wonderful idea which served the rural community and, indeed, every part of Ireland well through the years.

### Visit of Sri Lankan Delegation.

**An Cathaoirleach:** Before proceeding with the Order of Business, I welcome the Minister for Education and Training from Sri Lanka and his party in the Distinguished Visitors Gallery.

### Order of Business (Resumed).

**An Cathaoirleach:** Senator Frances Fitzgerald has moved an amendment to the Order of Business: “That a debate on job creation, job protection and training be taken today.” Is the amendment being pressed?

**Senator Frances Fitzgerald:** Yes.

Amendment put.

The Seanad divided: Tá, 17; Níl, 25.

Tá

Bradford, Paul.  
Burke, Paddy.  
Buttimer, Jerry.  
Cannon, Ciaran.  
Coffey, Paudie.  
Coghlan, Paul.  
Fitzgerald, Frances.  
Hannigan, Dominic.  
Healy Eames, Fidelma.

McFadden, Nicky.  
Norris, David.  
O’Toole, Joe.  
Prendergast, Phil.  
Regan, Eugene.  
Ross, Shane.  
Ryan, Brendan.  
White, Alex.

Níl

Brady, Martin.  
Butler, Larry.  
Callely, Ivor.  
Carty, John.  
Cassidy, Donie.  
Corrigan, Maria.  
de Búrca, Déirdre.  
Daly, Mark.  
Ellis, John.  
Feeney, Geraldine.  
Glynn, Camillus.  
Hanafin, John.  
Harris, Eoghan.

MacSharry, Marc.  
McDonald, Lisa.  
Ó Domhnaill, Brian.  
Ó Murchú, Labhrás.  
O’Brien, Francis.  
O’Donovan, Denis.  
O’Malley, Fiona.  
O’Sullivan, Ned.  
Phelan, Kieran.  
Walsh, Jim.  
White, Mary M.  
Wilson, Diarmuid.

Tellers: Tá, Senators Jerry Buttimer and Paul Coghlan; Níl, Senators Camillus Glynn and Diarmuid Wilson.

Amendment declared lost.

Order of Business agreed to.

## **Association for Criminal Justice Research and Development Report: Statements.**

**Minister of State at the Department of Justice, Equality and Law Reform (Deputy John Curran):** I welcome the opportunity to contribute to this debate. I want to preface my remarks on the report we are debating with some more general comments on integration matters as this is the first occasion I have addressed either House since my appointment as Minister with responsibility for integration. The most striking aspect of inward migration to Ireland has been the speed with which it has taken place, largely since 1 May 2004, following the expansion of the European Union. There are about 550,000 non-Irish nationals living in Ireland.

Another striking feature is the fact that the census for 2006 recorded that 29% of immigrants, approximately 140,000 people, came essentially from the countries of eastern and central Europe, most of them in the previous two years. Since the census was taken more people have arrived, as evidenced by the number of personal public service, PPS, numbers issued by the Department of Social and Family Affairs. It is important to stress that these people are using rights under the EU treaties in the same way Irish people have used the same rights to seek employment in other EU countries. In the context of this debate it is important to stress that there is no suggestion that those people who have come here are in any way more involved in criminality than anybody else.

One way of seeking to prevent people in this category from becoming involved in anti-social behaviour is to encourage them to become involved with their local communities. My office has made funding available to major sporting bodies — the GAA, the FAI and Basketball Ireland — to assist them in promoting increased participation by non-nationals in their games. My office also made funding available to local authorities to assist them in their efforts. An example of the way in which local authorities used this funding was to promote voter registration among migrants to further improve the participation of migrants in the forthcoming local and European elections.

My office, together with the Iris O'Brien Foundation, is providing financial support for the extension of the Fáilte Isteach project, started in Summerhill, County Meath by Mary Nally of Third Age. The project has now been extended to approximately ten locations. I am happy to support this project, bringing together as it does older people and migrants, enabling both to learn from each other about different cultures, languages and traditions.

Jointly with the Equality Authority, my office is funding work to promote integration in the workplace. The Irish Congress of Trade Unions, the Irish Business and Employers Confederation, the Construction Industry Federation and Chambers Ireland are also involved in these projects.

On the wider issues, there is in place an inter-cultural health strategy and work is proceeding on the development of an educational strategy. Issues concerning housing, interpretation and translation will have to be addressed also.

I make these few remarks to illustrate that changes are required at all levels to meet the challenges of integration. It is important we avoid repeating the mistakes made by others in this area. In the current economic climate, there may be those tempted to scapegoat migrant workers as in some way contributing to our decline in employment. That would be wrong. The people who have come here to work and live have made and continue to make a valuable contribution. They pay their taxes here, many have established families here and they are enduring the same economic challenges as everyone else. I am aware that there was a debate in this House in December 2007 which helped to inform the thinking underpinning the policy approach set out in Migration Nation, the statement on integration strategy and diversity management launched by my predecessor last July, and I would welcome a discussion on wider matters to do with integration in the future.

[Deputy John Curran.]

Turning to the report, I should inform the House what the Association for Criminal Justice Research and Development is so that Members will have a better appreciation of the document. The association is a non-governmental organisation whose membership is drawn from the broad criminal justice system, that is, Government policy makers, members of the Garda Síochána, lawyers, members of the Judiciary, members of the prison and probation services and also includes academics and a variety of individuals from the voluntary and community sector. The activities of the association are designed to increase mutual understanding and provide insights into the challenges with which all are confronted. In opening unofficial channels of communication, it seeks to improve co-operation between the different parts of the criminal justice system. The association is funded by the Department of Justice, Equality and Law Reform.

A practice of the association is to hold an annual conference on a particular theme and to publish, after the conference, the presentations made at the conference. That practice has been followed on this occasion. It is important to explain the role and function of the association in some detail so that members can appreciate that there are not, for example, recommendations for action or concrete proposals in the document before us. On the various presentations made to the conference, it would not be appropriate or fair for me to go through them individually. All of the presentations were intended to put forward certain views — some put forward by officials, others by those with an interest in the subject being discussed. They were intended to inform debate in the workshops — five in all — which followed the presentations.

I am happy, however, to give the House an outline of the current position in various areas. One of the areas of concern has been that of road safety. Since March 2006, the Road Safety Authority has been running an ongoing foreign language road safety campaign. The campaign focuses on legal and road safety advice when driving in Ireland. Areas covered are licence, tax and insurance, the national car test, speed limits, penalties for breach of speed limits, seat belt regulations and drink driving laws. A leaflet and poster entitled Road Safety and the Law have been produced and have been translated into eight foreign languages — Russian, Polish, Latvian, Lithuanian, French, Portuguese, Arabic and Chinese. The leaflets and posters are distributed through the minority ethnic press, ethnic shops, advice centres, ports and airports as well as the Garda Síochána and local authorities. The new Rules of the Road have so far been produced in Russian, Polish and Mandarin Chinese. In addition, Garda road safety awareness programmes are conducted in schools, third level colleges, workplaces and other facilities, with the aim of educating road users, including persons from minority ethnic backgrounds, of the obligations of all road users.

Staff of the Garda Racial and Intercultural Office, established in 2000, have responsibility for co-ordinating, monitoring and advising on all aspects of policing in the area of ethnic and cultural diversity. The remit of the office was recently expanded to cover other areas of diversity and it has begun a consultation process with other diverse communities such as the gay, lesbian, bisexual, transgender community and various organisations representing people with disabilities. Staff of the office liaise with Government agencies, NGOs, voluntary groups, victim support agencies and members of the Garda Síochána, providing advice and guidance on diversity. There are currently more than 600 trained ethnic liaison officers nationally. These gardaí liaise with ethnic minority communities and the Traveller community and inform and assure them of Garda services and protection.

The Garda Pulse system has been adapted to include a *modus operandi* for recording incidents of racism. All such incidents are captured on the system and are monitored by the Racial and Intercultural Office on a weekly basis. In addition, there are regular meetings with members of ethnic minority communities as part of the Garda Síochána's commitment under

the national action plan against racism. The chief superintendent, community relations, also holds an annual meeting with representatives of ethnic minorities and the Traveller community.

The EU fundamental rights agency recently published the results of an EU wide minorities and discrimination survey. Some of the results showed Ireland in a positive light. Others raise issues of concern. My office is examining the results of this survey to see what can be learned. I would, however, enter a caution when reading the report, that is about the sampling methods used which were different in Ireland from most other countries as an attempt to use the random sampling methods used elsewhere had to be abandoned in Ireland, apparently because that method did not produce sufficient respondents. More seriously, the fieldwork was only carried out in Dublin. My office has had some contact with the EU fundamental rights agency and will consult it again about this and other aspects of the methodology used.

Turning to prisons, all foreign nationals are facilitated in contacting consular representatives and are entitled to receive a visit from their consul at any reasonable time. Cloverhill Remand Prison, which holds the highest proportion of foreign nationals in our system, translates prisoner induction/information leaflets into a number of languages — Arabic, Russian, Romanian, Spanish, Mandarin Chinese, French and Latvian. Other institutions with a high proportion of foreign national prisoners follow a similar practice. Any special dietary requirements of prisoners are catered for in all institutions. A module on intercultural awareness and racism is now part of prison officer training.

The Courts Service has produced a wide range of leaflets in various languages, available both in hard copy and on its website. The leaflets are available in Irish, English, French, Spanish, Polish, Russian and Mandarin Chinese. These leaflets cover a range of procedures including bail, family law and the small claims procedure.

Turning to the focus of one of the contributions to the conference, the Immigration, Protection and Residence Bill, as Members will be aware, this Bill is awaiting Report Stage in the Dáil, following a lengthy and extensive Committee Stage debate. A number of commitments were made by the Minister for Justice, Equality and Law Reform to examine certain matters and a number of these are still under examination. In the case of one area of concern, an amendment has been published on the smuggling of persons. An amendment will be brought forward at Dáil Report Stage on the Immigration, Residence and Protection Bill 2008 to address the smuggling of migrants. This amendment has been drafted and has been circulated to Deputies so that they may examine it in advance of the Report Stage debate.

The amendment proposes a new Part 9 to the Bill. The purpose of this amendment is to provide for the implementation of three international legal instruments in the area of people smuggling. These instruments are EU Council Directive 2002/90/EC defining the facilitation of unauthorised entry, transit and residence; EU framework decision 2002/946/JHA on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence; and the protocol against the smuggling of migrants by land, sea and air supplementing the UN Convention against Transnational Organised Crime. These three instruments seek to provide an effective international response to the growing problem of people smuggling.

People smuggling involves aiding persons to enter a state illegally through clandestine entry or by fraudulent means at frontier posts, by providing false documents etc. The illegal migrants have consented to, and in most cases requested, this assistance. People smuggling should not be confused with human trafficking. The Criminal Law (Human Trafficking) Act 2008 creates the offence of trafficking persons for the purposes of sexual or labour exploitation or organ removal. Victims of trafficking can enter a state by legitimate or legal means. Indeed, the offences under the Act need not involve foreign nationals. The key issue is that they have been

[Deputy John Curran.]

trafficked for exploitation by another party and, in the case of adult victims, there has been some coercion or deception involved.

Although seemingly less pernicious than trafficking, people smuggling frequently involves the imposition of extortionate fees by smugglers as well as exposing the illegal migrants to grave danger in clandestinely entering states. Ireland has experienced the tragic consequences of people smuggling in the Wexford tragedy of December 2001, where eight people suffocated in a container while attempting clandestine entry into the United Kingdom.

Migrant smuggling is addressed in the Illegal Immigrants (Trafficking) Act 2000. However, the Garda Síochána had expressed repeated concerns at the difficulty in obtaining a successful prosecution for trafficking or smuggling because of the “for gain” requirement, that is, the necessity of proving material gain on the part of the smuggler, in section (2)(2)(a) of the Act of 2000. The experience of the Garda National Immigration Bureau is that, in practice, it has been extremely difficult to prove that those engaged in the smuggling of migrants have done so for gain. In most cases of migrant smuggling a payment will have been made outside the State and no evidence of the payment will be available to the investigators.

The difficulty of securing convictions against traffickers and smugglers was referred to repeatedly during debate on the Criminal Law (Human Trafficking) Act 2008. The present amendment proposes the removal of this “for gain” requirement, which will greatly enhance the ability of the Garda to pursue successful prosecutions against criminals involved in people smuggling. It will also have an application in securing convictions against people traffickers in cases where adult victims of trafficking do not co-operate with the authorities.

It should be noted that the “for gain” provision was added during the passage of the Bill through the Oireachtas. However, the Act has been in operation for eight years and has been largely ineffective due, in no small part, to this “for gain” provision. The experience since then is that people smuggling is largely the preserve of organised criminal gangs whose sole motivation is profit.

The proposed amendment provides for penalties for persons convicted of people smuggling of, first, on summary conviction, a maximum fine of €5000 or a maximum prison term of 12 months or both, and, second, on conviction on indictment, to an unlimited fine or a maximum prison sentence ten years or both.

The Criminal Law (Human Trafficking) Act which came into effect on 7 June 2008 creates an offence of recruiting, transporting, transferring to another person, harbouring or causing the entry into, travel within or departure from the State of a person for the specific purpose of the trafficked person’s sexual or labour exploitation or removal of his or her organs. It provides for penalties up to life imprisonment for persons who traffic other persons for the purposes of labour or sexual exploitation or for the removal of the person’s organs. Enactment of this legislation brings Ireland into compliance with the criminal law-law enforcement elements of the EU framework decision on combating trafficking in human beings, the Council of Europe convention on action against trafficking in human beings and the UN protocol to prevent, suppress and punish trafficking in persons, especially women and children.

As well as the legislation on the criminalisation and reflection periods, there are other measures to combat human trafficking being implemented on an administrative basis. An inter-departmental high level group comprising of representatives from key Departments has been established to recommend the most appropriate and effective responses to trafficking in human beings to the Minister for Justice, Equality and Law Reform. An anti-human trafficking unit was established in February 2008 within the Department of Justice, Equality and Law

Reform to ensure the State's response to human trafficking is co-ordinated, comprehensive and holistic.

A key element of this strategy will be the development of a national action plan to prevent and tackle trafficking in human beings. The national action plan will have a strong focus on preventing trafficking from becoming a major issue in Ireland. Four main headings comprising child trafficking, prevention and awareness-raising, prosecution of traffickers, and protection of victims are being used in its development.

A common thread in the criminal justice system is the need for interpretation services, with a similar demand across the wider public service. It is a matter with which my office will be dealing. The conference held by the Association for Criminal Justice Research and Development was useful. I hope my statement will assist Members in their contributions which I look forward to hearing.

**Senator Eugene Regan:** I welcome the Minister of State's comprehensive statement on the issues of immigration, human trafficking etc. We are, however, discussing a report from a seminar held by the Association for Criminal Justice Research and Development in October 2008. It would be more useful if the House discussed legislation. Legislation is what the House is about and its responsibility. If our debates were more focused on specific elements of legislation, then the House would be more relevant, making a contribution to legislative effectiveness.

The Minister of State referred to amending the "for gain" clause in the Criminal Law (Human Trafficking) Bill 2007 to ensure success in prosecuting human traffickers. This was already highlighted by the Illegal Immigrants (Trafficking) Act 2000. It is unfortunate it has taken so long to correct what was an obvious anomaly which caused problems.

All political parties take seriously the integration and involvement of the immigrant community in Irish life. Several policy initiatives introduced in this area have been useful. For example, the translation of road safety manuals and signage is important to the migrant community. The human trafficking legislation is important in that it transposes our international and EU obligations. The unit in the Department will provide a necessary focus in following through these obligations. Aid to sporting bodies to ensure immigrant communities' participation in sports club is also welcome.

The work of the Association for Criminal Justice Research and Development is important because it reflects the increasing diversity of our population. At the October 2008 seminar, eight substantial papers were given by experts in this area. It was motivated by the designation of 2008 as the year of intercultural dialogue.

The paper by Pat Folan, director general of the Irish Nationalisation and Immigration Service, on crime security and the immigration system was a comprehensive exposé of immigration procedures, the difficulties thrown up by them and how these are dealt with. The Garda Ombudsman, Carmel Foley, dealt with minorities and the police complaints process, examining whether discrimination exists in this area. Phillip Watt, director of the national consultative committee on racism and interculturalism, gave a paper on crime and ethnic diversity. The observations of Hilikka Becker, senior solicitor for the Immigrant Council of Ireland, were extremely incisive.

The conference was opened by the then Minister of State with responsibility for integration policy, Deputy Conor Lenihan, who outlined the Government's integration and diversity policy proposals, which were set out in Migration Nation. While he set out several well-meaning and lofty policy aspirations, much of them have come unstuck. At the conference, he stated that his office was in the process of setting up specific structures to achieve its core co-ordination

[Senator Eugene Regan.]

and promotion aims. These were to include a ministerial council, a task force and a commission for integration. By December 2008, the task force and the commission for integration were abandoned. No ministerial council has yet been established, unless the Minister of State can inform me otherwise. While some progress has been made, some steps back have also been taken. The significant reduction in the budgetary allocation to the integration office will further hinder the Minister of State in pursuing these objectives.

There are many positive signals in the area of immigration, social inclusion and integration. While an opinion poll from September last suggested people wanted more control in immigration, it nevertheless showed that 54% of people believed it had been good for Ireland. Pat Folan referred to this in his paper. The Garda Ombudsman, Carmel Foley, highlighted the statistic that just fewer than 2% of all complaints made to her commission entailed an allegation of discrimination. Some of the complaints cited by the immigrant community suggest they were based more on misunderstandings than any obvious act of discrimination. To suggest there is an over-representation of the immigrant community in our prisons does not stack up when one examines the statistics in detail. Philip Watt pointed out that, excluding the UK, the percentage of non-Irish nationals in the prison population is 6.5%, well below the non-Irish percentage of the overall population of 10%. Only one third of all non-Irish nationals committed to prison are for immigration type offences.

There is evidence that with the economic downturn, inward migration into Ireland has reduced significantly. At the same time, however, the exodus of migrant workers and their families has been limited. Accordingly, the fundamental issue of the integration of migrants remains and must be addressed.

The Immigration, Residence and Protection Bill 2008 will, as pointed out by Hilka Becker, senior solicitor for the Immigrant Council of Ireland, criminalise irregular migrants which will equate them with smugglers, traffickers and those employers who engage people smuggled for exploitation. This is one of the fundamental issues which arises in any discussion on immigration and on that immigration Bill. We will be returning to that issue in the House and I will reserve my position for that debate.

The latest report of the Immigrant Council of Ireland on globalisation, sex trafficking and prostitution, which revealed that 102 victims of human trafficking were identified in 21 months, shows that this is an issue we need to continue to address. The new legislation introduced last year should help but further change is required in the immigration Bill and will have to be considered.

The paper by Pat Folan suggests we are playing catch-up in terms of legislation, staffing and organisational structures given the sudden wave of immigration over the past ten years. To be fair, much work has been done, much budgetary expenditure has been incurred and significant progress has been made in dealing with immigration, tackling the issue of illegal immigration and dealing with those elements such as human trafficking which are the most unsavoury elements of the whole system.

I make one point about the Irish Naturalisation and Immigration Service, namely, it was only when it was pointed out recently by Fine Gael that its website was not reflective of the most up-to-date position in regard to procedures for immigration that changes were made. It was supposed to be a one-stop shop in terms of information when it was established in May 2007 but this was only recently corrected.

There is also the issue of the Metock case, which creates serious issues for the type of system which it is intended would be applied in Ireland. The Government allowed the loophole to remain in our current marriage laws which facilitates sham marriages for the purpose of gaining

residency status in this country. Again, Fine Gael drafted an amendment via the Social Welfare Bill 2008 to deal with this loophole in a proportionate manner. It is unfortunate this was not acted upon.

There are other aspects of the association's report concerning minorities in the justice system, particularly in regard to the Travelling community and representation in the juvenile justice system. I do not find from the papers that there is any evidence of real discrimination in our system in terms of access to justice or with regard to the prison population, which is a very positive element in all of this. We seem to be able to accommodate the immigrant community in a manner which respects fundamental rights, in particular the right to access to justice.

In conclusion, the report of the association of its seminar last October provides very interesting background material on this whole subject, which remains important for policy makers and legislators such as ourselves. The economic recession has stemmed the flow of immigration — there is no question about that — but we now have an immigrant community which represents upwards of 10% of our population. We still have a task to ensure the integration of those people into Irish society. We need to fine-tune our legislation and continue to provide the support structures to ensure this takes place.

I thank the Minister of State for coming to the House.

**Senator Denis O'Donovan:** I welcome the Minister of State, Deputy Curran. I wish him every success in his new brief and congratulate him on his continued role in office. I have no doubt he has a very important role to play. I am sure he will bring a breath of fresh air to this important brief.

To reflect on where we have come from in the past ten or 12 years, I remember being the spokesman on justice in the Seanad from 1997 to 2002, when the whole area of immigration, including the issue of illegal immigration and asylum seeking, was in its infancy in Ireland. There was a trickle coming in at that stage and the Government and the then Minister, the current Ceann Comhairle, Deputy John O'Donoghue, had to deal with a developing situation where the number of people coming into the country per month had gone from perhaps 50 or 60 to approximately 1,200 or 1,300 at one stage.

At that time, in 1996 to 1997, we had little or no infrastructure to deal with the situation that was evolving. I recall queues and chaos in the late 1990s because no system was in place. I give credit to the Government for the substantial funding, structures, appeal mechanisms and so on that were put in place to deal with the evolving situation. I have no doubt, given the contribution of the Minister of State in the House today and the contributions to the seminar, that we have improved by leaps and bounds in that ten to 12 year period. While I am not suggesting we are in a utopian situation and that everything is perfect, significant structures are now in place to deal with all the issues that confronted the then Minister from 1997 to 2002.

Through representing a remote part of Ireland, I have no doubt the whole issue of immigration has added a great flavour and given a boost to the culture of Ireland in many diverse ways. It has been a good experience and, by and large, it has been good for the country, although there will always be exceptions. We were seen not just for decades but for centuries as a people who emigrated to America, Australia and all over Europe. Recently, however, probably because of our economic boom, we were suddenly confronted with inward migration. While it was perhaps a hot potato to deal with at the beginning, we have come to deal with it in many ways.

The area where I live is very cosmopolitan. Growing up, for years we had many German people retiring to west Cork as well as many English and Dutch people. All of a sudden, in any of the towns and villages, there is now a mixture of Polish and Latvian people, with perhaps



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some Chinese and so on, which adds a great flavour. When we talk about the situation of immigration having brought all sorts of problems and having increased crime, my personal experience is that, by and large, this has not been the case. There are criminals in all societies and, unfortunately, that is also reflected in the immigrant communities.

I would like to quote from the paper by Pat Folan, director general of the Irish Naturalisation and Immigration Service. I read with some interest his paper, in which he made some important points. It is important to note the constitutional position as set out particularly by Ms Justice Denham in a very important running in the Bode case. Pat Folan stated:

Therefore migration is entirely dependent on the approach of the receiving State.

Indeed, one of the most fundamental duties, in fact one of the defining features, of any nation state is the responsibility to safeguard the security and integrity of its borders. This duty has been confirmed by the Irish courts on a number of occasions, most recently last December [that would have been December 2001] in the judgement of Ms Justice Denham in her ruling in the Bode case. In her words,

In every State, of whatever model, the State has the power to control the entry, the residency and the exit, of foreign nationals. This power is an aspect of the executive power to protect the integrity of the State. [This is quite true of Ireland and other countries.]

It is this power that the Irish Naturalisation and Immigration Service and the Garda National Immigration Bureau exercise on behalf of the Minister. Put at its simplest, the State can and must regulate who can and can't enter the State. Therefore permission to enter or reside in Ireland, to again quote Justice Denham, is "a determination that the common good is served by giving benefits of residency to a category of foreign nationals — as a gift, in effect".

That is a clear statement of the legal framework, within which the Government must work. While the Minister of State might not have an immediate answer, perhaps he might come back to me if not in this House then in correspondence. Since the baseline of 1997, what has been the overall cost to the State of setting up the various structures to deal with immigration and so on? What has it cost over the past decade? What are the current costs and so on? I accept where we are. We are at this stage and we have gained much from the whole area of immigration.

The Minister of State and Senator Regan both referred to road safety and translation of papers. This is a very good thing. We often hear of unfortunate road deaths involving people from eastern Europe or other nations who normally drive on the other side of the road to the one to which we are accustomed. Is there a greater proportion of non-Irish nationals killed on our roads compared with Irish drivers? Is that a worrying trend or is it just that it is highlighted where we have an atrocious case of someone driving down the wrong lane on a motorway when four or five people are killed? Perhaps the Minister of State might reflect on that matter and come back to me.

I refer to the 2006 census figures, which showed there were then 408,000 migrants, representing 188 nationalities in Ireland. Eight of those nationalities have communities in excess of 10,000 people resident in this country. I presume this includes the Polish and possibly the Chinese and others. Will the Minister of State confirm whether this trend is increasing or, owing to the economic downturn in the past 18 months or two years, decreasing? While we often think of immigrants as people from eastern Europe or parts of Africa, it is interesting that in 2006 the number of Americans in the country had doubled — I presume since the

previous census. Also a statistic of some academic interest only is that there were 112,000 UK nationals who are not counted in the overall figures. Taking into account all the statistics we have and allowing for the fact there may be a small percentage of unaccounted for people in our system from various countries who have either come in illegally or crossed the Border from Northern Ireland, would it be fair to say we are much closer to an overall figure of 15% rather than 10%, which is the presumed position?

I accept the Minister of State is new to the Department. Obviously this would pertain more to large urban areas like Dublin or Cork. Is the Department concerned about ghettoisation of communities of migrants? I am not making that point to engage with the Minister of State in a difficult situation. I have read a lot and have been to Germany at least three or four times. There was a major problem at one stage — I felt the German authorities did not deal with it that well — of Turkish immigrants who formed ghettos and did not in any way integrate into German society. That was a worrying trend. It was not a few hundred here and there. I understand at one stage it was well in excess of 2 million or 3 million people. I would not like to see any ethnic minority coming to this country forming ghettos, streets or enclaves that might cause difficulties down the road for society.

My experience from the parts of west County Cork and Kerry, with which I am more familiar, is that people integrate quite freely. Younger people go to discos and pubs and shop freely. Five or six years ago I was in Youghal in east County Cork for a weekend. I happened to go to Mass on a Sunday morning not realising that it was a special Polish Mass for Polish immigrants. I was the odd one out in the church because it was all in Polish. It is good to see that in our society and churches, whether Catholic, Church of Ireland or whatever denomination, people practise their religion and can do so freely in this country. It is an indication of our open society.

I refer to the paper by Carmel Foley. The Garda Síochána Ombudsman Commission has taken on a new role in investigating the area of migration etc. In recent years as the Minister of State said in his contribution, there are approximately 600 — I presume — gardaí from various backgrounds involved in dealing with complaints etc. There was one particularly difficult case with which the Garda Síochána Ombudsman Commission had to deal. It involved the death of a person in, I believe, Tralee, County Kerry, while in custody. I am not sure how that ended up and it may be still *sub judice*. If that is the case, I do not expect the Minister of State to comment on it.

It is interesting that the Garda Síochána Act 2005, in setting up this new role, has given strong and extensive powers to the body for dealing with complaints against gardaí, particularly complaints concerning minorities and policing. For example, it has given powers to arrest and to detain for questioning, power to enter and search places and to take photographs, finger prints and bodily samples. It is interesting that in one instance the new body entered a Garda station under the remit of the chief superintendent of the area and carried out an investigation.

An outreach programme was set up to deal with the issues relating to gardaí, minorities and immigration. Will the Minister of State give us an update on how this outreach programme is working? Does it operate on a pilot basis or has it been developed extensively throughout the country and in both rural and urban areas?

It is important too that the Minister of State refers to the recent Bill on human trafficking. The Criminal Law (Human Trafficking) Act came into effect in June 2008. One of the downsides of immigration was trafficking, something that was totally alien to this country 20 years ago. This is a sinister crime and we have been obliged to introduce legislation to deal with it. We had an unfortunate situation in Wexford where, as a result of an attempt to traffic in humans, several lives were lost. There was a similar poignant case in the south of England

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where a large number of people died in a container. Human trafficking must be stamped out totally and I am glad the new legislation is in place.

We must be ever vigilant against trafficking. I am particularly concerned at the trafficking of women for prostitution or other abuse. This is appalling. Children are also being trafficked. Some gangs have been exposed in Italy and elsewhere that were involved in paedophilia. I urge the Minister of State to be extremely vigilant in this regard. Human trafficking is a deplorable act, but we must be even more vigilant where innocent women and defenceless children are involved. I wish the Minister of State luck in his brief and hope he will be able to respond to some of the issues I have raised. I will be more than glad to listen to his response.

**Minister of State at the Department of Justice, Equality and Law Reform (Deputy John Curran):** I thank Senator Regan for his comments and questions. There is nothing like Senator O'Donovan coming in on my first day to give me a hard time.

Before I refer specifically to some of the comments made, I would like to say that on previous occasions when I was involved in debate in this House on legislation, the Charities Bill in particular, the debate that occurred influenced and affected the outcome of the legislation. I hope that the same will happen when we talk about the issue of integration. This is not something on which any one person has all the answers. It is important that we listen attentively to the sort of debate we have had here today and elsewhere because other countries are years ahead of us. We need to learn from other experiences of what works.

Senator Regan mentioned that the previous Minister of State, Deputy Conor Lenihan, intended to establish a council, commission or task force but that we had rowed back from that. While that was his intention, we have had two budgets since then and we face a different economic outlook. Now, various bodies such as those are being brought back within Departments. That does not mean it is not important to consider such a council and I will look at whether some such committee or council should be established to allow the passing to me of information from those people who are directly involved or whoever is in this position. However, the type of plan envisaged by the Minister of State, Deputy Conor Lenihan, is not possible in the current economic climate.

I think Senator O'Donovan, who gave me such a grilling, forgot he is on the same side of the House as I am. I do not have the answers to all the questions he asked me, but I will refer to one or two. Since the census in 2006, the number of foreign nationals here continued to increase. In the fourth quarter of 2008, the CSO estimated there were 476,000 such persons aged 15 and over here. Out of a total population in that age profile of 3.5 million, this approximates to one in seven people being foreign nationals. The number of non-nationals was lower than in the earlier quarters of 2008 as the recession had begun to take effect. I do not have the figures to hand because the Senator did not advise me he wanted that information, but the drop is substantial in the registration for PPS numbers. The trend is substantially downward.

I wish to clarify one point made by the Senator. He referred to the 600 trained ethnic liaison officers within the Garda Síochána. They are not there just to deal with complaints. Their role is more than that, it is to work with communities, liaise with them and assure them of services and protection. They are not part of a complaints board *per se*. The Senator also asked me an awkward and complicated question about costs, going back to 1997. I will see what information is available on that. I thank the Senators for their contributions this afternoon.

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

**Senator Denis O'Donovan:** Ag leath-uair tar éis a deich maidin amárach.

## Adjournment Matters.

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### National Drugs Strategy.

**Senator Jerry Buttimer:** I thank the Chair for allowing me to raise this issue. I thank the Minister of State for coming in to deal with the issue of drug rehabilitation facilities outside Dublin. It must be acknowledged that we do not have enough beds for rehabilitation, particularly in Cork which has no detox beds. A report carried out by Dr. Mai Mannix highlights the fact that we should have 24 beds for the region, 12 of which should be in the city. There has been a lack of funding for drug rehabilitation over the years, particularly outside Dublin. As the Minister of State knows, rural Ireland has seen an increase in drug use and waiting lists have increased dramatically. According to the *Irish Examiner*, people in the midlands are waiting for extraordinary periods. Some 90 people are waiting in Athlone whereas 205 are attending its clinic, an increase of 53 from the end of 2007. The increase in the number seeking and availing of services has two implications, namely, putting a strain on drug treatment centres and pressure on the local and regional drugs task forces.

It is clear that the national drugs strategy has done good work, but the Government has failed to deliver a credible and competent rehabilitation service. Drug use has spiralled out of control in many regions. In some cases, the numbers seeking treatment for cocaine abuse have increased over a seven-year period. The drug prevention projects must, alongside rehabilitation, be the cornerstone of any strategy. The regions require treatment and rehabilitation centres, as outlined in articles 48 and 74 of the national drugs strategy. The mid-term review included it in the fifth pillar.

It is extraordinary that Cork has no detoxification beds. The rehabilitation centres are not enough. Drugs are a problem, but the lack of support is becoming a greater one, given the budgetary situation. If we are serious about a prevention and rehabilitation service, funding in these economically stringent times must be provided. We need growth rather than a cutback in the number of places and beds provided.

Rehabilitation involves a multiplicity of disciplines, be they statutory, voluntary or community organisations. People need support, resources must be strategically used and more beds are required at all levels. There are too few dedicated residential services to assist in the recovery and detoxification programmes. In the Minister of State's reply, will he refer to the southern region in this regard? As of last summer, nine counties had no dedicated residential services. This number is extraordinary, given this period of unparalleled drug usage, especially cocaine.

I thank those who work in the voluntary and State agencies and the local drugs task forces. I have concerns about the Health Service Executive, HSE, being the conduit for everything. Perhaps the Minister of State will make some comments in this regard. We have not lived up to our commitments in the national drugs strategy in terms of rehabilitation and detox. We need joined-up thinking.

During the past year, the *Irish Examiner* published a series of articles. The Minister of State saw the article yesterday that is specific to the matter of drug prevention facilities and so on. Drugs have infiltrated society. Stories such as those printed yesterday and in recent weeks highlight a failure of bureaucracy to channel money and to provide resources to people locally. I compliment the *Irish Examiner* in this regard.

This debate is not on Dublin specifically, rather on the regions which are suffering an increase in polydrug use. I hope to see a proper rehabilitation and detoxification programme in the new

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national drugs strategy. I also hope budgets will not be cut. The fifth pillar is pivotal. We need action, not words or empty promises, although I accept the Minister of State's bona fides.

The number of people seeking treatment in all corners of Ireland has increased. Slashed budgets and a lack of commitment will not help. While we live in a world of recessions and cutbacks, drug rehabilitation should not be affected. I hope the Minister of State's reply will be positive. I thank the Cathaoirleach for allowing me to raise the issue on the Adjournment.

**Minister of State at the Department of Justice, Equality and Law Reform (Deputy John Curran):** Significant changes have occurred in the pattern of drug use since the 2001-08 national drugs strategy was developed. In particular, the number of drugs involved has increased and polydrug use occurs to a greater extent. It is now accepted that problem drug use has spread throughout most of the country, presenting a broader challenge of bringing rehabilitation facilities.

The 2001-08 strategy focused on heroin which was a major problem in the Dublin area. The use of heroin has ameliorated to an extent in Dublin, with the overall number stabilising and the rate of new entrants to treatment dropping significantly by approximately 20% between 2001-02 and 2006-07. However, heroin use has become more widely dispersed throughout the country and is still a significant problem. It remains to be seen whether current economic problems might affect the numbers involved. The use of cocaine has grown, albeit from a small base, especially among younger adults. While it is a countrywide problem, it is most prevalent in Dublin, the east and the south.

The Government is responding to the drug problem and, in this context, a new national strategy is being developed for the 2009 to 2012 period. The steering group set up to develop proposals and make recommendations on a new strategy has made significant progress and I expect to receive its final report shortly. The new strategy will continue to focus on treatment and rehabilitation.

On 31 March, a Government decision was taken to include alcohol in a national substance misuse strategy. The development of a strategy encompassing both drugs and alcohol presents many challenges and will take a considerable period to finalise, especially given the nature and complexities of dealing with illicit drugs together with alcohol, a legal substance. In view of this, the national drugs strategy, for which I will seek Government approval before the end of May, will reflect as far as possible the combined approach that is now Government policy. However, when approved, it will be published as an interim strategy pending the drafting and finalising of a national substance misuse strategy.

The mid-term review of the national drugs strategy in 2005 identified rehabilitation as an area requiring development and it became the fifth pillar of the strategy. In this context, the report of the working group on drugs rehabilitation was published in 2007. The recommendations cover issues such as inter-agency working, medical support, employment, education, housing, child care and family support. The implementation of the recommendations is included in the programme for Government.

The Health Service Executive, HSE, has the lead role and has recruited a senior rehabilitation co-ordinator to progress matters. A national drug rehabilitation implementation committee commenced work last November. The setting up of this committee was a key recommendation of the rehabilitation report, representing an important step towards developing the continuum of care approach recommended for clients, as well as the inter-agency working required. I have requested the national drug rehabilitation implementation committee to undertake a review of the available rehabilitation facilities. I have asked it to identify the types of rehabilitation services being offered and the potential these services offer for the future.

In 2006, the HSE appointed an expert working group to provide an analysis and overview of known current residential treatment services and advise on the future residential requirements of those affected by drug and alcohol use. The report of this working group will feed into the work of the national drug rehabilitation implementation committee and its planning for the future.

In terms of providing facilities outside of Dublin, when we determine from the review the mix of services provided, the relative focus on drugs, alcohol and other addictions and the number of community-based and residential-based services, we will consider what flexibilities and improvements can be achieved to provide services that best meet the needs of the client. Obviously, all this will be done against the backdrop of resources available in the current economic climate.

Considerable resources are targeted at problem substance use in Ireland and the challenge over the coming years, given the current financial constraints facing the country, will be to maximise the overall effectiveness of that funding. In the context of the new national drugs strategy, the reorganisation of the HSE and the continued partnership of the community and voluntary sectors, I am confident we can improve on the already extensive network of services.

Overall, I believe that future development of services must be based on having in place a system that guarantees a continuum of care for people presenting for treatment and rehabilitation. I am determined to foster the development of integrated service provision and enhanced interagency working between the statutory, voluntary and community services to ensure successful outcomes are achieved for those endeavouring to rehabilitate from drug use.

Having travelled the country and met many people who have gone through different forms of rehabilitation, I wish to make two observations. First, I recognise that some people do not seek residential rehabilitation and there is an argument for it to be community based. It is important to examine this issue and determine the effectiveness of both. Much of the time people place considerable emphasis on residential rehabilitation, which is the topic raised by the Senator. While it serves a purpose and is fine up to a point, my second point is the subsequent follow-on, and is of equal importance, to allow those who come out to be part of a support group.

I have been Minister of State with responsibility for the drugs strategy for almost a year and there is no better way to learn than by travelling the country. In that regard, I have visited many rehabilitation facilities run by the HSE, as well as community and voluntary sector facilities, such as Sr. Consilio's Cluain Mhuire centres. For example, I have visited its centres in Athy, County Kildare, Bruree, County Limerick and in Galway. I also have visited a group of residential rehabilitation centres, including Hope House, County Mayo, Aiseirí in counties Tipperary and Wexford, Tabor Lodge, Cork, the Aisling centre, County Kilkenny, and the Rutland Centre, Dublin.

I visited Cork twice in the past six months, most recently last March, when I launched the new HSE treatment centre, Arbour House, in St. Finbarr's Hospital, as well as visiting Renewal, a residential rehabilitation centre for women, and the Anchor Treatment Centre, Mallow, which is a day rehabilitation centre. On my previous visit to Cork last November, I visited Tabor Lodge, Fellowship House, which is a residential centre for men, and Cara Lodge, an adolescent male residential rehabilitation centre. I specifically wished to mention those facilities because I had the opportunity to visit them. Sometimes, when one speaks, it is disingenuous to those who work in such facilities to indicate there are no services. I met the people involved in those facilities, all of whom are working in different ways in the community and voluntary sectors to provide a huge range of services and I acknowledge the great contribution such people are making to tackling this issue.

**Senator Jerry Buttimer:** While I thank the Minister of State for his reply, the people he mentioned would state they are struggling to cope with demand and that they require more resources. The Minister of State stated he had requested the national drug rehabilitation implementation committee to carry out a review. When does he hope to have this review published and implemented?

**Deputy John Curran:** I have not been given a date for it yet. Incidentally, that review pertains to all rehabilitation, community, voluntary and statutory.

### **Schools Building Projects.**

**An Leas-Chathaoirleach:** I welcome to the House the Minister of State at the Department of Education and Science, Deputy Haughey.

**Senator Fidelma Healy Eames:** I welcome once again to the House the Minister of State, Deputy Haughey. We continue our discussions.

**Minister of State at the Department of Education and Science (Deputy Seán Haughey):** I am delighted to be here.

**Senator Fidelma Healy Eames:** The matter I raise concerns Clifden community school and the building programme there. In the few minutes available, I seek a constructive discussion with the Minister of State and my purpose is to achieve helpful information for the entire school community of Clifden community school. In particular, the Minister of State should outline the timeframe for the commencement of construction for the new Clifden community school building that has been sanctioned for some time, explain the rationale for the blocks being encountered at present between the school and the Department of Education and Science and advise the school board and parents on how to advance the process towards the speedy delivery of the new school for Clifden.

Clifden community school has been told in a letter from the Department of Education and Science that it cannot proceed further in the stages towards acquiring a new school in that area. This makes no sense to me and I consider it an outrage. The Minister of State should explain what this means and the reason it cannot progress further. Is the Department stating the school is not entitled to a new building and, if so, what is the reason?

Clifden community school was built in the 1970s for 250 pupils. It was never finished by the Department of Education and Science because at the time the builder went under. Moreover, it has used prefabs for the past 20 years due to its growth, over time, to its present enrolment of 420 pupils. Windows need to be replaced on a daily basis and each morning the school is obliged to mop up and dry out rooms before classes begin. This is unacceptable and, as a teacher, I would not have liked to work in such conditions. They contribute to a bad atmosphere for learning and definitely affect educational outcomes. It also affects the morale of staff, pupils and parents.

While the building caters for 420 pupils at present, the school maintenance grant goes on the prefabs, which are old, and on the maintenance of a building that never was finished. The impending closure of another local school, Kylemore Abbey, means that numbers will be even greater next year. As the nearest post-primary school to Clifden community school is 30 miles away, the entire community has no choice but to send their children to that school. Its teachers are excellent and its leadership is very good — I know its principal. However, this does not mean the pupils' place of learning is suitable because the opposite is the case.

The school covers a large rural area in west Connemara and its parents' association has stated it does not have a choice as to where to send the children to school. It states that

although it has been waiting for a new building for ten years and has been moving on to different stages, it has been informed it cannot move on to the next stage. The association notes the school is in a CLÁR area due to its disadvantaged status and that although this is within the remit of the local Minister, Deputy Ó Cuív, the parents believe he has let them down. Their impression is that one might ask why one should come to west Connemara when one can get as many or more votes by visiting two housing estates in Galway city. The children's education is important to the parents of west Connemara, to the staff teaching in the school and to the children. One parent told the parents' association that her child now is being taught in the same prefab in which she had been taught 20 years previously.

This is a fairly grim case that requires addressing. Given the construction downturn, it would be as easy to build the school now as it was during the time of the Celtic tiger because prices will be lower. I again ask the Minister of State to address my three questions on the timeframe for the commencement of construction for the sanctioned new building and the Department's reason for the block, which is completely outrageous. I look forward to hearing the response in this regard and advice on how to help the community to move forward its application.

**Deputy Seán Haughey:** I am taking this Adjournment matter on behalf of my colleague, the Minister for Education and Science, Deputy Batt O'Keeffe. I thank the Senator for raising this matter as it provides me with the opportunity to outline to the Seanad the Government's strategy for capital investment in education projects and to outline the current position regarding Clifden community school, Clifden, County Galway.

At the outset, I wish to note that modernising facilities in our existing building stock, as well as the need to respond to emerging needs in areas of rapid population growth, is a significant challenge. The Government has shown a consistent determination to improve the condition of our school buildings and to ensure that the appropriate facilities are in place to enable the implementation of a broad and balanced curriculum.

All applications for capital funding are assessed in the planning and building unit of the Department.

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

Projects are selected for inclusion in the school building and modernisation programme on the basis of priority of need. This is reflected in the band rating assigned to a project. In other words, a proposed building project moves through the system commensurate with the band rating assigned to it. There are four band ratings overall, of which band 1 is the highest and band 4 the lowest. Band 1 projects, for example, include the provision of buildings where none currently exists but there is a high demand for pupil places, while a band 4 project makes provision of desirable but not necessarily urgent or essential facilities, such as a library or new sports hall. The proposed new school building for Clifden community school has been assigned a band 2 rating.

The new school building project for Clifden community school is based on a long-term projected enrolment of 425 pupils. The current enrolment is 423 pupils, including 19 post leaving certificate pupils. The proposed new school building includes general classrooms, science laboratories, a woodwork and construction studies room, a technical graphics room, a general purpose and dining area and other ancillary accommodation.



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The school authorities were informed in January 2008 that stage 3, the detailed design stage, for the project was approved but the project was not authorised to progress further at that time. In February, the Minister announced details of 43 major building projects to proceed to tender and construction and 25 high priority projects to commence architectural planning. The project for Clifden community school was not included in this announcement. Therefore, it is unlikely that it will be progressed further in 2009. Given the competing demands on the Department's capital budget, it is not possible at this stage to be precise about when this project will go to construction. The progression of all large scale building projects from initial design stage through to construction is dependent on the prioritisation of competing demands on the funding available under the Department's capital budget. The proposed building project for Clifden community school will continue to be considered in the context of the Department's multi-annual school building and modernisation programme for 2010 and subsequent years.

The allocation for school buildings in 2009 is almost €614 million. This represents a significant investment in the school building and modernisation programme. This level of funding for the building programme, at a time of great pressure on public finances, is a sign of the real commitment of the Government to investing in school infrastructure and will permit the continuation of progress in the overall improvement of school accommodation. I thank the Senator for giving me the opportunity to outline the current position regarding the school building project for Clifden community school, Clifden, County Galway. I appreciate that I have no good news but I am happy to clarify the position.

**Senator Fidelma Healy Eames:** These parents are having fortnightly meetings to advance the project. What can they do to move the school building forward, given the conditions children and teachers are in?

**Deputy Seán Haughey:** It is a matter of funding. The allocation for funding for this year is €614 million. The progression of school building projects is dependent on the prioritisation of competing demands on the funding available in the Department's capital budget. The Department is conscious of the needs of the school but is constrained in the allocation of funding for this year. The situation will be kept under review.

**Senator Fidelma Healy Eames:** That is unsatisfactory.

**Senator Ciaran Cannon:** I welcome the Minister of State and congratulate him on surviving the cull. He has been most courteous to Members in this House.

The parents of a number of children with special needs in County Galway have worked very hard in recent years to fill an educational void that exists for children with special needs in the three to six years age group. They have done so in child development centres located in Galway city, Ballinasloe and Tuam. The Department of Education has helped by funding the provision of teaching and special needs assistant hours and the centres have been very beneficial to the children involved in recent years.

Last year the parents became aware that this funding might not be available. After a number of interventions, the funding was made available. At this point the same message seems to be coming from the Department of Education and Science, that it will no longer provide funding for this valuable service, which cannot be provided within the mainstream education system in County Galway or most parts of Ireland.

Parents are confirming enrolment for September but are not able to enrol new children until they find out if ongoing funding will be available next year. The children catered for in these centres present with autism, severe learning disability and physical disability and the multi-

disciplinary staff who have assessed these children have recommended the child development centre placements as valuable, particularly in the absence of other appropriate educational placements.

I plead with the Minister of State that the current funding be made available so that the service can continue. Alternatively, this service could be incorporated into other permanent school facilities that exist in the area. I understand there may be an initiative in this direction and it would be most welcome. The funding in the child development centres could be diverted to other formal schools with boards of management and principals. The children could be cared for and educated under the auspices of these schools. I ask for one of these measures to be set up. Anyone who works with children knows that the most vulnerable time in a child's development is between three and six years. I hope the facilities provided in three locations in County Galway can continue.

**Deputy Seán Haughey:** I am taking this adjournment matter on behalf of my colleague, the Minister for Education and Science, Deputy Batt O'Keeffe. I am pleased to clarify the position on the matter.

The child development centres referred to by the Senator are health facilities managed by the Brothers of Charity Services, which provides a range of services in these centres for pre-school children aged between three and six years of age. The children attending these centres have a diagnosis of severe to profound general learning disability, autism or multiple disabilities. As an exceptional matter, the Department has provided funding to the Brothers of Charity Services to facilitate educational provision for a number of children attending the child development centres for whom it had not been possible to source a school placement.

The Government is committed to ensuring that all children with special educational needs can have access to an education appropriate to their needs, preferably in school settings, through the primary and post-primary school network. This facilitates access to individualised education programmes, fully qualified professional teachers, special needs assistants and the appropriate school curriculum.

The Department's policy is to ensure the maximum possible integration of children with special educational needs into ordinary mainstream schools within the child's community where this is in the best interests of the child and those with whom he or she is to be educated. However, there may be circumstances when full integration is not in the best interests of some children. In such cases, these children can attend special classes attached to certain ordinary mainstream schools. These special classes have the same increased levels of staffing and funding as are made available to special schools. Children with special educational needs attending special classes attached to mainstream schools may also, where appropriate, be integrated into ordinary classes for periods of the school day.

Children can also attend special schools that are dedicated to providing education for children with special educational needs. There are over 100 special schools in the country at present and these schools cater for children from four to 18 years of age. Each school has a significantly reduced pupil-teacher ratio, as well as special needs assistant support and increased levels of capitation. For example, special schools catering for children with a severe or profound general learning disability would typically have one classroom teacher and two special needs assistants per class of six pupils.

In County Galway there are approximately 12 special classes catering for pupils with severe to profound general learning disability, autism or a multiple disability. In addition, there are four special schools in County Galway catering for pupils with these diagnoses; one in Galway city and three new special schools established in Tuam, Carraroe and Ballinasloe in 2008.

[Deputy Seán Haughey.]

The Senator will be aware that the National Council for Special Education is responsible, through its network of local special educational needs organisers, SENOs, for allocating resource teachers and special needs assistants to schools to support children with special needs. The National Council for Special Education operates within the Department's criteria in allocating such support. A function of the council through its network of local SENOs includes identifying appropriate educational placements for children with special educational needs.

I understand the local SENO is continuing to liaise with the Brothers of Charity Services and the parents of children attending the child development centres to assist them in sourcing an appropriate school placement for the 2009-10 school year in cases where they are experiencing difficulty in identifying such placements.

I take this opportunity to emphasise that priority will continue to be given to provision for children with special educational needs. I intend to build on the progress that has been achieved in recent years, which has seen a large increase in resources for special needs. The National Council for Special Education will continue to support schools, parents, children and teachers. I thank the Senator for giving me the opportunity to clarify the position and to indicate that the local SENO is endeavouring to solve this problem.

**Senator Ciaran Cannon:** On the face of it, the reply seems positive and I thank the Minister of State for that. I ask that, in incorporating all the children who are currently attending the child development centres into either mainstream schools or the special schools which were mentioned, whatever resources are required be made available.

The Seanad adjourned at 5.15 p.m. until 10.30 a.m. on Wednesday, 29 April 2009.