

DÁIL ÉIREANN

Déardaoin, 12 Eanáir, 2012 Thursday, 12th January, 2012

RIAR NA hOIBRE ORDER PAPER

Déardaoin, 12 Eanáir, 2012 Thursday, 12th January, 2012

10.30 a.m.

ORD GNÓ ORDER OF BUSINESS

- **8a.** An Bille um Sheirbhísí Uisce (Leasú), 2011 [Seanad] Tairiscint i ndáil le Roinnt an Ama do Roghfhochoiste.
 - Water Services (Amendment) Bill 2011 [Seanad] Allocation of Time Motion for Select sub-Committee.
- **12.** Bille na bPaitinní (Leasú), 2011 Ordú don Tuarascáil. Patents (Amendment) Bill 2011 Order for Report.
- **4.** An Bille um Chosaint Fostaithe (Obair Ghníomhaireachta Shealadach), 2011 An Dara Céim (*atógáil*).
 - Protection of Employees (Temporary Agency Work) Bill 2011 Second Stage (resumed).

GNÓ COMHALTAÍ PRÍOBHÁIDEACHA PRIVATE MEMBERS' BUSINESS

- **38.** (*l*) Tairiscint *maidir le* Riachtanais Speisialta Oideachais (*atógáil*).
 - (a) Motion re Special Educational Needs (resumed).

FÓGRA I dTAOBH GNÓ NUA NOTICE OF NEW BUSINESS

- 11a. Tairiscint *maidir le* Ceadú beartaithe ag Dáil Éireann i ndáil leis an gComhaontú idir Rialtas na hÉireann agus Rialtas Stáit Aontaithe Mheiriceá maidir le Comhar a Fheabhsú le linn Coireacht Thromchúiseach a Chosc agus a Chomhrac.
 - Motion *re* Proposed approval by Dáil Éireann of the Agreement between the Government of Ireland and the Government of the United States of America on Enhancing Cooperation in Preventing and Combating Serious Crime.

I dTOSACH GNÓ PHOIBLÍ AT THE COMMENCEMENT OF PUBLIC BUSINESS

Billí a thionscnamh: Initiation of Bills

Tabhairt Isteach: Introduction:

7a. An Bille um Réamhchinntí Cúraim Sláinte, 2012 — An Chéad Chéim. Advance Healthcare Decisions Bill 2012 — First Stage.

Bille dá ngairtear Acht do dhéanamh socrú maidir le daoine inniúla do dhéanamh cinntí roimh ré maidir le cóireáil liachta d'fhonn go ndéanfaí socrú dá éis sin, de bharr na gcinntí sin, maidir le cúram a choinneáil siar tráth nach mbeidh an duine inniúil chun cinntí maidir le cóireáil a dhéanamh: do leasú an Achta um Chumhachtaí Aturnae, 1996 chun a cheadú d'aturnaetha, faoin Acht sin, cinntí maidir le cóireáil cúraim sláinte a dhéanamh; agus do dtaobh dhéanamh socrú comhghaolmhara.

Bill entitled an Act to provide for the making of medical treatment decisions in advance by competent persons with the intention of those decisions subsequently providing for the withholding of care at a time when the person loses competence to make treatment decisions; to amend the Powers of Attorney Act 1996 to allow for attorneys under that act to take healthcare treatment decisions; and to provide for connected matters.

—Liam Twomey.

Fógraí Tairisceana: Notices of Motions

8a. "D'ainneoin aon ní sna Buan-orduithe nó in Ordú an 30 Samhain, 2011 ón Dáil, go ndéanfar na himeachtaí sa Roghfhochoiste um Chomhshaol, Pobal agus Rialtas Áitiúil ar an mBille um Sheirbhísí Uisce (Leasú). 2011 [Seanad] a thabhairt chun críche ar 9 p.m. Dé Céadaoin, 18 Eanáir, 2012, mura mbeidh siad críochnaithe roimhe sin, le Ceist amháin a chuirfear ón gCathaoir, agus nach bhfolóidh, i ndáil le leasuithe, ach leasuithe a bheidh curtha síos nó a mbeidh glactha leo ag an Aire Comhshaoil, Pobail agus Rialtais Áitiúil nó ag Aire Stáit, arna ainmniú nó arna hainmniú mar ionadaí thar a cheann.

That, notwithstanding anything in Standing Orders or the Order of the Dáil of 30th November, 2011, the proceedings in the Select sub-Committee on Environment, Community and Local Government on the Water Services (Amendment) Bill 2011 [Seanad] shall, if not previously concluded, be brought to a conclusion at 9 p.m. on Wednesday, 18th January, 2012, by one Question which shall be put from the Chair and which shall, in relation to amendments, include only those set down or accepted by the Minister for the Environment, Community and Local Government or a Minister of State, nominated as a substitute on his behalf."

—Pól Mac Eochaidh, Aire Stáit ag Roinn an Taoisigh.

11a. "Go gceadaíonn Dáil Éireann téarmaí an Chomhaontaithe idir Rialtas na hÉireann agus Rialtas Stáit Aontaithe Mheiriceá maidir le Comhar a Fheabhsú le linn Coireacht Thromchúiseach a Chosc agus a Chomhrac,

That Dáil Éireann approves the terms of the Agreement between the Government of Ireland and the Government of the United States of America on Enhancing Cooperation in Preventing and Combating Serious Crime

arna dhéanamh i mBaile Átha Cliath an 21 Iúil, 2011, agus ar leagadh cóip de faoi bhráid Dháil Éireann an 10 Eanáir, 2012.

which was signed at Dublin on 21st July, 2011 and a copy of which was laid before Dáil Éireann on 10th January, 2012."

—An tAire Dlí agus Cirt agus Comhionannais.

ORDUITHE AN LAE ORDERS OF THE DAY

12. Bille na bPaitinní (Leasú), 2011 — Ordú don Tuarascáil. Patents (Amendment) Bill 2011 — Order for Report.

4. An Bille um Chosaint Fostaithe (Obair Ghníomhaireachta Shealadach), 2011 — An Dara Céim (*atógáil*).

Protection of Employees (Temporary Agency Work) Bill 2011 — Second Stage (resumed).

GNÓ COMHALTAÍ PRÍOBHÁIDEACHA PRIVATE MEMBERS' BUSINESS

Tairiscint (atógáil) (1 ur. 30 n. fágtha): Motion (resumed) (1 hr. 30 m. remaining):

38. "That Dáil Éireann:

- recognises the right of every child to equal opportunity through education as enshrined in Article 28.1 of the UN Convention on the Rights of the Child and that the Education Act 1998 makes specific reference to provision for the education of persons with disabilities or special educational needs, and that a stated objective of the Act is 'to give practical effect to the constitutional rights of children, including children who have a disability or other special educational needs';
- notes that the Education for Persons with Special Needs Act 2004 promotes inclusive education for children with special educational needs and confers on parents a series of rights in relation to their child with special educational needs;
- notes that Delivering Equality of Opportunity in Schools (DEIS) Band One and DEIS Band Two schools provide essential support for children from disadvantaged backgrounds and those with special educational needs, so that they are able to leave school with the skills necessary to fully participate in the social and economic activities of society and to live independent and fulfilled lives;
- notes that in total there are 199 DEIS Band One schools, 32 of which were in the former Breaking the Cycle (BTC) programme that predated DEIS; DEIS Band One BTC Junior Schools will operate a staffing schedule of 18:1; DEIS Band One BTC Senior Schools will operate a staffing schedule of 24:1; Vertical (junior and senior pupils) Band One BTC Schools will operate separate staffing schedules of 18:1 at junior and 24:1 at senior level;
- notes that other DEIS Band One schools (167 schools that are not in BTC) will function as follows: DEIS Band One Junior Schools will operate a staffing schedule of 20:1; DEIS Band One Senior Schools will operate a staffing schedule of 24:1;

- DEIS Band One Vertical (junior and senior pupils) Schools will operate a staffing schedule of 22:1;
- notes that Junior DEIS schools are to be treated on a pupil/teacher ratio of an 'alleviated' level: 18:1 from 15:1 and that DEIS Band Two schools will increase from a 24:1 ratio to 28:1;
- notes that a number of administrative principals are to be lost; the support teacher scheme is ending; the learning support system allocation changed and an estimated 250 teachers in DEIS disadvantaged primary schools are to be transferred to mainstream schools;
- notes that more than 428 DEIS teaching posts from 270 primary schools and 163 post-primary schools will be lost and that schools with classrooms designed to cater for a 15:1 pupil/teacher ratio will be unable to accommodate larger classroom sizes;
- commends the dedication and work of teaching staff in DEIS schools and recognises
 the incremental improvements that have resulted from dedicated programmes
 designed to help children who struggle to reach their educational potential;
- notes that the decision to reduce the pupil/teacher ratio from 22:1, as originally set out in Budget 2012, to 18:1, will still result in the significant loss of teachers to disadvantaged schools covered by DEIS Band One and DEIS Band Two;
- acknowledges that cuts to DEIS schools will result in the dismantlement of essential
 educational supports for pupils with a high level of need in school and that this is a
 continuation of past Government budgetary polices that have resulted in cuts in
 education services designed to assist children from marginalised and disadvantaged
 backgrounds;
- notes that many DEIS Band One and DEIS Band Two schools have already lost a range of services including special needs assistants, traveller allocation teachers and language support teachers and the withdrawal of visiting support teachers for travellers, the phasing out by 2012 of senior traveller training centres all of which have contributed to improving numeracy and literacy standards;
- acknowledges that the loss of an estimated 700 plus career guidance counsellors in second level schools, as a result of the decision in Budget 2012 not to provide these posts on an ex-quota basis, will seriously reduce the level of support for children experiencing a range of emotional and learning difficulties;
- notes that it contradicts OECD recommendations to prioritise educational resources for socio-economically marginalised urban and rural areas and will undermine the Government's EU commitment to reaching the EU 2020 target of 10 per cent early school leavers nationally;
- notes that the National Literacy and Numeracy Strategy that has been prioritised by the Government and seen as essential to improving standards in schools will be undermined and will result in the loss of much of the progress that has been made in assisting children who have benefited greatly from the establishment of DEIS schools in 2005 and the Breaking the Cycle scheme which was initiated in 1996;
- acknowledges that the targeting of DEIS schools will have serious implications for society in the medium to long-term, and will contribute to greater social exclusion of many young people who are unable to avail of a fair and equitable education;
- notes that this is yet another attack on some of the most vulnerable children and undermines the Government's commitment to protect the educational rights of children and those marginalised by poverty;
- notes that cuts in DEIS schools contrasts with the Government's prolonged review

into State funding for private schools and its decision to implement a two-point increase in the staffing schedule in second-level fee-paying schools, with one teacher for almost every 22 pupils;

- notes that phased staffing adjustments in small schools with fewer than five teachers will leave an estimated 1,500 small schools struggling with higher pupil/teacher ratios and will lead to the closure of many rural schools;
- calls upon the Minister for Education and Skills, Ruairí Quinn T.D., to rescind these cuts as a matter of urgency and protect the rights of children to obtain their education entitlement by ensuring DEIS schools are adequately funded and retain their current pupil/teacher ratio;
- calls upon the Government to retain the current scheme of giving DEIS Band schools a 'top up' allocation on the existing standard staffing schedule to enable them to implement reduced class sizes of 20:1 in junior classes and 24:1 in senior classes;
- calls upon the Government to reverse its decision to withdraw, from 2012, supports in some schools from disadvantage schemes predating DEIS;
- calls upon the Government to rescind its decision to cut teaching posts from DEIS Band One and DEIS Band Two schools;
- calls upon the Government to reverse these indefensible cuts to essential education services which will impact on the life chances of young people and have broader ramifications for Irish society and its economy; and
- calls upon the Government to ring-fence funding and supports for DEIS Band One and DEIS Band Two schools in order to break the cycle of deprivation, marginalisation and disadvantage and to promote fairness and equality." Seán Crowe, Gerry Adams, Michael Colreavy, Pearse Doherty, Dessie Ellis, Martin Ferris, Pádraig Mac Lochlainn, Mary Lou McDonald, Sandra McLellan, Jonathan O'Brien, Caoimhghín Ó Caoláin, Aengus Ó Snodaigh, Brian Stanley, Peadar Tóibín.

[11 *January*, 2012]

Leasuithe: Amendments:

1. To delete all words after "Dáil Éireann" and substitute the following:

" calls on the Government to:

- ensure that the allocation of funding for education is a priority as committed to during Fianna Fáil's private members' motion on education in April 2011;
- protect the Delivering Equality of Opportunity in Schools (DEIS) programme which
 provides essential support for children from disadvantaged backgrounds and in
 schools with the highest concentration of educational disadvantage in view of the
 significant progress made in these schemes;
- reverse its decisions in Budget 2012 to remove 428 legacy DEIS posts from primary and post primary schools which will result in a significant increase in the pupil/teacher ratio in DEIS Band One and DEIS Band Two schools;
- maintain the existing allocation system for guidance provision in view of the importance of this service, particularly for vulnerable children;
- protect the significant investment in rural schools over the past 15 years which

- resulted in the doubling of the number of teachers working in small rural schools; and
- publish all impact analysis carried out by the Minister for Education and Skills, Ruairí Quinn T.D., prior to announcing the loss of 428 DEIS posts, changes to the allocation of guidance provision, and changes to staffing schedules in small rural schools." Brendan Smith, John Browne, Dara Calleary, Niall Collins, Barry Cowen, Timmy Dooley, Seán Fleming, Billy Kelleher, Seamus Kirk, Michael P. Kitt, Michael Martin, Charlie McConalogue, Michael McGrath, John McGuinness, Michael Moynihan, Éamon Ó Cuív, Willie O'Dea, Seán Ó Fearghaíl, Robert Troy.
- 2. To delete all words after "Dáil Éireann" and substitute the following:
- "— acknowledges that the plans set out by Government in Budget 2012 form an important step in returning Ireland's economy to a sound footing and regaining our economic sovereignty;
- recalls the pioneering measures first taken in 1996 by the then Fine Gael Labour Government by the introduction of dedicated supports for tackling educational disadvantage, with the purpose and objective of ensuring that educational attainment is not confined by the circumstances or place of a child's birth, and that each child has the opportunity to attain their full educational and social potential;
- notes the further development since that time of a series of initiatives including the Delivering Equality of Opportunity in Schools (DEIS) Programme;
- commends the commitment, dedication and unstinting work since that time of teachers, principals, school staff, parents, and others in the school communities concerned who have worked to ensure the success of DEIS and related schemes in the face of multiple challenges and difficulties;
- notes the successes that have been achieved to date in improving educational opportunities and the life chances of the children who have benefited from these measures;
- notes the resources that have been committed to these schools under a range of headings including over €158 million that is being provided in 2012 in additional resources and supports for primary and second level schools included in DEIS, in the form of:
 - teaching posts to implement more favourable class sizes;
 - additional capitation funding;
 - additional funding for school books;
 - access to the School Meals Programme;
 - access to numeracy/literacy supports and measures at primary level such as Reading Recovery, Maths Recovery and First Steps;
 - access to Home School Community Liaison services;
 - access to the School Completion Programme;
 - access to planning supports;
 - access to a range of professional development supports; and
 - provision for school library and librarian support for DEIS Second Level schools, access to the Junior Certificate School Programme and Leaving Certificate Applied;
- notes the priority that has already been afforded by the Minister for Education and

Skills, Ruairí Quinn T.D., to the core issue of improving literacy standards and literacy strategy that is currently being implemented; and

— welcomes:

- the firm commitment of the Government to the principle of equality of educational opportunity;
- the determination of the Government to further the attainment of this goal through the design and implementation of coherent and evidence-based strategies which builds on these achievements;
- the engagement by the Minister for Education and Skills with school principals, teachers, parents and communities in recent weeks, to hear their concerns and clarify the position in relation to changes announced under Budget 2012 to posts allocated to schools under previous schemes to tackle educational disadvantage; and
- the fact that, following this engagement, the Minister for Education and Skills has asked his Department for a report within the next four weeks on the position of DEIS Band One and Band Two schools who currently have posts under older schemes, in the context of the staffing allocations due to issue to all schools in the coming weeks."(resumed) An tAire Oideachais agus Scileanna.

MEMORANDA

Déardaoin, 12 Eanáir, 2012 Thursday, 12th January, 2012

Cruinniú den Choiste um Chuntais Phoiblí i Seomra Coiste 1, TL2000, ar 10 a.m. Meeting of the Committee of Public Accounts in Committee Room 1, LH2000, at 10 a.m.

Cruinniú den Chomhchoiste um Ghnóthaí an Aontais Eorpaigh i Seomra Coiste 3, TL2000, ar 11.30 a.m.

Meeting of the Joint Committee on European Union Affairs in Committee Room 3, LH2000, at 11.30 a.m.

Cruinniú den Chomhchoiste um Shláinte agus Leanaí i Seomra Coiste 2, TL2000, ar 11.30 a.m. (príobháideach).

Meeting of the Joint Committee on Health and Children in Committee Room 2, LH2000, at 11.30 a.m. (private).

SCRÍBHINNÍ A LEAGADH FAOI BHRÁID NA DÁLA DOCUMENTS LAID BEFORE THE DÁIL

Reachtúil: Statutory:

1) An tOrdú um an Acht Leasa Shóisialaigh 1) Social Welfare and Pensions Act 2010 agus Pinsean, 2010 (Alt 38) (Lá Ceapacháin) (Section 38) (Appointment Day)

(Leasú), 2011 (I.R. Uimh. 639 de 2011).

- (Amendment) Order 2011 (S.I. No. 639 of 2011).
- 2) Na Rialacháin um an gCiste Rásaíochta Capall agus Con, 2011 (I.R. Uimh.732 de 2011).
- 2) Horse and Greyhound Racing Fund Regulations 2011 (S.I. No.732 of 2011).
- 3) Na Rialacháin um an gClár ar Scaoileadh amach agus Aistriú Truailleán, 2011 (I.R. Uimh. 649 de 2011).
- 3) Pollutant Release and Transfer Register Regulations 2011 (S.I. No. 649 of 2011).
- 4) Ráiteas i scríbhinn maidir leis na téarmaí agus na coinníollacha (conradh) faoina ngníomhaíonn nó faoinar ghníomhaigh an Comhairleoir Speisialta, Paul Kiernan, Tiománaí Sibhialtach, mar Chomhairleoir Speisialta don Teachta Séamus Ó Raghallaigh, Aire den Rialtas ag an Roinn Sláinte, le héifeacht ón 1 Bealtaine, 2011 de bhun alt 19(4)(a) de na hAchtanna um Eitic in Oifigí Poiblí, 1995 agus 2001.
- 4) Statement in writing of the terms and conditions (contract) under which Special Adviser, Paul Kiernan, Civilian Driver, acts or acted as a Special Adviser to Deputy James Reilly, Minister of the Government at the Department of Health, with effect from 1 May, 2011 pursuant to section 19(4)(a) of the Ethics in Public Office Acts 1995 and 2001.
- 5) Ráiteas i scríbhinn maidir leis na téarmaí agus na coinníollacha (conradh) faoina ngníomhaíonn nó faoinar ghníomhaigh an Comhairleoir Speisialta, Mark Costigan, mar Chomhairleoir Speisialta don Teachta Séamus Ó Raghallaigh, Aire den Rialtas ag an Roinn Sláinte, le héifeacht ón 31 Márta, 2011, de bhun alt 19(4)(a) de na hAchtanna um Eitic in Oifigí Poiblí, 1995 agus 2001.
- 5) Statement in writing of the terms and conditions (contract) under which Special Adviser, Mark Costigan, acts or acted as a Special Adviser to Deputy James Reilly, Minister of the Government at the Department of Health, with effect from 31 March, 2011 pursuant to section 19(4)(a) of the Ethics in Public Office Acts 1995 and 2001.
- 6) Coimisiún Ombudsman an Gharda Síochána. Tuarascáil Cúig Bliana de réir alt 80(4) d'Acht an Gharda Síochána, 2005.
- 6) Garda Síochána Ombudsman Commission. Five Year Report in accordance with section 80(4) of the Garda Síochána Act, 2005.
- 7) Ráiteas i scríbhinn maidir leis na téarmaí agus na coinníollacha (conradh) faoina ngníomhaíonn nó faoinar ghníomhaigh an Comhairleoir Speisialta, John Killilea, Tiománaí Sibhialtach, mar Chomhairleoir Speisialta don Teachta Micheál P. Ó Ceit, Leas-Cheann Comhairle Dháil Éireann, i dTithe an Oireachtais, le héifeacht ón 25 Aibreán, 2011, de bhun alt 19(4)(a) de na hAchtanna um Eitic in Oifigí Poiblí, 1995 agus 2001.
- 7) Statement in writing of the terms and conditions (contract) under which Special Adviser, John Killilea, Civilian Driver, acts or acted as a Special Adviser to Deputy Michael P. Kitt, Leas-Cheann Comhairle of Dáil Éireann, in the Houses of the Oireachtas, with effect from 25 April, 2011, pursuant to section 19(4)(a) of the Ethics in Public Office Acts 1995 and 2001.
- 8) Ráiteas i scríbhinn maidir leis na téarmaí agus na coinníollacha (conradh) faoina ngníomhaíonn nó faoinar ghníomhaigh an Comhairleoir Speisialta, Thomas Kenny,
- 8) Statement in writing of the terms and conditions (contract) under which Special Adviser, Thomas Kenny, Civilian Driver, acts or acted as a Special Adviser to Deputy

Tiománaí Sibhialtach, mar Chomhairleoir Speisialta don Teachta Micheál P. Ó Ceit, Leas-Cheann Comhairle Dháil Éireann, i dTithe an Oireachtais, le héifeacht ón 25 Aibreán, 2011, de bhun alt 19(4)(a) de na hAchtanna um Eitic in Oifigí Poiblí, 1995 agus 2001.

- Michael P. Kitt, Leas-Cheann Comhairle of Dáil Éireann, in the Houses of the Oireachtas, with effect from 25 April, 2011, pursuant to section 19(4)(a) of the Ethics in Public Office Acts 1995 and 2001.
- 9) Ráiteas i scríbhinn maidir leis na téarmaí agus na coinníollacha (conradh) faoina ngníomhaíonn nó faoinar ghníomhaigh an Comhairleoir Speisialta, Margaret Mannion, Cúntóir Pearsanta, mar Chomhairleoir Speisialta don Teachta Micheál P. Ó Ceit, Leas-Cheann Comhairle Dháil Éireann, i dTithe an Oireachtais, le héifeacht ón 18 Aibreán, 2011, de bhun alt 19(4)(a) de na hAchtanna um Eitic in Oifigí Poiblí, 1995 agus 2001.
- 9) Statement in writing of the terms and conditions (contract) under which Special Adviser, Margaret Mannion, Personal Assistant, acts or acted as a Special Adviser to Deputy Michael P. Kitt, Leas-Cheann Comhairle of Dáil Éireann, in the Houses of the Oireachtas, with effect from 18 April, 2011, pursuant to section 19(4)(a) of the Ethics in Public Office Acts 1995 and 2001.
- 10) Ráiteas i dtaobh an gaolta na Comhairleoirí Speisialta Margaret Mannion, Cúntóir Pearsanta; Lynda McLoughlin, Rúnaí Pearsanta; Thomas Kenny, Tiománaí Sibhialtach agus John Killilea, Tiománaí Sibhialtach, a ghníomhaíonn nó a ghníomhaigh mar Chomhairleoirí Speisialta don Teachta Micheál P. Ó Ceit, Leas-Cheann Comhairle i dTithe an Oireachtais, leis an sealbhóir oifige; de bhun alt 19(4)(c) de na hAchtanna um Eitic in Oifigí Poiblí, 1995 agus 2001.
- 10) Statement as to whether Special Advisers Margaret Mannion, Personal Assistant; Lynda McLoughlin, Personal Secretary; Thomas Kenny, Civilian Driver and John Killilea, Civilian Driver, who act or acted as Special Advisers to Deputy Michael P. Kitt, Leas-Cheann Comhairle in the Houses of the Oireachtas, are relatives of the office holder; pursuant to section 19(4)(c) of the Ethics in Public Office Acts 1995 and 2001.

Neamhreachtúil:

Non-Statutory:

- 1) An tOrdú um Chomhairleoirí Speisialta (An Tánaiste agus Aire Gnóthaí Eachtracha agus Trádála) a Cheapadh, 2011 (I.R. Uimh. 431 de 2011).
- 1) Appointment of Special Advisers (Tánaiste and Minister for Foreign Affairs and Trade) Order 2011 (S.I. No. 431 of 2011).
- 2) Páipéar Comhairliúcháin ón gCoimisiún um Athchóiriú an Dlí maidir le Conarthaí Árachais (LRC CP 65-2011).
- 2) Law Reform Commission Consultation Paper on Insurance Contracts (LRC CP 65-2011).