

SEANAD ÉIREANN

Dé Máirt, 7 Meitheamh 2011.
Tuesday, 7 June 2011.

Chuaigh an Cathaoirleach i gceannas ar 2.30 p.m.

Paidir.

Prayer.

Business of Seanad

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

The need for the Minister for Health to outline the reasons HSE funding of €75,000 has been withdrawn from the suicide support and information system of the National Research Foundation at a time when the incidence of suicide is increasing.

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

The need for the Minister for Health to ensure the unacceptable waiting times for audiology — approximately 20 months — at Waterford General Hospital are addressed as a matter of urgency and to consider the recommendations made in the HSE report of the national audiology review group.

I have also received notice from Senator Brian Ó Domhnaill of the following matter:

The need for the Minister for Education and Skills to clarify the steps being taken to overcome the refusal of the planning application for a new school in Gort an Choirce, County Donegal.

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

The need for the Minister for Education and Skills to clarify his intentions in relation to the reintroduction of third level fees.

I regard the matters raised by the Senators as suitable for discussion on the Adjournment. I have selected the matters raised by Senators Gilroy, Cullinane and Ó Domhnaill and they will be taken at the conclusion of business. Senator Reilly may give notice on another day of the matter she wishes to raise.

I have been officially informed that a number of independent Senators among the Taoiseach's nominees to the House have formed a group. It consists of seven Senators — Senators Jillian van Turnhout, Eamonn Coghlan, Fiach Mac Conghail, Martin McAleese, Marie-Louise O'Donnell, Mary Ann O'Brien and Katherine Zappone.

Senator Terry Leyden: On a technical point, if one is a card-carrying member of a political party, is one entitled to be part of an independent group?

Senator Ivana Bacik: One certainly is.

Senator David Norris: On a point of order, that matter can be raised on the Order of Business.

An Cathaoirleach: It is not relevant.

Senator Terry Leyden: Is the Cathaoirleach trying to silence me?

An Cathaoirleach: I have circulated to Members a memorandum on decorum in the House. I ask them to familiarise themselves with it.

Order of Business

Senator Maurice Cummins: Today's business is Nos. 1 and 2. No. 1, the allocation of time for the Order of Business, will be taken without debate. We propose three minutes for party leaders and two minutes for other Members to conclude within 55 minutes, with the Leader having ten minutes to respond. Members will generally accept those proposals. No. 2, statements on the Fourth Report of the Special Rapporteur on Child Protection, will be taken from 4 p.m., with the contribution of each spokesman not to exceed ten minutes and the contribution of every other Senator not to exceed six minutes, with the Minister being called to conclude statements not later than 5.55 p.m.

Following a request from new Members, an induction training course on procedures in the House and how to put down amendments to Bills will take place on Tuesday, 14 June, in the audio-visual room.

Senator Darragh O'Brien: I welcome the formation of the second Independent group in the House.

I condemn outright the brutal murder in Donabate over the weekend. This is another gangland crime and I wish the Garda every success in its investigations. The attack was made with absolute disregard for human life or for people who happened to be holidaying in Donabate at the weekend. These crimes are a scourge in the city of Dublin and the country in general. I call on the Government to use every power it has at its disposal, such as the gangland crime legislation passed by the previous Government that gives additional powers to the Garda and to the Commissioner. These powers should be used rigorously to seek out those who carried out this brutal attack.

After we raised the issue last week, the Leader agreed to have a debate on the programme for Government. Could the Leader identify a date very shortly for that? I asked for it for several reasons but over the weekend the possible reintroduction of third level fees was mentioned. We must be clear on where the programme for Government lies. We have already discussed the household charge and Fianna Fáil will use Private Members' time to allow for proper debate on the issue. There was a 10% cut to agreed SNA and resource hours in our primary schools and there are other issues, such as the fair deal nursing home scheme and the JLC rates. It would help the business of this House if we were to set aside a full day to discuss many of the elements in the programme for Government. Education was mentioned last week and a debate on the programme for Government can encompass everything from health to education to the banking sector. The sooner we fix a date for this debate, the sooner I will stop raising it on the Order of Business.

Senator Ivana Bacik: I join other Senators in congratulating those Members who are in the new Independent group of Taoiseach's nominees. Senator van Turnhout is the leader, if an independent group can have a leader. We are all glad to see a new group being formed, it will add to the quality of debate in this House. I can inform Senator Leyden that it is possible for a card carrying member of a political party to be a member of an independent group. I should know because I was previously a member of the Independent group despite having been a card carrying member of the Labour Party.

Senator David Norris: A valued member.

Senator Ivana Bacik: It is perfectly possible and we all welcome it. I also welcome the induction training in procedures for new Senators. It is important and we can all learn from it. I hope to attend because it is useful for all of us to get a reminder of procedures in the House.

I join Senator O'Brien in condemning the killing in Donabate at the weekend. Like many others, I was on Donabate beach on Saturday with my children and it is appalling to think such a brutal murder would happen in such a beautiful holiday spot. Both sides of the House join in condemning that.

We have some good news from the weekend. The airline pilots' strike has been averted. That is a matter of great relief to anyone contemplating travel and it is a great relief to the tourism industry here.

I ask for a debate on the recommendation of the UN committee against torture, which recommended that a statutory investigation should be held into allegations of torture and degrading treatment in the Magdalene institutions. This has been a cause for a long time and there is an excellent article by Patsy McGarry in *The Irish Times* today. All of us, including Senators on the Government side, should support the call for some form of apology and compensation to be offered to the survivors of these horrific abuses by the State at this stage in the campaign.

Senator Jillian van Turnhout: I formally announce the establishment of the Independent group. The group comprise me as leader, and Senators Eamon Coghlan, Fiach Mac Conghail, Martin McAleese, Marie-Louise O'Donnell, Mary Ann O'Brien and Dr. Katherine Zappone.

I echo Senator Bacik's call in respect of the recommendations of the United Nations committee against torture with regard to the Magdalene laundries. The Minister for Justice and Equality will shortly bring proposals to Cabinet. I ask that the Seanad be given an opportunity, following discussions at Cabinet level, to discuss the recommendations he proposes. We will have considerable views on this important issue.

I welcome the call for a discussion on the programme for Government. Perhaps this discussion can be held on a thematic basis to ensure that we get richness and focus in the debate.

Senator David Norris: I have already complimented the Independent group so I do not feel it necessary to do so again. They know my good wishes.

I ask the Leader for a debate on the economy. I refer in particular to relations with our European neighbours. I welcome the fact that, in recent days, ambassadors were recalled to be briefed and sent out again to inform our European neighbours. This must be a two-way process. I am glad our ambassadors are involved in this. The German people and their representatives are, by and large, well disposed towards the Irish people and the Irish Government. That is good but some of them may be under some misapprehension. I hear talk about German banks bailing out the Irish people. In fact, it is the other way around. The Irish people, at enormous cost, pain and damage to institutions, including a reduction in special needs assistants and

[Senator David Norris.]

damage to health institutions, are bailing out our own and the European banking system. This includes substantial sections of the German banking system. They need to know that the Irish taxpayer is bailing out the German banks because they unwisely took a punt on our property bubble. That message must be got out there.

Senator Ivana Bacik: Hear, hear.

Senator David Norris: A mechanism must be found so that Mr. Trichet, Mr. Lipsky and Mr. Ajay Chopra can be invited to attend in Dublin and a select group of Members, including some new ones such as Senator Sean Barrett and Deputy Peter Mathews in the other House, could question them on behalf of the Irish people. It seems we are being partially ruled by international financial institutions. The Irish people are entitled to know how, why, to what extent and how we can get out of this mess.

I am deeply ashamed at the report of the United Nations committee against torture. It does not make me feel good as an Irishman to read the recommendations. Many of us spoke about the Magdalene institutions and I am glad that this determination has come. I pay tribute to those courageous people who have spoken out before, including people who were in the institutions. I refer in particular to Professor James Smith of Boston College, who motivated and spoke to groups from both Houses in the audiovisual room in Leinster House. The recommendations are simple: apologise, investigate and compensate. I am delighted to hear a spokesman on the Government side, my good friend and colleague Senator Ivana Bacik, call for these things. It is interesting that there are other recommendations, including ensuring budget cuts to human rights institutions do not cripple their activities. Where did we hear that before? We heard it here, in a major debate in Seanad Éireann, which was never covered. That is sad and I invite people to look back at the debate in anticipation of the report. Another recommendation is to provide further information on specific measures taken to investigate allegations of State involvement in rendition programmes. That was raised in this House.

An Cathaoirleach: Does the Senator support the call for a debate?

Senator David Norris: I support the call for a debate in light of these points. The committee was established of this House and I invite people to go back and read the proceedings of that committee. It was extinguished by political forces.

Refugee status has been raised in this House. When a group is gravely concerned about the Government's lack of follow-up to the Ryan and other reports, it is a reproach to the State, and we must play our part in ensuring, through debates in the Chamber, that the new Government follow through on commitments made when its Members were on this side of the House. I believed them and there is now an opportunity to show their good offices; I hope they will do so.

Senator Fidelma Healy Eames: I ask for two debates in the House. One relates to information in the newspapers today indicating that we are likely to have the lowest number of students in a long time taking honours maths this year. What concerns me most is that Project Maths, which is being rolled out in pilot schools now, will have a very low take-up. The Minister for Education and Skills must ask why, as Project Maths is meant to be the solution to making maths more accessible for our students at honours and ordinary level. Given the need for maths as a critical component for our smart economy and innovation we must know a little more about what is going on.

I mentioned the second matter last week. We spoke about bringing the chief executive of NAMA before the House and the Leader mentioned that he was looking at changes in the

Committee on Procedure and Privileges in that regard. It is important to ask the Minister for Finance, Deputy Michael Noonan, to address these questions. Senator Daly spoke last week about properties being bought by people who were bailed out in the first instance and the public is concerned about this. In every one of our towns and cities around the country, NAMA is having a real effect.

It was brought to my attention last night that Treasury Holdings, which owns the Convention Centre Dublin, has €500 million in debt but we still paid €200,000 for use of the centre during the Queen's visit. Why did that happen? Does it not appear that we are paying on the double? I would like an explanation.

Senator Darragh O'Brien: The Minister, Deputy Varadkar, signed off on that.

Senator Fidelma Healy Eames: Under the terms of the public private partnership for the convention centre, we will pay €3.7 million for the next two years and a further €2 million per year for 20 years after that. Is it not the case that the State is taking up the slack from both ends?

An Cathaoirleach: The Senator can make those points in the debate.

Senator Fidelma Healy Eames: We are only in a transitional period from the last Government and perhaps many bad habits remain which must be cut off at the root. I will be keen to hear what the Minister for Finance, Deputy Noonan, has to say on the matter.

Senator Mark Daly: I ask the Leader to bring the Minister for Transport, Tourism and Sport, Deputy Varadkar, before the House to discuss why the Irish Coast Guard Service has €5 million of equipment sitting in a warehouse in Blanchardstown despite being purchased two years ago. It has still not been installed in the marine rescue co-ordination centres in Malin and Valentia but the equipment in those stations is obsolete; the manufacturers issued a "death certificate" to the coast guard service in 2007 for the equipment, indicating that the existing equipment is liable to catastrophic failure at any moment.

It is hard to believe that a coast guard service dedicated to the cause of preserving lives is knowingly putting them at risk by having obsolete equipment *in situ* when brand new equipment has been sitting in a warehouse in Blanchardstown for two years. The manufacturer's warranty has now run out on the new equipment and the taxpayer is paying thousands of euro every month to the manufacturers to keep a warranty. Will the Leader bring the Minister before the House to discuss the matter?

Last week I raised an issue connected to NAMA, and we discussed Standing Order 56, which provides the facility to bring the Attorney General before the House. The Leader omitted to reply on the issue. The Attorney General and representatives of NAMA have asked me to provide evidence on the matter but do I look like the Garda Síochána, with an ability to investigate people conducting deals in the paperless world of darkened rooms? A source of the information wrote to NAMA and provided background information. We passed legislation to instruct NAMA on how properties should be sold but it is not following those rules. It is not selling them by auction or tender but in the most perverse manner imaginable, namely, selling them back to the people who originally borrowed the money from the banks, and doing so at greatly discounted prices and enormous losses to the taxpayer. I ask the Leader to bring the Attorney General into the House under Standing Order 56.

Senator Marie Moloney: I ask the Leader to invite the Minister for Finance to the House for a debate on the issue of young couples being evicted from their family homes owing to their inability to repay their mortgages. The number of couples affected, many of whom have young

[Senator Marie Moloney.]

children, is escalating daily. I do not know how anyone in this House can look these people in the eye and tell them why the same banks which are now turning the screws on them have been bailed out to the tune of billions of euro. I, for one, cannot look them in the eye because I do not know why this is being allowed to happen. In my own constituency, I am aware of a couple with young children who will be forced their family home for at least €100,000 less than what they paid for it, which will leave them with negative equity that they will never be able to repay. They will never again be able to afford to buy a home and will be blacklisted because they did not pay the full amount borrowed. There is absolutely nothing to show for the €100,000 they have left to repay. This couple will go on the social housing list or receive rent allowance. Why not sink the rent allowance into the home to keep this family in a house? I ask the Minister to provide for the couples who are in this situation.

Senator Labhrás Ó Murchú: During the debate on tourism last week, I suggested that we might invite the First Minister and Deputy First Minister of the Northern Ireland Assembly to address the Seanad and, perhaps, engage in a question and answer session. In the first instance, this is a matter for the Committee on Procedure and Privileges but I wish to go a step further by requesting the Leader and the committee to draw up a comprehensive proposal on how we might have return visits, the type of subjects we would cover and the structures that would apply. The last report produced on Seanad reform emphasised interaction between the Administrations on this island. During the recent elections there was considerable debate on reforming the Seanad but, while these demands are genuine, reform will take time. By developing a proposal based on what I suggest, however, we could signal one element of reform of the Seanad. I would like to think this issue could be addressed in the coming weeks rather than months. It would be well received by the First Minister and Deputy First Minister and would benefit the country because the subjects which could be discussed include tourism, agriculture, waterways, arts and culture. Such an initiative would be in the best interests of both parts of this island, as well as a credit to the Seanad.

Senator Paul Coghlan: I welcome the announcement regarding the new Independent group. Its establishment will be to the benefit of the House. It is being led by Senator van Turnhout and, while I do not know if it will have a Whip, I look forward to working with whoever is nominated for that position. The seven Senators make a formidable group, perhaps even the magnificent seven.

I was disturbed to hear Senator Daly's comments on the Irish Coast Guard. Like the Senator, I was concerned about Valentia and Malin Head. The only matter the Senator forgot to explain was why the previous Administration had this essential machinery stored for two years but we will no doubt get to the bottom of that quickly.

I also look forward to the meeting of the Committee on Procedure and Privileges on how this House can have a structured relationship with the Northern Ireland Assembly.

Senator David Cullinane: Like previous speakers, I acknowledge the formation, formally and finally, of the second Independent group and wish its members the best of luck in their endeavours. However, I again refer the Leader and the Cathaoirleach to comments I made on the recognition of Sinn Féin as a group in this Chamber. There is a great deal of discussion about reform of the Seanad and making it more inclusive. My party does not have a representative on the Committee on Procedure and Privileges, despite the fact that it has three representatives in the Chamber, and it is not given formal speaking time. For example, during last week's debate on the important motion tabled by the Leader's party on tourism, Sinn Féin was allocated two two-minute slots. I, therefore, ask that Standing Orders be amended to reflect the

fact that Sinn Féin is a group for the purposes of speaking time without allowances. We are interested in being given speaking time, not allowances.

An Cathaoirleach: The Senator should write to the Committee on Procedure and Privileges in that regard.

Senator David Cullinane: I have asked about this on many occasions and we have not received the response we want. If the Leader would sit down with us to have a discussion about these issues, it would be worthwhile and helpful. If we are not represented on the Committee on Procedure and Privileges, our voices will not be heard. This is the only opportunity we have to raise the matter.

I also refer to a commitment given by the Leader to ensure the duration of debates would be extended to three hours. According to the Order of Business, statements on child protection will only be taken for two hours. Will the time allowed be extended to three hours? This is an important issue and I am sure many Senators will want to make a contribution and be part of this important debate. I fail to see any reason the duration of the debate cannot be extended to three hours.

Like previous speakers, I am delighted Senator Ivana Bacik has said there will be a discussion at some point on the findings of the UN Committee Against Torture regarding the Magdalene laundries. We should go further; the House should unanimously endorse the recommendations made in the report. Its main recommendations need to be acted on. First, a formal apology should be issued to the victims; second, an independent inquiry should be held; and, third, we need to sing from the one hymn sheet and unanimously endorse the recommendations. If we are to have a discussion on this matter, we should examine the wider issues raised in the report. For example, it found——

An Cathaoirleach: We are not having the debate today.

Senator David Cullinane: With respect, the report also found issues relating to the penal system and prisons which need to be examined in the debate also.

Senator Michael D'Arcy: During a raid on a post office in County Wexford earlier today two people were injured, although their injuries are not life threatening. However, robberies have reached a new stage. Banks and An Post have protocols in place which have resulted in criminals gaining little from their wrongdoing, but we are moving to a new stage where shots are being fired to injure rather than to threaten people. I am concerned that post offices in rural Ireland are easy targets for serious criminals. With the advent of the motorway system, these serious criminals are travelling down in a few hours to do their business and follow their plans to use back roads and escape quickly. Will the Leader invite the Minister for Justice and Equality to the House for a debate on this issue which is crucial to the safety of those manning post offices and small bank branches in the countryside?

I ask the Leader to provide an opportunity for a full debate on security in rural and urban areas.

Senator Terry Leyden: I wish to propose an amendment to the Order of Business, namely, to allow the Minister for Justice and Equality, Deputy Alan Shatter, to come to the House to respond to the outcome of the deliberations of the Irish Human Rights Commission. It decided that we should establish a statutory mechanism to investigate the matters advanced by the Justice for Magdalenes group. It would be an appropriate opportunity for the Minister to redress the situation. The statement is significant. We all have a responsibility to apologise for what happened to young people in Magdalene laundries. Justice should be done in that case.

[Senator Terry Leyden.]

It was said by a Member in the Dáil on 17 December 2009 that the Department of Justice, Equality and Law Reform had irrefutable knowledge of the Magdalene asylum, as it was called, and that action should be taken in that regard because the treatment was appalling. That Member was Deputy Alan Shatter. I hope his actions speak louder than his words in that regard. I see from his website that he looks forward with hope. I hope the people who were affected by being in the laundries can look forward with some hope, and that he will give them hope.

The previous Government took action in that regard through the Department of Justice, Equality and Law Reform, but that was in advance of the decision of the United Nations committee. The circumstances have changed for the Government in that regard. The residents involved in the Justice for the Magdalenes group were used as slaves and ill treated. There is no question about that. When the Minister was his party spokesperson on justice in 2009, he stated categorically in the Dáil that the evidence is irrefutable. He put that on the record. I will elaborate further on the matter if the Minister is allowed to come to the House today to discuss the issue. I am sure he would be delighted to get an opportunity to put on the record the decision in that regard that the Cabinet presumably made when it met this morning. Let the Minister come to the House later this evening to make a statement on the matter. Let the House be relevant.

Senator Feargal Quinn: Last year criticism was expressed about newspapers that printed only bad news. A few of us said that we would make sure we have good news. I came across some good news today. NUI Maynooth has become the first and only university outside North America to be included in the 2012 edition of *The Princeton Review*, a guide to the best 376 colleges. It is good news. Let us ensure we look for good news every now and then.

I ask the Leader to consider inviting the Minister for Justice and Law Reform to the House for a wide-ranging debate. My attention has been drawn to a number of points that have cropped up in recent times. One was the reference by the Director of Public Prosecutions to the annual bill for gardaí waiting for cases that do not take place as they are cancelled when they come to court. The bill came to €17 million. That is an issue we can do something about.

In another case, a judge referred to the need for a garda to accompany prisoners to court every time they are mentioned. Even if it is only to remand the prisoner, he or she must be accompanied from a prison to the court. It takes two gardaí and a driver to take one prisoner and three gardaí and a driver to take two prisoners. Very often, nothing takes place and it is just mentioned that the prisoner has been remanded for another two weeks, for example. In Northern Ireland that is done by video link. It seems to me that it should be possible to do that. On that basis, the amount of Garda overtime, money spent and Garda time wasted does not make sense.

When the Minister for Justice and Law Reform comes to the House, could we ask him about the 2007 Coroners Bill which lapsed when the Government changed? I do not know why that was the case. The Bill was initiated in 2007 but it has not come into operation yet. It must come into operation at some point because it is required under European regulations. The European Convention on Human Rights has demanded that we ensure the required steps take place. These are some of the points the Minister for Justice and Equality could handle in the Seanad. It would give Members an opportunity to express their feeling on what should take place. I believe the Minister would welcome the opportunity to come before us to hear the views of Members.

Senator Paul Bradford: During the term of the previous Seanad, we discussed the Croke Park agreement and had an informal arrangement to continue that debate. It would be opportune for the Leader to arrange with the Government to have a substantive debate on the Croke Park agreement, which is deemed to be central to economic recovery. There was a commitment to substantial savings in public expenditure. If we are to return to economic growth and job creation, we must ensure, at a minimum, that the savings materialise as promised. I ask the Leader to request the Government for an update on the savings achieved in advance of the forthcoming budget.

Senator Thomas Byrne: I second Senator Terry Leyden's motion to amend the Order of Business. I do not wish to join the universal praise for the formation of another group of Independents in the Seanad. The Croke Park agreement was mentioned in the context of duplication in the public and Civil Service. This is more duplication. In the Lower House, Deputies Richard Boyd Barrett and Shane Ross are in the same grouping. I do not see why that cannot apply in the Seanad. I think the duplication is not appropriate and it is mind boggling that members of political parties can be members of an Independent grouping. I agree with Sinn Féin that it is totally wrong that it is excluded from the grouping. If it can be done, I would be more than happy to join an Opposition cross-party group to allow Sinn Féin to have speaking rights in the Chamber, when that party seems to be excluded.

Senator Ivana Bacik: The Senator should go ahead with that.

Senator Thomas Byrne: It does not seem to be allowed.

Senator Ivana Bacik: It is allowed.

Senator Thomas Byrne: It will further public scorn of the Seanad.

Senator Fidelma Healy Eames: The Senator should change the name of his party to the Fianna Fáil-Sinn Féin Party.

An Cathaoirleach: Let us proceed without further interruption.

Senator Thomas Byrne: It will further public scorn of the Seanad and I ask the Independents to consider bridging the gap of their differences and uniting in the interest of the efficiency of proceedings.

Cloud computing has been in the news and I am delighted that Senator Quinn has reminded us of the need for good news. Dell has announced jobs in that area. However, a report in the newspaper on Friday suggested that Government Departments are reluctant to use cloud computing. On the one hand we are promoting Ireland as a venue for cloud computing, but the Government will not actually use the service. I ask that the Minister with responsibility for public expenditure, who is responsible for public procurement, comes to the Seanad to discuss that issue. We have good news but the Government needs to ensure that departmental procurement policy follows suit.

Senator John Kelly: I welcome in advance that the Minister for Finance will come to the House. I call for a wide-ranging debate on finance matters. It was brought to my attention at the weekend by a number of business people who negotiated the restructuring of their payments and were sent new contracts to sign. Two of them signed and returned the contract without reading it. One person read it, but in all three cases, it was noted that the bank had added an additional 1% increase to the repayments. That needs to be addressed.

[Senator John Kelly.]

It was also brought to my attention, and this is news to me, that once a person guarantees a loan, following its repayment the guarantee stays in place, because one is not guaranteeing the loan, but the person who has taken out the loan. One is guaranteeing the person for life. People do not realise this. Once one guarantees a loan and it is repaid, one should contact the bank and tell it that the guarantee is now null and void. Otherwise, should the person look for a loan in the future, even in 20 years time, the guarantee that was put in place 20 years earlier is still in place.

I wish to speak about the post office robberies. I empathise and sympathise with Senator D'Arcy to a large degree. More security needs to be put in place for rural post offices. My sister was a victim in County Roscommon, when she was robbed at gunpoint. Thankfully the Garda was in a position to act quickly and arrest people. There is an issue with people moving from other parts of the country to rural areas and all of a sudden there are local robberies with information being given to their friends in whatever part of the country they left. It is a matter that deserves debate.

Senator Rónán Mullen: I respectfully disagree with my colleague, Senator Byrne. I believe the new Independent group of the Taoiseach's nominees is very welcome and I wish them well in their work. I remind them of what I earlier encouraged them to do and ensure they are independent. Let it not be said that the term "independent Taoiseach's nominees" becomes an oxymoron in this House, like military intelligence or male intuition. They should strive to ensure it is possible to be independent. In due course the voting record will show whether they are. Either way I am sure we will hear some fine contributions.

In keeping with Senator Quinn's determination to bring good news before the House, I draw the House's attention to an excellent initiative from the Irish Hospice Foundation through its hospice friendly hospitals programme. Today it launched a range of resources for end-of-life care in hospitals, an issue in which I have a particular interest. We in this House last year had the first ever Oireachtas debate on the need for better quality end-of-life care. I hope to initiate a cross-party group of Members of the Dáil and Seanad which would keep the focus on the need to improve the quality of end-of-life care in our homes, hospices and hospitals.

Today at the launch of these resources, which aim to bring hospice principles into hospital practice, we saw, for example, the family hand-over bag. We have all seen the indignity faced by loved ones of a deceased person who are handed a plastic bag with the personal effects of the deceased person. The hospice friendly hospitals programme of the Irish Hospice Foundation has excelled in drawing attention to these important and symbolic but very real gestures of care. We saw the family hand-over bag that is now used and an altar table that is available. We also saw the introduction of an end-of-life spiral symbol to show people in the hospital that there is a person who is dying or who has just died in order that people can die in circumstances where their dignity and that of their loved ones is respected. This is an example of something that can be achieved without a large allocation of resources. I ask the Leader to bring that initiative to the attention of the Minister for Health because I would like to hear the Government's plans to give further support to such initiatives, which are so important. We talk a great deal about human rights and the dignity of the person. We must never forget that people at the end of their lives are often forgotten, as are their needs, and we should draw attention to their needs.

Senator Jimmy Harte: I welcome the formation of the group of seven Independents. Perhaps we could have a seven-a-side match at some stage because there are some fit men on this side of the field and we would need to match them.

We are coming into the tourist season and I would like to relate an experience I had last week coming from Belfast after collecting my son from college. There are signs on the M1 pointing towards Dublin — one would think. As I continued along the road, the next thing I saw a sign for Omagh 22 miles away at which point I realised I had gone off the Dublin M1 road. There are actually two M1 roads. There is a northern M1 and a southern M1. I thought I was on the proper road, but I was not and it added an hour to my journey. Anyone coming to Belfast who wants to drive to the South will automatically stay on the M1, which ends up in Enniskillen. We should bring the matter to the attention of the Minister. It may be that those on either side of the Border would not want to give up that term, M1. The title of the other M1 should be changed to the M3, for example, so the route from Belfast to Dublin would have just one name.

When I related this to tourists, they said to me that when they leave Dublin Airport and see signs for the N7, N4 or N2, they automatically believe the “N” refers to “north”. Tourists who do not know the geography of the country presume they are going north when they go onto those roads. In other countries, signage is different. France, for example, uses the term “RN”, meaning *route nationale*, and thus has roads with titles such as RN 21. We should consider our signage on roads throughout the country. If one assumes “N” means “north” and that one is going north all the time, one could end up in Donegal rather than Mayo, which would be no harm. This can and does happen regularly. Perhaps the Minister for Transport, Tourism and Sport will consider the signage on the Belfast-Dublin road such that there will be no confusion owing to there being a different name on each side of the Border. I got confused because of the problem. The person to whom I told this ended up in Dungannon. When he asked for directions to Dublin at a petrol station in Dungannon, the staff there said he was the fourth person that day looking for directions to Dublin. I ask the Leader to bring this to the attention of the Minister for Transport, Tourism and Sport.

Senator Brian Ó Domhnaill: Cuirim fáilte roimh an díospóireacht a bheidh sa Teach ar an Déardaoin ar an straitéis 20 bliain don Ghaeilge agus toadhcháí na Gaeilge taobh amuigh agus taobh istigh den Ghaeltacht. Ba mhaith liom inní iomlán a chur in iúl. While I welcome the opportunity to have a debate on the Irish language on Thursday, I object vehemently to the position being taken by the Government not to afford any longer an opportunity to people living in the Gaeltacht areas to vote for board members of *Údarás na Gaeltachta*. The Government, which is in office for just three months, is already cancelling the opportunity of the people to have a democratic voice. We fought for over 800 years for the opportunity to have democratic institutions within this State, yet a new Government, less than three months in power, is deciding at Cabinet level, without consulting the people, that there will be no elections to elect community representatives to the board of *Údarás na Gaeltachta*. I oppose this step vehemently. I was planning to table an amendment to the Order of Business today on this matter but will instead give the Leader an opportunity to hear the discussion on Thursday. What is being done represents a retrograde step. The 86,500 people who live in Gaeltacht areas are being denied the opportunity of a vote, and this is wrong. As a democrat, I hope the new Government will reflect on the stance it has taken over the past week.

The fishing industry is worth approximately €800 million in exports and domestic sales to the economy. The industry is crucial to the future recovery of the country and is an integral part of the Food Harvest 2020 report. Last week I called for a debate on the fishing industry. I hope the Leader will see fit, in the next week or ten days, to have a debate on the fishing industry because a vital meeting of the Fisheries Ministers is taking place on 27 and 28 June in Europe at which the future of the Common Fisheries Policy will be discussed.

[Senator Brian Ó Domhnaill.]

As an add-on to the debate on the fisheries sector, I ask that we have an opportunity to discuss with the Minister a compensation scheme for fishermen who lost gear and pots off the Irish coast over the past month or so. Damage amounting to tens of thousands of euro was caused to fishing equipment. Many of the affected fishermen cannot afford to return to the waters without some compensation from the Minister.

While we are having a debate with the Minister, which is vital, it is important that we invite Commissioner Damanaki to the House in order that all Members would have an equal opportunity to debate with her the future of the Common Fisheries Policy.

Senator Denis Landy: I want to address the rise in the number of cannabis growing factories nationally. In my town this weekend, a cannabis factory was discovered by local gardaí. I ask the Leader to request the Minister for Justice and Equality to address that issue. Currently, one can legally import cannabis seed via the Internet or directly from anywhere in the world. Legislation is not in place to prevent this from happening. The Garda and the customs service have been extremely successful in preventing cannabis from being brought here through ports and airports, but this is a new industry in which cannabis seed is legally brought in. It only becomes illegal when the seed is germinated. We must address this issue urgently. In my own area of Carrick-on-Suir over the weekend and a number of weeks ago in Mooncoin, County Kilkenny two large cannabis factories were discovered in residential houses by the Garda. We must close down such factories. The Minister must come into the House to discuss the introduction of legislation to prevent cannabis seed from being imported legally and then becoming an illegal product.

To answer Senator Thomas Byrne with regard to the formation of groups, he might allow one or two of his own a free transfer to the group he wants to be allowed to form.

An Cathaoirleach: That is not relevant to the Order of Business.

Senator Jim Walsh: I would support any scheme to seek redress for the victims of the Magdalene laundries. There was one in my own town and it must be said quite a number of those who passed through the laundries had positive rather than negative experiences. However, a great deal of the report indicates that many had a negative experience and, therefore, there should be redress, but it must happen in a way that it will not become a cash cow for lawyers. It is imperative, in so far as any inquiries are made, that they are made without the attendant unsustainable costs of the legal profession. In that regard, will the Leader indicate if there is any intent on the part of the Government to implement in the immediate future the recommendations of the Competition Authority which date back to December 2006 when it sought independent regulation of the legal profession? I note some eminent senior people within the Administration have put up a defence for the exorbitant fees charged and the uncompetitive practices that have afflicted not only the State but many individuals because of our failure to tackle the abuses within the profession in an appropriate way. I refer, in particular, to barristers, even though I am aware the same is often said about solicitors, but there is at least some competition in that respect.

I support the comments of Senator John Kelly who sought a debate on the economy. It is essential that in this Seanad we keep our focus on the various challenges facing the country. I would like to believe the Seanad will play a constructive role in that regard, as it has in the past.

While many in the newspaper industry, whom I noticed had showed up here on day one but have not been seen since, would be critical of the Seanad, they have not listened to or compared the debates that have happened in this House on the challenges we face——

Senator Mary M. White: Hear, hear.

Senator Jim Walsh: —with those that have happened in the Lower House. We need to step up our game in this regard. I am concerned that the drag on the Government by elements within the Labour Party not to face up to our difficulties could be ruinous for the whole economy and for each and every citizen in the country, particularly our young people. I, therefore, ask that we have a debate on this issue under the headings of banking, fiscal rectitude — in other words, the deficit that must be tackled and overcome — competitiveness and growth. In that regard, it is welcome that a debate will take place tomorrow which will focus on the competitiveness aspect. I suggest for the Leader's consideration that over a fortnight before the end of this term we have a debate on each of these component parts and invite somebody who is objective and fair and an expert on the subject to address the House.

An Cathaoirleach: There is no provision for that.

Senator Jim Walsh: That could be done. Surely we can make provision for it.

An Cathaoirleach: Provision can only be made for distinguished people to come in. It is a matter for your party to take it up with the CPP.

Senator Jim Walsh: I do not want it to be buried in a basket somewhere by putting it to the CPP. If we are talking about Seanad reform, then we must be innovative.

An Cathaoirleach: It is a matter for your representatives on the CPP. You can write to the CPP.

Senator Jim Walsh: In the past, under a former leader, people from outside this Chamber addressed the House and we followed that up with a question and answer session. These things can happen if the will is there. People connected with the public service can also be brought in. We must find ways and means of doing this because the situation is too serious. We are all paid out of the public purse and people out there are depending on us to come up with solutions to problems.

An Cathaoirleach: You can take this up with your representatives on the CPP.

Senator Jim Walsh: I ask that we do this. I ask the Clerk of the Seanad to play her part as well. There is no point in people putting obstacles in our way. We want to find solutions to the problems, not identify the problems. Everybody knows the problems. We must do this in a constructive way.

An Cathaoirleach: The Clerk has no role in this, as you well know.

Senator Trevor Ó Clochartaigh: Ba mhaith liom mo bhuíochas a ghabháil le Ceannaire an Tí as ucht chomh sciobtha agus a tugadh chun cinn an díospóireacht maidir le cúrsaí Gaeilge agus Gaeltachta. Ag tagairt don phointe a rinne mo chomhleacaí, an Seanadóir Cullinane, tá sé fíor thábhachtach go dtabharfar am cuí d'ionadaithe Shinn Féin le labhairt ag an díospóireacht sin, mar tá cuid mhaith ceisteanna, mar a d'ardaigh an Seanadóir Ó Domhnaill ar ball, maidir le todhchaí an údaráis ach go háirithe agus maidir leis an ról daonlathach atá ann ó thaobh muintir na Gaeltachta de le vótáil ar chúrsaí an údaráis agus ar bhord an údaráis.

Chomh maith le sin, i gcomhthéacs an gearradh siar ar mhaoiniú a rinneadh ar an údarás faoin Rialtas deiridh, tá go leor ceisteanna ardaithé thar an deireadh seachtaine ag na fógairtí a rinne an tAire ar an Déardaoin. Ba mhaith liom a fhiafrú den Cheannaire an bhfuil aon bealach gur féidir an méid ama atá leagtha amach don díospóireacht sin a leathnú go dtí trí

[Senator Trevor Ó Clochartaigh.]

uair a chloig, mar a moladh an tseachtain seo caite maidir leis na díospóireachtaí, mar tá mé cinnte go mbeidh neart le rá ag daoine ar ghach thaobh den Teach maidir leis an straitéis 20 bliain.

Díospóireacht eile atá uaim ná díospóireacht maidir le cúrsaí taistil tuaithe. Tá sé tagtha chun cinn go bhfuil inní ar na daoine atá ag plé leis na cláracha taistil tuaithe ar fud na tíre go bhféadfadh an clár a bheith i mbaol. Tá mé cinnte, de réir an méid a bhí le rá ag Fine Gael roimh an olltoghchán, go bhfuil siad i mór i bhfábhar an cláir taistil tuaithe agus tá mé ag glacadh leis go bhfuil siad fós, agus Páirtí an Lucht Oibre chomh maith céanna. B'fhéidir go mbeadh sé go maith dá dtiocfadh an tAire cuí isteach sa Teach le léiriú dúinn cén todhchaí atá ag an gclár sin, mar go bhfuil sé riachtanach ó thaobh daoine a thabhairt chuig an ionad pobail, daoine a thabhairt chuig na siopaí, chuig dochtúirí agus mar sin de. Laghdódh sin an inní atá amuigh sa bpobal maidir leis an dream atá ag plé leis an rural transport scheme. Ba mhaith an rud é nach mbeadh inní orthu faoi sin feasta.

An Cathaoirleach: I call on the Leader to reply.

Senator Maurice Cummins: I join the Leader of the Opposition, Senator O'Brien, in complimenting the new group that has been formed in the House. They are excellent people and will do a great job here.

We are all appalled at the recent murder of a gentleman in Donabate. We extend our sympathies to the family of the gentleman in question and hope that the Garda Síochána will apprehend somebody at an early stage for this vile crime.

There were requests last week for a debate on the programme for Government. Rather than having a wide-ranging debate on the programme, we should break it down into various areas such as finance, education and so on, in order to have more focused debates in each area over the coming weeks. That might satisfy everybody and people can have a say on particular aspects of the programme for Government.

Senators Ivana Bacik, Jillian van Turnhout, David Norris, Jim Walsh and Terry Leyden, among others, referred to the report of the UN Committee Against Torture on the ill-treatment of residents in Magdalene laundries. The Cabinet will discuss this matter on Thursday and have proposals afterwards. I will be inclined to accede to the request for a debate after the Cabinet meeting but not today after the Order of Business. Therefore, I do not propose to accept the amendment to the Order of Business proposed by Senator Leyden.

Senator Terry Leyden: I accept what the Leader has said.

Senator Maurice Cummins: Senators David Norris, Fidelma Healy Eames and Mark Daly have requested a debate on the economy. The Finance (No. 2) Bill will be before the House in a fortnight. I have spoken to the Minister for Finance in that regard. On Second Stage he is prepared to allow Members to expand their contributions to deal with a number of the matters on which a debate has been requested, including NAMA and a number of other financial matters. Rather than allocating two hours for the debate on Second Stage, we can extend the time to be allotted. I hope this will satisfy those Members who have sought a debate on the economy and related matters.

Senator Fidelma Healy Eames sought a debate on education, a subject also mentioned by other Members. I hope to have the Minister for Education and Skills come before the House next week to deal with the issue of language support teachers for special needs pupils. Members can also raise other education matters during the statements.

Senator Mark Daly raised the matter of the Attorney General requiring evidence from him. Last week in the House he made an allegation of corruption against NAMA. I presume he has evidence of the allegation of corruption he mentioned under privilege. We will certainly discuss the matter at the meeting of the Committee on Procedure and Privileges tomorrow.

Senators Paul Coghlan and Mark Daly discussed the issue of Irish Coast Guard equipment at the stations on Malin Head and Valencia. It is dreadful that new equipment has been in storage for two years and not been used. My information is that both Irish Coast Guard stations will be refurbished and that the equipment will be put in place at that time. It is an indictment of the previous Minister for Transport that €5 million was spent on new equipment which was not put in place. I am sure the Minister for Transport, Tourism and Sport will be delighted to address the House at later stage.

Senator Paschal Moloney raised the serious matter of mortgage repayments. There is a two-year moratorium with regard to institutions guaranteed by the State. This is a matter that can be addressed during the debate on Second Stage of the Finance (No. 2) Bill in a fortnight.

Senators Labhras Ó Murchú and Jim Walsh called for an invitation to be issued to the First Minister and the Deputy First Minister. This can be done. We will discuss the matter at the Committee on Procedure and Privileges tomorrow.

Senator David Cullinane asked why Sinn Féin could not be represented on the Committee on Procedure and Privileges. Sinn Féin has only three Senators and five are required to form a group for representation on the committee.

Senator David Cullinane: With respect, Standing Orders can be changed.

Senator Maurice Cummins: That is the reason Sinn Féin is not represented on the committee. If Senator Thomas Byrne wishes Fianna Fáil to give up one of its positions——

Senator Thomas Byrne: I did not say that.

Senator Maurice Cummins: The Senator suggested Fianna Fáil might form a group with Sinn Féin which would allow extra space.

Senator David Cullinane: That is a trivial response. With respect, the Leader of the House is not taking the issue of reform seriously. There is an issue with our speaking rights in the Chamber.

An Cathaoirleach: The Leader of the House to continue, without interruption.

Senator Maurice Cummins: Senator Michael D'Arcy raised the issue of post office robberies throughout the country. In that regard, there is a need for a debate on law and order issues. Debates have been sought on various issues relating to the Department of Justice and Equality. The Minister will come before the House next week to discuss renewing the terms of the Offences against the State Act. He will also come before the House to discuss law and order issues and, I hope, the report of the Inspector of Prisons in the coming weeks.

I am sure we would all like, with Senator Feargal Quinn, to congratulate NUI, Maynooth. As he stated, it is good to have good news. He also raised a number of matters relating to the Minister for Justice and Equality, including the Coroners Bill and the cost of people being remanded. In that regard, he suggested the use of video links. It is an excellent idea on which we can arrange a debate with the Minister.

[Senator Maurice Cummins.]

Senator Paul Bradford called for a discussion on the progress report on the Croke Park agreement. The previous Seanad discussed this issue and we can certainly arrange another debate on it.

Senator John Kelly raised the issue of the banks with regard to restructuring loans and people having to pay an additional 1% without knowing this because they did not read the small print. I am sure the Minister for Finance, Deputy Michael Noonan, would be delighted for this issue to be raised during discussions on the Finance (No. 2) Bill in a fortnight.

Senator Rónán Mullen raised another important item — the quality of end of life care. Next week the two Ministers of State at the Department of Health will come before the House to deal with a number of matters, including the fair deal nursing homes scheme on which last week Members called for a debate. There will also be statements on primary care. I advise Members that these items will be discussed next week having been requested last week.

Senator Jimmy Harte raised the issue of road signage. This matter urgently needs to be addressed and we will raise it with the Department and the Minister.

Senators Brian Ó Domhnaill and Trevor Ó Clochartaigh called for a debate on the Irish language. We have acceded to this request and the debate will be held this week. Senator Ó Domhnaill also discussed the fishing industry, on which there is a need for a debate. However, after three days I have received requests for a debate on approximately 30 items. We will do our best to fit in as many as we can.

Senator Rónán Mullen: On Fridays.

Senator Maurice Cummins: Senator Jim Walsh raised the report of the Competition Authority on legal fees and other services. This matter was addressed in the IMF-EU bailout programme and can be dealt with here also.

Senator David Cullinane referred to the amount of time allocated for a debate. If there is not sufficient time today for the debate on the child protection report, the debate can be resumed and continued in the weeks ahead. We will ensure those who wish to speak in the debate will have time to do so. I cannot be any more reasonable than this.

Senator Jim Walsh asked about bringing distinguished persons to the House. On the first day we met I indicated we would proceed with bringing distinguished persons to the House. Whether we can expand this will be discussed at the meeting of the Committee on Procedure and Privileges. My aim is to make the House as relevant as possible. In that regard, I will be amenable to any suggestions by which we can do so and improve its workings.

We have a rota for Private Members' time which is as follows: 8 June, Fianna Fáil; 15 June, Independent Taoiseach's nominees; 22 June, the Labour Party in Government time; 29 June, Independent university Senators; 6 July, Fianna Fáil; 13 July, Fine Gael in Government time; 20 July, Independent Taoiseach's nominees; and 27 July, Independent university Senators. That is the programme for Private Members' time until the end of this session.

An Cathaoirleach: Senator Leyden proposed an amendment to the Order of Business, "That the debate with the Minister for Justice and Equality on the Irish Human Rights Commission's recommendations and the statement by the United Nations Committee against Torture on the matters advanced by Justice for Magdalenes be taken today" but has indicated he will withdraw it.

Senator Terry Leyden: I withdraw the amendment because the response from the Leader was very comprehensive. It is vital that the Government discusses this issue before it comes before the House. I thank the Leader for such a comprehensive response. He gave a commitment that the Minister would come to the House to discuss the issue.

Order of Business agreed to.

Allocation of Time: Motion

Senator Maurice Cummins: I move:

That the Leader of the House be called to reply to the Order of Business no later than 55 minutes after the proposal of the Order of Business; that the contribution of each group leader shall not exceed 3 minutes; the contribution of every other Senator shall not exceed 2 minutes; and the reply of the Leader of the House shall not exceed 10 minutes.

Question put and agreed to.

Sitting suspended at 3.45 p.m. and resumed at 4 p.m.

Fourth Report of the Special Rapporteur on Child Protection: Statements

Minister for Children and Youth Affairs (Frances Fitzgerald): I welcome the opportunity to speak on the rapporteur's report. I also take this opportunity to congratulate Senators on their election to the House.

I am delighted to be here as it is important that we debate the reports that are available on child protection. This report is one of series which I will receive in the coming weeks and months regarding child protection issues and the situation of Irish children in a range of areas. It is important that we examine these reports in detail, consider the recommendations and do our best to implement them.

The reports paint a disturbing picture of the state of child protection. We know from the reports that have been received in the last few years that there is an ongoing task to be carried out on strengthening the law and improving our services. The issues which affect the lives of Irish children are of major importance to the Government. This is reflected in the decision to establish, for the first time, a dedicated Department of Children and Youth Affairs. The Department, which formally came into being last week, will lead the development of harmonised policy and quality integrated service delivery for children and young people. "Harmonised policy" and "quality integrated service delivery" are two important phrases. We have not had harmonised policy in this area and we have seen from the reports that there has not been quality integrated service delivery. We need to ensure that will happen now.

The Department will carry out specific functions in the social care field and drive co-ordinated action across a range of sectors, including health, education, youth justice, sport, arts and culture. The Department will have core responsibility for a number of areas including education welfare, the youth justice system, early childhood care, youth work services and child protection. They are the core areas because we must ensure, first, that children are safe, that they have adequate health and education services and that young people are given opportunity. There are 1.1 million young people in this country and what is more important than ensuring they get the opportunity they need and the range of services which make a difference to the quality of their lives? The presence of a Minister for Children and Youth Affairs at the Cabinet table will facilitate the development of a seamless approach to the delivery of services for Irish children.

[Frances Fitzgerald.]

We must ensure that the maximum protection possible is afforded to the most vulnerable members of society, our children. We will set a wide and challenging agenda covering all aspects of child welfare and protection services. I welcome the opportunity to discuss the recent publication of the 2010 report of the special rapporteur on child protection, Mr. Geoffrey Shannon. He is a leading authority in the field of child law and his work is of enormous value to the child welfare and protection services. I thank him for his painstaking work.

As Members will see from the report, Mr. Shannon goes into huge detail on four areas. He examines youth homelessness and makes recommendations, and examines the right of children with mental health difficulties to be heard. There is a huge focus on mental health issues. I have just come from a seminar on mental health and young people. It is really encouraging to see the amount of work being done throughout the country by young people to deal with the stigma associated with mental health issues in the past and their efforts to change this. They are using art, drama, group work, working in schools and holding seminars to address this topic. The rapporteur also deals with children and the criminal law, and the trafficking of children and prostitution.

Mr. Shannon makes detailed recommendations in each of the areas. Of course, many of the recommendations will have resource implications. The clearly critical issue is the type of resources that will be available to implement the type of work he says is necessary. We are living in a time of limited resources and we must seek greater value for money and reform in how we deliver many services. This applies equally to this area. Reform in the delivery of services and evaluating what works with families will be a critical part of the Department's approach. We must examine what the research tells us about what works for children and families, learn from it and transfer it across the sectors.

The report has implications for a number of Departments and State agencies. It includes a detailed examination of systemic issues and points to solutions with the potential to improve the lives of children and young adults. I will discuss a number of areas in the report. If Members raise other issues, I can return to them in my reply, as well as to issues I might not get to address in these opening comments.

One of the main issues the rapporteur addresses is youth homelessness, on which he makes a series of recommendations. The most important is that a full and comprehensive review of the co-ordination, implementation and continued relevance of the youth homelessness strategy be undertaken. A number of Members of the House have a particular expertise in this area and I look forward to hearing their comments. I accept the rapporteur's view that a review is necessary and I have identified youth homelessness as a priority issue in 2011.

Last month, the Department organised a youth homelessness seminar with key stakeholders to assess and review the current demand for services, the progress made to date on the strategy and the need to address outstanding deficits in this area. We all know there are deficits. The stakeholders involved include Focus Ireland and the Irish Association of Young People in Care. These are an important group who are very vulnerable when they leave care in terms of housing and services. We have discussed this in the child care legislation, and we must look at services for when a young person leaves care. No more than in an ordinary family, young people need ongoing support, and we have made progress in this area. That has been highlighted, not least by the young people in care and research in this area.

The other stakeholders were the Ombudsman for Children and the HSE. That consultation process will be ongoing with these groups which are the key providers in this area, and we will make progress working with them. It is interesting to note, however, that the number of homeless children has declined in recent years.

Mr. Shannon made the point about the quality of information available to us. He recommended the removal of the age limit of 18 years on the provision by the HSE of homeless and after care services and improved co-ordination between local authorities and the HSE in tackling homelessness through the provision of social housing.

Interagency co-operation is a major issue and of concern to many people. We must focus on quality interagency co-operation, especially in this area and in service delivery in general. It can be part of a proactive reform agenda to look at how agencies work well together and how to avoid overlap while continuing to deliver quality services. The development of the new children's services committees will form an important aspect of the co-ordination and will help agencies to work well together. I see a children's services committee in every county bringing together service providers, with some good pilot projects taking place in this area. We must now decide on the model that will be developed and ensure this happens.

The provision of a 24-hour out-of-hours social work service or an alternative mechanism was a further recommendation, with the discontinuance of the use of Garda stations as part of the out-of-hours service.

I share Mr. Shannon's concerns about the quality of information on the number of homeless children accessing services. Work is under way to improve the quality of information collected on the number of young people under 18 years who are homeless, and to establish what areas of the service are working well and where further improvements are needed.

It is also important to acknowledge the services which have been put in place and which are operating well. The HSE provides a crisis intervention service in the Dublin region on a 24-hour basis, seven days a week. This service provides an out-of-hours emergency social work service to vulnerable children. Previously there was concern about the lack of a standardised national system outside the Dublin area whereby gardaí can access an appropriate place of safety for children found to be at risk out of hours. The service is provided by a private foster care company and has foster families on call and available throughout the country to receive a child. The provision of this service aims to ensure children presenting as at risk outside of normal working hours are provided with an appropriate emergency place of safety, thereby reducing or eliminating social admissions of children in an acute hospital setting, and also addressing the use of Garda station facilities.

I can also advise the House of significant progress on two upcoming pilot projects involving out-of-hours social work services in Donegal and Cork. A number of reports have stated the need for out-of-hours social work services. This has probably been a resource issue but it is important the pilot projects are now up and running and we can see their cost and how they work. They are in line with the implementation plan prepared in response to the findings of the report of the Commission to Inquire into Child Abuse. Arrangements for these pilots are being finalised and will provide a model for the future development of out-of-hours social work services which will be informed by those two upcoming pilot projects

I mentioned the need to prioritise child protection. The harsh reports on the experience of children indicate that we have a lot of work to do in this area. Mr. Shannon makes several recommendations on the Children First guidelines, most notably that they be put on a statutory footing, thereby ensuring a collective duty to report concerns of neglect or abuse of a child. There is still evidence that cases of abuse do not get reported and there is an ongoing ambivalence in various sectors about reporting, sometimes as a result of concerns about data protection or to whom to report. There is no doubt there have been improvements, but there is a need for greater focus on the area and to be clearer with people on their duties and obligations.

I will shortly bring proposals to Government in conjunction with the Minister for Justice, Equality and Defence in which will be set out a series of proposed actions on the strengthening

[Frances Fitzgerald.]

of Children First. It is my intention to publish a revised set of Children First guidelines in the very near future and these will be supported by a child protection practice guide to be published by the HSE. It is one thing to have guidelines but to ensure they are implemented there must be a commitment by all agencies that come into contact with children. There must be clear practice guides as to the action to take in order that no one is in any doubt about to whom he should report or what to do if he discovers a situation where he believes a child is being abused.

The operation of the guidelines will be supported by an assurance framework which will set out the responsibilities of each Department and sector working with children. Every Department has a role to play in the implementation of these guidelines. It is not just about my Department. This involves the Department of Education and Skills, the Department of Health and the Department of Transport, Tourism and Sport, where people are working with young children in a sports setting. We need all Departments to be clear about their areas of responsibility while also being clear that the community has a role, that this is not just a job for social workers, and that people must act if they have a concern about the safety of children.

In line with commitment in the programme for Government, legislation will also be introduced to put the Children First guidelines on a statutory footing, a key priority for me as Minister. I am pleased to say substantial work has been done to progress this in recent weeks and I will be outlining further details of these proposals very shortly.

In his report, Mr Shannon expressed the view that the failure to regulate the exchange of soft information severely compromises the protection of children in the State. I am working closely with the Minister for Justice and Equality to put in place additional safeguards for children, including finalising the national vetting bureau Bill, which will include provisions of legislation on soft information and vetting. This is important and challenging legislation which will be designed to introduce greater safeguards for children while also having regard for the protection of the constitutional rights of any person who may be affected by this proposed law reform. Policy in this area will take account of the recommendations of the Oireachtas Joint Committee on the Constitutional Amendment on Children.

The joint interviewing of children involving gardaí and social workers was an area of concern. There was a feeling it was very upsetting for children if they were being interviewed again and again and we must ensure we avoid such duplication while having due regard to the legal process. A national network of interview suites has been established by the Department of Justice and Equality and An Garda Síochána for recording statements by those who are under 14 years of age against whom physical or sexual abuse or both are alleged to have been committed. This is a step forward in terms of how child victims of sexual and violent abuse are dealt with by the criminal justice system. The facilities are designed to help put the child at ease and address, in a more relaxed atmosphere, any trauma they may have gone through. I am delighted that these facilities are in place and are being fully utilised. The establishment of this network of facilities is an example of different Departments and agencies working closely and effectively together in the interests of the child.

As outlined in the Children First guidelines, An Garda Síochána and the HSE child welfare and protection services have different functions, powers and methods of working. The specific focus of the Garda is on the investigation of complaints and establishing whether a crime has been committed. Joint working between An Garda Síochána and the child welfare and protection services is integral to an efficient child welfare and protection service.

The involvement of An Garda Síochána in cases of child abuse stems from its primary responsibility to protect the community and bring offenders to justice. Where it is suspected

that a crime has been committed, An Garda Síochána will have overall responsibility for the direction of any criminal investigation.

I met members of An Garda Síochána, up to assistant commissioner level, to discuss joint working with the HSE, including joint interviewing. There are interesting initiatives on this in the North and we can learn and address the issues raised in the report. As made clear in the programme for Government, we will establish a new children and families support services agency, which will see children and families services separated from the HSE. This has been recommended by many and generally welcomed by those working on the front line. It is a major task, but we have started and must ensure the new agency has the budget and support to do its work. It should make a difference on the ground as services for children are reorganised into the new agency, which will be responsible for a wide range of support services for children, young people and their families, and which will report directly into my Department through its chief executive. This is a change from how children's services have been organised until now.

Mr. Shannon makes several recommendations on trafficking of children and prostitution, including consideration of the position in Sweden and other countries in which the purchase of sexual services has been penalised, with a view to introducing a similar system here. He says legislation should be introduced to criminalise grooming of children and that Ireland should ratify the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. Ireland has already signed this protocol but not ratified it. Work on the legislation is being done to enhance the protection of children against sexual abuse and exploitation, including exploitation through prostitution and pornography. This is at an advanced stage of preparation.

I am sure Senators are interested in the report published in the United Kingdom yesterday, concerning the exploitation of children through the commercialisation of various products directed at children. Parents have expressed concerns about this in the United Kingdom and I am sure the same applies in Ireland. It is an interesting area. I had a quick look at the report that came out yesterday. It recommends voluntary agreement between the retailers, various groups and the Government rather than statutory intervention. This should be reviewed. It is an interesting area and will be the subject of further focus in the coming weeks.

The measures being worked on will facilitate full compliance with the criminal law provisions of a number of international legal instruments, including outstanding requirements in the optional protocol. These will be brought before the Government. A report on the Swedish Government's evaluation last year of its 1999 legislation criminalising the purchase of sex was submitted to the Attorney General for advice. The report and the recent advice of the Attorney General concerning the legal and constitutional implications of introducing a ban on the purchase of sex will be submitted to the Minister for Justice and Equality shortly.

Work is being done on the range of areas highlighted by Mr. Shannon in his report. Much legislation is required in this area. A wide range of work must be done to enhance the protection of children and the integration of services, which is necessary and comprehensively addressed in the report. I thank Mr. Shannon for his carefully considered report and the detailed work done. The issues addressed will need a focus of consideration across various Departments and I hope I have illustrated this in my response to the report. I commend Mr. Shannon for his valuable work as rapporteur. I thank the Seanad for allowing me to address some of the issues he addressed in the report that require action.

An Leas-Chathaoirleach: The contributions of the main spokespersons shall be ten minutes and other Senators have six minutes.

Senator Terry Leyden: I offer my sincere congratulations to the Leas-Chathaoirleach on his unanimous election last week. Senator Denis O'Donovan will be excellent in his capacity as Leas-Chathaoirleach, as he was in his capacity as Deputy and spokesperson in the Seanad. I welcome the Minister for Children and Youth Affairs, Deputy Frances Fitzgerald. I commend the Government and the Taoiseach for deciding to assign an entire Ministry to children. I am delighted the Department was established on a statutory basis last week. This will allow the Minister to proceed with great speed. I know she will from her work as Leader of the Opposition in Seanad Éireann for four years. She made a marvellous contribution to the Order of Business and on every issue that arose. It was a wise decision by the Taoiseach to appoint Deputy Fitzgerald as Minister. Based on her background and capability, no one is better equipped to do this job. I wish her every success.

I commend the fourth report of the special rapporteur on child protection. The report was submitted to the Oireachtas and I got a copy of it in the Oireachtas Library. Everyone is impressed by his great work. The recommendations are worthwhile. I will not go through them again as the Minister has comprehensively addressed the issues affecting children. I am particularly impressed by the recommendation regarding the age of 18, at which point the HSE takes no further responsibility for children. This cut-off point can give rise to homelessness, which is serious at that age. It is a very young age to be left on one's own if the child has no family. It is worth examining this situation because even in straitened times we must give priority to children. I commend the report.

I want to broaden the issue slightly to include the date for a referendum on children's rights. I hope the Minister will respond to this debate. She might give her views on the expected date for the referendum. Some have made the case for having it on the date of the Presidential election. In terms of cost, this would be worthwhile. It may take place in combination with other issues the Government wants to bring forward on a different date but it should happen as quickly as possible. The Minister was a member of the Joint Committee on Children and the Constitution, chaired by former the Minister and Deputy, Mary O'Rourke. The Minister played an important role on that committee. After involvement with that committee, it gives me great satisfaction that the Minister will bring forward the Bill and the referendum. The wording is difficult and I refer the Minister to the report of the Ombudsman for Children in this regard. The Ombudsman for Children has views on the wording and the Minister will take into account her recommendation. I welcome the publication of the annual report last week. I attended the launch. I commend the Ombudsman for her work. The Ombudsman for Children was established under a Fianna Fáil-led Government. We must take credit for such issues. Sometimes, what was achieved during the term of the previous Government is written out of history. The establishment of the Ombudsman for Children was very positive. Ms Logan is an excellent Ombudsman. This is vitally important. I expressed concern about the general cutbacks but, in fairness to the Ombudsman, she is coping well with her budgetary allocation. Her staff are extremely efficient and effective and are working that much harder. I commend the Minister on the fact that the strategy of the Ombudsman, covering 2011-16, will be followed by the Department.

The Minister will also discuss the report of the UN committee concerning the Magdalene laundries. This is an area of grave concern to all of us. Mr. Shannon could extend his remit to consider this issue and make recommendations to the Government in this regard. An inquiry can be held under the Tribunals of Inquiry Bill. This Bill was introduced by the then Minister for Justice, Equality and Law Reform, Mr. Michael McDowell, and collapsed when the last Government was in power. I understand the Government has put it on the Order Paper for Dáil Éireann for Committee and Report Stages. If the Bill is passed it would be a vehicle for the United Nations recommendations relating to the Magdalene laundries; in essence, there

would be an opportunity to conduct an inquiry into what happened during that awful period in these institutions. Those places were privately managed but to my mind they were the responsibility of the State.

Former Taoiseach and Deputy Bertie Ahern apologised to children abused in other institutions but this did not seem to extend to young people taken into the care of the Magdalene laundries. There was a group established to campaign in that regard, and people such as former Deputies Tom Kitt and Michael Kennedy were also involved. This should be an all-party agreement and politics should not be involved. This is not about one political party because all the parties were in government during the period up to 1996 when the Magdalene laundries were in operation. We have nothing to fear but fear itself in that regard, and we should not fear the truth.

I am not an expert on the topic and people have not come to me about this in my time since 1977 as a Member of the Oireachtas. To my knowledge there was no Magdalene laundry in Roscommon or south Leitrim, although there may have been. I know there was one in Athlone. The people who were sent or brought there deserve to have allegations heard. Unfortunately, many people who were in the Magdalene laundries have died.

I will table a motion on the Adjournment tomorrow night on the matter. The Minister, Deputy Shatter, outlined a view in 2009 on where he stands in this regard. He is looking forward with hope. In views aired on 17 September 2009, he was very clear in the House when he indicated that the State colluded in sending young women to what were then known as Magdalene asylums. The Minister — a Deputy at the time — was quite clear in arguing for some form of inquiry and redress, and he indicated his wish that the redress board be extended to cope in that regard.

I reiterate my support for the report from Mr. Shannon, who carried out significant work in the process. He has given great support to young people and has been very supportive in the proposals made. I am very pleased with the Minister's very positive response to the many issues raised in his recommendations, which will be implemented. I confirm my belief that the referendum should be held sooner rather than later, and there should be all-party agreement on the action to be taken on the United Nations recommendations on the Magdalene laundries.

Senator Fidelma Healy Eames: I congratulate the Leas-Chathaoirleach on his appointment and welcome the Minister. It is so nice to see her sitting where she is; as Senator Terry Leyden mentioned, she fought the good fight as leader of the Opposition here and has definitely earned her spot. It is heartening to see the Taoiseach making her role a full ministry and that the new Department is up and running. Considering our country's history with regard to child and institutional abuse, there is much of which to be ashamed. Our system has broken down many times and as the Minister indicated, there have been systemic failures throughout.

This is a strong report and I compliment Mr. Geoffrey Shannon, as the Minister has done, for bringing these key points together for us. I welcome much of this report and I am keen that the Minister in summing up would outline how many of the recommendations can be implemented or committed to in the course of the Government's term. What are the priorities in light of restricted resources and the funding mess we have taken on as a new Government?

The report considers homelessness, mental health and criminal law, sex trafficking and the Children First protection guidelines. I will consider each of these in turn. I noticed what appears to be a gaping hole in the report. There seems to be nothing in the report about missing children, which is significant. During the last Government term, Deputy Denis Naughten highlighted on many occasions the 1,000 untraceable children between primary and secondary

[Senator Fidelma Healy Eames.]

school. Where are they in the report? The Deputy did much work in the area so what is the current position?

I am sure the Minister received the letter we all got this week from One Child International, which indicates that there are 500 missing children, with some in brothels and some working as slaves in domestic labour. What actions are being taken in this respect as children are going missing? There was a terribly sad case last year when Daniel McAnaspie, a 17-year-old boy, went missing from care and died in terrible circumstances. We must be responsible in that respect.

In the Oireachtas education and science report in which I participated as rapporteur last year, there was an element dealing with early school leaving and its prevention. We saw a lack of traceability and continuity from primary to secondary school with children, and there is significant need for a primary database so we can track children. Some of our children are clearly emigrating but we must know, for example, if they are involved in sex trafficking.

The Daniel McAnaspie case highlighted the serious breakdown in information sharing and lack of disclosure between State agencies. That boy was at risk and one or two quotations from his education experience showed that he put down a marker that he was in need of extra attention. The report highlights the need for legislation to protect children and strengthen inter-agency co-operation to assist with information sharing between agencies and disclosure between State agencies. Does the Minister intend to introduce legislation in this area? When there is no continuity, mistakes will be made. I come from the education sector and I know how busy it can be, and unless protocols are in place for information sharing, children will be the losers.

Equally, the point is well made in the report that homeless children are at serious risk of child trafficking. As the Minister noted, there is evidence from countries such as Norway and Sweden that those who procure sexual services are prosecuted in law. Are we considering legislation in that respect also? There is much in this report that is worthwhile, although there is a requirement for legislation. Will the Minister outline when summing up where she intends to introduce legislation?

The section on homelessness was very thorough, highlighting data issues and the lack of information. The primary learner database would help immensely in this regard, although I know this would cross to the Department of Education and Skills. The Educational Research Centre has highlighted that issue on many occasions, as we did in the early school leaving report.

With the identification of homeless children, there is a need for a risk factor protocol to empower professionals to recognise easily and speedily children who are at risk of homelessness. In effect, these children are at risk of homelessness before leaving home, so there should be a protocol in effect in hospitals, accident and emergency rooms, pre-schools and primary schools. The key group for this protocol is public and community health nurses, who are keen to have such a protocol in effect. They have come to me to speak about such issues. Mary O'Dowd may be known to the Minister as the president of the Institute of Community Health Nursing. She and her group are ready and able to work on such a protocol. In the light of the Minister's desire to integrate service delivery and harmonise policy, this is a group which would respond to the challenge. That should not cost us money because it should be part of its remit. Local authorities, in their role as housing providers, should also implement the risk factor protocol because we are all aware from our constituency clinics of the number of people who seek assistance in changing their accommodation. The background stories to these housing applications could assist in the identification of children at risk.

The risk factor protocol would assist not only in dealing with homelessness but also in cases of sexual abuse. When that awful case in Roscommon came to trial last year, there was an advocate in the court for the parents, but there was a lack of advocacy on behalf of the children. Members will recall the serious gaps in information exchange and monitoring owing to staff turnover and the lack of cohesion. Again, the children were the losers.

With regard to the proposed referendum on the rights of children, how will children be better protected in these areas? The recommendations made on page 11 of the report include a positive proposal on strengthening the law. Will we introduce legislation to enable homeless children to seek redress through the courts in regard to housing provision? Geoffrey Shannon makes an interesting proposal in this regard.

Parenting is a fundamental issue which definitely depends on the availability of resources because it is at the centre of everything connected to children. Every child has parents, at least one of whom is known unless the child has been abandoned. The Minister has indicated that she is keen to consider what works most effectively and efficiently for families. The first six years of a child's life are key in ensuring early childhood intervention and identifying risk.

The report considers the issue of mental health and the criminal law. This is an interesting section, particularly given that the welfare of the child has traditionally not carried similar weight in the criminal justice system. What practical measures will the Minister prioritise during her period in office to address the issue of child protection as it relates to mental health and the criminal law? How will she improve information exchange between agencies, for example, on sex offenders?

With regard to the youth justice system, the report points out that children, particularly those with mental health issues, are not afforded the same opportunities as adults to advocate views on medical treatment. Will this change on foot of the children's rights referendum?

I welcome the aftercare policy and the fact that aftercare will not stop just because a child has turned 18 years. Will the Government work on this policy? For many years we have been calling for the Children First guidelines to be put on a statutory footing. Will this mean mandatory reporting of sexual abuse cases for professionals?

The report will involve a considerable amount of work. If the Minister implements its key findings during her term in office, she will make a massive difference to the quality of life and safety of children. Can the Office of the Ombudsman for Children take responsibility for addressing some of these challenges? I read its recent report and, while it does valuable work in terms of being proactive and reactive, some of the individual cases were similar to those we deal with in our constituency clinics. What is the point in the Ombudsman simply responding to individual cases rather than framing policy around them? Are these individual cases worked into policy any more than the cases we deal with in our constituency clinics? One of the cases involved speech therapy for autistic children, but while a result was achieved for the child in question, the benefits should accrue for all children. In the light of the need to make better use of resources, is it possible to amend the role of the Ombudsman to support the Minister in implementing initiatives in these areas?

Senator Rónán Mullen: Ba mhaith liom mo chuid ama a roinnt leis an Seanadóir Feargal Quinn.

An Leas-Chathaoirleach: Is that agreed? Agreed. As the rules of business of the House require that speakers alternate from one side to the other among the bigger groups, a Labour Party Senator will speak after Senator Rónán Mullen. I cannot stay on one side of the House when others are offering.

Senator Rónán Mullen: I welcome the Minister and wish her the best of luck in her new brief. It has been correctly pointed out that she is a good choice for the job. I hope that, despite the times in which we live, resources will not become an excuse for delaying important initiatives. We are discussing an area in which delays in providing for the needs of children are unacceptable. Much of what Mr. Shannon proposes in his excellent report does not primarily depend on the availability of resources. He calls for extensive legislative action and determination of purpose. He has done us a favour and established a reputation as a man of independence. The recommendations made in his fourth report are practical and, important as the constitutional amendment on children will be, he has focused on a number of issues which do not relate directly to the amendment. It is important to focus on the many objectives that can be achieved through legislation.

On the mandatory aftercare of children, the clause in the Constitution from which this derives is that the State shall sometimes occupy the place of a parent. What parent of a troubled child would abandon him or her at the age of 18 years? If the State is in the business of providing care, it must carry an onus to continue that care beyond the age of 18. That is an area in which promises have been made but not delivered on. It is vital that we proceed beyond section 45 of the Child Care Act which deals with the issue as one in respect of which there is discretion to place an obligation on the State to provide aftercare. This need is brought into sharp focus when one considers the report Mr. Shannon is compiling on the children who died while in the care of the State. Of the cases he is investigating, 30 involve children who died in aftercare or, more accurately, post-care settings. This is a life and death obligation on the State.

With respect to the Minister, she was vague in her reference to discussions with the Garda on the question of joint interviewing. The experience of child sexual abuse units suggests joint interviewing takes place as the exception rather than the rule. It is not only a question of double trauma or upset for a child because there is also potential for inconsistencies and a reduced chance of a successful conviction where joint interviewing is not practised. We need to move to a situation where there will be joint interviewing. The protocols in this respect are general and aspirational. There must be oversight by a senior official in order that he or she knows the extent of joint interviewing and the reasons it is not being practised.

The increase in the number of disclosure orders pertaining to counselling could lead to a reduction in the number of victims who report or seek counselling. This is a sensitive issue because it is important that people be entitled to a fair trial and so on. Legislation is needed and this would mean a balancing act between providing for the circumstances in which applications for disclosure of records would be considered and the need to guarantee a fair trial for people. The failure to legislate is leading to a decrease in the numbers of people reporting and seeking counselling. This is a problem.

The soft information issue was dealt with by Mr. Shannon and the Minister. The Ferns Report recommended interagency review groups. It makes sense, for example, in the context of clerical sexual abuse, that agencies should share information that falls short of knowledge of a criminal offence but which could none the less lead to people being protected with each other. There cannot be interagency co-operation if there is not thorough legal protection for the exchange of soft information. One only has to consider the murders of Jessica Chapman and Holly Wells in Britain. The Bichard inquiry found that had the information that was available about the murderer been exchanged, those deaths might have been prevented. We do not want to examine the issue of soft information in the future through the lens of what might or might not have happened had we legislated in time. We do not want a death on our hands. It is important we legislate to guarantee that officials are protected when they exchange such information. The HSE engages in the exchange of soft information but Mr. Shannon questions whether it has sufficient statutory protection for this.

I refer to the issue of the criminalisation of the purchase of sexual services. I am delighted that the movement of opinion in this area is towards criminalisation *a lá* the Swedish model. Human dignity cries out for such legislation. I would like the Minister to make a firm commitment that a Bill will be before the House in due course that will criminalise the purchasers of persons in prostitution. That will have child protection benefits.

Senator Feargal Quinn: I thank Senator Rónán Mullen for sharing time. I welcome the Minister. When she demoted from this House to the Lower House, I thought we might not see her again, but then she was promoted to this position. I was pleased by her contribution and I am pleased we have a Department of Children and Youth Affairs. As she demonstrated in her contribution, she will grab the opportunity to produce the goods in order that we can do what we want in this area. I must have led a sheltered life. I had no idea until I began to study this issue recently — it was an education for me — of the amount of abuse, problems and difficulties. The Minister's comments on the revised Children First guidelines were interesting and I urge her to introduce them soon while acknowledging that is her intention.

I was aware of a number of child protection issues, despite my sheltered life. The Minister referred to British retailers who decided to do something about the issue of young children wearing sexually suggestive clothing and adult clothing in advertisements, magazines and so on. The fact that this has been achieved through voluntary agreement between retailers is a reminder that sometimes we can take action without necessarily waiting for laws to be enacted to ensure it happens. I hope the Children First legislation will be enacted soon.

I came across a shocking story about an international band of human traffickers who were caught smuggling children into Germany from Haiti and then selling them to paedophiles. Two men from Berlin were arrested at Munich airport while trying to enter the country illegally with a ten year old. They had founded a fake aid organisation to care for under-age street children. Separately, two French people were arrested at a Ukrainian border crossing attempting to bring two babies into Hungary. The babies were discovered unconscious having been drugged with sleeping pills. We in Ireland should be aware that these cases are being discovered almost daily.

Mr. Shannon must be congratulated on his fourth report but he said actions proposed four years ago to protect children from prostitution, trafficking and exploitation had not been implemented. That is why I am delighted the Minister is in charge of child protection now. The European Union is vital in this regard. I welcome the fact that earlier this year the European Commission presented a communication for an EU agenda on the rights of the child. The communication presents an action plan that covers a wide range of areas and comprises 11 initiatives where the EU can strengthen child safety and children's well-being. Currently, no EU legislation deals with children's rights in one consolidated law and while a number of EU laws affect children directly or indirectly, no legislation puts them all altogether. A more child friendly justice system in European is a key objective and we can set a standard in Ireland that will be viewed by the rest of Europe as a move to get something done.

I had not realised that Mr. Shannon had done four reports. I commend him on devoting so much attention and time to this and I am heartened that children's rights are getting the attention of a full Department. This gives me confidence that in the Minister's hands we will achieve what we are setting out to do.

Senator Aideen Hayden: I welcome the Minister and congratulate her on her appointment, which reflects the Government's commitment to child care and child protection issues. I also congratulate Mr. Shannon on his excellent and comprehensive report. As with his previous reports, the common denominator is children who are the most vulnerable in our society. I

[Senator Aideen Hayden.]

agree with the Minister that resources are an issue. The four common threads in the current report are homelessness, the rights of children with mental health problems, children and the criminal law, and the trafficking of children and prostitution. The children affected, by and large, have experienced poverty. There is a significant common denominator between children who are at risk in all of these categories.

There are also a number of common threads in the report. For example, drug and alcohol abuse, mental health problems, leaving prison and leaving care are trigger factors for youth homelessness. Section 2, which deals with the rights of children with mental health problems, concerns a group that is vulnerable not only because of age but also because of mental health difficulties. As Senator Terry Leyden pointed out, the country does not have a proud record in the use of mental health facilities for social control purposes and, therefore, the statement in the report that vulnerable young people deserve to be heard is excellent. Ensuring proper review mechanisms are in place for children with mental health difficulties is critical. The setting up of mental health tribunals, allowing children aged 16 years and over and those under the age of 16 who are competent to consent their right to bodily integrity and to have consent sought from them at every point of their treatment, and establishing an advocacy service for children within the mental health system are among the steps we need to take to ensure some of the shameful events of Ireland's past do not occur again.

The Minister stated that youth homelessness was in decline.

That is an area in which it is difficult to assess the exact numbers involved. It has been particularly difficult in suburban and rural areas to estimate the numbers of youth who are homeless.

One of the recommendations made in the report is to discontinue the use of Garda stations for out-of-hours services. Anyone who has been involved in the youth homelessness sector would wholeheartedly support this recommendation. It is a well known fact that the children who are in this position are highly unlikely to report to a Garda station and would only do so as a last resort or not at all.

Most of the young people covered by the report come from family environments in which they experience poverty and are more likely to have experienced abuse and addiction. I endorse the point made by Senator Fidelma Healy Eames that these children can be identified. The authors of a longitudinal study of youth homelessness note that many of the young people they interviewed for the purposes of the study were known to the various agencies of the State, including the child care, youth homeless and criminal justice systems from a young age and for an extended period. The findings point to failures within numerous systems of intervention and at various junctures in the lives of children and young people. It is a very important point to take into account that the children are well known within the system. The experience is available within the education, health and social welfare systems to identify them at an age before their difficulties become something that will lead them down the pathway of youth homelessness in particular into the criminal justice system.

The statistics for children who leave the criminal justice system and the care of the State are shocking. I am not sure whether Members are aware that one third of all children who leave the care of the State experience homelessness within six months and two thirds within two years. It is a shocking statistic when one considers that the State is acting *in loco parentis* for these children. I endorse the calls made within the report for the State not to avoid its responsibility when a child reaches the age of 18 years. There are many references in studies of youth homelessness to young persons being required to leave a hostel on a Saturday on reaching their 18th birthday having entered on a Friday night. That is not a situation we would wish to

see in the State. Experience shows that children who move to adult homeless services become long-term homeless and find it difficult to extract themselves from the situation. There is also a common thread between child prostitution, for example, and children who have left the care of the State and experienced homelessness.

The report makes a number of excellent suggestions. We have identified the need for greater co-ordination between national, local and voluntary services. Another suggestion concerns the provision of more comprehensive information databases that can be shared within groups. A further suggestion concerns out-of-hours services for homeless young people to reduce the need to engage in crime and prostitution. The individual assessment of needs is critical. We require a system that responds to the needs of the individual child, not one in which the child must fit in to the needs of the institution.

Individual solutions such as the removal of the upper age limit of 18 years for the provision of homeless and aftercare services and separating newly homeless children from those who are entrenched within the homeless service are critical. Co-ordination with schools is another critical aspect, as is the discontinuance of the use of Garda stations as part of out-of-hours services.

In the area of child care and the criminal justice system it has already been identified that clear guidelines are required for the sharing of information between the various agencies involved. Clarification is needed for third party disclosure in court cases involving children. Something that has not yet been raised in the debate is the need to put in place a bail support scheme to reduce the reoffending rate of young people by tackling the root of the problem.

The rapporteur is critical in respect of child prostitution. He did recommend the criminalisation of the grooming of children and ratifying the optional protocol to the United Nations Convention of the Rights of the Child on the sale of children, child prostitution and child pornography. He made other recommendations that were not listened to by previous Governments. I ask the Minister to take these criticisms by Mr. Shannon into account.

We have a duty to protect the most vulnerable. In this regard, reference has been made to resources. From a practical perspective, the reduction in crime, prostitution and youth homelessness levels would be beneficial both to the young people involved and society as a whole. There are many statistics for the cost of providing services once somebody has moved beyond a certain point in the system versus the cost of providing in advance for somebody who is sinking through the system. Within that context, I congratulate the Government on introducing the "Housing First" approach to homelessness, as it will make a significant difference within that category.

This is an excellent report. I commend Mr. Shannon and the Minister for bringing it before us today. Like other Members, I hope the excellent recommendations made in it will be acted upon. Many of them will not require extensive resources and for those that will require such resources, I am sure we can find certain banks which might like to forsake some of their gains and transfer them to the more vulnerable in society.

An Cathaoirleach: I call Senator Mary White.

Senator Mary White: Go raibh maith agat.

Senator Jillian van Turnhout: As group leader, I have not had speaking time.

An Cathaoirleach: Senator Hayden has spoken in place of the Senator. Did Senator van Turnhout indicate that she wished to speak?

Senator Jillian Van Turnhout: Yes, I did.

An Cathaoirleach: I must call Senator Mary White.

Senator Mary White: I congratulate the Minister, Deputy Frances Fitzgerald, on her appointment as the first full Cabinet Minister in the history of the State with a portfolio dedicated to the welfare of children. She was a distinguished leader of the Opposition in the previous Seanad and I wish her well in her challenging and complex portfolio. I have 100% confidence in her.

The evolution of Government responsibility for children's affairs does, I hope mirror the realisation in society of the need to respond to the scandalous neglect of children at risk during the years. It has evolved from being part of the responsibility of the Minister for Health to the setting up of the Office of the Minister for Children, the Minister of State with responsibility for which attended Cabinet meetings, to the establishment of a dedicated Department. The setting up of the Office of the Ombudsman for Children and the appointment of Ms Emily Logan as its courageous leader marked another crucial institutional step forward. As Senator Terry Leyden stated, Fianna Fáil must take credit for the progress made and the evolution towards a full Ministry to deal with children's affairs.

Senator Terry Leyden: Hear, hear.

Senator Mary M. White: Fianna Fáil should also be commended for the accentuation in society of the emphasis on children's affairs.

We are considering the results of another institutional innovation, namely, the appointment of a special rapporteur on child protection, Mr. Geoffrey Shannon, whose fourth report is before the Seanad today. He has done signal service in his various assignments on behalf of children and the country is fortunate to have someone of his expertise and credibility engaged on the issues of child protection.

I wish to focus on a few of the many issues dealt with in the report. First, it points out that the HSE is charged with the task of tackling youth homelessness. However, the issue of youth homelessness has never been comprehensively addressed either by the HSE or society. Senator Fidelma Healy Eames has referred to the current economic decline and the fact that the report states the level of homelessness is again on the rise. Of particular concern is the level of homelessness among children. A young person who is homeless is highly vulnerable to alcohol and drug abuse, poor health and many other social and criminal traps.

I strongly support the recommendation concerning the need for local authorities and the HSE to tackle homelessness through the provision of social housing. At least, if homeless young people or their homeless family had a roof over their heads which they could call their own, they would have an important source of stability in their lives. Surely, with all the ghosts estates in every community in the country, we can provide access for homeless children and their families to this accommodation. The report suggests the number of homeless children is less than 500; therefore, meeting the housing challenge is doable, given the necessary political will. At the end of the day, it comes down to political will and the courage of the Minister to take innovative initiatives.

My second point — I have called for this repeatedly — concerns the provision of a 24-hour out of hours social service. I acknowledge that the Minister made this point in her contribution. However, I am not talking about a 24-hour social service delivered in a fragmented way in various parts of the country but a nationwide 24-hour service. The Department continues to highlight the service it provides in parts of Dublin and other places, but that is a failure. The

need for such a service recurs in so many of our acute social services such as suicide prevention, an issue in which I have, as the Minister knows, a special interest. As Senator Rónán Mullen said, there are issues that can be dealt with and I believe the Croke Park agreement provides the flexibility to deliver this service. The former Minister for Health and Children repeatedly made the point that the service could not be delivered because of issues to do with industrial relations, but with the Croke Park agreement we now have a facility to provide a 24-hour social service. I urge the Minister to do this.

While the report calls for the discontinuance of Garda stations being used to provide an out-of-hours service, it is a fact that the Garda is left by default to deal with the acute cases the HSE and the social work profession have chosen to ignore. I commend gardaí for the work they do every night and weekend across the country in responding to acute social issues, while the official services which are charged with official responsibility have chosen to wash their hands of it.

I wish to comment on the extreme abuse of vulnerable children in child trafficking. It appears that the main purpose of the trafficking of children is their sexual exploitation. This is an international and world issue. The report refers to a draft European directive on “preventing and combating trafficking in human beings and protecting victims”. I encourage the Minister and the members of my own party through its MEPs to actively support the passing of the directive and its incorporation in Irish law without delay.

Senator Jillian van Turnhout: I welcome the opportunity to debate the fourth report of the special rapporteur on child protection, the child law expert Mr. Geoffrey Shannon who has delivered a comprehensive and considered analysis of child protection.

I warmly welcome the Minister for Children and Youth Affairs, Deputy Frances Fitzgerald. As a new Senator, I welcome the appointment of the former Senator to her new role. As she stated, the Department of Children and Youth Affairs was established only last week, but I know she has been doing plenty of work behind the scenes, which includes the creation of a new agency dedicated to family and children’s services which will make a significant improvement and I hope have a positive impact on children’s lives.

I welcome the Minister’s response to the report of the Government appointed special rapporteur. Mr. Shannon is responsible for keeping under review and auditing legal developments in Ireland for the protection of children and identifying gaps in child protection. This is the first time that any of his reports is being debated in the Oireachtas. The need for this debate and subsequent action is evident to me.

Let us look back at the first report of the special rapporteur on child protection which was written in the shadow of the horrific murders of Holly Wells and Jessica Chapman in Soham, England. In that report in 2007 Mr. Shannon identified the need for legislation dealing with soft information. He also outlined a road map. Years have passed and it is only in the past few weeks that we have seen action on this important issue under the direction of the Minister. I hope we will also see action in other areas.

We must deal with child protection in the here and now. In Ireland we can talk about the past and try to share and console one another. However, we have to try to atone for the past and for me the best way to do so is to ensure children are protected adequately and sufficiently. That will demonstrate we have learned the lessons of the past.

There are 105 recommendations in Mr. Shannon’s report. I will focus on some of the key areas at which we need to look.

[Senator Jillian van Turnhout.]

I endorse the report completely and entirely. The first part deals with strengthening child protection structures. We still have a weak child protection structure in Ireland; neither the guidelines nor the vetting system operates on a statutory basis. The Ryan report implementation plan spotlighted these inadequacies. In his report Mr. Shannon has identified some of the gaps; for example, Children First: national guidelines for the protection and welfare of children is a voluntary set of guidelines. I acknowledge that the Minister is working to legislate, as well as ensuring a revised set of guidelines is published and, equally important, subsequent practice guidelines by the HSE are put in place. These need to be placed on a statutory basis because we need to ensure there is a collective duty to report concerns about the neglect or abuse of a child. This is a basic child protection measure that is readily applied in other countries. We need to get to the stage where one can report a concern and that it does not have to escalate immediately to one of abuse. As a voluntary leader, I can relate to this. At present, unless there are alarm bells ringing, it is very difficult to get the system moving. For me, success will be achieved when we start to join the dots. Should I have a concern for one of the girl guides in my care and the teacher have a concern, somebody should join the dots and ensure supports are put in place to help the family to work and that if the child needs to be taken into care, he or she is.

On vetting and soft information, Mr. Shannon rightly identifies the failure to regulate the exchange of soft information has severely compromised the protection of children in the State. There were two cases in the courts in 2010 in which inter-agency co-operation was identified as a roadblock. In addition, we know that the appeal in *M.I. v. HSE* currently before the Supreme Court has the potential to undermine the vetting system. Mr. Shannon has raised a red flag and we should take action. I know that the Minister is working on this very pressing issue.

With regard to children and the criminal law, Mr. Shannon's observations also provide much food for thought. It is very important to ensure practice and the law are always in support of the child victim and that all activities undertaken are in the best interests of the child.

Mr. Shannon raises the issue of disclosure in cases of child sexual abuse. At present, the confidential records are shared with the defence during criminal trials. Understandably, victims are often afraid that their personal records will be made available to the accused, resulting in fewer cases being processed. Mr. Shannon, therefore, recommends that Ireland urgently requires legislation and better regulation of the disclosure of children's records during such trials.

As the issue of joint interviewing and training has been raised by several of my colleagues, I will not dwell on that point, except to say we need to ensure children do not have to undergo unnecessary interviewing. We should ensure their best interests are at the heart of investigations.

The third of the five areas involves children in the care of the State. As the Minister is aware, many children in the care of the State are extremely vulnerable. They do not have an adult to champion their cause, the role parents traditionally undertake. They really are marginalised and should be entitled to the highest possible supports. Regrettably, this does not always happen. We are all well aware of the high profile cases in the media where children have been utterly failed by the State. Mr. Shannon's report makes some solid recommendations to mitigate such disasters and I recommend that they be taken on board.

Senator Mary White has called for the out-of-hours services to be available nationwide and I agree. I welcome the piloting of these services in counties Donegal and Cork and I hope this

will ensure that at last we can get 24-hour support for children. I can get support if I have my pet at home, but I cannot get it for a child, which says something about our society's values.

The Minister has said that addressing youth homelessness is a priority and the programme for Government contains such a commitment. Mr. Shannon is rightly critical of the Criminal Justice (Public Order) Act 2011 relating to begging as it applies to children. We must remember that children who beg are highly vulnerable and child begging strikes to the very essence of child welfare and children's rights.

Several of my colleagues have raised the important issue of aftercare and how people do not suddenly become adults on their 18th birthday. It does not happen overnight and parents of 19, 20 and 21 year olds will tell me it is a transition phase into adulthood. We need to ensure the State provides aftercare support for all homeless children and children in care in order that we still hold their hand and gently helping them into independence and adulthood. The link between youth homelessness and children leaving State care has been clearly established. While this was not in the report, the latest housing-need statistics, gathered in 2008, show that the largest increase in demand for social housing was from young people leaving institutional care, an increase of 179% since 2005.

The report makes important recommendations on children's mental health. I speak also in my capacity as chair of the Children's Mental Health Coalition, which has given me an insight into how mental health difficulties can impact on any family, anywhere in the country and at any time. I fully support and endorse these recommendations. Among them, the report recommends that the Mental Health Act 2001 should be amended to include a separate section which clarifies the rights of children within the mental health system. This should include legislation to clarify the right of those over 16 to consent to medical intervention and detention in psychiatric institutions. Related recommendations include: an amendment to the mental capacity Bill to include persons aged 16 years, and the development of a detailed code of practice on admission to and treatment of children within mental health institutions, complaints mechanisms and better consultation with children.

I was delighted to see the report's very clear recommendations on child trafficking, an issue about which I feel very passionately. Child trafficking is a very serious issue and in Ireland we often would like to feel it does not happen. Some four out of five trafficked children are trafficked for sexual exploitation. Cases of child trafficking have been discovered in many parts of Ireland, including counties Dublin, Sligo, Kilkenny and Wexford. Last week, this was once again highlighted through a disclosure contained in cables obtained by a national newspaper through the whistle-blowing organisation WikiLeaks. HSE officials admitted to US diplomats conducting research for an annual report on people-trafficking in Ireland that children have been going missing from State care and ending up working as sex slaves in brothels. Mr. Shannon's report recommends criminal sanctions against the users of paid sexual services and I welcome the Minister's proposal to look at Swedish legislation with a view to introducing similar legislation to criminalise those who access these services.

I would also welcome our ratifying the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. Ireland signed this optional protocol 11 years ago and now needs to ratify it. With the Adoption Act 2010 in place, we are very close to ratifying it and we need to do so. I am involved in a campaign with the Body Shop and the Children's Rights Alliance, which has collected almost 150,000 signatures calling on Ireland to ratify this optional protocol.

[Senator Jillian van Turnhout.]

This debate is extremely important but I hope it is not just a once-off debate. I hope the Seanad can review the implementation on an annual basis and use the special rapporteur's report. One of the Oireachtas committees to be established should be charged with ensuring recommendations from reports of this nature are implemented. All too often we see these reports where we agree with the recommendations. We need to roll up our sleeves with a view to improving outcomes for children and make a difference. In all the work I have done on the issue, I have found this is not a party issue but an issue on which we agree across the board. I would like us to go beyond raising the complaints, and to support the Minister and her new Department in improving outcomes for children.

Senator David Cullinane: I welcome the Minister. As this is our first opportunity to do so, I wish her the best of luck in a very important Ministry. She will have a very important job in the coming months and years. I also welcome the report and I draw the Minister's attention to the report published by the Ombudsman for Children, which is a very important report on the rights of children.

Senator Fidelma Healy Eames spoke about the sense of shame many people feel because of the neglect or abuse of children. The people who should feel most shame are the people who were responsible for those abuses, but those who were in power and did not act or listen should also feel a sense of shame. This generation has the opportunity to right many of those wrongs and introduce mechanisms to ensure similar wrongs do not take place in the future. When we walk into this building, the 1916 Proclamation hangs proudly before us. It proclaims to cherish "all the children of the nation equally". It is about time that the children's referendum which would enshrine in law the rights of the child is held as quickly as possible. The Minister will be aware that the Joint Committee on the Constitutional Amendment on Children unanimously agreed a formula of words, supported by the Minister when she was a member of the committee and by her Fine Gael colleagues. I remind the Minister that Sinn Féin and the Labour Party tabled a Private Members' Bill, supported by Fine Gael, which agreed a formula of words and called for the referendum to take place as quickly as possible. Senator van Turnhout welcomed that in a different capacity at the time. I ask the Minister to indicate when that referendum will take place.

I am mindful that legislation and constitutional protection only form part of the battle. We need to ensure there is the political will to translate a constitutional amendment into real change in children's services and in their lives. A constitutional amendment should serve to protect and enforce the legal, judicial, social and economic rights of children. As such it should discharge responsibility to Departments, and State bodies and agencies to vindicate the rights of children. While we can have a form of words, we need action and the most important thing is that the State vindicates the rights of children to ensure that parents no longer need to go to the courts to get what their children deserve as of right.

I am sure the Minister will be aware of the recent "Prime Time" programme that highlighted the effects that austerity and cutbacks are having on so many children especially the most vulnerable children. If she saw the programme she would have been moved by one of the parents of a severely disabled child who had to carry the child up the stairs for the child to have a bath. She will also be aware of the consequences of cutting back on carer's allowances and the effect it has on children. I raise these issues because when we debate the rights of children, it is important also to be cognisant of the obligations of law-makers and elected representatives to take into account that when we make decisions on budgets there are consequences for children if there are cutbacks, for example, in health and education.

During the years there have been many examples, including the Sinnott case, where parents have been forced to take the State to court to get what their children deserve as of right. Members alluded to how health services and other important services for children have failed children.

A very important report was published yesterday by the United Nations into the abuse of young women in Magdalene laundries. We are aware of all the reports that have been published on clerical sex abuse. All these abuses occurred in the past but I am sure the Minister will agree there is still abuse of children in this country and a denial of basic rights for children. This should not and must not happen.

I draw to the Minister's attention figures published by the One Child Foundation that highlighted how 500 children supposedly in State care have disappeared and how the HSE is unable to account for them. The foundation suggested some of these children have ended up in brothels and private households. There is a need for us to tackle the trafficking of children in the State. This is one of the recommendations in the report under discussion and it should be acted upon.

The Minister will be aware of the legacy of child sex abuse. Some of the abusers were moved to the North where the First Minister and the Deputy First Minister have commissioned an independent inquiry into various allegations. I ask the Minister for Children and Youth Affairs to give that inquiry her full support in order that the investigators can do their work properly.

I welcome the Minister and the opportunity to discuss these important issues with her.

Senator Deirdre Clune: I welcome the Minister. I recognise the importance the Government attaches to child care. In this regard, it has established a Department of Children and Youth Affairs. That a Minister responsible for children sits at the Cabinet table makes a very important statement. Given the Minister's background and interest in this area, I am sure she will make considered and informed decisions when implementing changes recommended in the report and other changes she indicated in her speech. I have no doubt about her intent with regard to making these very welcome changes.

There have been many harsh reports on child care and the neglect of vulnerable children. Such children may have slipped through the net and may not have received the support they should have received in family circumstances. These children depend on the State and may not have received the protections they rightly deserve.

The report contains many recommendations. Other speakers said that if we could implement them all, we would be going a long way towards protecting children and young people. I want to focus on some of these recommendations, especially youth homelessness, which subject forms a major part of Mr. Shannon's report. Senator Hayden stated research has shown that in many cases we can identify the children and young people who will become homeless. Poverty is probably a factor, as are contact with alcohol and drug abuse. It is probable that children whose families have a background of homelessness will become homeless themselves.

The report states it is possible to identify children who may be at risk of becoming homeless. There is much information in this regard available from education, youth justice, health and social services. If there were greater co-ordination among those providing youth homelessness services, we would go a long way towards preventing certain individuals from becoming homeless. Thus the limited resources could be directed at those who do become homeless.

The recommendation on homelessness makes a lot of sense. Those of us who know of children who have become homeless will be quite alarmed by the lack of co-ordination and inte-

[Senator Deirdre Clune.]

gration among the various agencies and services. The proposal in this regard is very obvious and simple. The Minister, in her speech, referred to words and phrases such as “co-ordination”, “integration”, and “harmonised policy”. These concepts are very welcome.

There is a need to strengthen the framework associated with tackling youth homelessness. The Child Care Act 1991 places a legislative duty on the HSE to provide care for children at risk of homelessness. Up-to-date information on youth homelessness is very important. This is related to the co-ordination of the information available.

I welcome the fact that the HSE will still be responsible for, as it were, holding the hands of and supporting vulnerable youths after the age of 18. As other Members stated, individuals who have at some stage been homeless are vulnerable and are unable to support themselves when they reach 18. It always makes sense to intervene at an early stage to prevent further homelessness. As Senator Aideen Hayden pointed out, statistics show that 18 year olds who were once homeless will be at further risk of homelessness if they are not supported in early adulthood.

The Minister stated she is working with the Minister for Justice and Equality on bringing forward legislation on human trafficking. This is very welcome and I look forward to it.

Members referred to the referendum on children. I am sure the Minister will respond on this in her summary.

Senator John Gilroy: I welcome the Minister. Being here probably makes her rueful and a little nostalgic.

I welcome the report under discussion. As my party colleagues stated, it contains many fine and excellent recommendations. We now wish to see resources put in place that will give expression to those recommendations. I welcome the recommendations warmly, particularly those on mental health, although I have one or two concerns about this area.

The Mental Health Commission recommended in July 2009 that no child under 17 years should be admitted to an adult unit in an approved centre from December 2010. However, between December 2010 and 20 January 2011, five children under the age of 17 years, one of whom was as young as 15, were admitted to adult psychiatric services. The commission says that this is allowed in exceptional circumstances if the approved centre submits a detailed report on the reasons for the admission and on what it is doing to find an age-appropriate centre. If this continues to happen, it will point to a lack of resources in the child and adolescent psychiatric services. At present, there are just 40 inpatient beds provided by the HSE in the entire country. A further 26 are in the private sector, in St. John of God's and St. Patrick's. I understand the HSE has plans to increase this number to 80, although we have no timeframe. I hope the Minister will accord high priority to this area because it is absolutely inappropriate and rather disturbing that we continue to admit children to adult psychiatric services.

Senator John Crown: I, too, express my congratulations and best wishes to the Minister on her important endeavours. I echo the comments made by my colleagues with respect to the specifics of the rapporteur's report, but I would like to add one proviso. Nothing would impress me more about the sincerity of the Government in the area of child protection than restoring the funding to Our Lady's Children's Hospital, Crumlin, and other paediatric hospitals which was savagely cut in recent years and which has resulted in palpable, measurable deficits in the levels of protection for children suffering from illnesses and various conditions for which they require treatment.

Acting Chairman (Senator Paul Bradford): I thank the Senator for a succinct contribution. I call Senator Ivana Bacik who has six minutes. No Member appears to want to use the full time available, which is welcome.

Senator Ivana Bacik: I may be the exception. I welcome the debate and the Minister back to the House. We miss her in this House but I believe I speak for all of us on both sides of the House when I say, and which other colleagues have already said, that we are delighted she has the brief of Minister for Children and Youth Affairs. I know she will do an excellent job in it and I look forward to having her back in the House again.

I welcome also the creation of a full Ministry for Children and Youth Affairs at the Cabinet table. Following on from what Senator John Crown said, that is a mark of serious intent and shows the great significance the Government attaches to the role of Minister for Children and Youth Affairs and to the work the Minister will be doing. As the Minister stated in her opening remarks, progress has already been made on that front.

I want to pick up on some of the comments made by other colleagues. My Labour colleagues, Senators Aideen Hayden and John Gilroy, in particular, have addressed different aspects of this excellent fourth report from Geoffrey Shannon, the special rapporteur on child protection, but I want to focus on an area with which I would be most familiar, namely, section 4 on children and criminal law. As with the other areas the rapporteur has touched upon, I am conscious he has dealt with many of these issues in his first three reports. He has dealt in great detail with issues such as the CC case and the impact of that upon child protection and so on. This is a report that, as the Minister stated, is one of a series dealing with this area.

In terms of children and criminal law, however, as in many other aspects of his findings the rapporteur makes some robust recommendations and picks up on critical aspects of child welfare on which the State is falling down, so to speak, and where we must take action to redress these issues. He points out that the United Nations Convention on the Rights of the Child requires that detention be a last resort and that the best interests of the child be of paramount consideration. He also points out that in civil law proceedings we have tended to adhere to that principle but we are failing to do so in respect of children within the criminal justice system. I know the Minister is well aware of that. He picks up on some critical points and, as someone who has practised in the Children's Court and represented child offenders, I believe what he is stating is spot on in terms of the failings.

For example, the rapporteur points out that while we have passed, in the Children Act 2001, a comprehensive set of important reforms to the law on juvenile justice and child offenders, gaps in that Act remain and he identifies one key gap on page 72 of his report. I know that is something the Minister's Department will pick up on but section 88 of the Children Act 2001, which requires a court to explain the reason it is putting a child in detention, makes no such recommendation in respect of bail conditions. A key finding from the 2007 national study of the Children's Court found that while in practice many children were being detained subject to sentence, an alarming number of children are being detained for failure to observe bail conditions. In other words, children have been granted bail by the Children's Court but because they have failed to appear in court or have broken a curfew or some other aspect of the bail conditions, they are being detained almost as an unintended consequence of setting bail conditions.

Senator Aideen Hayden spoke about the need for bail support systems. We do not have those in place and they are critical for children. The rapporteur details practices in other coun-

[Senator Ivana Bacik.]

tries which are much better at supporting young children and ensuring they do not breach their bail conditions. That is something that we must examine.

The other point is the exclusion of young offenders or children in the criminal justice system from the ambit of the proposed amendment to Article 42 of the Constitution on children's rights. A pertinent observation by the rapporteur is that we cannot in practice separate troubled young people, who are protected in many other ways and who would be protected by the amendment, from young offenders because the children who come before the criminal justice system, as any practitioner knows, are generally children who have had huge issues in their lives in terms of poverty, which Senator Aideen Hayden mentioned as a theme that runs through the report, drug addiction, truancy from school, difficulties in the home, abuse, neglect and so forth. Troubled young people and young offenders cannot be separated as two separate categories, yet our law has tended to do that. That is one key message the rapporteur is giving us in section 3 of the report and it is one we must feed into our policy and our legislation.

The Minister dealt with a number of areas where progress is being made, which I welcome, such as, for example, the need to place the Children First guidelines on a statutory footing, which is a commitment in the programme for Government and is vital, and the need to regulate the exchange of soft information. In that regard one quote of the rapporteur stood out for me as a stark admission of failure. He states the failure to regulate the exchange of soft information severely compromises the protection of children in the State, soft information being allegations of abuse where there is no actual conviction. He gives examples of some difficult cases that have arisen and where the State has fallen down in the protection of children.

There are other tricky issues with which we will have to come to grips in the term of the Government, including the disclosure of counselling notes to the defence in sex abuse cases. That is a key issue in practice currently and it is a major problem in terms of prosecution of sex offence cases.

I have much more to say but time does not allow me do so. I welcome the report and the opportunity to debate it with the Minister. I look forward to debating further aspects of child protection with her as her Department comes to terms with some of the recommendations the rapporteur has made. I know she will be dealing with those in a robust way, just as these recommendations are robust.

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I thank all the Senators who contributed to the debate. There is a great deal of expertise in this area in the Seanad and it is a great opportunity for me to come to the Chamber and hear the expertise of those Members in respect of the issues raised by the rapporteur. I thank them all for contributing to the debate.

A number of key themes emerged from Senators' contributions, although a broad range of comments were made. We can see both from the report and from the contributions to the debate the size of the challenge facing us in terms of the legislation needed in this area.

A number of Members spoke about the underlying issues of child poverty, alcohol and drugs. Senator Aideen Hayden, in particular, highlighted those, and that point is well made. We must tackle some of those broader issues to deal with the particular points made in the report.

It is clear we need an implementation plan for the report. A number of speakers called for that, not least because it is the fourth report and it is the first time the report has been debated in these Houses. It is important we do that because it is not enough to commission reports, put them on the shelf and not implement them. Senator van Turnhout suggested a committee

should be set up to examine an implementation plan and monitor it. That would be helpful. It is what we should do and I would be happy to be part of this.

Senator Terry Leyden asked about the referendum, as did a number of other Senators. That is a priority for the Government. We have the benefit of the all-party report and the benefit of wording introduced by the former Minister of State and Deputy Barry Andrews. We have a response to that from the previous Attorney General expressing concerns about the financial demands the committee's wording would place on the State and that they appear to be unlimited. That is something we need to examine. I am examining it as a priority. The Government has not decided on a date, but it has stated it will not take place with the Presidential election. The Attorney General is examining the wording and I hope we can agree the wording in the very near future. What is critical about the referendum is that people understand why we are introducing the wording, why we are trying to change the Constitution, and that they are clear that it is about protecting children, which also protects families. I look forward to the support of this House in ensuring people understand clearly why constitutional change is necessary. Some of the points made in the report elaborate on why we need such change and several Members referred to this.

It is not just about constitutional change. Bringing in the referendum and ensuring it is passed is very important, but there is much legislation recommended in this report and many people asked me about my priorities for that legislation. The first priority will be to introduce Children First on a statutory basis, to issue the new guidelines, the assurance framework and the implementation framework for the various agencies and Departments in contact with children. That is the priority, but I indicated the other areas where the Government intends to introduce legislation in the coming months. Some of this has been recommended by the rapporteur, while some represents new legislation from the Government. The priority areas will be the legislation on vetting, on Children First and the various amending Bills in the area of criminal justice, which the Minister for Justice and Equality is developing. I hope that in the next few months, there will be a range of Bills on this area before the Houses, and I hope Members will be able to support them.

In respect of introducing legislation on the purchase of sex, as the Swedish Government has done, the matter is being considered by the Attorney General. She has been asked for advice and I will await that before returning to the issue. A number of Senators spoke about this during the previous Seanad, such as Senators Rónán Mullen and Paul Bradford. The Swedish Government also published a report on the issue. There are some concerns about such legislation. Some people feel that it is harder to detect what is actually happening in those countries. There is also the issue of sex trafficking moving to other countries. We should discuss these issues and see how we can move forward.

The question of trafficking young children and missing children has been raised by several Senators. That was a great concern in 2008 and 2009. From the information I have received, I am pleased to say that much more work is being done between Customs and the group in the HSE responsible for missing children. The numbers have decreased significantly and there is much more inter-agency co-operation and procedures at ports. We are seeing improvements in the numbers, but one missing child is one child too many. If we have children, they should clearly be in a safe environment and should not go missing. This needs constant vigilance. More fingerprinting is being carried out on people presenting as under age at ports. There is greater Garda surveillance. There is a stronger monitoring system of missing persons with local gardaí and interaction with the HSE, as well as sharing photographic evidence between the HSE and

[Deputy Frances Fitzgerald.]

the Garda. That is the kind of inter-agency work that must happen when we have a particular social problem and it appears to be working right now.

The treatment of separated children in this country has been a problem. I did a study of this. It is very clear that unaccompanied minors who come to this country were not getting the kind of intervention Irish children going into care were getting. That has changed. We now have those children accessing the same kind of social work service and placement. They are not being put into hostels as was the case previously where they were extremely vulnerable. There are changes but the system will require constant monitoring.

I accept the point made by Senator John Crown on paediatric services. Clearly, some of the most vulnerable children end up in hospitals needing care and attention. Other Senators referred to the impact of cutbacks in services for children with special needs. There is clear evidence that the economic situation is impacting on children and families. However, it is a challenge to provide the same service and build on existing services with the budgetary situation we face. I commented on the point on the reform of services and inter-agency work. A number of Senators indicated that it is not just about money; it is about how we do things as well and that we can deliver services in a more efficient way. We must examine the issue seriously.

I will leave Magdalene laundries for the Minister for Justice and Equality to address. I accept the points made about the real concerns expressed about the experience of the women who were in those institutions. It is a catalogue in much the same way as what has happened to the many children documented in the Ryan report. The Minister for Justice and Equality will address the matter.

Youth homelessness is the other key area on which Members focused. Many young people who access services for the homeless do so without going to the Garda. I agree with Mr. Shannon's proposals on the discontinuance of the use of Garda stations. Service providers have also called for a review of the definition of youth homelessness. I agree that we need improved information on youth homelessness.

It is disturbing that children in care are so vulnerable. On the statistics to which we referred today, it is unacceptable that one third of children who leave care end up homeless. Senators suggested various remedies for this. For the HSE to have responsibility for children after they reach the age of 18 years is one key way to address the issue. That is done by way of guidelines. It is an improvement on how things were done last year. A new set of guidelines has been issued to the HSE to confirm that it has a responsibility and an authority to work with children who have been in care when they reach the age of 18 years. Ghost estates and existing housing require investigation to see whether there are possibilities for housing and resources being made available to people in a more creative way than has been the case to date. That issue must be addressed also.

Many other suggestions have been made. I will consider an implementation plan for the report. I hope to have an opportunity to bring it before a committee and consider how we can implement, and in what order, the more than 100 recommendations made in the report. It is important that we do that and that we do not say in two years time that the report for this year has not been implemented. Everything cannot be done at once. We will have to prioritise. I will be happy to do that. I look forward to the support of the many Senators who have contributed at such a high level to the debate in ensuring we implement the recommendations and bring forward the legislation recommended as speedily as possible.

Acting Chairman (Senator Paul Bradford): I thank the Minister. When is it proposed to sit again?

Senator Maurice Cummins: Ar 10.30 maidin amárach.

Adjournment Matters

Mental Health Services

Senator John Gilroy: I welcome the Minister for Children and Youth Affairs who is finding it very difficult to leave us today. Perhaps it is because of the previous position she held.

I wish to draw the Minister's attention to the situation in Cork city and county which has huge implications for public policy at national level. The reason I am bringing it to the attention of the House is not only that I am from Cork but that the project about which I intend to speak has been piloted there. I intend to devote a significant portion of my time in the House to raising awareness of this issue in the next five years or however long we have here.

The Minister and the Leas-Chathaoirleach might agree the issue of suicide probably presents the single greatest challenge facing our community. The figures are truly appalling, with the latest figures for 2009 showing that 527 people died by suicide. Many of those who work in this area consider the actual figure to be much higher than that reported. Analysis of the figures shows the incidence of suicide is higher in some counties than in others, particularly among young men. For example, the incidence of suicide in Cork is of great concern, with the rate standing more than 50% higher than the national average. The figures for counties Tipperary, Cavan, Wexford and Carlow are also high.

In 2009 there was an increase of approximately 27% on the suicide figures for the previous year. The HSE stated the figures reflected an international trend whereby the number of people who took their own lives during times of economic recession increased. Tragically, this means we can expect to see an increase in the suicide rate for 2010 and 2011 when figures for these years are reported. When we speak about suicide, we must keep in mind that behind each of the figures is a personal tragedy for individuals, families and entire communities. Perhaps on another day we can find time for a full debate on this matter because it is merited.

One of the agencies recognised by the Department as an official research unit is the National Suicide Research Foundation which is also recognised as a centre of excellence by the World Health Organization. As well as providing support for those bereaved by suicide, an important element of its work involves the collection of up-to-date information. Normally, we rely on the CSO to provide this information, but the publication of CSO information runs two years behind; therefore, figures for this year will not be available until the middle or end of 2013.

The National Suicide Research Foundation has developed a suicide support and information system which works with the Coroner's Court and bereaved families to identify the incidence and patterns of suicide. Since the beginning of the programme in 2008, 183 cases of suicide and death of undetermined intent have been included. From looking at patterns of suicide which the system has been devised to do we know that in certain circumstances the occurrence of suicide among a particular cohort may give rise to the emergence of a suicide cluster. The suicide support and information system can detect such patterns at an early stage, which is particularly important when dealing with cases involving young men. If emerging clusters can be identified at an early stage, intervention strategies can be put in place. These include coun-

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selling and other supports for those closely affected by suicide. This can reduce and has been shown to reduce the likelihood of a suicide cluster developing. The system has been validated by an international association of suicidology and is a proven lifesaver. The annual cost of maintaining the programme in Cork on a pilot basis is €75,000. It is funded by the HSE. Remarkably, at a time when there has been an increase in the incidence of suicide, the HSE which acknowledges the rate of increase is likely to accelerate has cut funding for the programme.

If we are resolved, as I hope we are, to tackling in a serious manner this problem which some commentators refer to as an epidemic, we need to find and identify working strategies. Having done so, we need to provide resources for them. The suicide support and information system is working and has saved lives. However, the funding for it has been cut and it is no longer able to function. In the Minister's opinion, what is the likelihood of funding being restored to this initiative?

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I am taking this Adjournment matter on behalf of my colleague, the Minister for Health, Deputy James Reilly. I thank the Senator for raising it.

The annual budget for the National Office for Suicide Prevention in 2011 is €4.2 million which includes an additional €1 million provided this year to enable the office to build on initiatives taken to date and bring added momentum and new impetus to activities to address the increasing incidence of suicide. The additional funding will enable the office to target priority areas, particularly new or emerging groups vulnerable to suicide or self-harm.

As I am sure the Senator will appreciate, at a time when the number of deaths by suicide is rising, there are increasing demands on the budget of the National Office for Suicide Prevention. The initiatives funded by it include the development and implementation of national training programmes. Since 2004 approximately 22,500 people have been trained under the two-day applied suicide intervention skills training, ASIST, programme which is internationally recognised. SafeTALK, a half-day training programme that prepares participants to identify persons with thoughts of suicide, has been provided for approximately 3,000 participants. Other initiatives include the development of a media monitoring mechanism; the availability of self-harm services through hospital emergency departments; implementing recommendations arising from a review of bereavement services; supporting 15 voluntary organisations working in the field of suicide prevention; developing mental health awareness campaigns such as Your Mental Health and Let Someone Know which is aimed at young people.

In 2008 the HSE's National Office for Suicide Prevention commissioned the National Suicide Research Foundation to pilot a suicide support and information system. The objective of this initiative is to prevent deaths by suicide by facilitating access to support for the bereaved while at the same time obtaining information on risk factors associated with suicide and deaths classified as open verdicts, which is in line with the Reach Out and A Vision for Change strategies. The initiative has since been piloted in close collaboration with the coroners in Cork city and county. Following a coroner's inquest, information on confirmed cases of suicide and undetermined deaths is obtained and bereaved family members receive information on suitable support services, if required. Since the start of the project 183 cases of suicide and deaths of undetermined intent have been included in the research.

The National Office for Suicide Prevention funded the initiative on a pilot basis between 2008 and 2010. However, given the increasing demands on its budget and the need to focus on

service provision as opposed to research, the office is not in a position to continue to provide funding beyond the pilot phase. The annual cost of maintaining the suicide support and information system in County Cork with three coroners is €75,000, and a national roll-out of the initiative would cost significantly more. In this context, it should be noted that the National Suicide Research Foundation already receives approximately 20% — €800,000 — of the budget of the national office, so research is being done and supported at national level. Some €500,000 of this is to administer the national registry for deliberate self-harm and €300,000 is to undertake core research projects. Much research is being done in this area and it is being funded.

Mental health and suicide prevention is a priority. Some €35 million has been ring-fenced from within the health budget to develop community mental health teams and services and to implement Reach Out to ensure early access to more appropriate services for both adults and children. My colleague, the Minister of State, Deputy Kathleen Lynch, is working with officials in the Department of Health and the HSE to deliver further progress in this area. She was not in a position to take this Adjournment matter but I have no doubt this will be brought to her attention and I will do so also.

Senator John Gilroy: I thank the Minister for her very thorough response and acknowledge the amount of work done at departmental and agency levels and among the voluntary community. I am disappointed we cannot find money to continue this lifesaving programme. Part of the programme has a research function but there is a practical element to it also. It is a local on-the-ground service. Suicide clusters are being identified and as a direct result, strategies are being put in place. I am disappointed we cannot find the funding but acknowledge the ongoing commitment of the Government to this area and the continuing investment it is making in it.

Audiology Services

Senator David Cullinane: I thank the Minister for Children and Youth Affairs for taking this Adjournment matter. I wish to speak about patients in the south-east referred by the ENT ward at Waterford Regional Hospital to the audiology department in the hospital and who are subjected to lengthy waiting lists.

In response to a parliamentary question tabled by Deputy Ó Caoláin, the Minister for Health said 1,412 patients in the south east were on audiology waiting lists since June 2010. Many people are on waiting lists for much longer periods than this as the figures presented by the Minister are only since June last year. The figures also show that of that 1,412, 436 children are over the age of four years and 450 children, referred since last June to see an audiologist, are under the age of four. The Minister will accept that early detection is very important for older people, in particular, but also for young people and young children. It is unacceptable that children of that age are being subjected to lengthy waiting lists.

I contacted the HSE area manager and received a reply from Richard Dooley in respect of a number of patients with whom I am dealing. I was told that in all cases, the waiting time is at least 20 months. The patients were told the waiting time was more than three years; therefore, different information was given to me and the patients when they contacted the ward.

Currently, I am dealing with the case of a 62 year old gentleman whose hearing aid is not working and needs to be replaced or repaired. He went to the ENT ward, was referred to the audiology department and was told he would have to wait at least two years, if not three years. The problem is the hearing aid cannot be replaced. That is just one example. I am also dealing with a 76 year old gentleman, an old age pensioner, who has worked all his life. He has hearing

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difficulties but he too was told he would have to wait more than three years to see an audiologist.

In regard to audiology services in the south east, Waterford Regional Hospital covers the entire south-east region. I also note from a response I received from the Minister that there appears to be problems in regard to non-replacement of staff and of some audiologists who are on sick leave. This again points to the fact the public service employment embargo is a crude instrument and it is not working for many patients. People are waiting on such lengthy lists simply because people cannot be replaced. The Minister, in his response to the question tabled by Deputy Ó Caoláin, stated that audiology scientists will be appointed in Waterford Regional Hospital in the near future but he does not give a timeframe as to when that will happen.

I refer the Minister to the report published by the HSE of its national audiology review group. That report made a number of important recommendations into which I do not have time to go. However, I am sure the Minister and the Minister for Health, in particular, are aware of the recommendations which need to be implemented in full.

I am more concerned about the very old and the very young in our society and those who are on those lengthy waiting lists in Waterford and in the south east. It is important that report's recommendations are not only published but are implemented in full. Will the Minister relay to the Minister for Health that the replacement of staff on sick leave and of other staff is urgently needed? It is vital that happens.

Some 450 children under the age of four years in the south east are being told they must wait at least two years to see an audiologist. Once they see the audiologist, it may be decided that some of those children and older people need treatment and they must go on to long treatment waiting lists. It could be up to five years before some of these get the treatment they need.

These are serious issues of concern to patients and I ask the Minister to take on board the comments I have made and relay them to the Minister for Health.

Deputy Frances Fitzgerald: I am taking this Adjournment matter on behalf of my colleague, the Minister for Health, Deputy James Reilly, and thank the Senator for raising it. The examples he gave in regard to the very young and the elderly show a dysfunctional health system and that is the reason the Government has prioritised reform of the health system and the way we deliver our health services.

The HSE recently published the report of the national audiology review group. The report, to which the Senator referred, contains a comprehensive set of recommendations to address the inconsistencies and inadequacies in audiology services. Work is now under way to improve access and deliver high quality, consistent audiology services throughout the country.

I am glad to be able to inform the Senator that, in addition to the estimated €11 million Exchequer funding available for audiology services annually, this year the HSE is investing an additional €3.7 million to begin the implementation of the recommendations of the review group. This will provide for the first phase of a national newborn hearing screening programme, which is so essential and which has commenced in Cork, and for the appointment of a number of key posts to lead the development of audiology services nationwide.

In regard to audiology services in the south east, as the Senator said, Waterford Regional Hospital is the main unit for referrals in the region. Paediatric third tier screening is provided

at Waterford Regional Hospital by an audiological scientist. As the Senator said, the service is currently experiencing some difficulties due to sick leave. However, recruitment of a locum scientist is under way through the regional disabilities office in Cork. The HSE plans to employ additional scientists for the neonatal screening service and to assist with third tier screening waiting lists.

The Minister for Health is determined to address the issues which cause unacceptable delays, such as those the Senator outlined, in patients receiving treatment in our hospitals. In this regard, the special delivery unit is a Government priority and is one of the commitments from the programme for Government to be achieved within the first 100 days. On 2 June, the Minister announced that Dr. Martin Connor, an international expert with a proven track record in health service transformation, has been appointed as adviser to the new special delivery unit.

The development of the special delivery unit is a key part of plans to radically reform the health system in Ireland with the ultimate goal of introducing a system of universal health insurance. Dr. Connor, who will report to the Minister, will concentrate on reducing trolley waits in emergency departments and on cutting waiting lists in the health services. A focused approach, targeting the major problem areas, is the best way forward. This is the way in which the Government will address unacceptable waiting times for audiology services.

Senator David Cullinane: I welcome the additional funding the Minister outlined. One of the key recommendations made in the audiology report concerned the implementation of a national newborn hearing screening programme. If such a programme is due to be rolled out, I welcome it.

A final point the Minister might convey to the Minister for Health concerns the need for the appointment of a national clinical lead for audiology services and a regional clinical lead in each of the four HSE regions. That must take place to give real effect to the recommendations made in the report which must be implemented. I welcome the additional funding made available. The Government is obliged to deal with real problems which were not of its making; therefore, I welcome the fact that inroads are being made and that there is a move to address the problems in the health service.

Schools Building Projects

Senator Brian Ó Domhnaill: Go raibh maith agat, a Leas-Chathaoirligh, for the opportunity to raise the issue of Gortahork national school and its current position in the Department's school building programme. The construction of a new school building for Gortahork national school has been an ongoing issue for more than ten years, with successive boards of management endeavouring to progress the purchase of a site for a new school in the village of Gortahork.

Gortahork is a small village, but the current school accommodation is totally unsuitable to meet the needs of the children who attend the school. Progress had been made by the Department of Education and Skills to provide a new school on a new site. Various meetings took place between previous Ministers and officials from the Department and members of the board of management and its chairman, Fr. Seán Ó Gallchóir, about the project. Unfortunately, however, it has hit a difficulty. The planning application submitted by the Department and probably prepared by the Office of Public Works was refused by Donegal County Council.

There were a number of reasons for the refusal. A number of meetings took place both before and after the planning application reached the further information stage between planning staff in Donegal County Council, the council's road engineers, the national roads design

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office and officials from both the OPW and the Department of Education and Skills. The advice given by both the planning office and the roads office of Donegal County Council was that while it welcomed the planning application and it met all planning conditions, there were road safety concerns. The clear advice given to the OPW and the Department by local authority staff was to make amendments to the application to improve the road safety conditions. This would result in improved road safety conditions for the young children at the new school.

I am not sure why the Department of Education and Skills did not take the advice. Following the meetings and the extension of time there was no subsequent information submitted by the Department. Instead, it let the three month time extension for the provision of further information to run out. Donegal County Council had no option but to refuse the planning application. One of the recommendations from the Department appears to be that it would now be in a position to seek the acquisition of additional lands, to negotiate the purchase of these lands and to prepare a new planning application, taking account of the improved safety conditions at the school. While this is good, it delays the bureaucracy of getting the planning approval process to the next phase and the school built.

The board of management wrote to the Department of Education and Skills on 26 April and made a number of suggestions. It asked the Department to take immediate steps to procure the site. It has not yet been bought because the new site for the school will only be bought subject to planning permission. The site is under question also in terms of whether it will be available and whether the owner will continue to make it available to the Department indefinitely. There has to be some response by the Department, given that it let Donegal County Council make the decision to refuse the application.

The board of management has made three suggestions. The first is that the Department of Education and Skills go ahead and buy the site identified by the OPW as the most suitable in the village. Second, it should enter into negotiations with the landowner, whose small additional portions of land are necessary to improve road safety conditions in respect of the new application. Third, the boards has suggested that the Department and the OPW once again meet the National Roads Authority, the Donegal national road design office and the planning and roads sections of Donegal County Council to renegotiate ahead of any new planning application proceeding.

I fear that the Department of Education and Skills will put the application on the long finger and that it will not progress as quickly as it did previously. I am seeking an update from the Minister of State. What assurances can he give to the House and the board of management that the site will be purchased by the Department and that a new planning application will be prepared in line with the new portions of land that must be purchased to improve the road safety conditions set out by Donegal County Council?

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): I am replying to this Adjournment matter on behalf of my colleague, Deputy Ruairí Quinn, Minister for Education and Skills. I thank the Senator for raising it, as it affords me the opportunity to outline to the Seanad the process being utilised to ensure there will be adequate accommodation in schools at primary and post-primary level in all parts of the country.

The Government, in its programme for Government, is committed to drawing up a new national development plan that reflects Ireland's changed economic circumstances, covering the seven-year period 2012-19. The plan will be based on a comprehensive study of Ireland's public investment priorities in that period. In the initial years, when resources will be most

heavily constrained, the programme for Government commits to prioritising investment in a number of specific areas, including school buildings. Modernising facilities in our existing building stock, as well as responding to the emerging needs in areas of rapid population growth, will continue to be a significant challenge.

All applications for capital funding are assessed in the planning and building unit of the Department of Education and Skills. 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 and so forth, leading 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.

A project to provide new accommodation for Scoil Náisiúnta Ghort an Choirce has been assigned a band 2.2 rating under the published prioritisation criteria for large-scale building projects. The acquisition of the site was initiated by the Department of Education and Skills in conjunction with the Office of Public Works. Following a process to locate and identify possible sites for a new school building, one site was chosen as the site which offered best potential as the location of a new building for the school in question. As is standard in such cases, the contracts signed for the site made it clear that the acquisition of the site was subject to planning permission being obtained for the construction of a suitable school building on the site.

A planning application for a school building was prepared and submitted to Donegal County Council, the planning authority for the area. The application was not successful and planning permission for the development of a school building on the site was refused by the planning authority. I understand the planning authority has indicated that extensive works to the road network outside the curtilage of the proposed site would be required to make it suitable for development of this nature. In the circumstances, the Department instructed its legal advisers to seek to rescind the existing contract for the acquisition of this site and to request the return of the deposit moneys paid. The deposit moneys have been returned to the Chief State Solicitor's office within recent days and it will be arranging for the moneys to be transferred to the Department.

The next step required in this process will now be reviewed in the light of these developments and taking account of the current competing demands on the capital budget of the Department and the increased demographic demands for additional school accommodation. The school authority was advised last week, by letter, of the position.

Senator Brian Ó Domhnaill: I am bitterly disappointed with the response. An internal memo sent by a Department official to the then Minister for Education and Skills, Mary Coughlan, on 12 January 2011, outlined three options for the project. The final option, the least favourable, although it is preferable to the response tonight, was that if planning was refused — it was — the Department of Education and Skills would at least be in a better position to seek acquisition of the additional land and to renegotiate the purchase price to current market conditions. The Department stated in January it would look at purchasing the additional lands and renegotiating the purchase price under current market conditions and would look at preparing a new planning application. Tonight the House was informed the proposed site for the school is off the agenda and the next step will now be reviewed. What does that mean? It certainly gives no comfort to the school or the board of management. It is a worrying development and I ask the Minister of State to go back to the Department and look at the school

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again given so much effort has been made by the board of management to bring this project to fruition. If possible, could the Department officials visit the school, meet the board of management and look at the additional land needed? Subject to that land being available and a price agreed, the school could then lodge a new planning application with the county council. If this is let drag on, I fear for the future of the project, which is crucial to the educational needs of the pupils and teachers in the school.

Deputy Ciarán Cannon: I will take on board the points the Senator has made. If he wishes to contact my office directly, I will raise the matter with the building unit again. My reading of the response is that the building unit has concluded that the site is no longer suitable for the development of a school, irrespective of what works are done outside the curtilage of the site. We may have to look at other sites locally. I will work with the Senator to try to arrive at a different conclusion while being mindful of the competing demands on the Department's resources.

The Seanad adjourned at 6.35 p.m. until 10.30 a.m. on Wednesday, 8 June 2011.