



# SEANAD ÉIREANN

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*Dé Máirt, 14 Meitheamh 2011.*  
*Tuesday, 14 June 2011.*

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Chuaigh an Cathaoirleach i gceannas ar 2.30 p.m.

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*Paidir.*

*Prayer.*

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## **Business of Seanad**

**An Cathaoirleach:** I have received notice from Senator David Cullinane 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 ensure that commitments given to replace St. Bridget's ward at St. Patrick's hospital in Waterford with a new 50-bed geriatric facility are acted upon and addressed as a matter of urgency.

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

The need for the Minister for Health to make a statement on the retention of the 24-hour, seven day a week accident and emergency service at Roscommon County Hospital now and into the future.

I have also received notice from Senator Trevor Ó Clochartaigh of the following matter:

The need for the Minister for Education and Skills to outline the reasons scoil náisiúnta Thír an Fhia, Leitir Mór, was refused in its application for the summer improvements scheme; and the urgent need for this to be addressed, given the long-standing need for such improvements.

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

## **Order of Business**

**Senator Maurice Cummins:** The Order of Business is No. 1, motion re Offences against the State (Amendment) Act 1998 (No. 39 of 1998), to be taken at the conclusion of the Order of Business and conclude not later than 4.15 p.m., with the contributions of spokespersons not to exceed five minutes and the Minister to be called upon to reply to the debate no later than 4.10 p.m; No. 2, statements on the allocation of language support and resource teachers for special needs pupils in the context of the employment control framework, to be taken at 4.15 p.m. and conclude not later than 6.15 pm, with the contributions of spokespersons not to exceed ten minutes and those of all other Senators not to exceed six minutes, with the Minister to be called upon to reply not later than 6.10 p.m.

**Senator Darragh O'Brien:** This is a very sad day for my party and all of us in this Chamber. We have lost a great friend and colleague in the late Deputy Brian Lenihan who was laid to rest today. On behalf of the Fianna Fáil group in the Seanad, I extend my sincere sympathy to his wife, Patricia; his son, Tom; his daughter, Claire; his mother, Ann, and his extended family. His aunt, former Senator Mary O'Rourke, is a former Leader of this House.

Many words have been spoken in recent days about Brian Lenihan. We all considered him, first and foremost, a great friend. This transcended party politics and policies and was marked by his constituents in Dublin West when 9,000 queued on Saturday to sign a book of condolence. Such books were opened all over the country. I thank the Taoiseach and the Government for the respect they showed Brian and his family in that regard. A beautiful Mass was held today, after the removal yesterday.

For my colleagues and me, Brian was proud of his country, an Irishman to the core. Everything he did was in the interests of the country, not personal interest. He made very difficult decisions that he tried to explain to the public, with whom he connected. As a friend and colleague, he was an example to us all as parliamentarians in the respect he showed for both Houses of the Oireachtas. He spent many a long night in the Seanad and showed his respect for colleagues, of all parties and none. To the very end his only concern was for the country.

**An Cathaoirleach:** I understand the Leader has a suggestion to make on this issue.

**Senator Maurice Cummins:** I suggest the House observe a minute's silence tomorrow to be followed by brief words from the party leaders.

**Senator Darragh O'Brien:** That would be greatly appreciated. On behalf of the Fianna Fáil group, I convey my sympathy to Brian's family. He fought the good fight. Ní bheidh a leithéid ann arís.

**Senator Ivana Bacik:** I add my voice to that of Senator Darragh O'Brien in offering condolences to the family of the late Deputy Brian Lenihan. We were all immensely shocked by his untimely death on Friday. Every Member of the House will wish to offer condolences to his family — his wife, Patricia, and his children, Claire and Tom. Those of us who were Members of the previous Seanad will recall the night of the long debate on the bank guarantee scheme in September 2008 and the great courtesy and competence Brian Lenihan, then Minister for Finance, brought to the debate. He maintained that courtesy and a level of collegiality, even when dealing with those of us who did not agree with him, through a very long debate. I should mention that I knew him as a colleague at the Bar and at Trinity College. He was a former student of Trinity. I am grateful to the Leader for indicating that he will allow us to pay longer tributes tomorrow, which is important. On behalf of the Labour Party, I convey our condolences to his family.

I would like to ask the Leader for a debate in November on the report of the Smithwick tribunal. All of us noted the opening speech of the tribunal last week, following the debate in this House on the Minister for Justice and Equality's motion to place a certain timeframe on the work of the tribunal. It would be useful for us to revisit the issue of the Smithwick tribunal and to revisit some of that debate when the report is published in November of this year. I ask the Leader to make time for such a debate, which would be of great significance, in November. During Senator McAleese's excellent maiden speech in this House on Thursday, he suggested that the Seanad could be used as a pivotal place for such debates. Regardless of the findings of the Smithwick tribunal, the issues it is investigating are of such importance that they deserve a full debate in this House.

**Senator Jillian van Turnhout:** I add my voice to the expressions of condolence to Brian Lenihan's wife, Patricia; his children, Claire and Tom; his mother, Ann; his aunt, Mary; and his brothers and sister. I had the privilege of working with him when he served as Minister of State with responsibility for children. I welcome the opportunity to record his achievements in that office during tomorrow's tributes.

**Senator David Norris:** I welcome the fact that the Leader of the House, Senator Cummins, has made arrangements for us to speak extensively about the late Brian Lenihan. I was at the funeral and found it very moving. I knew him from his days in Trinity College. He was a brilliant student. I think Brian Lenihan would be very glad that we are meeting here today and that we did not cancel our business. Brian Lenihan would have said "Go on, do your work, keep going". I hope to have an opportunity to speak about him tomorrow.

I would like to raise the plight of children in Iraq. I have visited the hospital for sick children in Iraq. I was able to bring in some much-needed drugs. At that time, a UN embargo prevented painkilling drugs and drugs like penicillin from being brought in. I am worried about an issue that has been raised by a number of Senators in this House. I refer to the use of depleted uranium weapons during the war in Iraq, which particularly affected the area around Basra. Will the Leader arrange a general debate on the subject of depleted uranium? The use of such weapons is a cause of considerable concern to the medical authorities, especially in the children's hospital in Basra. Although I have visited the children's hospital in Baghdad, I have not visited the hospital in Basra. The hospitals in question continue to lack vital machinery and medical supplies.

The statistics show that Iraq has experienced an extraordinary increase in diseases that are perfectly treatable in the west. In addition, it has high rates of leukaemia, stillbirth, miscarriage and deformities that are not unlike those encountered after the Chernobyl incident. Senior staff have made it quite clear that their informed scientific and medical opinion is that many of these conditions are the result of the use of chemical weapons, including depleted uranium. It is possible to determine this. One of the reasons the use of such weapons has not been outlawed is that some countries believe there is no proven link. The medical staff in Iraq say they would be in a position to prove there is a link if they had the facilities to perform biopsies and analyse tissue and urine samples. The Dean of Basra medical college, Professor Thamer Hamdan, who is the senior person responsible, has said:

We have little doubt that [depleted uranium] is linked to the rise in cancer and deformities. We're also seeing a rise in infertility in men and women, which is a concern.

This country played an important role in establishing medical facilities, for example through the Parc development. The Royal College of Surgeons helped to establish a hospital. Irish nurses and doctors worked there.

We have a direct historic interest there and it is a great shame that we allow children to be treated in this way. It is the same as debates that a number of Senators raised in the House about the fate of Roma gypsy children who have been parked for the past ten years on top of a toxic dump and who now have the highest levels of lead and mercury in their system ever recorded. I respectfully ask the Leader to give time for a debate on this issue.

**Senator Fidelma Healy Eames:** I thank the Leader for setting aside time tomorrow in order that we all can express condolences to the Lenihan family on the untimely passing of former Minister, Brian Lenihan. That is opportune and I will reserve my comments until then.

I understand we will have the Social Welfare and Pensions Bill in the House in the next week or so. I have been offered the great task by our leader to be the Front Bench spokesperson in

[Senator Fidelma Healy Eames.]

the Seanad on social protection. For my part, I believe we have a challenge to face in this country in that the social protection budget is running at more than €20 billion. The debate on the Bill will afford us all an opportunity to look at how to create a socially just society at this time in our history when we face such considerable economic challenges, how to ensure work is more valuable than welfare, and how to guard against welfare dependance and a welfare lifestyle while at the same time ensuring the vulnerable are protected at all times. I encourage every Member in the House to use the opportunity of the debate on the Social Welfare and Pensions Bill to put our ideas forward together. It is a massive challenge, how we will bring our country back to work and back to education. That should be our form of social protection as opposed to a pure dependency on welfare. I look forward to hearing the Members views in the House.

**Senator Terry Leyden:** I thank the Leader of the House for providing time tomorrow for Members to pay tributes to the late, great Brian Lenihan. I extend my sympathy, as I have already, to his wife and family and to his aunt, Mary O'Rourke, who was Leader of this House. I have a long link with them because I was assistant director of elections in 1969 for his father with whom I started my political career. I learnt a great deal from Brian senior and the family. In relation to the Seanad, when I brought the Private Members' Bill here, it was Brian Lenihan who brought the Bill with me through the House and was so helpful on that issue. He had great respect for this House. He came here regularly as a Minister.

I thank the Taoiseach and the Cabinet for deciding that the Dáil should be suspended today as a mark of respect and also for being at the funeral in such great numbers. It showed great respect for a colleague. I also thank the Fine Gael Party for asking Brian to give the oration at the monument to Michael Collins at Béal na mBláth last year. That was one of the greatest honours bestowed on him, he felt, of linking up the political past, and he took great interest in that speech. May he rest in peace.

The Leader of the House, who happens to be nominated by the GRA, the AGSI and the Garda superintendents, must be shocked and horrified to hear that the Government will suspend the training of gardaí in Templemore at this stage and that Templemore will have no trainees for the next two years. We never needed the service of gardaí more than we do now. We need them more than ever. This is certainly a signal to the gangsters, bombers and assassins that they will be subject to less control now than they were in the past. It is the principal responsibility of Government to defend its citizens. By deciding not to have further—

**An Cathaoirleach:** The matter may be suitable for an Adjournment debate.

**Senator Terry Leyden:** It would, and I would hope the Cathaoirleach would grant me permission to raise it because I intend to table it tomorrow for Thursday.

**An Cathaoirleach:** If Senator Leyden tables it, I will take it for him.

**Senator Terry Leyden:** I appreciate that. I would ask the Minister for Justice and Equality, Deputy Shatter, to come to the House and give a detailed statement in this regard. We were nominated by Garda representative organisations and we always responded to their requirements. This is serious because the fact that gardaí will not be trained will affect every town and village in Ireland, and many gardaí left the force last year.

**Senator Fidelma Healy Eames:** It was in the Senator's party's budget last year.

**Senator Terry Leyden:** We are in a perilous situation in this regard and I am horrified that the Government can do this somersault so quickly. It is 100 days of somersaults.

**Senator John Whelan:** Through the good offices of the Leader of the House, I call on the Minister for Communications, Energy and Natural Resources to attend the House to set out his policy on Grid25 and the development of an energy supply network throughout the country. There is a great deficit in the provision of a power supply along the eastern seaboard, especially in the south east. It requires the roll-out of a cobweb of high voltage power lines, pylons and sub-stations throughout the country from the west. The problem will be accentuated with the development of windfarms, wave power projects and renewables along the west coast. In a previous life I took the view that this was best and the right thing to do. I also protested against the construction of a nuclear power station at Carnsore in the late 1970s and early 1980s. However, there are now communities throughout the country concerned about the construction by EirGrid of electricity sub-stations, pylons and power lines. The policy is being rolled out in an off-hand, dismissive and cavalier fashion and leading to fear, anxiety and tension between farmers, families and neighbours. It is also leading to gross misinformation at public meetings. It would be helpful, therefore, to clear the air if the Minister set out the position on planning and compulsory purchase orders with regard to the provision of such strategic infrastructure. The Ratheniska Action Group has been formed in my community. I do not defend the NIMBY — not in my backyard — syndrome for one second because we must move past it, but neither are the people concerned bananas. They are not from the brigade that would not build anything anywhere at anytime. It would be helpful if EirGrid was instructed by the Minister to engage in meaningful and transparent discussions in a fair-minded manner and not dismiss the genuine fears and concerns of communities.

**Senator David Cullinane:** Like previous speakers and on behalf my party colleagues, I extend our sincere sympathy to the family of the late Deputy Brian Lenihan. It is welcome that the Leader of the House will provide time tomorrow, for which I thank him, to speak extensively about Brian, his life and achievements.

I extend my sympathy also to the family of the late Liam Kelly, a former Member of this House. He was a Member in the 1950s, along with being a member of Saor Uladh. On several occasions he spoke extensively in the Chamber about the right of Nationalists and Unionists in the North to representation in the Oireachtas. He was also an MP for the constituency of Mid-Ulster in the Stormont Assembly in the 1950s. I extend my sympathy to his family.

I wish to raise a number of other issues. On several occasions I have asked the Leader of the House to clarify when the Minister for Jobs, Enterprise and Innovation will come into the Chamber to discuss the review of the joint labour committees, JLCs.

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

**Senator David Cullinane:** As the Leader is aware, consultation with the social partners is under way. While it is welcome that the Minister is engaging in consultations with the social partners, he should hold discussions with Members also. It is important, therefore, that he come into the Chamber as soon as possible, preferably next week if the Leader can make the necessary arrangements.

Like Terry Senator Leyden, I also call for a debate on the embargo on Garda recruitment. While it is important that the Senator seek to raise the matter on the Adjournment, Ministers should come into the House to have discussions with Members on the impact of the embargo on the ability of the Garda to do its job in defending communities which will suffer because of the cutbacks. It is important that Members are given such an opportunity to discuss the matter.

[Senator David Cullinane.]

I draw the attention of the House to an all-party motion passed by Dublin City Council last night on the issue of the Magdalene laundries. It calls on the State to apologise and set up a redress board and establish an independent public inquiry. There is a need for a unanimous motion to be passed at some point by the House calling on the Government to do all these things, which it should do as of right. I call on all groupings to facilitate the passing of such a motion.

There has been discussion in recent days regarding a leaked Health Service Executive report on the potential for cutbacks in services, with the threat that if services in certain hospitals are not reduced, some, such as Monaghan General Hospital, could be closed.

**An Cathaoirleach:** The Senator is out of time.

**Senator David Cullinane:** There have been numerous calls for the Minister for Health to come into the Chamber to discuss these important issues. That must happen as quickly as possible.

**Senator Paul Coghlan:** I welcome the Leader's indication that he will allow time for tributes to the late Deputy Brian Lenihan who, as Minister, was always very attentive to his duty in this House and treated everybody with great kindness and courtesy.

It is important to note the categorical assurance from the chairman of the National Asset Management Agency, Mr. Frank Daly, at the meeting of the British-Irish Parliamentary Assembly in Cork this morning that the agency has not to date and does not intend in future to sell back assets at favourable rates to the defaulting debtors from whom they were purchased. Unfortunately, a Member of this House has made allegations to the contrary, hinting, on more than one occasion, that sweetheart deals have been done involving NAMA and some of these people. He made these allegations in the House under parliamentary privilege.

I would have expected more from him as a respected colleague. He has made this claim without proof or back-up, and his allegations are unfounded. If he has back-up or proof, let him provide it. Alternatively, let him make the allegations outside this House and we will see what happens. This concerns the Cathaoirleach as much as the Leader because it would make a very bad headline for any of us to tolerate such an abuse of privilege. I very much welcome the categorical assurance today from the chairman of NAMA. Perhaps this matter can be pursued at a meeting of the Committee on Procedure and Privileges.

**Senator Labhrás Ó Murchú:** Last week we agreed a comprehensive all-party motion regarding the medical staff held captive in Bahrain. Has the Government received any report on this case, which has become exceptionally urgent? I received a disturbing e-mail at the weekend listing the names of the 49 people held captive, who include some eminent physicians. I understand some of these people may be sentenced in the coming week and may even face execution.

The Royal College of Surgeons in Ireland has a long and lucrative relationship with the Government in Bahrain through the courses and qualifications the college provides, with large numbers of Bahraini citizens coming to this country to study. The college should use its influence in this matter but, as far as I am aware, it has not spoken on the matter. One eminent surgeon, Professor Damian McCormack — who does not mind having his name mentioned in the House — has been quite outspoken on the issue. I ask the Leader, if there is a report, to make it available to us and that he follow up on this matter in light of the urgency attached to it.

**Senator John Kelly:** It was reported in Roscommon at the weekend that the Health Service Executive proposes to reduce accident and emergency hours at Roscommon hospital from the

current 24-7 basis to a service running from 8 a.m. on Monday until 5 p.m. on Friday evening with no cover at weekends.

Needless to say, the HSE would prefer the people of County Roscommon to get sick during the week only and not at weekends. The HSE is blaming the shortfall on its failure to recruit junior doctors, a matter raised in the House by my colleague, Senator John Whelan, last week.

3 o'clock However, it is highly convenient that it is failing to recruit junior doctors to hospitals into which it has no intention of investing further. In addition, I am aware that junior doctors who are recruited in HSE west are given the option of choosing the hospital in which they wish to work and naturally enough, they all wish to work in Galway. However, my understanding is that no such option is given in other parts of the country. Such doctors are told both the hospitals in which they will work and that they may be obliged to rotate between hospitals, which covers the requisite staffing levels for full-time accident and emergency departments.

It is also apparent from the HSE's attempts to downgrade hospitals such as Roscommon County Hospital that it is misinforming ambulance staff, patients and the public by telling them the accident and emergency unit in Roscommon is full and that patients should be brought to places such as Sligo, Portlincorney or Galway hospitals. This has been challenged recently by a couple of people who realised the destination to which they were brought and where they were informed they could be dealt with, namely, Sligo hospital, was full while the Roscommon accident and emergency unit only had two patients. I believe the HSE is attempting to close the accident and emergency service there by stealth. Any given point in County Roscommon is 35 miles from the nearest accident and emergency unit and the county has a very poor structure —

**An Cathaoirleach:** This is a matter that can be raised on the Adjournment.

**Senator John Kelly:** I am getting to that point.

**Senator Terry Leyden:** It will be taken on the Adjournment tonight.

**An Cathaoirleach:** Senator Leyden has raised the matter on tonight's Adjournment and I am sure he will give the Senator a minute of his time.

**Senator Terry Leyden:** I will give the Senator a minute.

**Senator John Kelly:** I will conclude on this point because the Minister should be called before this House to address this issue as a matter of urgency. As the HSE has this plan in place for 11 July, which is only a few weeks away, it is very important that he does. The Cathaoirleach should bear in mind that before the general election, the Minister for Health gave a written commitment to the people of County Roscommon that there would be no downgrading of accident and emergency services in Roscommon. While Members will discuss the matter further in an Adjournment debate, the Cathaoirleach should facilitate the Minister's appearance as soon as possible and hopefully within the next week.

**Senator Terry Leyden:** The birds are coming home to roost.

**Senator Trevor Ó Clochartaigh:** Ba mhaith liom go n-iarrfaí ar an Aire Iompair teacht isteach agus soiléiriú a thabhairt don Teach maidir le cúrsaí mótarbhealaí agus cúrsaí infrastruchtúra agus na forbairtí atá á dhéanamh ansin, i bhfianaise an scéal atá tagtha amach go bhfuilimid ag íoc €500,000 in aghaidh na míosa le comhlucht Spáinneach mar nach bhfuil a dóthain carannaí ag úsáid na mótarbhealaí atá againn, agus ag an am céanna go bhfuilimid ag rá le muintir na Gaillimhe nach bhfuil dóthain airgid againn leis an aerphort a choinneáil oscailte an bhliain

[Senator Trevor Ó Clochartaigh.]

seo chugainn, chomh maith leis sin go bhfuilimid ag caint ar dolaí nua a chur ar an mótarbhealach idir Gort Inse Guaire agus Tuam Dá Ghualain agus go mbeidh muintir na Gaillimhe agus an iarthair, a bhéas ag úsáid an bhóthair sin, ag íoc €22 milliún in aghaidh na bliana leis an mótarbhealach sin a úsáid. Tá sé tábhachtach go ndéanfaí plé, muna bhfuil daoine ag úsáid na mótarbhealaí seo agus muna bhfuil dóthain teacht isteach ag an chomhlucht maidir leis na dolaí, cén todhchaí atá ag na bóithre seo.

I ask for the issue of motorway tolls to be considered by the House. I have been informed that given the lack of motorway toll revenues being collected by the Spanish company which runs the tolls arising from an insufficient number of cars using the motorways, €500,000 per month is being paid to the aforementioned company. This is scandalous, particularly as those who run Galway Airport have been informed it will not receive an operating grant next year to keep it open as part of the west's essential infrastructure. Moreover, it has been announced that two new tolls will be added to the road between Galway and Tuam and the people of the west will be obliged to pay €22 million per annum to use that road. It is obvious both to me and to most of those who are observing the motorways' operation that people are not using them because of these tolls. Therefore, this appears to have defeated the purpose of building the roads in the first place and a serious debate is required on the position regarding tolls on the motorway network, whether this is working and what the future plan will be.

**Senator Tom Sheahan:** I ask the Leader of the House to invite the Minister for Health into this Chamber for a debate on psychiatric services and the serious deficiencies within those services. While I acknowledge the Minister has only been in office for 100 days, he should come before this House to outline his schedule, with deadlines, regarding the closure of the many outdated institutions that are home to people with psychiatric problems. Many of these institutions are no longer fit for purpose. I refer, in particular, to St. Finian's Hospital in Killarney. At one time it had capacity for more than 300 patients but now there are only 20 in it. I call on the Minister to close it as quickly as possible. I also ask the Leader to bring the Minister to the House for a debate on the country's psychiatric services.

**Senator Martin Conway:** I also thank the Leader for providing time tomorrow to express sympathy to the Lenihan family. The Cathaoirleach will know that the Lenihan family has very close ties with County Clare. The late Deputy's ancestors came from north Clare, very near from where I come. On behalf of the people of County Clare, I express our sympathy to the Lenihan family and, in my own case, to Brian's mother, Ann, who was a mature student in UCD when I was an undergraduate.

I wish to raise the issue of gambling and refer to the fact that a casino is to be built in County Tipperary having been given the green light by An Bord Pleanála. I do not particularly have an issue with the facility being given planning permission and I am sure it will provide much needed employment in County Tipperary and offer visitors from abroad a tourism offering not currently available here. However, there is a need for the legislation on gambling to be updated and I have read reports that proposals are in train to do so. Gambling presents a serious problem. When the legislation is being updated, I suggest the Government also consider the legislation governing the national lottery which has served the country very well since its establishment, but the governing legislation dates from 1986 and possibly needs to be updated. When the lottery began, there was one game held each week and one scratch card on offer, whereas now there is a choice of approximately 15 scratch cards and at least one televised game show every day, with an on-line product. After 25 years the legislation has run its course and we need to take another look at it. Gambling poses many serious problems and side effects and

we need to be very careful to ensure it does not take a grip on the country, as it has destroyed many homes. Therefore, in any legislative analysis we also need to look at the national lottery.

**Senator Tony Mulcahy:** This is the first time I have spoken in the House and, like my colleagues, I am very glad to be here. I intend to raise various issues.

Over the weekend an advertisement appeared in the local media on the designation of a bird sanctuary on the Shannon Estuary covering the coastline of counties Clare, Limerick and Kerry, nearly 100 miles in total. Shannon Airport is in this area and it is hoped to develop a humanitarian aid and cargo hub. There has also been zoning for substantial wind farms along that coastline. I refer also to the issue of the gas project raised in the House recently by Senator Ned O'Sullivan, as well as the deep water ports of Foynes and Limerick. There are also deep water facilities in Kildysart in west Clare which have been zoned. This means the Shannon Estuary can accommodate the biggest cargo ships in the world. This is, therefore, a matter of the utmost importance to the region. I ask the Minister for Arts, Heritage and the Gaeltacht, Deputy Jimmy Deenihan, to come to the House to explain what the impact of the decision taken will be on the future development of the region. We have done a lot of work which is of critical importance to the country's economic recovery. Therefore, I would like the Minister to expand on the decision made. Placing an advertisement in the newspapers outlining the intention to designate a bird sanctuary and asking for submissions is not the way to inform people of such decisions. We need an explanation of how the decision taken will impact on the future development of the three counties mentioned, the region as a whole and the country.

**Senator Maurice Cummins:** I join Senator Darragh O'Brien and all other colleagues in paying respect to the late Deputy Brian Lenihan.

We will have an opportunity tomorrow to pay adequate tribute to the former Minister.

Senator Bacik raised the question of the Smithwick tribunal and its recommendations. When they are published we will have a debate on them.

Senator Norris referred to the appalling situation in Iraq, the human rights abuses and so on. It is an issue which we could possibly debate under a heading of human rights and deal with a number of problems that there are throughout the world. We could broaden the debate and have it soon. I assure Senator Healy Eames that the Social Welfare and Pensions Bill will come before the House the week after next. It will come before the Dáil next week.

Senator Leyden referred to cutbacks in Garda numbers and the fact that Templemore would have no recruits for the next couple of years. It is the policy advocated by the previous Government in the cutbacks initiated in the last budget which the current Government is proceeding to implement.

Senator Whelan spoke on the roll out of energy supplies and the problems with pylons. We have had a request for a debate to deal with wind energy, energy supplies and strategic infrastructure. I am trying to get Senator Varadkar, to the House to deal with those matters and we hope he will come here fairly soon.

I join Senator Cullinane in expressing sympathies to the family of former Senator Liam Kelly, a gentleman who I did not know. We would all like to be associated with those remarks in expressing condolences to his wife and family. He also raised the question of the review of JLCs. There is no Government decision, as far as I know, on that but we will have a debate. We had a debate in the House on competitiveness and the question of JLCs was raised by several people.

**Senator David Cullinane:** He is a Minister, with respect.

**Senator Maurice Cummins:** I did not interrupt the Senator and I do not expect to be interrupted.

**An Cathaoirleach:** Without interruption, please.

**Senator Maurice Cummins:** The issue of the Magdalene laundries will be considered by the Government this week. I will facilitate a debate on it and the Minister is anxious that we debate it.

Senator Coghlan referred to the clarification by the chairman of NAMA. I do not wish to comment any further on that matter.

On the comments of Senator Ó Murchú, we had an all-party motion last week. I have not received the report to date but will make representations to the Minister for Foreign Affairs and Trade and update the House on the motion.

Senator Kelly spoke about Roscommon hospital and the reduction in accident and emergency hours. As has been pointed out, there is an Adjournment motion on the issue and I hope he will get some time to deal with it today.

Senator Ó Clochartaigh referred to tolls and was not aware that we were paying the toll company for the lack of use of the road. It was news to me. I travelled from Cork this morning and paid two tolls, a total of €3.80 which is the going rate. If one is not paying tolls from the west at the current time one is very lucky.

Senator Sheahan raised the issue of psychiatric services and mental health. We should arrange to have a debate on that matter and on the closure of old and unsuitable buildings. The Minister will come before the House for such a debate.

Senator Conway referred to the issue of gambling. There are proposals to amend the 1956 Act and a report and recommendations were issued in 2009 on gaming and betting. It is a major problem for society; about that there is no question. We will have a betting Bill to deal with gambling, in particular online gambling, before the close of this session but, if not, it will be in the House within the next couple of months.

**Senator Terry Leyden:** Will it deal with casinos?

**Senator Maurice Cummins:** It will afford an opportunity to Members to speak on the issue. I introduced a Private Members' Bill in this House to prevent young people, some between five and eight years of age, from using the tote, thus preventing the State from sponsoring betting for younger people.

**Senator Terry Leyden:** You shot it down.

**Senator Maurice Cummins:** It was shot down in this House. I agree, however, that we should have a debate on that matter. It is to be hoped the betting Bill will come to the House before the summer recess.

Senator Mulcahy raised the old question of the proposed bird sanctuary and the contravention of development plans. We will try to get a Minister to attend the House to discuss that issue. The Senator might also consider tabling it as an Adjournment matter.

Order of Business agreed to.

### **Offences against the State (Amendment) Act 1998: Motion**

**An Cathaoirleach:** I welcome the Minister for Justice and Equality to the House.

**Senator Maurice Cummins:** I move:

That Seanad Éireann resolves that sections 2 to 4, 6 to 12, 14 and 17 of the Offences against the State (Amendment) Act 1998 (No. 39 of 1998) shall continue in operation for the period of 12 months beginning on 30th June, 2011.

**Minister for Justice and Equality (Deputy Alan Shatter):** The resolution before the Seanad seeks approval for the continuance in operation of those sections of the Offences against the State (Amendment) Act 1998, which would otherwise cease to be in operation after 30 June. Senators will be well aware at this stage that this legislation was enacted in the aftermath of the Omagh bombing in August 1998. That was a dreadful atrocity which claimed the lives of 29 innocent people and injured more than 200 others. The attack at Omagh was no more or less than a callous and calculated act of mass murder. It was a futile attempt to derail the peace process which was then still in its infancy. If anything, its brutality galvanised the already strong resolve of both communities on this island for a shared future based on peace and democracy.

It is a testament to the strength of conviction and commitment of those parties which supported the peace process that not only did it survive this attack, it also has flourished. The recent Assembly elections in the North are evidence of how matters have developed and matured in this respect.

We can happily reflect on the great advances that have been made in normalising politics in Northern Ireland and the ever closer North-South relationship across a broad range of areas, including justice and policing. We should never forget, however, the cruelly high price paid by so many people who were bereaved by the mindless criminality of the very few.

Recognising the exceptional nature of the measures contained in the 1998 Act, it was decided that certain sections of the Act should be revisited annually by the Oireachtas. The purpose is to allow the Houses of the Oireachtas to decide whether the current circumstances justify the continued operation of these sections. I have no doubt whatsoever that their continued operation is justified and I shall outline my reasons for the benefit of the House presently.

To support the consideration by Senators of the need for the renewal of the relevant sections of the Act, I am required to lay a report on their operation before both Houses prior to the resolutions being moved. The report, which I laid before the House on 13 June 2011, covers the period from when the last such report was prepared, in June 2010, to 31 May 2011. The clear message from the report is that the relevant sections of the 1998 Act continue to be of significant value to the Garda Síochána in tackling the threat from terrorism. Taking into account the provisions of the Act, the number of occasions on which certain provisions have been used and the current security environment, the Garda authorities consider that the Act continues to be one of the most important tools available to them in the ongoing fight against terrorism. The inevitable conclusion must be that the provisions are necessary to counter the threat from terrorism and that their continued availability to the Garda Síochána is truly warranted.

There remains a real and ongoing threat in this jurisdiction and in Northern Ireland from a variety of subversive paramilitary groups. Put plainly, these are gangs of criminal terrorists. I say “criminal” because they are involved in a wide range of organised criminal activities and in many cases their continued commitment to the so-called “cause” is centred more on preserving their personal positions. These groups represent nothing but their own warped views of the world. They display by their actions nothing but contempt for the peace-loving and law-abiding majority on this island. They have nothing to offer but despair.

[Deputy Alan Shatter.]

The Real IRA, the Continuity IRA and other groups remain resolutely committed to using violence in pursuit of their ends, some of which, as I have just mentioned, are personal aims. They continue to seek to acquire and manufacture weapons and to plant explosive devices without any concern for life or limb. In particular, they have targeted members of the security forces in Northern Ireland. The tragic murder of PSNI constable Ronan Kerr in Omagh on 2 April 2011 is a stark demonstration of their murderous intent.

The Act was brought in following the Omagh bombing and was mainly targeted at domestic terrorist groups. However, we should not ignore the threat from international terrorism. The extent of this threat varies greatly within the European Union. However, it would be foolhardy to imagine that Ireland is completely immune from these new forms of terrorism. We must not be complacent in responding to them.

I might mention, at this juncture, the Criminal Justice (Terrorist Offences) Act 2005 which is aimed specifically at the international threat. It enables the application of the Offences against the State Acts, including the provisions which are under consideration today, against the activities of international terrorist groups and individuals.

To return to the provisions which are the subject of the resolution, the report I have laid before the House is based on data received from the Garda authorities and it illustrates and clearly shows the following. Section 2 of the Act was used on 48 occasions. This section provides that where, in any proceedings for membership of an unlawful organisation, an accused failed to answer or gave false or misleading answers to any question, the court may draw such inferences as appear proper. However, a person cannot be convicted of the offence solely on an inference drawn from such a failure; there must be some other evidence which points towards a person's guilt.

Section 3 was used on 12 occasions in the past 12 months. This section provides that, in proceedings for membership of an unlawful organisation, an accused must give notification of an intention to call a person to give evidence on his behalf, unless the court permits otherwise.

Section 7 was used on 24 occasions. This section makes it an offence to possess articles in circumstances giving rise to a reasonable suspicion that the article is in possession for a purpose connected with the commission, preparation or instigation of specified firearms or explosives offences.

Section 8 was used once. This section makes it an offence to collect, record or possess information which is likely to be useful to members of an unlawful organisation in the commission of serious offences.

Section 9 was used on 63 occasions. This section makes it an offence to withhold information which a person believes might be of material assistance in preventing the commission by another person of a serious offence or securing the apprehension, prosecution or conviction of another person for such an offence.

Section 10 was used on 12 occasions. This section extends the maximum period of detention permitted under section 30 of the Offences against the State Act from 48 hours to 72 hours, but only on the express authorisation of a judge of the District Court. In this regard, the judge must be satisfied, on the application of a Garda officer not below the rank of superintendent, that the further detention is necessary for the proper investigation of the offence concerned and that the investigation is being conducted diligently and expeditiously. The person being detained is entitled to be present in court during the application and to make, or to have made, submissions on his or her behalf. In the reporting period in question, an extension under section 10 was applied for and granted in 12 cases and charges resulted in six of those cases.

Section 11 was used five times. This section allows a judge of the District Court to permit the re-arrest and detention of a person in respect of an offence for which he or she was previously detained under section 30 of the Offences against the State Act but released without charge. This further period must not exceed 24 hours and can only be authorised in circumstances where the judge is satisfied on information supplied on oath by a member of the Garda Síochána that further information has come to the knowledge of the Garda Síochána about that person's suspected participation in the offence.

Section 14 is essentially a procedural section that makes the offences created under sections 6 to 9, inclusive, and 12 of the 1998 Act scheduled offences for the purposes of Part V of the 1939 Act. This means that persons suspected of committing these offences are liable to arrest under section 30 of the 1939 Act. In the past 12 months, the sum total of the uses of sections 6 to 9, inclusive, and 12 was 88.

I turn to those sections of the 1998 Act that were not used in the period under report, those being sections 4, 6, 12 and 17. Section 4 amends section 3 of the Offences against the State Act 1972 in such a way as to expand the definition of "conduct" that can be considered as evidence of membership of an unlawful organisation. Specifically, "conduct" can include matters such as "movements, actions, activities, or associations on the part of the accused". This change simply aligns the definition of conduct in the 1972 Act with the reference to movements, actions, activities or associations in section 2 of the 1998 Act.

Section 6 creates the offence of directing the activities of an organisation in respect of which a suppression order has been made under the Offences against the State Act 1939. Section 12 makes it an offence for a person to instruct or train another person in the making or use of firearms or explosives or to receive such training without lawful authority or reasonable excuse.

Section 17 builds on the provision in the Criminal Justice Act 1994 providing for forfeiture of property. The 1994 provision empowers a court, in its discretion, whenever any person is convicted of an offence under that Act, to order the forfeiture of any property in the possession of the person that was used or intended to be used to facilitate the commission of the offence. The effect of section 17 is, in the case of a person convicted of specified offences relating to the possession of firearms or explosives and where there is property liable to forfeiture under the 1994 Act, to require the court to order the forfeiture of such property unless it is satisfied that there would be a serious risk of injustice if it made any such order. Although these sections were not used in the period under report, the House will agree that their continued availability is essential to an effective response to the threat from terrorist groups.

On the basis of the information set out in the report and for the reasons I have given, it is clear that the 1998 Act continues to be an important element of the Garda response to the ongoing threat posed by terrorist groups. It would give me tremendous pleasure to be able to attend the House and inform Senators that the Act's provisions were no longer considered necessary. To be in a position to do so, however, will require a significant change of attitude on the part of those criminal terrorist groups. As Minister for Justice and Equality, I could not recommend to the House that valuable legislative provisions be allowed to lapse in the absence of such a change of attitude. The relevant provisions of the Act should remain in operation for a further 12 months. I commend this resolution to the House and hope it will have the full support of the House.

**Senator Denis O'Donovan:** I welcome the Minister to the House. As spokesman for justice and equality on the Opposition side of the House, Fianna Fáil fully supports this re-enactment, so to speak, to ensure these parts of the legislation do not lapse. There is not much to be said on the matter. The last three times the Minister's predecessor appeared before the House in this regard, I spoke in favour of the motion.

[Senator Denis O'Donovan.]

The legislation was introduced by the then Minister, Mr. John O'Donoghue, in the wake of the terrible atrocity of the Omagh bombing. The threat of a similar incident, North or South, remains a possibility, although, it is hoped, a remote one. I was surprised to hear from the Minister's speech of the frequency with which these provisions were, according to the Garda Síochána, used during the past 12 months. For example, section 2 was used on 48 occasions, section 3 was used on 12 occasions and section 9, which was most frequently used, was used on 63 occasions, which indicates the necessity to retain this legislation on the Statute Book. Like the Minister, I, too, would like if we lived in a utopia because the need for this legislation would not arise.

I made the point when supporting a previous motion on this legislation that, having regard to the continuing threat posed by either the Continuity IRA, Real IRA or any other such group, the Government should, rather than putting such a motion before the House each year, consider only reviewing the need for this legislation every three or five years. I believe this legislation will continue to be required during the lifetime of this Government, although it would be nice if that were not to be so. None the less, I believe it will be required. Perhaps the Minister will take into account my proposal, although were it necessary to amend the legislation in this regard, it may not be worthwhile so doing. This Government may be in office for another approximately 4 years and 8 months and it might be better, rather than reviewing this order annually, if the order were to remain in place during the lifetime of the Government.

We are living in an era of international and domestic terrorism. The events of Omagh remain clear in my mind. I am sure most people recall that terrible atrocity. If these sections of the legislation are required to keep that threat at bay, they must remain on the Statute Book. Fianna Fáil supports the motion. There is no doubt that it is, unfortunately, necessary they remain on the Statute Book to allay any fears of a threat such as the atrocity in Omagh or any loss of life. The Minister referred earlier to the recent murder of Constable Ronan Kerr. We on this side of the Border must remain alert and ensure these threats are stamped out in so far as that is possible.

**Senator Paul Bradford:** I, too, welcome the Minister to the House. I listened with interest to what he had to say. I appreciate that coming from a legal background and given the many issues raised by him across the political spectrum he would love to be in a position to tell Members that these sections of the legislation are no longer necessary. As he pointed out, however, we do not live in an ideal world.

I believe this measure is not a restriction on freedom or liberty within this country but is a necessary means of assisting the defence of democracy. Many colleagues recently attended the funerals of the former Deputy and Attorney General, Declan Costello, and the former Taoiseach, Garret FitzGerald, both of whom had fine political careers. When I recall these people and the former Taoiseach, Liam Cosgrave, who thankfully is still with us, and the former Taoiseach, Jack Lynch, I am mindful of the tough legislative measures they had to introduce in the 1970s to protect and preserve this country from chaos. I recall listening to an interesting speech by the former Taoiseach, Liam Cosgrave, when he launched a book on the late Declan Costello some months ago in which he pointed out that the first duty of democrats is to defend the State. We need to reflect on the fact that our first duty is to defend and protect our State. Tough measures were required in the 1970s to defend the Irish State from the chaos and anarchy which some people wished to impose on us. The measures taken then, tough as they have been viewed by some of the more liberal commentators, were necessary. Unfortunately, 40 years later, some of these measures remain necessary.

We all recall with horror the afternoon of Saturday, 15 August 1998 when an unrepresentative group of fascist people murdered and maimed people in Omagh, repeating what had been done on so many tragic occasions across Northern Ireland. The political response at the time, which led to the introduction of this type of legislation, unfortunately was necessary. I listened with interest to the Minister setting out the statistics for the use of the provisions of this legislation. As he said, the people involved in such groups represent nothing but their own warped view of the world. Fortunately, many have moved from that warped view of the world towards the political process. Our aim and aspiration must be to ensure all those outside the political process who believe violence, mayhem and terrorism can work are encouraged to engage in the political process. While the door must always remain open to them we must always have in place firm security and justice measures to protect and defend our State.

I wholeheartedly welcome the motion as put forward by the Minister. Sadly, the statistics speak for themselves. These measures are necessary as a defence against those who, because they fail politically and because their view is not accepted by the majority, opt to bomb, maim, murder and force their agenda into the public arena. I support the continuation of the measures necessary to defend our State. I wish the Minister and the Garda Síochána well in their endeavours. The Garda Síochána has been on the front line in facing down those trying to blow this State apart for the past 40 years. The members of the force have a tough job to do and have been doing it well. The Garda Síochána and Army must always be supported by all true democrats in this House.

**Senator Sean D. Barrett:** I, too, welcome the Minister to the House. I agree with the sentiments expressed by Senator O'Donovan. We all wish this legislation was not necessary and that we could move on to a better Ireland. We have made substantial progress in that direction. On Tuesday last I heard the Northern Ireland Minister for Education, John O'Dowd, speaking on education matters, in relation to which no one from the other side of the House challenged him because he was an Irish Nationalist. That is the progress that has been made in Northern Ireland. Today, the Northern Ireland Minister for Finance, Sammy Wilson, attended the funeral of the former Minister for Finance in this jurisdiction, Deputy Brian Lenihan. It was stated earlier that the Fine Gael Party in west Cork invited the late Brian Lenihan to address them at Béal na mBláth.

I invite those paramilitaries persisting in this conduct to come into these Houses of Parliament. There is a diversity of membership in the Dáil such as has never existed before and there is a participation in political life in Northern Ireland such as never existed before. Why do they go so far to alienate people? They have killed members of the Gaelic Athletic Association, including Constable Ronan Kerr, whose Nationalist credentials cannot be criticised, and seriously wounded Constable Peadar Heffron, an Irish speaking member of the Police Service of Northern Ireland. These extreme Nationalists should reflect on the progress taking place throughout this country, developing the society and ensuring the different traditions respect one another and work together. Even at this late stage, I ask them to find an intermediary and to come into the political system and make this kind of legislation unnecessary. They have isolated themselves and done so much damage through their unlawful activities to so many people in this country, including people of the highest credentials. They should desist and join with some of the other groups in laying down their arms and joining the remarkable political developments on this island, which are in sharp contrast to our economic problems. I look forward to the day when this legislation will no longer be necessary.

**Senator Ivana Bacik:** I welcome the Minister to the House and offer the support of the Labour Party for this motion. I should declare, as I have in previous years when we debated this issue, my own interest as a practitioner who has worked in the Special Criminal Court and

[Senator Ivana Bacik.]

used some of these provisions there. I spoke in the past as a Member who, while not on the Government side, supported the motion, although with the caveat, which I again express today, that each year on the annual occasion when we are asked to reconsider these proposals and consider their renewal, we subject them to rigorous legislative scrutiny. Every speaker has rightly said it is a matter of genuine regret that these provisions are before us once more and that it is regarded as necessary to have them in place, because there is no doubt but they represent a departure from the normal due process rights afforded to those in the criminal justice system.

Others have condemned outright, as I do, the appalling atrocities, in particular the Omagh bombing in 1998 which gave rise to this legislation. Others have rightly condemned the dreadful killing of Constable Ronan Kerr and the attack on Constable Peadar Heffron. I recall two years ago speaking on a similar motion against the relatively recent backdrop of the appalling murders of Mark Quinsey and Patrick Azimkar at Massarene Barracks and the murder of Constable Stephen Carroll. There have unfortunately been, over the years in which we have debated this and even in recent times, appalling atrocities that have confirmed the fact successive Ministers for Justice have sought to renew the provisions of the legislation. We must keep in mind, therefore, the ongoing threat posed by dissident paramilitary groups. I echo Senator Barrett in terms of seeking to address these groups and to ask why they are continuing with these actions. All of us would agree on that.

To turn to the report which the Minister has provided on the operation of the legislation in the past 12 months, while it is very helpful to have that briefing and we had a similar briefing in previous years, I ask that we might get more complete information when debating legislative provisions of this import. When we debated this before, for example, in 2009, we obtained within the report a set of comparisons as to the frequency with which these sections were used in the most recent 12-month period compared with previous 12-month periods, which I found extremely useful. Looking back at my own notes, I am heartened to note it seems the provisions have been used less in the past 12 months than in previous 12-month periods. While the House does not have the information, I know that last year we were told that section 10 of the Act, dealing with the extension of the period of detention, was utilised on 25 occasions whereas it has been used only 12 times in the past 12 months. This time last year, we were told section 9 had been used 117 times in the previous 12 months whereas for the past 12 months, while still being used extensively, it has been used on just 63 occasions. The frequency with which these provisions are used appears to be falling and one hopes that is good news.

There is one other type of information which might be useful, namely, information on the actual outcomes in terms of the convictions and charges that result. In regard to section 10, we are told that charges resulted in six cases whereas for the previous year we were told charges had resulted in 12 cases out of 25. However, we are not told about convictions, which might be helpful.

With regard to frequency of use, I note that section 12 was not used in the past 12 months and has not been used in the past four years, according to the previous reports we have been given. I do not have information for the period prior to 2007. Where a section is not being used or has not been used for, say, ten years, it would be useful for the House to know whether we need to renew it. In 2009, the then Minister for Justice, Equality and Law Reform expressly said he was not renewing section 5 of the Act because it had been largely superseded by Part 4 of the Criminal Justice Act 2007. When this legislation is before us on an annual basis, we need to subject it to rigorous scrutiny and we need information to enable us to do that. While we very much support the Minister's case for continuance in force of these provisions, we need to know they are of use and that, where sections are no longer being used or have fallen

into disuse, they do not need to be renewed and that this does not prevent other sections being renewed.

Concern has been expressed in the House today on the announcement that training for gardaí in Templemore will not take place next year. It would be wrong not to mention this in the context of this debate as, clearly, it is not just about legislative powers but about enforcement of those powers and policing methods. There is a concern that if a new group of officers is not being trained up, this may affect not just day-to-day policing but also policing of paramilitary activity of the sort we have all been condemning.

**Senator David Cullinane:** I again welcome the Minister to the House and note he is one of the most frequent visitors to the House due to the nature of his portfolio. It was unfortunate that Senator Bradford again used the occasion to give us a distorted history lesson. At some point Senator Bradford and his colleagues might reflect on the involvement of the British state, British authorities and British armed forces in the conflict as well, and we would have a calmer, more reflective discussion on what happened in the conflict, and not just have people make very political speeches, as some Members of the Minister's party seem to do on occasion.

Like Senator Barrett, I would call on all of those armed groups which are still in existence to cease and to disband in favour of the peace process. Senator Barrett asked why these groups are not in either the Oireachtas or the Assembly but people who represent these groups have put themselves forward for election and they have failed to get elected. The Minister spoke earlier about the last elections in the North, where Sinn Féin was returned as the largest Nationalist party. Huge strides have been made for that community in the North because of the good work which was done in the context of the peace process and the Good Friday Agreement. I again call on all of those armed groups to disband in support of the peace process and to recognise that the people overwhelmingly voted for the Good Friday Agreement.

It would be remiss of me not to state that the report into the operations of this Act, which the Minister makes on an annual basis, is grossly insufficient for the purposes of scrutiny. Those who read the report will know it consists of a one-page introduction, four pages of appendices and one other page which simply lists the number of times the sections in the Offences against the State Act were used. Given these are supposed to be emergency powers and that we are seeing the suspension of fundamental rights, surely a comprehensive report is required which would highlight the need for the suspension of these powers to continue. The report is derisory and unacceptable.

To turn to the figures contained in the report, during the period covered last year, the number of persons arrested under the Act was 764 yet the total number of convictions secured under the Act for the same period was just 38. This raises serious questions. The huge discrepancy which exists between the annual level of arrests the annual conviction rate points to the possibility that the provisions are being used for trawling purposes. I am concerned by that, as, I hope, is the Minister. Will he clarify this?

Senator Bacik alluded to the announcement that there will be no recruitment of gardaí for the next two years. The measure we are discussing extends the powers of the legislation and provides draconian powers in certain areas, but it does not address the real issues, such as providing adequate resources to the Garda and ensuring it has the resources to do its job. It is not only politicians but also gardaí who argue that what they need are resources. It is not all about legislation, but also about ensuring gardaí have the resources they need. There is something perverse in extending these kinds of powers on the one hand and on the other having an embargo on recruitment. This does not seem to make sense.

[Senator David Cullinane.]

I hope the Minister will agree that gangland and drug crime are also serious issues. We in Sinn Féin have tabled comprehensive proposals to the Minister and the chief superintendents across all of the authorities on which our members serve in terms of the joint policing committees. Our proposals would deal robustly with these kinds of issues. The Minister's attention should be on this area because of the serious problems in cities throughout the State where gangland criminals and drug gangs operate with impunity. The Minister's time would be better used to deal with those gangs and issues.

The context of this discussion has been clearly set by the Minister in the context of the groups to which he referred. It is important for Sinn Féin and all parties in this House to call on those groups to cease their activities. We must convince them that violence is unacceptable. They need to disband in favour of the peace process. We must all engage with these groups to ensure we move them away from violence and get them to accept the will of the people, as expressed in the Good Friday Agreement. That would be a better use of our time. I am concerned about extending these powers again. I do not accept, as previous speakers have accepted, that these powers need to be extended. They should not be in existence. Fundamental human rights and justice issues arise in the context of extending these powers and I call on the Minister to reflect on that.

**Minister for Justice and Equality (Deputy Alan Shatter):** I thank the Senators who contributed to this debate. None of us should be under any illusion as to the level of threat and difficulty caused by organisations like the real IRA and the continuity IRA in the context of subversive activities and general criminality. That was clearly evident in the lead into and during the course of the very successful visit of Queen Elizabeth to this country, when the Garda and the Defence Forces had to deal with various calls made using designated codes. Some of those calls were calls involving the planting of hoax devices, but others involved the planting of devices which posed a threat to people in this State. These threats came from the organisations against whom this legislation is directed. As I and others have said, in a different environment I hope we would not require legislation of this nature. Senator Paul Bradford put it very well, that we have an obligation as democrats to defend democracy and the integrity of this State. This legislation is part of our necessary armoury in doing that.

Senator O'Donovan expressed his support and that of the Fianna Fáil group for the motion before the House. I note his point that instead of us bringing a motion before the House every 12 months, we should, perhaps, extend the provisions in the legislation for two to three years. However, the legislation envisages that there would be an annual report to both Houses. That is a good thing because it gives us, as legislators, an insight into the extent, to some degree, of the activities of subversive organisations and an insight into the extent to which these provisions are being used. I take the point that in a democracy some of the provisions in question are exceptional, but they are designed to deal with the exceptional dangers posed to the community on the whole island of Ireland by the organisations concerned. It is right that we publish an annual report on this and that the Seanad and the Dáil have the opportunity to deliberate on it.

I take the point made by Senators Bacik and Cullinane with regard to the report, that it might be of assistance if, in future years, we included the comparative figures from earlier years. They are available. If one gets last year's report and compares it with this year's report, the information is readily available, as demonstrated by Senator Bacik. I will ensure that if we find ourselves back here this time next year on the same issue, the comparative figures will be included to make them more readily accessible to Members.

I will address some of the issues raised by other Senators. Senator Barrett referred to extreme nationalists. I do not regard these people as nationalists, if they ever could have been regarded

as such. Senator Cullinane and others are right. We had the Good Friday Agreement, had voting across the island of Ireland and the peace process was accepted. These individuals had every opportunity to stand for election, North and South, if they chose to do so, to seek a mandate. They did not do so, because they know they do not have a mandate. In so far as they present themselves as Irish nationalists or republicans, they are perfectly happy, on both sides of the island, to play around with explosive devices, threaten people's lives and engage in conduct that is the antithesis of the type of conduct one would expect from a nationalist, committed democrat or person who believes in republicanism. We should not refer to them as that. "Criminal subversives" is the correct description for these individuals and we should not use any other description.

Senator Bacik raised a number of issues, one of which concerned sections of the Act that may not have been used recently but whose application we wish to extend into this year. She referred in particular to section 12. She is correct that this section has not been used in the past three to four years. However, I regard it as a very important section in the context of some of the activity in which these groups engage. It is a section that may well save lives on some occasion in the future. When we look at the extent to which this legislation is being used and the reference to only 38 convictions, those 38 convictions may well have saved lives. The usage of the legislation in circumstances where it is believed that people are engaged in criminality may have intervened to save lives, without there being, as a result of a particular section being used, a decision by the Director of Public Prosecutions to proceed to prosecution. Section 12 is an important section. It makes it an offence for a person to instruct or train another person in the making or use of firearms or explosives or to receive such training without lawful authority or reasonable excuse. From events we have seen in Northern Ireland, we know there are people on this island training others in the use of explosives and the use of firearms. It may well be that in the coming 12 months, this section may well be utilised to great effect, so I am loth to remove it from the architecture of the provisions available in the legislation to An Garda Síochána.

In the context of the overall issue raised, it is crucial that the Garda Síochána should have the best possible resources made available to it and that we preserve its operational capabilities in all aspects of its work, whether countering domestic terrorism, or international terrorism as it affects this island, or tackling the drugs gangs and others engaged in criminality.

The reality is that this Government inherited the EU-IMF agreement and is not in a position of choice in regard to Garda numbers. The financial envelope I inherited as Minister for Justice and Equality made provision for a reduction in the numbers of the Garda Síochána, from 14,500 at the end of 2010 to 13,500 at the end of 2011, without there being any mechanism within the agreements entered into with the IMF and the ECB as to how that reduction would be achieved. That presents a difficulty. At present Garda strength is approximately 14,300, a substantially higher number than in many previous years — indeed at the height of the Troubles its numbers did not reach such levels. I have absolute confidence in the capacity and capability of the Garda Síochána to fulfil its duties in tackling all aspects of crime in this State with both the numbers it has now and those that will be available at the end of this year.

It is unfortunate and regrettable that this Government finds itself in a position where we cannot recruit new young people into the Garda Síochána. At the beginning of last year the previous Government advertised places for Garda recruits. There was also a reserve of individuals who hoped to be admitted to Templemore. Last autumn recruitment was effectively cancelled. No new recruits were taken into Templemore and the group of individuals who had hoped to join the Garda Síochána remain on the list. Unfortunately, we simply do not have the funding at this stage for additional recruits. However, given the current numbers of gardaí,

[Deputy Alan Shatter.]

the superb training they obtain and the technical and other assistance available to them, I am absolutely confident the Garda Síochána can fulfil its duty.

In no sense, should any message of any nature go out from this House that gardaí will not seek to ensure that communities across this country are protected. We should not suggest, even remotely, that they will not continue to conduct the tremendous type of investigative and preventive activities in dealing with subversives in which they have been engaged. Through the Garda Síochána we will continue to crack down hard on the drugs gangs, those engaged in criminality and those who in recent times seem to think they can turn this city into a replica of Kansas City in the 1860s, engaging in gun law shootings with impunity. Individuals who conduct themselves in that manner will be fully pursued by An Garda Síochána and will be brought before our courts, where appropriate prosecutions will be taken. As matters stand with Templemore in the context of the financial exigencies of this State, it would be regrettable to suggest either inside or outside this House that gardaí will be impeded in any way from fully achieving their objectives and conducting their duties.

I very much appreciate the consideration given to this matter by Members of the House and the very substantial support for the extension of these measures. If I remain as Minister for Justice and Equality next year, as I hope to, I would dearly love to come back to this House at this time next year and announce we have had to use none of these sections, that all subversive activity has ended, there has been no further loss of life, no individual has been injured as a consequence of subversive activity and not one further explosive device has been found in any part of this island nor has there been any threat of planting such a device anywhere on this island. If we could achieve that we would all happily end the annual visit to, and extension of, these sections. However, while we remain in circumstances where this threat continues to exist, as is clearly documented in the report before the House, it is of crucial public importance that we maintain usage of this legislation.

Question put and agreed to.

*Sitting suspended at 4.10 p.m. and resumed at 4.15 p.m.*

### **Special Educational Needs: Statements**

**An Cathaoirleach:** I welcome the Minister of State, Deputy Ciarán Cannon. I remind Senators that the contributions of spokespersons should not exceed ten minutes and those of all other Senators should not exceed six minutes.

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** I am pleased to have this opportunity to speak on the allocation of language support and resource teachers for pupils with special needs in the context of the employment control framework. Since taking up his role as Minister For Education and Skills, Deputy Ruairí Quinn has made it clear in his responses to questions and in his speeches at a number of education conferences that there is a difficult road ahead of us. He has made it clear also that he does not intend to suggest the resources available for education can be improved, that earlier decisions can be changed or that further difficult decisions will not need to be made.

The various budgetary and other measures implemented in 2011 do little more than halt the growth in overall teacher numbers from increased enrolments and higher retention levels at post-primary level. The significance of this position is brought into sharp focus when one considers that approximately one third of those working in the public sector are in the education sector. As a result of this fact, education will be protected as far as possible, but it cannot be excluded from the difficult steps that have to be taken towards recovery. The national recovery

plan provides for consultation with the education partners on how best to achieve a further reduction in teacher payroll costs from 2012. My Department recently invited the education partners to commence a consultation process to work on identifying such savings.

Some Senators may be aware that the number of students staying in the education system as a whole in the 2011-12 school year will be significantly higher than previously expected. The increase is in line with the Government's objective of reducing the incidence of early school leaving nationally. It also raises a challenge for us, however, as approximately 160 additional mainstream teachers are required, primarily to facilitate these additional numbers. As a result of the restriction on the numbers employed in the public service which has been imposed under the employment control framework, it is not possible for us to simply recruit more teachers. Therefore, we had to apply some restrictions to the allocation of language support teachers to schools to manage within the fixed ceiling on teacher numbers.

On language support, it is important to recognise that, despite the restrictions applied, significant support is still being provided for schools. The level of support for any school is determined by the numbers of eligible pupils enrolled and the assessed levels of those pupils' language proficiency. This is done through an annual application process in the spring of each year.

The Department circular sets out a structured and transparent approach for the allocation of language support teachers. The arrangements mean that schools can qualify for up to four language support posts with the possibility of additional posts also being approved through the independent staffing appeals mechanism for schools with high concentrations of pupils in need of language support.

There are approximately 1,125 language support posts in primary schools and 275 at second level. These 1,400 posts are in addition to mainstream classroom teachers. They allow schools to withdraw pupils for varying amounts of time to concentrate on the teaching of English. The ongoing requirement for this level of language support in schools should start to reduce in line with lower levels of immigration and improvements in the levels of proficiency of pupils who have been in receipt of such support. The previous Government announced that this number would be reduced by 125 from September and by the same amount annually in the next three years, in other words, there would be a reduction of 500 posts over four years. Regrettably, we have had to take a decision to speed up this process. The result is that the number of language support teachers will be reduced by a further 125 posts from this September, leading to a total reduction of 250 posts this year. Most of this reduction will be at primary level, given that this is where most of the posts are based.

The reductions will impact in two main ways. First, schools where less than 25% of pupils need language support will limit that support to a period of two years. This change will affect about 2,500 students, all of whom have received support for two years. Second, schools that missed the deadline for the receipt of applications of 6 May will not be told until the autumn what support, if any, they will receive. In previous years applications were permitted all year round, but this year it will be very difficult to meet demand arising from applications received after the deadline, of which all schools were notified. Applications for part-time language support will also be considered in the autumn when a clearer picture will have emerged on how the Department is managing within the overall limits on teacher numbers.

My Department's approach has been to try as best as possible to minimise the impact for schools with high concentrations of pupils in need of language support, that is, greater than 25%. Pupils in these schools will continue to receive language support in the normal manner for up to three years. These schools can also make an appeal to the primary staffing appeals board for additional language support posts. In the past this resulted in some of the schools with very high concentrations having a total of up to five or six language support teachers.

[Deputy Ciarán Cannon.]

Owing to the constraints on teacher numbers, there will be a reduced number of posts available to the appeals board to allocate to these schools.

It is important that a whole-school approach is taken to language support. Schools should not regard the teaching of English as the sole responsibility of the language support teacher. All teachers, in particular, classroom teachers, have this responsibility.

On resource teaching hours, the House will be aware that these are allocated by the National Council for Special Education for students with special educational needs who require additional teaching support. The allocation of resource teaching hours is based on categories of special needs, up to a maximum allocation of five hours per week per child for children with the most complex special educational needs. The additional hours sanctioned for resource teaching collectively lead to the creation of whole-time equivalent teaching posts.

The number of resource teachers to be allocated in 2011 has increased by 350 posts on the number for last year to a total of 9,950. There will, therefore, be more resource teachers than last year and there has not been a cut in resource teacher numbers. However, arising from the fact that the rate of applications for resource teaching hours and posts had the potential to cause a breach of teacher numbers under the employment control framework, the allocation process was paused from the end of March this year. The pause was to ensure the available posts would be allocated on the basis of the needs of pupils and equity between schools and also to ensure the employment control framework was not breached.

Schools were asked to submit applications to the NCSE by 13 May and the NCSE has now considered the number of applications received to date. It has been calculated that, based on the number of applications received to date, an allocation of 90% of the identified resource teacher allocations can be made to schools in the first instance to provide schools with the majority of their allocations. This allows the Department and the NCSE to be in a position to cover late or emergency applications and account for any redeployment issues which arise. This proposal will ensure all schools and children who will be in receipt of resource teaching support will be treated the same. The effect of a 90% allocation would mean there would be a reduction of six minutes per hour for each hour of resource teaching allocated. Schools can make up additional time through the grouping and doubling of children and by more effective management of teaching time. If the level of demand turns out to be less than expected, the initial 90% allocation might be revisited and possibly increased.

The posts which have been built in to permanent primary schools through the general allocation model are not affected by this decision. Of 9,950 posts provided to provide resource teaching support in 2011, 3,760 are provided under the general allocation model and unaffected by this decision.

On special needs, it is important to note that, despite the financial difficulties, special needs support continues to be prioritised. Special needs support accounts for €1 billion of the Department's budget. We have managed so far to ensure there have been no cuts in the level of resources available for special needs. However, we must operate within limits which are still at an all-time high. Given the scale of increase in special needs spending in recent years, we have significant capacity to provide education for children with special educational needs. For example, spending on SNAs increased by a staggering 922% in the period between 2001 and 2009. We must ensure resources are directed at the areas of greatest need and that where resources are no longer needed, they are redeployed.

We will try to ensure the allocation of resources is equitable and prioritised. Schools have a major role in the management of these resources by ensuring they only seek resources when they are really needed, that the resources allocated to them are used to best effect and that

they assist with the redeployment of resources to the areas of greatest need. Account will be taken of the particular needs of developing schools in the consideration of special needs resource allocations issues.

Our focus and that of my Department is to ensure we achieve the maximum from whatever resources we can make available to schools. It is only by taking the difficult but necessary corrective action on the public finances that we can have a sustainable basis for the allocation of resources to our schools into the future. I am confident that by good co-operation from all the stakeholders, we can focus on our common objective of providing the best possible education for all children within the limitations of the resources available to us in these difficult and challenging times.

**Senator Averil Power:** As Fianna Fáil spokesperson on education and skills, I welcome the Minister of State and thank him for his opening remarks.

Personally, I am glad the supports for children with special educational needs are the first education issue to be considered by the new Seanad. For a long time the needs of children with special needs were not addressed in any meaningful way by the education system. Special schools did great work, but opportunities for inclusion in the mainstream education system were virtually non-existent. As with other services for persons with disabilities, the record of the State for decades was poor. However, it must be said the previous Government chose to prioritise special education and while there are still inadequacies, there is no doubt considerable progress has been made. In 1996 and 1997 there were only 250 special needs assistants employed in our primary and special schools. By December 2010 this figure had risen to in excess of 10,000. A decision was taken in the last budget to cap rather than reduce the number of special needs assistants, SNAs, while cuts were being made in staff in many other areas. The number of resource and learning support teachers was also increased dramatically by the last Government to more than 9,000 at present compared with 2,000 in 1998. There are also more than 1,000 other teachers supporting pupils in special schools. As the Minister of State pointed out, altogether there are in excess of 20,000 adults working solely with pupils with special needs in our schools. Sometimes when we talk in terms of thousands we can lose sense of what it really means. To put this figure in context, in 1998 there were only 21,000 primary teachers in the entire education system. Now, there are almost as many people working solely with children with special needs. The progress made by the last Government was therefore significant. However, I realise far more must be done and I hope that when resources permit, further advances will be made in services for children with special needs. I appreciate that in the context of the current economic environment the Government, as was the case with its predecessor, will have difficult choices to make. However, I hope sincerely that Ministers will do everything they can to protect the advances that have been made in supports for children with special needs in recent years.

I realise there is a good deal of concern about potential future cuts in this area. With due respect, I thank the Minister of State, Deputy Cannon, for being here today. I realise the Minister, Deputy Quinn, had originally intended to be here but for good reason he was kind enough to attend the funeral earlier of the former Minister, Brian Lenihan, as were other Members of the Cabinet. I realise he could not make it today. However, I point out that there have been many recent U-turns in the education area and they are causing a good deal of concern. In opposition, the leader of the Labour Party stated:

Now is not the time for cuts in education. Labour would reverse the cuts in special needs classes, reinstate the school book grants for our schools, lift the cap on post-leaving cert courses and keep universal access to third level education.

[Senator Averil Power.]

Of course the recent revelations about the second Lisbon treaty referendum highlighted the fact that the Labour Party leader is prone to stating what he believes is politically popular while secretly planning to do the opposite. In the first three months in government the shallowness of Labour Party's commitment to education has been exposed as each commitment has been backtracked on one at a time. Understandably, this has caused a great deal of concern among students, teachers and parents throughout all levels of education. Apart from the obvious reversals, the considerable amount of doublespeak from the Minister for Education and Skills is a cause for concern. Instead of being upfront about the consequences of the employment control framework for the allocation of resource teachers in the next school year, the Minister, Deputy Quinn, has tried to pretend that it is not really a cut because the 10% of posts he is holding back may be allocated to schools in September. He is not guaranteeing anyone that they will be and he seems to be trying to fudge the issue and cause confusion. This is causing much concern among schools throughout the country. The Minister would do a better service to all concerned and to his own credibility if he were straight up with people about his intentions in this and other areas of education.

I assure the Minister of State, Deputy Cannon, and Members on the other side of the House that Fianna Fáil tends to be constructive in Opposition. When we are given the right information and kept informed about what is really going on we will support measures in the national interest. We are simply keen to see the right thing done and our leader has demonstrated this to date. However, we need more clarity from the Government about what is intended.

Last year the Minister, Deputy Quinn, called on the Government to cease the review of special needs assistants that it had commissioned because he did not want the resources to be reviewed and he considered the review to be offensive in itself. However, some weeks ago he published the same review commissioned by the last Government. There is no indication yet of what he intends to do with it. It would be better for all concerned if there were some clarity from the Minister as to what he intends to do.

The issue of language support teachers is the other half of the debate before us today. As the Minister of State correctly pointed out there have been many improvements in this area in recent years. There are now almost 1,600 teachers working in the area of assisting children with English language needs, many multiples of the number five or six years ago. I acknowledge that the last budget provided for a cut in this area and it is only fair to accept responsibility for that. However, when the budget was announced for 2011 the proposed reduction was for 125 posts from this September. We have learned that the Minister, Deputy Quinn, intends to go further and double the cut in the number of language support teachers to 250 in a few months. Since the start of the year schools have been planning for the initial cut and preparing for how they would allocate resources but the short timeframe announced for a double cut is especially harsh.

As I stated at the outset, special education is an area in which great progress has been made but it is not always seen as an area of great political significance. When the last Government choose to prioritise special education over cuts in class sizes in general, the political and media interest was in what was going on in terms of class sizes as a whole. In fairness to Members on both sides of the House who supported the work that was being done, the tendency was for credit not to be given for the work that was being done. This goes back to our history of not prioritising the needs of people with disabilities as much as we should have.

I thank the Minister of State for being here. Fianna Fáil is genuine in its commitment to people with disabilities. We will do everything we can to help the Government to protect

services as much as possible over the next three years. We wish the Government all the best with its work.

**Senator Jim D’Arcy:** Tá cineál slaghdán orm freisin. Tá rud éigin i mo scornach. Ba mhaith liom fáilte a chur roimh an Aire Stáit. Gabhaim comhghairdeas leis as a cheapachán mar Aire. Gabhaim buíochas leis as teacht isteach inniu. There is a novel by a Russian named Nabokov called *Invitation to a Beheading*. The main character invited finds out it is his own beheading. I was listening to Senator Power and I was amazed because I thought Fianna Fáil had changed. However, it did not take the Senator long to revert to type. There is no easy way here. We are running on empty at the moment. We are held up by the kindness of strangers but I use the term “kindness” in inverted commas. Nevertheless, it is a certain type of kindness.

To put forward proposals for a reduction in language support teachers and resource teaching hours may appear to have the same effect as a invitation to a beheading. However, the reality is different in this case. The Minister of State has clearly outlined the context in which these changes in language support and resource teaching are to take place, including the employment control framework and the fact that 160 extra mainstream teachers will be needed next September. Where does the Fianna Fáil Party believe this money will come from? It can be argued that the figure of 1,400 language support teachers was not done on any meaningful evaluation in the first place. In fact, in 2007 the then Minister, Mary Hanafin, announced an extra 200 language support teachers.

**Senator Averil Power:** I do not hear the Senator saying they were not needed.

**Senator Jim D’Arcy:** Fan nóiméad. Does the Senator wish to talk or will she let me talk?

**An Leas-Chathaoirleach:** Through the Chair, Senator D’Arcy without interruption.

**Senator Jim D’Arcy:** Go raibh maith agat. That increased the language support teaching in some schools from two to six. However, it was 2008 before the then Minister of State, Conor Lenihan, introduced guidelines for the assessment of needs in respect of language support teachers. It was another case of putting the cart before the horse and throwing money around like snuff at a wake without proper evaluation. That is why we are now faced with a shortage of funds. Wilful waste leads to woeful want.

**Senator Averil Power:** We did not hear complaints at the time from Members opposite.

**Senator Jim D’Arcy:** I spoke yesterday evening to a principal in a DEIS school for whom I have tremendous respect as a person deeply committed to resource provision. He described as “just about right” the provision whereby schools with fewer than 25% of pupils in need will receive support for two years while those with a higher concentration of disadvantaged students will receive support for three years.

I welcome the increase in the number of resource teachers for 2011-12 by 350. Well done to the Minister. The 10% reduction in hours in regard to low incidence learning support can just about be managed. The general allocation model remains unchanged. In other words, it is not the pupil who is allocated the hours but the school. As a school principal for many years I have seen how the hours can be used, as the Minister of State said, to provide team teaching, group resource teaching and so on, in addition to individual tuition. In fact, it is a better model. I sat down yesterday with my senior management team and teachers to discuss the reduction in our school’s allocation from six hours to 5.4 hours. That reduction can be managed. As I said, these allocations are not in respect of individual pupils but in respect of particular schools. It is up to the school to make provision as it sees fit.

[Senator Jim D'Arcy.]

We must provide value for money throughout the public service. Some people are focused on how the Department of Education and Skills can get value for money. However, the priority is to provide value for money for the recipient of the service; we must provide that value. If we think like that we may be able to change the mindset.

I welcome the decision that the pupil-teacher ratio will remain unchanged. Class sizes are highly significant in terms of education outcomes. The stabilisation of pupil-teacher ratios will be of particular benefit to children requiring language support and those who need additional resources. For some categories of special needs — such as dyspraxia and emotional behavioural difficulties, particularly ADHD syndrome — it can be argued that class sizes are even more significant than the provision of resource hours, though the latter is clearly essential. Smaller classes better facilitate language development for pupils who require support.

The bottom line is that resources are limited. The Minister, like King Lear, is contending with the fretful elements, and a steady hand is needed. He has made rational decisions in attempting to conform with the employment control framework. Moreover, there may be a gift in the dysfunction. Although the categorical imperative to reconsider and restructure the entire system, as a consequence of the profligacy of earlier Administrations, is a challenge to school management, it can lead to as a new model where it is possible to provide for pupils rather than simply seek to secure value for money. The Minister is obliged to implement the framework and I commend him on the good job he is doing within that constraint.

**Senator Sean D. Barrett:** The Minister of State, Deputy Cannon, pointed out that the education sector accounts for one third of employees in the public service. The report of an *bord snip nua* indicated that the pupil-teacher ratio at primary level, if all the adults are counted, is 12:1 and that spending on special needs increased by 922% in the period to which the Minister of State referred. In the current financial difficulties one must ask the awkward questions about what is happening.

Some of the answers are provided in the 2009 national assessments of mathematics and English reading. Pupil characteristics associated with higher test scores include high attendance rates; positive ratings by teachers, parents and self; positive mathematical self-concept; enjoyment of reading; and not being in receipt of additional support in school. When I was a member of the National Economic and Social Council there were concerns that much of the expenditure in this area was not yielding results. Lower pupil performance, which we in this House are united in seeking to correct, was found to be linked to several demographic characteristics such as the following: low familial socioeconomic status; parental unemployment; membership of the Traveller community; speaking a first language other than English or Irish; living in a lone parent household; and being part of a large family. A study conducted by the Educational Research Centre at St. Patrick's College in Drumcondra found that the problem in regard to language support is not being successfully addressed. At a time when money is in short supply we must seek solutions that work. We hear many complaints about class sizes of 30 and 40. If the average class size is 12, where is the misallocation of resources? We must examine these issues.

A recent study by the Royal Irish Academy suggests that part of the problem is on the teacher training side and that the problem cannot be addressed by focusing solely on additional assistance to children. The report indicated that 80% of mathematics teaching at second level is done by people with no qualification in the subject. That places additional stresses not only on teachers giving instruction in a subject outside their area of qualification but also on children. That should be examined. In Finland, which we admire so much in this regard, it is compulsory for teachers to have a masters degree in the subject in which they provide tuition.

It may be the case that when teacher training was absorbed into the universities many decades ago, it should have been made compulsory for teachers to have a qualification in the subject they are engaged to teach. Such an approach would be fairer to pupils and would reduce the need for emergency interventions. In my own third level college up to 7% of students now require one-to-one counselling. All the evidence is that resources should be focused at the beginning of the education process and that teacher training must be urgently addressed, particularly in the area of mathematics. I commend that to the Minister of State.

This is the first stage of a comprehensive public spending review. It has been a problem in Irish education for some time that the tradition of an máistir and an múinteoir has been ignored in the breach. In Ireland people get promoted out of the classroom.

The list of the 100 most highly paid people in education put together by *The Irish Times* on 10 November 2010 does not indicate whether anyone included — on salaries up to €112,000 — has been in a lecture hall lately. This is a problem at all levels and an *bord snip* mentions 37 management allowances paid to teachers. In teaching the real place one should be is in the classroom with one's students. Moreover, the report on third level education by the Comptroller and Auditor General has found that academic pay has fallen to being as little as 40% of the total pay budget at third level. This is because at that level one definitely is promoted out of the classroom and becomes a more important person, with a title that includes words such as “strategic”, “initiative”, “infrastructure” and so on to make one feel even more important.

At this time of scarce funds one must question whether money is being spent where it should be, namely, in the classroom and whether Irish education has lost its focus. Moreover, despite the warning in 2004 from the OECD not to become managerialist, Irish education has become so, as people avoid the classroom, which is extremely expensive. The important place for them to be is in the classroom with their students. That is where the focus should necessarily be. A poem about some of the restructuring in Irish education was written recently in my own college. It includes the lines:

to control the costs, they increase the staff  
of the Treasurer's office by a quarter, then a half.

That is a problem of bureaucracy. The chorus is:

The people at the top know better than you  
what you should think and what you should do.

It is very important that we get back into the classroom and question vogue and trendy items on which a great deal of money was spent but for which, as the assessment study shows, the results are not impressive. Moreover, as the international ratings show, we are declining in the league tables from a position gained by a system that was our pride. There is much work to be done to refocus Irish education from the excesses of the Celtic tiger era, its managerialism and expenditure on things that ultimately had little to do with education and to bring the focus back onto pupils. I commend the Minister and Minister of State for anything they can do in that regard.

**Senator Mary Moran:** I extend a warm welcome to the Minister of State, Deputy Ciarán Cannon, and thank him for coming into the Chamber to discuss the allocation of language support and resource teachers for special needs pupils in the coming school year.

Before addressing the issues to be raised, I am honoured to be a Member of the 24th Seanad and proud to have been nominated by the Taoiseach to this esteemed position. I am a native of Blackrock, Dundalk, County Louth, where I have lived and worked most of my life. I am

[Senator Mary Moran.]

delighted to be joined in the Seanad by two other Members from Dundalk, namely, Senators Terry Brennan and Jim D’Arcy. It is my intention as a Senator to serve both the people of Dundalk and County Louth and the people of the country with enthusiasm, loyalty and dedication. I have always tried to achieve the highest standards in the course of my work as a secondary school teacher, including as a resource teacher, and as a mother to my five teenage children. I am also extremely proud and honoured to have the distinction of being the first ever female Member of the Oireachtas from County Louth.

I was honoured to receive a nomination to contest the Seanad elections from Inclusion Ireland, the national association for people with an intellectual disability. I take the opportunity to commend Inclusion Ireland and all disability groups for the tremendous work they do to improve the lives of people with a disability. As a mother of a child with special needs, I am well aware of the lack of services for people with a disability. I intend to use my time in the Seanad to raise awareness and address disability issues on an ongoing basis. I reiterate the recent “Prime Time Investigates” programme on carers highlighted the urgent need for improvements in this regard.

I have been a secondary school teacher since 1981 — I do not admit this to many — and in those 30 years I have seen great changes in the education system. Although 30 years ago innovations such as interactive white boards, the Internet, let alone broadband, and DVD players had not been invented, how many schools have access to such luxuries today? The previous Government continually promised huge investments in ICT and broadband and Internet connectivity in every classroom. Despite such promises, on leaving school in June 2011, I still had not been provided with an Internet connection in my classroom. Despite 50% of the marks in the leaving certificate in music being available for technology, a survey I carried out in 2008 while studying for a masters in music technology showed that only 54% of music classrooms had one computer, while 16% of music rooms had none.

The programme for Government underlines the Administration’s commitment to building a knowledge society and declares “Education is at the heart of a more cohesive, more equal and more successful society, and it will be the engine of sustainable economic growth”. I fully subscribe to this sentiment and believe education is the key for young people to achieve their full potential. Despite the economic recession, there are clear and tangible objectives for education in the programme for Government, particularly with regard to literacy, curriculum reform, school management and ICT. Importantly, there is a holistic view of education as a cycle of lifelong learning, that is, from the cradle to the grave, from preschool through primary, secondary and tertiary levels, as well as adult learning. As Labour Party spokesperson on education in the Seanad, I look forward to working with the Minister in the achievement of all the objectives set out in the programme for Government.

As the Minister of State noted, the number of students staying within the education system in the school year 2011-12 will be significantly higher than was expected in previous years. This increase is welcome as it meets the objective to reduce the incidence of early school leaving nationally. However, to keep up with the increasing numbers of students remaining within the formal education system, it is predicted that approximately 160 additional mainstream teachers will be required. The recruitment embargo across the public service has meant it is simply not possible to recruit more teachers to accommodate this increase and consequently the Minister has had extremely hard decisions to make.

There are approximately 1,125 language support posts in primary schools and 275 at second level. These 1,400 posts are in addition to mainstream classroom teachers. The teachers concerned allow schools to withdraw pupils for varying amounts of time to concentrate on the teaching of English. The phased reduction in the number of language support teachers was one

of a number of measures introduced in the 2011 budget by the previous Fianna Fáil-Green Party Government. It proposed a phased reduction of 500 language support teachers over a four year period and these changes were due to become effective from September 2011 with a proposed reduction of 125 such teachers. However, owing to the embargo on recruitment and other constraints placed on us by the EU-IMF bailout deal negotiated by the previous Government, it has been found necessary to accelerate this programme and increase the proposed reduction to 250 language support teachers this year. While I am sure the decision to accelerate the proposed reduction in the number of language support teachers to increase the number of mainstream teachers was not taken lightly, as a teacher I can completely understand the unpleasant reception to be anticipated by this announcement. However, it is important to realise the Minister has sought to ensure the most disadvantaged and vulnerable schools will be protected.

The change will have little or no impact on schools with a high concentration of pupils in need of language support, that is, greater than 25%. The new allocation rules will only affect schools in which less than 25% of the school population require English language support.

*5 o'clock* Students in such schools are eligible for language support for a period of up to two years, rather than three years. Consequently it should be noted that the 2,500 students affected by this change in the allocation rules have already received support for two years. Moreover, it should be noted that it is not envisaged that schools will be obliged to lose any more than the 500 teachers proposed by the previous Government who were already intended to be lost. The Minister is taking a long-term view that by accelerating the process now it will help Ireland to recover faster and better.

There is better news with regard to resource teachers. Resource teaching hours are allocated by the National Council for Special Education, NCSE, for students with special educational needs who require additional teaching support. As the Minister of State has pointed out, the number of resource teachers to be allocated for this year has increased by 350 on last year, to a total of 9,950 posts. Therefore, it is important to note that there will be more resource teachers than last year and there has not been a cut in resource teacher numbers despite reports to the contrary.

I understand the Minister has difficult choices to make. The allocations proposed in the context of our changed economic circumstances are difficult. I ask the Minister to prioritise special needs education and to ensure that in the difficult decisions he has to make, the most vulnerable of our citizens are afforded the most protection.

I thank the Minister of State for coming to the House and I wish both him and the Minister, Deputy Quinn, continued success in the Department of Education and Skills.

**Acting Chairman (Senator Maurice Cummins):** I congratulate Senator Moran on her maiden speech. I call Senator Mary White who has six minutes speaking time.

**Senator Mary M. White:** I told the previous Acting Chairman that Senator Reilly may speak ahead of me.

**Acting Chairman (Senator Maurice Cummins):** I am calling Senator White.

**Senator Mary M. White:** I am here to facilitate other Members this afternoon but I will take the opportunity to draw the attention of Members to the inoperable circular from the Department of Education and Skills with regard to language support resource teachers and full-time and part-time resource teacher posts. Our Lady's boys' national school in Ballinteer has 23 extra resource hours for children with special needs in mainstream classes. The school is two

[Senator Mary M. White.]

hours short of a full-time post. Next September, three children on the autistic spectrum will start in junior infants. As of yet, the school is not aware of the level of support these children will receive. This school has a very successful autism unit. Under this inoperable circular, the principal of the school has had to contact five other schools in the locality who might have lost hours from their permanent resource posts and allocate hours to them out of the 23 extra hours. This could mean that five different resource teachers will end up visiting Our Lady's boys' national school. It is possible that the children with special needs will be taught by several different teachers. This is farcical. Senator Barrett spoke about statistics and figures and this is all very logical and mathematical but at the coalface of education many of these situations are inoperable and useless because they do not take into consideration the situation in different schools.

The success of integrating boys with special needs in mainstream education is due to the ongoing support they can access in the school from the teacher based in the school. Children with special needs have to be removed from the mainstream classroom outside of their allocated resource time so that the resource teacher can look after them. Every class in every primary school in the United Kingdom has a teacher's assistant. Senator Barrett referred to the investment in education. We must look after the education needs of all our children to ensure our country will have a fair and equal society. Children with special needs are as entitled as the rest of us with all our faculties to develop their potential. This farcical, inoperable circular is hitting not only the neediest children but all children.

**Senator Martin Conway:** I wish to share two minutes of my time with Senator Michael Mullins.

**Acting Chairman (Senator Maurice Cummins):** Is that agreed? Agreed.

**Senator Martin Conway:** I congratulate the Minister of State, Deputy Ciarán Cannon on his elevation. I know he is already doing a fine job.

Having listened to my colleague, Senator D'Arcy and others who have experience in the field of managing schools where numerous special needs teachers have come and gone, I stand here as a person who benefited from an integrated education service, as a person with a severe disability. Senator D'Arcy talked about the kindness of strangers but I would like to put on the record of the House the kindness of teachers. I know there are many teachers who go out of their way, above and beyond the call of duty, to provide special needs assistance and it is remarkable that this is not recognised at all. We have made significant progress since the early 1990s when I left school with regard to the provision of special needs assistance and resource teachers. We are living in a completely different climate. This country is effectively bankrupt. We are, to a large extent, benefiting from the kindness of strangers and we have to be realistic. I agree with a cut of 10% in hours, once the cut is prudent and directed in such a way as to have the absolute minimal impact. The Minister of State, Deputy Cannon, today outlined in great detail how this is being achieved and how it will be achieved for 2011 and 2012. The Government needs to be commended. Although there will be a cut, it is so properly and efficiently channelled that it will have negligible effect. It will not really have any effect.

In the overall approach to dealing with educational funding we must ensure administration costs and wastage are cut and we must ensure cuts in the essential key element — teaching in the classroom — are kept to an absolute minimum. This will be achieved in the programme of work outlined by the Minister of State today, coupled with what is detailed in the programme

for Government. The programme for Government has an ambitious objective with regard to education but it will be achieved and of this there is no doubt.

I thank Senator Cummins and the staff of the Houses of the Oireachtas for their ongoing work to ensure the House and its procedures and literature are accessible for me so that I can perform my work and have access to the same information as all other Members.

**Senator Michael Mullins:** I join in the welcome to the Minister of State, Deputy Cannon. I compliment him on the great work he is doing. As my constituency colleague I hope he might be able to help me out regarding a little difficulty I will mention in a moment.

I acknowledge the progress made in recent years in the area of investment in education and special needs. Unfortunately, the previous Government did not quite keep its eye on the ball and we now find ourselves in a most difficult financial situation and, inevitably, cuts will have to be made right across the board in all Departments. It appears that education will not remain unscathed.

I want to ensure that whatever else happens, the system will be fair and the most needy will benefit most. A school principal in my home town raised a concern with me. He is principal of a DEIS school which has a very high proportion of disadvantaged pupils and where 50% of the student population is classified as being from a disadvantaged background. I am very concerned that the number of learning support teachers is being cut by three. It was allowed four additional teachers because of the disadvantaged nature of the school. The numbers have been cut by three out of a total staff population of 28. That is an 11% cut and I can see it causing severe ongoing problems for the school. A large proportion of the student population have exceptional needs. The teachers face major challenges without getting the support that they need. This cut is much too severe and will cause problems. There is a speech and language unit within the school which is taking in pupils who have a maturity age of two and a half. Many pupils have severe disabilities and come from very disadvantaged backgrounds.

I want to ensure the investment we make as a Government in primary education is targeted at people from disadvantaged backgrounds. Unless we do that, we will face serious difficulties in the future. Such children will drop out of school early and if they do not get the one to one care and attention they are currently getting, I can see major problems developing for such pupils. They are being cared for and taught in a very secure environment, are getting one-to-one attention and are making great progress. If we remove three teachers from the school, it will be a step backwards. I ask the Minister of State to consider the issue.

**Senator Kathryn Reilly:** I welcome the Minister of State to the Chamber and echo the sentiments of my colleagues. Language support teachers and resource teachers for special needs students provide services to those most in need. We discussed investment in education and how much it has increased in recent years, but we must remember that it is not a niche interest or a luxury addition to our education system. It is an essential part of the education system in raising the standards of educational attainment.

We are a multicultural nation. Immigrant families helped to build the wealth in our society that has been wrongly squandered and these families continue to contribute to our economy and society. If they are to play a full role and contribute to our society and economy, there is an onus on us to support them, remove barriers to participation and treat all children equally and on the basis of need. Communication is the most basic tool to which any student should be entitled.

[Senator Kathryn Reilly.]

The intercultural education strategy 2010-15 clearly shows that while some immigrants are leaving Ireland, there is still a significant inward flow of migrants. The recent profile of migrants has changed, with an increasing proportion between birth and 15 years old. While the previous Government planned to reduce the total number of language support teachers from 1,400 to 900, staggered over four years, the new Government, which promised so much change, will now implement half the cuts by September.

While the Department may claim that the changes will have little impact on schools with high concentrations of pupils in need of language support, in schools where fewer than 25% of pupils need language support it will be limited to two years. The needs of the school rather than the needs of students seems to be considered, but the basis of need should be dependent on individual students. A student in need of language support will still be in need of it regardless of the overall percentage needs of the school, something which is critical and which we need to consider in greater detail.

Other changes to education will also limit the availability of resources to schools and their ability to meet the needs of children that arise throughout the school year. A growing number of primary schools have begun to feel the full force of budgetary revisions over teaching posts, even though enrolment levels continue to rise. General morale in the classroom will inevitably suffer, and teachers, despite their best efforts, will find it increasingly difficult to do their job. The general secretary of the INTO recently stated: "This series of cutbacks, which includes cuts already signalled for Traveller children, special needs children, disadvantaged children and pupils in gaelscoileanna, will compromise educational outcomes for children and severely test the ability of schools to develop a really inclusive education for their pupils." This comment comes from a leading teaching organisation, a body which is not party political but draws on the experience of thousands of teachers and puts the needs of students to the fore. She also added:

Every aspect of the curriculum will be affected. Where children lack the basic language skills to interact with the curriculum it is obvious that the national priorities like literacy and numeracy will be compromised. Where additional help is not provided to compensate for a severe poverty children will not reach their full potential.

These concerns are not held by teachers alone. They are also shared by the leading children's charity, Barnardos, which said:

There is real concern that a new generation of children living in Ireland will experience educational disadvantage as a result of cuts in English language support teachers. Any further cuts to the provision of this support will seriously impact on the future lives of these children who will most certainly fall behind in their education if supports are removed.

Already Ireland has slipped back in terms of the OECD education rankings in literacy and mathematics and unless this issue is addressed, serious damage could be done to the international standing of the Irish education system. On reading levels, Ireland has slipped from fifth place in 2000 to 17th place, the sharpest decline among the 39 countries surveyed. This figure highlights the major flaws in how the school curriculum is being delivered. Similarly in mathematics, Ireland has fallen from 16th to 26th place between 2006 and 2009, the second steepest decline among participating countries. Ireland is now ranked as below average in mathematics.

National priorities like literacy and numeracy will be compromised by the cuts in resources. Children will not reach their potential. How can the Minister of State justify cuts to essential frontline services in light of the very worrying figures, in particular when in almost every classroom a significant percentage of pupils have special educational needs or do not speak English as their first language? These cuts dilute scarce and precious supports to schools that are working in the areas of greatest need. They single out the most vulnerable and least politically vocal for attack. They will reduce educational outcomes for children and their eventual productivity as citizens. Most importantly, they will increase the cost of expensive later interventions.

**Senator Brian Ó Domhnaill:** Gabhaim buíochas leis an gCathaoirleach as an deis cúpla focal a rá i dtaca leis an díospóireacht tábhachtach seo ar na hacmhainní atá ar fáil ón Stát agus ón Roinn do scoileanna agus, go háirithe, do micléinn a bhfuil riachtanais speisialta foghlama acu. Creidimid uilig, ar ghach taobh den Teach, go bhfuil sé tábhachtach na háiseanna ceart a chur ar fáil do dhaoine nach bhfuil, b'fhéidir, in ann foghlaim chomh maith céanna le duine eile sa rang céanna.

I am glad we have the opportunity today to debate special needs education and the provision of same from a learning support point of view, the SNA provision in schools and the allocation from the Department. It is the responsibility of everyone who serves in public office, especially at a national level, to identify the provision of services to the most needy in society. The 1916 Proclamation states we should cherish all children equally. By extending those words we must ensure children who have special needs, in particular, are perhaps cherished more equally than others, if that is appropriate.

I sat on the Joint Committee on Education and Skills over the past four years when the party of those of us on this side of the House was in Government. The now Minister for Education and Skills, Deputy Quinn, also sat on it and I often heard him refer to the real need to provide for people with special needs. I agree with him. After he became Minister, he was called upon to reverse the decision of the previous Government to reduce learning support teaching staff by 125 from this September. The Minister outlined in a statement, on 3 May this year — in answer to a parliamentary question and I understand also through the media — that he could not roll back on the decision to reduce the first-year reduction of some 125 posts which were targeted in budget 2011. I can accept that the Minister is going with the budget decision, but it is alarming that he would go further than that, particularly given his genuine background in protecting the most needy in society. I would expect nothing else from the Labour Party. It is alarming none the less that the Government now decided to double the reduction of targets set out by the previous Government, thus ensuring 250 posts will be taken out of the resource learning complement which will be available to schools from September this year.

The other issue of concern is that of special needs education and the assistance available for this from the Department. We all appreciate that Exchequer resources are very limited this year. It was in this context that in last December's budget a decision was taken to reduce spending across several areas. The provision of special needs education was ring-fenced in that budget. Perhaps we will get some clarification on this matter from the Minister of State. While I do not want to dwell on the point, it appears that an allocation of 90% of what was available this year for next year will not meet next year's projected demand when one takes into account the projected pupil numbers and the increasing demands being placed on pupils as a result of increased class sizes. In this respect, no consideration is being given to small rural schools.

[Senator Brian Ó Domhnaill.]

In his address, the Minister of State said that where less than 25% of pupils needed language support, it would be limited to two years. If one takes the example of small rural schools throughout the country, however, very often there may only be one special needs pupil who requires additional language support in a cohort of 50. While the Minister of State and the Department recognise that there will be cutbacks, it would appear that they will be greater in small rural schools. Can the Minister of State clarify that matter?

We on this side of the House cannot agree with the decision being taken. We appreciate that fiscal demands on the country are creating difficulties, but we cannot understand why the reduction is being doubled. In other words, 250 learning support teachers are being taken out of the system this year instead of the 125 agreed by the previous Administration. In addition, why is this year's allocation only 90%? I understand that additional special needs posts are being provided to the appeals tribunal so that it can allocate such posts where there is a genuine need. One would expect that allocation would be met anywhere in case of genuine need, without having only 90% of this year's allocation being available next year.

Pupil numbers are growing, particularly in urban schools, so one can appreciate that the demand for special needs education would also grow considerably in those areas, particularly with class sizes also rising. I am wary of the Department's position and am saddened that provision for the least well-off and educationally disadvantaged is being attacked in this way. I appeal to the Minister of State to examine alternatives rather than trying to make cost savings in special needs and learning support teaching staff.

**Senator Tony Mulcahy:** I welcome the Minister to the House. I am a parent of a 19 year old with special needs who has moved beyond the education process and is now engaged on a Brothers of Charity work programme. There is no doubt that costs need to be managed within this wide-ranging area. Senator Reilly rightly pointed out the position up to 2009, including the OECD report. Over the past nine or ten years, the solution was to fire money at the problem, providing school assistants for children with special needs. The problem was that we had special needs assistants in schools who were not qualified for anything other than taking such children to the toilet. We must give a better service and when we are providing special needs assistants in schools they should impart knowledge and support to the children involved.

In an urban school with 800 pupils, for example, there may be five or six with special needs and two assistants to care for them and support them in the mainstream environment. We should use trainee teachers in such circumstances or those who have just started work. It would also help trainees to gain experience in schools. Above all, there should be a programme of service delivery to support those children and their parents. Such a programme should be co-ordinated across the country, rather than being hit and miss. Unfortunately, we put thousands of special needs assistants into schools with no programme or purpose to support them.

I was involved in the mainstreaming structures but that was a disastrous programme in recent years. We mainstreamed children with severe intellectual disability in primary schools where they had no support. In addition, they probably had no chance of ever getting such support. We set about closing down some of the special needs schools and now find that we have had to reverse that decision. As a result, children are going back into special needs schools because they get better support. For example, they may have classrooms with only five or six pupils and two or three special needs assistants. My child benefited from her time in a special needs school. She would not have had a snowball's chance in hell in a school with 34 other children in the classroom; it would not have been possible. While I welcome the input from the Minister

of State, I ask him to consider managing our services better. Delivering a quality service might improve our OECD ratings.

We have been paying €1.6 billion annually to 42 service providers throughout the country. They are supposed to deliver a service to 65,000 young adults with an intellectual disability. About 11,500 of them are in full-time residential care. While I know some of the services we get for that €1.6 billion, it is an horrendous amount of money. I understand that the Minister of State, Deputy Kathleen Lynch, has launched an investigation into some of the organisations involved. We have chief executives within those organisations who are paying themselves salaries of between €200,000 and €400,000 a year. If we are seeking value for money, we should examine those areas and recoup some of the vast sums of money we have been firing at service providers. There are very few religious brothers and sisters left in charitable organisations but many lay people have made a fine business out of providing services to people with intellectual disabilities. We should undertake a serious root and branch investigation into services that were created on the back of the Celtic tiger in recent years, and bring costs back into line. I know of a preschool recently where a special needs assistant was getting €19.20 an hour to support a child with severe autism who needed support while the person running the preschool was getting €50 a week to have the child present. There is a great imbalance there. In such a case we need to ensure the preschool is supported financially to care for the child and the special needs assistant perhaps needs to be paid a little bit less. I thank the Minister of State for coming to the House and I hope he takes some of those views on board.

**Senator Rónán Mullen:** Le cead an Tí, ba bhreá liom mo chuid ama a roinnt leis an Seanadóir Crown. Senator Crown has advised me that he will need one minute of my time to make his contribution, but I might allow him two minutes for safety.

**An Cathaoirleach:** As there are not many more speakers, Senator Crown might wish to take the time available to him to speak.

**Senator John Crown:** Okay.

**Senator Rónán Mullen:** Cuirim fáilte roimh an Aire Stáit. The Minister of State is welcome to the House. Like my cousin and colleague, Senator Mullins, I, too, am happy to welcome a person from my own neck of the woods and to wish him very well in his brief.

This is an important debate. It is increasingly difficult to have these debates in the sense that we all want to affirm the profound importance of investment in education and, in particular, the importance of the maintenance of resources and services to people with various kinds of special needs, whether they be resource teachers, special needs assistants, SNAs, or language assistance teachers to assist children with their English language skills. Just as we can always say with certainty that investment in education is never wasted because of its importance to our economic revival, apart from the overwhelming and important requirements of human dignity and recognising the role of education in the flourishing of each human being, we can also say that with regard to the needs of children for whom English is not their first language and is in effect a foreign language, we are in the zone of the stitch in time saving nine. Money spent in language support is about various issues but most of all it is about the maintenance of standards. If we do not have investment in language support, apart from the damage that will be done to the children, there is also the question of standards in our education system, and quality in our education system is key if we are to restore and maintain competitiveness. All these issues are fite fuaite lena chéile.

[Senator Rónán Mullen.]

Despite the fact that we must be realistic about the economic challenges we face and we are aware of the cutbacks, we can and must continue to insist that a special case will always be made for education. It is clear from the Minister of State's speech, and we knew this in any event, that a special case has been made for education over the years. As he pointed out, a third of our public sector numbers are tied in with the education system, €1 billion euro has been spent on special needs and there has been a tenfold increase over a decade in the provision of education for those with special needs, but now tá an crú ag teacht ar an tairne. We are at a time of crisis and there is a danger that mistakes will be made because of the need to stay within the employment control framework and so on.

A particular issue to which the Irish National Teachers Organisation has rightly drawn attention is the impact on resource teaching caused by a fall-off in the provision for language support teachers. Schools have been forced to utilise the resources of their learning support teachers and, as the INTO has rightly pointed out, this is not a viable long-term solution. The Minister of State will know that a learning support and resource teacher caters for children with learning delays or with a high incidence disability such as mild general learning disability and dyslexia. These resource teachers add to the support given by the class teacher and every primary school has this support. The main aim of this learning support is to help pupils with learning difficulties to improve their literacy and numeracy skills to a set standard before they leave primary school, but if there is any diversion of resources away from learning support, it is a deeply flawed approach. This is happening. Schools are eating into their learning support hours to make up for this fall-off in provision and that is a serious problem.

The National Council for Curriculum and Assessment in Interculturalism Education in the Primary School: Guidelines for Schools points out:

Education not only reflects society but also influences its development. As such, schools have a role to play in the development of an intercultural society. While education cannot bear the sole responsibility for challenging racism and promoting intercultural competence, it has an important contribution to make in facilitating the development of the child's intercultural skills, attitudes, values and knowledge. An intercultural education is valuable to all children in equipping them to participate in an increasingly diverse society. Equally, an education which is based on only one culture will be less likely to develop these capacities in children.

This highlights a second issue, namely, that failure to provide adequate language support teachers for minority ethnic students can lead to such students failing to obtain sufficient results leading to unemployment and ghettoisation in society.

A staff of approximately 1,400 provides language assistance and a staff of close to 10,000 provides resource teaching. The Minister of State said that approximately 90% of the identified resource teaching allocations can be made to schools, but in terms of the position of leaving schools waiting until the autumn to find out their precise allocations, I wonder what impact that will have on school planning and so on. The business of timetabling, preparing and planning in schools is already difficult and I wonder whether unnecessary and avoidable chaos is also being introduced into school timetables and into the smooth operation of schools.

In welcoming the Minister of State and wishing him well with his brief, I point out that with regard to the key issue in terms of focusing on competitiveness and the need to maintain investment in education, we must not apologise for making a special case for education and specifically for those with special needs. We must also have regard to social cohesion and issues

such as intercultural harmony, the prevention of racism and so on. All these issues are tied in. I regret very much the speeding up of the rate of the cuts in the allocation of teachers who teach English as an additional language and I do not believe it will have a happy outcome.

**Senator John Crown:** We have heard much about the primacy of education in developing the smart economy and at the same time we have heard of the inevitable decline in spending and resourcing which will occur as a result of our bizarre decision to conduct this unprecedented massive reverse Robin Hood foreign aid programme from some of the poorest people in our society to the some of the richest people in Europe who were foolish enough to think that Irish real estate was a clever way for them to spend the money over which they had fiduciary responsibility. As a result of that, we must be doubly smart in trying to squeeze the most we can out of the resources we have.

I know many teachers and it is my definite opinion that this is a profession that is under siege and which has a very low morale right now. Teachers are working very hard in increasingly difficult circumstances. They see themselves being a very easy target for cutbacks. There are all kinds of metrics which work in favour of reducing the resources which apply to them and at the same time we are told that if we are to save our country and its economy, we must have a fundamental reinvestment in the structures of education in the country. It is one thing to deplore and regret what is going on but it is another to try to look at creative solutions to see if there is anything we can do.

My question for the Minister of State and his other colleagues in the Department is whether we are certain we are using the resources available to their maximum efficiency. Are there many people employed by the Department of Education and Skills who contribute to the total numbers which are limited by the employment control framework who are not doing mainstream teaching jobs? What is the percentage of qualified teachers in the Department of Education and Skills who are teaching compared with those who are not? Is it possible that some of them could be redeployed to some front line teaching activities either as a full-time change of occupation or with some method of apportioning a certain number of weeks of the year for educational activities for a certain number of hours a week?

Even more radically, if we really are caught between twin millstones, as appears to be the case, one of which is a relatively large public service comprising people who, in general, are diligent in their duties but who are also, in most cases, performing tasks that may not be the most productive for society, are there people in administrative grades in education, the HSE, the Department of Health and elsewhere who could be redeployed to educational support activities? I am not advocating a cheap solution to stop us hiring teachers. We have 800 people at grade 8 level within the HSE who, in recognition of the fact that there was a certain level of overstaffing at that level, were offered by the previous Government the option of taking early retirement packages. Very few took those packages. Given that people signed up to permanent and pensionable jobs, have a reasonable expectation that their contracts will be kept and in respect of whom we have an ethical obligation to ensure their contracts are not terminated, is it not possible that we have an opportunity to suggest to them that we will let them stay in the State's permanent and pensionable employ while strongly offering them the opportunity for redeployment due to the circumstances of our current emergency? Many people with high educational qualifications in administrative jobs elsewhere in the public service could be redeployed to educational support activities, thereby freeing up our professional teachers for mainstream teaching activities. Will the Minister of State consider these two possible solutions to the problem?

[Senator John Crown.]

Consider the big scale. I am reminded of the late Senator Everett Dirksen in America, who stated: “A billion here, a billion there, and pretty soon you are talking real money.” If we are only discussing a shortfall of 125 or 160 teachers or reducing the numbers by 500, these numbers could be met through creative redeployment within the public service. I thank the Cathaoir-leach and the Minister of State for their time.

**Senator David Cullinane:** Like others, I welcome the Minister of State to the House. He might know that, last week and before that, many Senators raised the issue of the protection and rights of children on the Order of Business. Recently, we discussed the Ombudsman for Children’s report on children’s rights. She is advocating for those rights. As repeated in the Chamber, she stated that lawmakers should stop and listen to children. I would say that we also need to act and ensure we provide for children.

I agree with Senator Mullen that eating into learning supports is deeply misguided. It is also economically wrong and socially unjust. The State has a fundamental responsibility to ensure every child has an equal opportunity to the education he or she deserves. I am a parent of a four year old and my wife is pregnant; we are due our second baby this week. Like any parent, I would be concerned if a child did not get the kind of support he or she needed. The Minister of State would accept this concern as well and the Government will try to do its best, but we are discussing cuts, namely, taking away from the most vulnerable and depriving children of the education they need. It was a disgrace that, under the previous Government, many parents needed to take the State to court to get their children the education they deserved as a right.

We must make a comparison. On the one hand, we are borrowing money from the IMF to repay billions of euro to speculators and gamblers while, on the other, we are stripping schools of special needs assistants, SNAs. Families and citizens feel aggrieved by this injustice. It is morally, socially and economically wrong for us to deprive children of the education they deserve.

The Minister of State will be aware that Ireland subsidises private education to the tune of €30 million per year. I have no difficulty if people have money to put their children through private schools. That is fair enough, but the taxpayer should not be footing the bill when we are enforcing cutbacks in schools. We cannot divorce the situation of the SNAs from the overall situation of cutbacks at primary and secondary level. For example, class sizes have increased in recent years. In some schools, classes comprise 30 pupils or more, which will have an impact.

The Government and the country need to take a step back and ask whether we are on the right course, making the right decisions and getting the best use out of our money. There are many arguments about how and where to cut. In a Republic that claims it wants to cherish all of its children equally, surely their education is the last place we should start cutting.

It is appalling that children who deserve and need extra support from the State are not getting it because of cutbacks. Much can be done. For example, €30 million is being spent by the taxpayer to subsidise private education. In the context of the Finance Bill, which we will debate this week, we can table propositions on how to save money and raise income. Taking money from education is morally and economically wrong. Every euro one invests in education benefits the economy tenfold, as it leads to a properly educated workforce in which everyone has an equal opportunity.

The argument is that, although we appointed SNAs and provided money, a programme of service delivery did not exist. Saying that cuts will help to improve literacy levels is a bit like saying that disease will be alleviated if we cut the number of hospital nurses. It does not stack

up. Rather, it scapegoats people and does not deal with the reality of the issue. I understand how difficult it is for newly elected Government Members who stood on a promise of not cutting education, of protecting the most vulnerable and of ensuring we reverse many of the cuts made by the previous Government.

**Senator Martin Conway:** What about qualified nurses?

**An Cathaoirleach:** Senator Cullinane has one minute remaining.

**Senator David Cullinane:** While I understand it is difficult for members of the new Government to make these cuts, surely the Members opposite must recognise that cutting back on education and on the rights of children is the wrong thing to do. It is morally wrong and I cannot understand how any party, especially the Labour Party, could stand over cuts that will impact on children's right to education and may increase class sizes.

Will the Minister of State reflect on these concerns and ensure children do not become victims of austerity in the forthcoming budget? He will be aware of the impact of austerity measures on families and children. We all see it and know it. Our State must protect its citizens, in particular its children. Will the Minister of State reflect on what will occur when we remove money from education and SNAs from classrooms? We will deprive children of the education they deserve as a fundamental right. I am sure the Minister of State knows this is morally wrong.

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** I am speaking as someone who worked for seven years with a special needs children's charity as a paid staff member. For the 20 years prior to that, I worked for the charity as a volunteer. I also speak on behalf of a Minister who would not engage in any activity that would compromise or damage the chances of any child, particularly one with special needs, of achieving the very best in life or of reaching the pinnacle of his or her talents.

All Government decisions are being made in a difficult context. We inherited an economic disaster, one which the *Financial Times* recently described as "the longest and deepest recession ever experienced by any OECD country". We have inherited, as described by Senator D'Arcy, a disaster of wanton profligacy. A recent report produced not long after the election concluded that despite the repeated advice of the Department of Finance, in particular at election time, previous Governments decided that whatever spending was required to placate and encourage an electorate to support that Government would be spent.

We inherited that legacy, aptly described by my colleague, the Minister for Education and Skills, Deputy Quinn, in response to a debate on education in the Dáil last week as follows:

[W]e do not live in a world in which you [Deputy Barrett] would like to live but in one where this Republic has lost its economic sovereignty. We have lost control of our cheque book. Every fortnight the governor of the Central Bank must report to Frankfurt to state that our fortnightly returns, in terms of revenue and costs reductions, are meeting targets. Otherwise, the money that pays the Deputy's and my salaries, and those of everybody else who works in this building, will not come out of the ATM. That is where we are. Michael Collins the first Minister for Finance of this State had more room to manoeuvre than his successor as Minister, Deputy Noonan, has today.

The Minister went on to say that we have lost our economic sovereignty. It is a reality he does not like and one I do not like. It is not productive at this point in time to go into the history

[Deputy Ciarán Cannon.]

of how we have arrived in this place but the challenge and the ambition of this Government is to regain our economic sovereignty as quickly as possible. I thank all Senators who contributed to the debate, a number of whom have specialist knowledge and experience in this area and all of whom spoke with much passion for what is a difficult subject to discuss.

The allocation of teaching resources to schools for the coming school year takes place within the framework of the programme for national recovery and the EU-IMF programme of support for Ireland. We would not be engaging in any process that might be even seen to compromise the educational rights of our special needs children unless we had explored every other option available to us, not alone within the Department of Education and Skills but across all Departments. The reality is that we cannot breach the fixed ceiling on teacher numbers within our schools. The recovery plan provides for a net reduction in teacher numbers in 2011, notwithstanding the need to provide additional posts to meet demographics.

The number of students remaining at school to complete their second level education is at its highest ever, which is a good thing and something of which we should be proud. However, accommodating the increased number of students poses a challenge. We have had to reduce the number of language support teachers to remain within the fixed ceiling on teacher numbers. That is the reality.

I want to emphasise once again that significant support continues to be provided to schools by way of language support resources. This teaching support is provided on a clear and structured basis and resources are deployed on the basis of pupils' language proficiency. The 1,400 language support posts are in addition to mainstream classroom teachers and are available to address the specific learning needs of the children requiring language support. The changing pattern of immigration at national level and increased levels of proficiency should result in a reduced level of demand for language support in the coming years.

Senator Ó Domhnaill stated earlier that the 90% reduction in resource hours would disproportionately affect small rural schools. I do not know how he arrived at that conclusion. It is my understanding that the 90% reduction applies equally across the school population, irrespective of school size or the number of pupils therein. In regard to language support teachers, it is imperative that all teachers realise they have a genuine role in supporting migrant children in gaining English language proficiency. This is not the sole remit of the language support teacher but is the responsibility of all teachers, the majority of whom are already doing so or willing to do so. Schools also have flexibility in regard to how they deploy their language support teachers to meet the needs of pupils that require language support.

I reiterate that there has been no reduction in the overall number of resource teaching posts. The number of resource teachers to be allocated for this year has increased by 350 to a total of 9,950. There will, therefore, be more resource teachers than last year and there has not been a cut in resource teacher numbers. This is a case of demand for support increasing as opposed to a reduction in actual number of posts. The fact that demand for resource teaching is increasing and that the rate of applications has potential to cause a breach of teacher numbers under the ECF means that the Department had to consider and adjust the allocation process. That is the reality. Some 90% of the identified resource teaching allocations are now being made to schools to provide them with the majority of their allocation while also preserving enough capacity to deal with later applications and ensure the Department can remain within its ECF obligations. The proposal ensures all schools will be treated the same. If the level of demand turns out to be less than expected, the initial 90% allocation may be revisited and possibly increased.

The reality now being imposed by the ECF leaves no option but to adjust the special needs resource allocation process in the most equitable way possible. By allocating 90% of valid applications at this point we are making contingency for future allocations and ensuring the resources are being allocated as fairly as possible across the school system. All areas of Government will have to manage on reduced resources. The challenge will be to ensure the resources are being provided and are used to maximum effect to achieve the best possible outcome for all pupils in our schools.

**An Cathaoirleach:** When is it proposed to sit again?

**Senator Jim D’Arcy:** At 10.30 a.m. tomorrow.

### Adjournment Matters

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#### Accident and Emergency Services

**Senator Terry Leyden:** I thank the Cathaoirleach for allowing this motion on the Adjournment and I thank the Minister of State, Deputy Cannon, for coming to the House to take it. Concerned constituents have brought to my attention their fears for the future of services at Roscommon County Hospital and staff changeovers due on 11 July. It is vital the Minister, Deputy Reilly, clarifies this issue immediately. It is unacceptable to me that services at Roscommon County Hospital would be withdrawn. It is unacceptable that the accident and emergency service would only be open from 8 a.m. until 8 p.m. daily and close from 5 p.m. on Friday until 8 a.m. on Monday. It is essential that accident and emergency services are available at Roscommon County Hospital on a 24-7 basis, as has been the case up to now. It is to be hoped the HSE suggestions in this regard will be overruled by the Minister.

Prior to the election, the Minister, Deputy Reilly, said that safety is not simply about surgical competence but also about timely access. Timed treatment, especially to remote geographical locations is crucial. I wish to quote an extract from a pre-election commitment of the Minister, Deputy James Reilly:

This is key to allowing Roscommon Hospital, which does not have complex surgery, to retain the skillset required to incubate and ventilate and to have the ability to undertake less complex surgical procedures. ... Furthermore, in the event of the A&E being downgraded, we are committed to reinstating a 24/7 service, where feasible. ... To again reiterate, our core principle regarding health is that the patient be safely treated as close as possible to their home and Roscommon County Hospital is an integral part of this objective.

I hope the Minister of State, when replying, will confirm that Roscommon County Hospital will retain its 24-hour, seven day a week accident and emergency unit. This is crucial and is the most important issue in the constituency of Roscommon-South Leitrim, as it was when I was a Minister of State who successfully retained those services in the 1980s.

**Senator John Kelly:** I welcome the Minister of State. I raised this issue in the House earlier as it is a serious situation for Roscommon. I do not wish to repeat what Senator Leyden said so I will focus on a couple of points. It is only in recent months that, as a county councillor attending meetings with the HSE, I realised the HSE wants to abandon any past notion there was a practice called “the golden hour”. The HSE now suggests it was never an issue of patient safety but it is a serious issue. Roscommon is 35 miles from the nearest accident and emergency

[Senator John Kelly.]

department. Given the response times of ambulances and the distance they must travel to pick up patients and take them back to accident and emergency departments, people in County Roscommon will lose their lives unless this issue is addressed.

When in Roscommon prior to the general election, the Minister for Health gave a clear written commitment on the future of accident and emergency services at Roscommon hospital and stated there would be no downgrading of services there. I am also conscious of the fact the HSE, in its quest to downgrade Roscommon hospital, is manipulating figures in that it uses the ambulance service to redirect patients who should be going to Roscommon accident and emergency department to other hospitals in the region in order that the figures for Roscommon suggest the HSE has an argument. I call on the Minister of State, before decisions are taken and given this is proposed to take effect from 11 July, to ensure a survey of other hospitals, namely, Sligo, Galway and Ballinasloe, is carried out to ascertain how many patients who are proper to Roscommon hospital accident and emergency department are using other hospitals. I hope the Minister for Health will honour his firm commitment to the people before the general election that there will be no downgrading of services.

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** I thank the Senators for raising this important matter. The Government's priority in regard to acute hospital services is to ensure safe, high quality care for patients, provided at the most appropriate location. The Minister is committed to ensuring all care is provided at the lowest level of complexity, consistent with safe practice. Roscommon County Hospital provides an important range of elective and emergency services and treats cases on both an inpatient and a day case basis.

Over recent weeks, HSE management and clinicians at Roscommon County Hospital have been engaged in discussions to try to ensure any clinical risks and patient safety issues at the hospital are anticipated and fully addressed in advance. The main concern is to ensure the hospital has sufficient staff with the required qualifications and experience available to maintain safe levels of service. The hospital is one of a number of hospitals nationally whose progress in regard to the implementation of the Health Information and Quality Authority, HIQA, Ennis report recommendations is being monitored. Similarly, all hospitals will in future face regulatory, licensing, staffing and accreditation requirements.

An overriding and immediate concern, however, is that, like a number of other hospitals, Roscommon has experienced problems for some time in recruiting junior medical staff and nursing staff, with further recruitment difficulties anticipated from July as part of the next rotation of junior hospital doctors. Roscommon hospital and, indeed, Ireland are not unique in this regard, and other countries are also experiencing difficulties in recruiting non-consultant hospital doctors, NCHDs, at present. There is also a significant level of vacancies in Northern Ireland and in the UK at present. As a result, Roscommon hospital has had to rely heavily on agency staff, which creates challenges for quality, continuity and certainty in respect of covering rotas.

The HSE has developed a range of strategies and initiatives to maximise recruitment of NCHDs, in particular, the development of training posts. The HSE has also developed a centralised recruitment process for service posts, introduced a single contact point for HSE agencies to obtain locum or temporary medical staff, and agreed less burdensome visa and work permit arrangements for doctors from outside the EEA. In addition, as part of the recruitment campaign, senior HSE staff travelled to India and Pakistan to conduct interviews and progress

offers of employment in early May. It is intended that this will result in the recruitment of a number of additional NCHDs. In this regard, the HSE has engaged with the Medical Council to ensure that, subject to successful candidates meeting the council's registration requirements, they can be registered to practice in Ireland as quickly as possible.

On behalf of the Minister for Health, Deputy James Reilly, I assure the House that Roscommon hospital is a vital part of the health service infrastructure in the west. The Government will ensure as many services as possible can be provided safely in smaller local hospitals. Roscommon hospital has a clear future role in serving the local community. Our continuing focus will be on maintaining a high quality, safe service for patients in Roscommon, and all our efforts will be directed to this end.

**Senator Terry Leyden:** There is no reassurance in this statement from the Minister of State on behalf of the Minister, Deputy Reilly. I am very disappointed with the response. I point out that a copy of the Minister of State's script has not been circulated, as is normal practice in the House on the Adjournment. What I glean from the statement from the Minister of State is that no commitment is being given to the retention of 24-hour, seven day a week accident and emergency services at Roscommon County Hospital. It is clearly not implied in the statement, and we will have a further——

**An Cathaoirleach:** Has the Senator a question?

**Senator Terry Leyden:** I am calling for a further debate. The Minister of State, Deputy Cannon, is not in the Department of Health. I want the Minister, Deputy Reilly, to come to the House and make a full and detailed statement. I call on my colleague, Senator Kelly——

**An Cathaoirleach:** That is not for a matter the Adjournment.

**Senator Terry Leyden:** I will ask our leader to request a debate.

### **Hospital Services**

**Senator David Cullinane:** In 2009, the 19-bed St. Brigid's ward in St. Patrick's Hospital, Waterford, was closed by the HSE on foot of a report from HIQA which cited concerns in regard to health and safety. At the time, many public representatives, including myself as a councillor for Waterford city, as well as the Friends of St. Patrick's, a support organisation that was in place, and a campaign group which had been established met senior figures in the HSE and the then Minister for Health and Children. We were given a clear commitment by the then Minister, the HSE and the parties in government locally that when the ward was closed, it would be replaced with a new 50-bed unit on the grounds of St. Patrick's Hospital. The ward was closed and, since then, there has been a desperate attempt by the campaigners to ensure the HSE and the current Government live up to the commitment made by the previous Government and deliver the capital funding necessary to build this new 50-bed unit.

I asked Deputy Caoimhghín Ó Caoláin to table a Dáil question in respect of this matter and the response of the Minister is interesting:

The Executive, at the time of the closure of St Brigid's ward, did indicate that it would examine the provision of a new 50 bed Community Nursing Unit (CNU) on the grounds of the hospital. Such a construction project would require capital funding and the HSE must prioritise all capital infrastructure projects nationally within its overall capital funding allocation.

[Senator David Cullinane.]

The Minister accepts the commitment was given, but now states it is subject to the capital funding being made available. I call on him to deliver on the commitment given. The campaign group holds a weekly vigil, comprised of family members of people who live in St. Patrick's Hospital, in an effort to get the unit.

The Minister cites the Prospectus report, which deals with the total number of nursing home places, public and private, across the south east. The report, published in 2008, states that no additional nursing home places are needed before 2013. However, the Minister fails to acknowledge that St. Brigid's ward was closed in 2009, after the report was published. He also does not recognise that St. Patrick's is a hospital, not just a nursing home. It is unfair to compare bed provision in a private nursing facility with bed provision in a public hospital such as St. Patrick's. I urge the Minister of State to take this strong argument back to the Minister for Health and to urge him to listen to those people who have been campaigning and to what the HSE had to say and the commitments it gave and to honour those commitments. I urge him to ensure the capital funding is provided for the older people who need these places. There are long waiting lists for beds in St. Patrick's Hospital. My grandfather was a patient there for four years and I know the quality of care patients get in the hospital, a fantastic facility. However, the closure of St. Brigid's ward created a deficit in terms of bed capacity. The only way that can be fixed is if the capital funding is provided by the Government. I urge the Minister of State to relay the message to the Minister for Health that he should deliver on the commitment given and release the funding.

**Deputy Ciarán Cannon:** I thank Senator Cullinane for raising this issue as it provides me with an opportunity to update the House on the matter and to outline the background to the current situation and the action taken by the Health Service Executive.

As the Senator is aware, Government policy is to support older people to live with dignity and independence in their own homes and communities for as long as possible. Where this is not feasible, the health service supports access to quality long-term residential care where this is appropriate. The HSE continues to develop and improve health services in all regions, ensuring quality and patient safety.

The Health Service Executive has operational responsibility for the delivery of health and social services, including those at facilities such as St. Patrick's Hospital, Waterford. St. Patrick's Hospital is a Health Service Executive residential facility for older people in Waterford City. It has 96 beds, consisting of 72 continuing care beds, 20 rehabilitation and four respite beds. The residential services are located on the ground floor and consist of three wards, St. Patrick's ward, St. Malachy's ward and Our Lady's ward. During the year St. Patrick's operates with a small number of vacancies, which vary from day to day. Concerns had been expressed with regard to health and fire safety at St. Brigid's, a 19-bed ward, which was the last remaining ward on an upper floor of St. Patrick's Hospital, Waterford. As a consequence of these concerns, the HSE decided that it was no longer viable to continue to accommodate residents in the ward and it was closed on a phased basis in 2009. The primary focus of the decision was the care and welfare of each resident.

I am sure the House will agree that the safety and well-being of older people is of critical concern. Quality care and patient safety come first and all patients must receive the same high standard of quality-assured care. Patient safety is everyone's concern and I reassure the House that the decision to close St. Brigid's ward was taken with this in mind. In view of the closure of St. Brigid's ward, the HSE took steps during 2009 to ensure that there was no reduction in

the number of public beds to support older people in Waterford City. Arrangements were made for a total of 30 private nursing home beds to be made available. This was prior to the commencement of the nursing homes support scheme.

At the time of the closure of St. Brigid's ward, the HSE indicated that it would examine the provision of a 50-bed community nursing unit, CNU, in the grounds of the hospital. Such a construction project would require capital funding and the HSE must prioritise all capital infrastructure projects nationally within its overall capital funding allocation.

The Prospectus report, which was prepared for the HSE in 2008, assessed the provision of nursing home places across the country and the need for additional places to meet demographic change. The report found that there were sufficient places in Waterford at that time and additional places would not be needed before 2013. The Department is currently engaged with the HSE in planning the provision of long-term care places, taking account of public and private nursing home provision. This will give further consideration to the Prospectus report recommendations and the requirements to upgrade facilities to meet the standards for nursing homes. It will also consider local demographic pressures and the extent of existing public and private provision, with a view to developing an overall strategy on how the HSE should continue to provide this service in view of current budgetary and other pressures. The House will appreciate that such reviews are essential to ensuring that resources are properly channelled and that the changing needs of older people are suitably addressed. The future provision of long term residential services for the Waterford area in general will be considered in the context of this review.

**Senator David Cullinane:** The last line of the Minister's response states that provision will be considered "in the context of". Every time I hear a Minister or Department member state something will be considered "in the context", I am concerned that the "context" will be that funding will not be available and that all sorts of reasons will be cited as to the reason for that.

I pointed out earlier that the ward was closed in 2009, but the response cites the Prospectus report which was published in 2008 and refers to bed capacity. Does the Minister of State accept that the Prospectus report should not be cited as the ward was closed after the report was published? There is an anomaly in the response the Minister needs to address. Also, the Minister has not addressed the question of when the capital funding will be released. He accepts a commitment was given, but he has not given any indication as to when the funding will be delivered.

**An Cathaoirleach:** There is no provision on the Adjournment for debate. The Senator is abusing the privilege he was allowed. There is no allowance for questions, but I allowed the Senator put a brief question.

**Deputy Ciarán Cannon:** The Prospectus report concluded in 2008 that there were sufficient places in Waterford and that additional places would not be needed before 2013. Following on the closure of St. Brigid's, I understand arrangements were made for 30 nursing home beds to be made available to replace the 19 beds closed as a result of the health and fire safety concerns at St. Brigid's. Therefore, the bed shortages were more than adequately addressed by the HSE at the time. I accept Senator Cullinane's bona fides in making the case for the construction of a new ward. All such demands will be reviewed in the context of an overall national review on the provision of long-term care places. That is the only commitment that can be given at this time.

## Schools Refurbishment

**Senator Trevor Ó Clochartaigh:** Cuirim fáilte roimh an Aire Stáit. Mar chomhleacaí ó Ghailimh, ba mhaith liom gach ádh a ghuí air in a ról agus a phost nua. Go n-éirí an t-ádh leis sa jab sin.

D'ardaigh mé an cheist seo ar son coiste tuismitheoirí scoil náisiúnta Thír an Fhia. Rinne an scoil seo iarratas ar thacaíocht le haghaidh athrú a dhéanamh ar fhuinneoga agus doirse sa scoil, mar tá an scoil i ndroch chaoi. Cé go bhfuair an scoil seo tacaíocht anuraidh le haghaidh córas teasa a chur ar fáil sa scoil, tá an teas sin anois ag dul amach trí fuinneoga agus doirse atá i ndroch chaoi le blianta. I raise this issue on behalf of the Tír an Fhia parents' group because the school there is in quite bad condition. The school is grateful that it got support several years ago to put in a heating system, but the problem now is that the heat goes straight out through the doors and windows because they are in such a bad condition.

Tá fadhb freisin maidir le cursaí sláinte agus sábháilteachta. Tá caonach liath ag fás ar na ballaí agus ar an síleáil agus bíonn orthu iad seo a ghlanadh agus a péinteáil go minic. Gach cúpla mí bíonn orthu seo a dhéanamh, agus níl an fhadhb dhá leigheas. There is a health safety issue also. Several children have asthma and there is mould growing on the ceiling. The only solution parents have is to paint it every few months, which is costing a significant amount of money. It is the dampness and the situation with regard to the windows and doors that creates such a dilemma.

The issue is the process with regard to the application they made. They submitted their application on a number of occasions, but have been turned down. They have appealed that decision. They have not been given a proper reason for having been turned down and see other schools in the area getting the assistance they need.

Tá mé ag cur ceist faoin gcóras atá ag an Roinn maidir leis an gceist seo. Cén fáth ar diúltaíodh iarratas na scoile seo? Cén fáth nár éirigh leis an athchomhairc? Cén fáth an bhfuil scoileanna eile sa cheantar ag fáil tacaíocht nuair nach bhfuil an scoil seo á fháil? Cloisim an chaint atá á dhéanamh maidir le cursaí airgid. Tugtar an leithscéal nach féidir go leor rudaí a dhéanamh ós rud é go bhfuil an buiséad teoranta ó thaobh scoileanna. Ní ghlacaim leis an argóint sin, i ndáiríre, go háirithe toisc go bhfuil €24 billiún curtha isteach sna bainc. Chualamar i rith na seachtaine go bhfuil €500,000 in aghaidh na míosa á thabhairt don chomhlacht atá ag plé leis na tolls ar na motorways. Tá an t-airgead sin á thabhairt mar chúiteamh ar an gconradh. Chaitheamar €30 milliún ar chúrsaí slándála nuair a tháinig an banríon agus Barack Obama ar cuairt. An bhfuil an Roinn ag rá linn go bhfuil an Banríon Éilís níos tábhachtaí ná na páistí scoile i dTír an Fhia? Má tá, ní ghlacfaimid le sin. Ní ghlacfadh muintir Chonamara nó tuismitheoirí scoile in áit ar bith leis an argóint sin.

The lack of funding cannot be an argument in this case. The Government had enough time and wherewithal to give the banks €24 billion; it was willing to give €500,000 per month to the company that runs the tolls on our motorways and spend €30 million on security for the visit of the Queen of England and President Barack Obama yet it tells me it does not have a few thousand euro to help fix windows and doors in a school that, according to the Department, is doing fantastic and exemplary work. If it tries to tell me that the Queen of England and President Obama are more important than these children I will not accept that argument and believe its priorities are wrong.

I welcome the Minister of State. Will he clarify the situation and tell the House what criteria were used in this application? Will the school be reassessed, reappraised and put back on the list, and is there a chance this funding can be made available in the very near future?

**Deputy Ciarán Cannon:** I take this Adjournment matter on behalf of my colleague the Minister for Education and Skills, Deputy Quinn. I thank Senator Ó Clochartaigh for raising the matter as it provides me with the opportunity to outline to the Seanad the Government's strategy for capital investment in education projects and the current position in regard to summer works projects.

The summer works scheme covers projects in school buildings such as gas, electrical and mechanical works, roof replacements and repairs, window replacement, toilet upgrades, access works and structural improvements that, ideally, can be delivered during the summer months. The Senator will be aware that on 30 March 2011 the Minister announced a list of 453 schools that were successful under the summer works scheme 2011. Applications from primary and post-primary schools for gas, mechanical and electrical works were prioritised for summer works funding this year. The Department has sought to prioritise the funds that are available towards works that are most relevant to the health and safety of staff and students alike in our schools.

In light of further funding being made available under the Government's jobs initiative, projects submitted under the 2011 summer works scheme were considered further. As announced on 10 May 2011, an additional 374 schools were successful under the jobs initiative scheme and these are published on the Department's website. Some €40 million will be made available through the jobs initiative to fund these 374 primary and post-primary school building projects. These funds will allow schools to carry out small and medium scale building works such as special needs access, toilet facilities, roof works at primary and post primary level and window replacements at post primary level. In its programme for Government, this Government committed to advancing with shovel-ready projects as quickly as possible — this investment in our schools will create much-needed jobs in the construction sector.

The capacity of schools to take responsibility for delivering small and medium-scale projects is a key component of the summer works scheme and the Minister is pleased to be in a position to make funding available this year. I am confident that school authorities will be able to achieve best value for money on prices for jobs, given the competitive construction market at present and I call on schools to ensure they maximise the benefit to their schools of the works sanctioned.

As outlined in the circular governing the operation of the summer works scheme, applications for works in the higher categories were prioritised. Unfortunately the application from scoil náisiúnta Tír an Fhiadh, Leitir Mór, was a category 7 project at primary school level and, due to the scale of demand for funding under the scheme, it was not possible to grant aid category 7 primary school projects. Applications from schools for gas, mechanical and electrical works were prioritised for summer works scheme funding this year. Unfortunately, due to the scale of demand for funding under the scheme, it was not possible to grant aid all applications and, accordingly, it has been necessary to prioritise some categories of works over others. The Department has sought to prioritise the funds that are available towards works that are most relevant to the health and safety of staff and students alike in our schools, and which have the most potential for job creation.

In the meantime, for works that are of a very urgent nature, it is open to the school authorities to consider whether the works in question qualify for funding under the Department's emergency works scheme. An emergency is deemed to be a situation which poses an immediate risk to health, life, property or the environment which is sudden, unforeseen and requires immediate action and, in the case of a school, if not corrected would prevent the school or part thereof from opening. Details of the scheme, together with an application form for grant assist-

[Deputy Ciarán Cannon.]

ance, can be accessed on the Department's website at *www.education.ie*. This year, almost €383 million will be invested in school building infrastructure under the school building and modernisation programme.

I thank the Senator for raising the matter and confirm my commitment and that of the Minister to advance capital projects in line with available resources.

**Senator Trevor Ó Clochartaigh:** Is the Minister of State, Deputy Cannon, stating it was more important to prioritise security for the Queen of England and President Obama than to spend on the children in our schools? Sufficient capital has not been made available.

**Deputy Ciarán Cannon:** The visits of both leaders have greatly benefited Ireland and already, from a tourism point of view, we can see such benefits. As a result of the visits and the increased consequent income one hopes we may be able to consider expanding summer works schemes to include schools such as that in Tír an Fhiadh.

The Seanad adjourned at 6.30 p.m. until 10.30 a.m. on Wednesday, 15 June 2011.