



## DÁIL ÉIREANN

*Dé Céadaoin, 6 Deireadh Fómhair 2004.  
Wednesday, 6 October 2004.*

Chuaigh an Ceann Comhairle i gceannas ar 10.30 a.m.

*Paidir.  
Prayer.*

### Leaders' Questions.

**Mr. Kenny:** Next Sunday, 10 October, marks World Mental Health Day. This Government has very little to be proud of in that regard. The statistics regarding mental health in this country are truly frightening. Over 300,000 people suffer from depression. One in every nine people has or has had some form of mental illness. The Irish College of Psychiatrists said that one in four people will be affected by mental illness at some time during their lives. A study commissioned by Mental Health Ireland and conducted by pollsters found that three quarters of the population know someone close to them who has or has had mental illness at some time during their lives, mostly depression. As the Taoiseach is well aware, Ireland has the highest rate of suicide among young men in Europe. It is perverse that while suicide rates in Ireland rank at over 450 per year, more than tragic motor accidents, the Government has refused and so far failed utterly to implement the Report of the National Task Force on Suicide.

What is the Government's strategy to deal with mental health, now that the Fianna Fáil members of the Government at least have a new understanding of social inclusiveness and what it means to have a caring society? What are the Taoiseach's targets for budgetary expenditure on mental health this year? He is aware that in 1997, 11% of the total health budget went towards mental health. It is down to 6.6% in 2003, despite the fact that the World Health Organisation made a general recommendation that it should be of the order of 14%. What does the Taoiseach propose to do about that this year, in view of the fact that the Minister for Finance has a bulging bag of money to dispense?

**The Taoiseach:** The Government is committed to developing a high quality, community based mental health service and we provided significant additional resources to achieve that. It has been the view since the mid-1980s that we should try to move from old mental health institutions to providing a far better community based service

where back-up staff would be available, both psychiatrists and psychologists, care workers and care nurses, who would be actively engaged in the community in trying to move people from the old large institutions into the community where they could live in collective housing. That has been the policy for the best part of 20 years and it continues to move on.

Deputy Kenny asked what we are doing currently. In excess of €90 million in additional revenue has been invested in mental health over the past few years to build on that service. The Deputy also asked about the total mental health budget. It is now €661 million, which is a considerable expenditure. On the capital side, new acute psychiatric units have opened recently in both Kilkenny and Castlebar, bringing the total number of such units in the State to 21. We recently allocated €10.7 million to James Connolly Memorial Hospital to fully commission the new units, including the 56 bed acute psychiatric unit. While acknowledging that a delay occurred in that project it is now moving ahead at full speed, and this will help in the mental health area. We have also provided resources for the recently opened 50 bed acute psychiatric hospital in Portlaoise General Hospital.

On the general front, the Mental Health Commission was established two years ago to foster high standards and good practices in the delivery of mental health services and to ensure the interests of people who have been detained are protected. As Members of the House will be aware, that is also an important issue. The Expert Group on Mental Health Policy has commenced work on the preparation of a new national policy framework for the future development of mental health services to which the Government is committed.

We have a new inspector of mental health services who has replaced the former Office of the Inspector of Mental Hospitals, something which had created much difficulty in the area over the years. That person was appointed by the Mental Health Commission. The new inspector is required to visit and inspect approved centres at least once a year, preferably more often.

I agree with what Deputy Kenny said about the rate of suicides here, particularly among males. It is exceptionally high but both the Department and the agencies have long undertaken research to determine what we and the agencies can do collectively to assist people, which they are trying to do.

**Mr. Kenny:** I will tell the Taoiseach some measures he can take. In his reply the Taoiseach indicated some of the targets set out in a 1984 report on mental health, many of which still have not been achieved. He spoke about allocating €90 million for mental health services since 1997, yet persons sitting beside the Taoiseach allocated €50 million in one year for electronic voting, the machines for which lie in storage throughout the country.

**Mr. McCormack:** Costing a great deal of money.

**Mr. Kenny:** Yesterday, the newspapers reported that 80% of those on tranquillisers in Ballymun had been on them for over 12 months when medical recommendations are that persons should not be using them for more than two weeks.

I want to ask the Taoiseach about four measures he says he will take. First, will he set up a ministerial task force at Cabinet level to tackle mental health and bring it to a summit, such as happened with regard to traffic business some weeks ago? Second, will he set up a dedicated psychiatric service for 16 to 18 year olds? Will the Taoiseach confirm that nobody with an intellectual disability will be left any longer in a psychiatric institution? Will he ensure the report of the task force on mental health is implemented, and set target dates for it to be finalised?

**The Taoiseach:** The Department of Health and Children is either dealing with, or is involved in, these matters.

**Mr. Crawford:** Or it is not dealing with them.

**The Taoiseach:** The Mental Health Commission was set up two years ago on the principle of providing and fostering far higher standards and good practices in the delivery of mental health services, and to ensure the interests of people detained are protected. The Government is committed to doing that. The new inspector of mental health services has replaced the Office of the Inspector of Mental Hospitals and is required to visit and be aware of the circumstances of people detained in hospitals and of anyone held against his or her will or in an unfair and unreasonable fashion. The Government is committed to providing resources. We gave €90 million in 1997 and every year since then have continued to increase the base figure bringing it to €660 million today.

Deputy Kenny referred to the 1984 report which set a blueprint for changing what had been happening since the 1870s in mental health services, and for moving away from institution-based confinement areas to place people in the community. Since then the Department of Health and Children and the mental health sector have moved on those proposals to provide acute beds in hospitals for mental health patients and for those who do not require to be in hospital, to provide a strong community base with very good services whereby people are visited daily.

**Mr. Allen:** That is not true.

**The Taoiseach:** Those units in the various health board areas have changed the lives of people with mental health problems. We are committed to continuing to enhance that service.

**Mr. Rabbitte:** For a number of years tens of thousands of people on very low incomes and sometimes in considerable pain and suffering can not get a medical card. The Taoiseach knows this from his constituency work, his backbenchers and the research he conducted prior to the general election. That is why he promised 200,000 additional medical cards.

My colleague, Deputy McManus, has received a reply from the Minister for Health and Children on the progress made in this area which shows that 101,279 cards have been taken out of the system. If the Taoiseach thought that he ought solemnly to pledge an additional 200,000 in May 2002 and the performance since is to take out 101,000 I need not explain how grave that situation is. People on the minimum wage, earning €7 per hour for a 40-hour week, make €280 yet a single person earning above €143 cannot get a medical card. A couple with two children earning more than €259 cannot get a medical card.

How can this Government justify that situation? How could it have the hard neck to bring Fr. Seán Healy to Inchydoney and profess compassion and caring in circumstances where a parent on that kind of income woken by a sick child at night decides whether to visit the doctor on the basis of ability to pay rather than the health of the child? A visit to a GP costs between €35 and €50. Can the Taoiseach imagine being required to pay that out of such paltry pay before paying for a prescription or being subjected to all the other increases in the cost of living? How can the Taoiseach say that is justifiable in this extremely affluent economy?

**The Taoiseach:** The Government is not saying it is justifiable that people on the minimum wage have the difficulty outlined by the Deputy. We made a commitment to extend admissibility for medical cards.

**Mr. McCormack:** It has forgotten about it.

**The Taoiseach:** The Government will try to fulfil that commitment.

**Mr. McCormack:** Deputy Harney will fix it.

**The Taoiseach:** Do the Deputies want to hear the answer?

**Ms Burton:** We are waiting for an apology.

**Mr. J. O'Keeffe:** By their fruits shall you know them.

**The Taoiseach:** Deputy Rabbitte would acknowledge that 1.1 million people have medical cards. That is 30% of the entire population. One of the successes of recent years is that incomes have been rising fast. In any system of means testing some people will pass eligibility limits because incomes are rising substantially in many areas. Take home pay for average industrial wage earners has risen by 80% in recent years. This

Government has introduced a minimum wage which is the highest in Europe. Income guidelines are revised annually in line with the Consumer Price Index and the Tánaiste and I have recently reiterated the commitment and are examining the extension of eligibility for medical cards.

It is a costly area and we must consider how best to do that and target it. We will direct it at those people whom Deputy Rabbitte highlighted, those who are most in need, to ensure those who have children and still do not have jobs, or who have difficulties, receive the card, so most of those without jobs will be part of the 30%. There are people on the minimum wage of €273 per week who may have two children and are caught. I am very well aware of that. In our examination of it as part of the Estimates process we have already highlighted this area.

**Mr. J. O'Keeffe:** The Taoiseach must keep on wriggling.

**Mr. Rabbitte:** The actual figure is 27.7% and if one adds those aged over 70 it comes to 29%. It was intended that cards for those over 70 would cost €19 million but it cost €59 million when the Government introduced cards irrespective of means for that age group. One third of people at work are not liable for income tax because they earn less than 90% of the minimum wage. How can the Taoiseach talk about rising incomes when there is a serious problem of low pay in this economy? There is a belt of people denied a medical card because they receive social welfare payments or whatever. Hard working, tax compliant people in pain are afraid to go to the doctor because they cannot pay for the service. That is the short and the tall of the matter. I am surprised the Taoiseach has attempted to defend the indefensible. These are paltry income thresholds above which one will not get a medical card. In addition, the figures show that the discretionary facility that existed for years has effectively been removed in most counties. I, and I am sure every other Deputy, has chronic cases of people in exceptional circumstances who would normally have got a medical card on a discretionary basis but do not receive one now. I do not know what the Minister of State at the Department of Community, Rural and Gaeltacht Affairs, Deputy Noel Ahern, is talking about.

**Mr. N. Ahern:** I know the facts but Deputy Rabbitte does not seem to know them.

**Mr. Rabbitte:** He sees in his clinics, as I do in mine, that there are people on paltry incomes who are ineligible for a medical card.

**Mr. Deasy:** They have had them taken away.

**Mr. Rabbitte:** There is no gainsaying that 100,000 have been taken out of the system. In addition to the 200,000 extra cards promised by the Government, that makes 300,000 to make up in order to fulfil its pledge to the people in 2002.

I cannot see how the Taoiseach can argue with that.

**Mr. J. O'Keeffe:** Deputy Noel Ahern's brother has no defence in respect of this matter.

**The Taoiseach:** I do not know which figure Deputy Rabbitte is using to support his argument. There are 1.1 million people with medical cards. I have already accepted that we must extend eligibility. We have the highest number ever of people in employment. When 1 million people were working, obviously there were a higher number of medical cards. There are now——

**Mr. Ring:** The Taoiseach should refer to the guidelines.

**An Ceann Comhairle:** The Taoiseach should be allowed to continue without interruption.

**The Taoiseach:** ——1.94 million people in the labour force. We have one of the lowest unemployment rates in Europe.

**Ms Burton:** The cost of visiting a GP is one of the highest in Europe.

**An Ceann Comhairle:** These are Leaders' Questions. Deputy Burton is not the Leader of her party.

**The Taoiseach:** Of course there were more medical cards when almost 20% of people were unemployed and when the country was on its bended knees. The Government accepts that some people currently find themselves in a difficult position. We are trying to see how best to deal with the matter. I am merely making the point that extending eligibility is costly.

**Ms McManus:** It is not. It offers very good value for money.

**The Taoiseach:** As Deputy Rabbitte pointed out, when we gave medical cards to the over-70s — everyone did not agree with this action but we believed it was a fair and reasonable thing to do — the cost was far higher than projected. We are not making any apology for giving people in their later years medical cards.

*(Interruptions).*

**An Ceann Comhairle:** Allow the Taoiseach to conclude without interruption.

**The Taoiseach:** We will also try to help people in other categories. We will extend eligibility in so far as is possible.

**Mr. J. Higgins:** Why has the Government not dismissed the chief executive, the chief financial officer and the chief operations officer of Aer Lingus in the wake of the stunning conflict of

[Mr. J. Higgins.]

interest in which they placed themselves in seeking the privatisation of the national airline so that they could purchase it themselves and, in the process, make an obscene financial killing? Have neo-liberal capitalist values so saturated the Government that it sees no difficulty with Aer Lingus executives, charged with protecting a crucial asset of the taxpayer, sitting in their offices and plotting how they can make it their private property? To facilitate that plot, they are intent on stripping the asset of 1,300 jobs and key core activities to make it more attractive for venture capitalists whom they want to purchase it. Does the Taoiseach agree that in any other jurisdiction, where even the loosest norms of even bourgeois ethics apply, such an outrageous conflict of interest would be dealt with by instant dismissal?

Was the Taoiseach amazed, perhaps he was gratified, that during the summer entire swathes of the media devoted acres to engaging in idle and useless speculation about his intended Cabinet reshuffle — which eventually amounted to no more than a hill of beans — and scarcely passed comment on this breathtaking conflict of interest in our national airline? Am I missing something, or is there a credibility chasm between media condemnation this morning about a number of €9,000 watches presented to departing Aer Rianta board members at public expense — the Taoiseach correctly stated yesterday that this is inappropriate and even a spokesperson for the Progressive Democrats engaged in sanctimonious condemnation of this action — and the deafening silence about a critical strategic public asset, our national airline which is worth €500 million, being speculated with by those charged with its protection and the protection of the taxpayer? Fianna Fáil and Progressive Democrat members of Cabinet appear to have no problem with this conflict of interest. Will the Taoiseach explain how this is the case?

**The Taoiseach:** I will answer the questions on Aer Lingus. Throughout his contribution, the Deputy confused that company with Aer Rianta. I am aware that he does not represent that area of the city and probably does not realise that they are two separate State companies.

**Mr. Ring:** Will the Taoiseach give the Deputy a watch?

**Mr. C. Lenihan:** Deputy Joe Higgins needs a compass not a watch.

**The Taoiseach:** The Government has not attempted to remove any of the individuals to whom the Deputy referred because they have worked with the trade unions and the staff to try to get Aer Lingus out of the difficult position in which it found itself. They have been successful in doing so in recent years. There are only two airlines in the world, and in Europe in particular, which are making money and both are Irish,

namely, Aer Lingus and Ryanair. The staff of Aer Lingus has worked hard in that regard. Alitalia, Sabena and all of the other airlines are gone, going or are drastically cutting back on their operations. Only the airlines in this country are making profits. I give credit for that obviously to the management but mainly to the staff of Aer Lingus who have turned the position around into one of profit.

Mr. Willie Walsh will today outline to a committee of the House the difficulties facing the aviation business. These are immense, particularly as a result of the escalation of oil prices in the past year. This escalation has placed huge pressures on the cost-base of airlines because an enormous proportion of their cost structures are based on fuel. The astronomical increases, which have been much greater than anything predicted by economists — not to mention the airlines — have placed pressure on the company. Mr. Willie Walsh and his staff and, by extension, the Department and the Government are trying to work through these difficult times in international aviation. The company has been doing so in conjunction with the staff. It has meant pain for some staff due to reductions in the workforce. In far larger countries, however, it has not stopped at small or considerable losses of jobs, entire airlines have gone to the wall. The trade unions, management and staff have tried to retain the greatest number of jobs and, in addition, to expand and not reduce the business in these difficult times. Aer Lingus has sought new markets and routes in Europe. These developments are commendable and require our support in order that the company can try to overcome any problems. However, the international position remains difficult.

If Deputy Joe Higgins believes that Aer Lingus, a relatively small airline from an island country, can stand up against what has happened in the international market in recent years, he confirms what I have always believed, namely, that he lives in cloud cuckoo land. It is not possible to do that. We must try to deal with this situation as best we can and both the management and the unions are doing that.

**Mr. Healy:** What about the conflict of interest? The Taoiseach should answer the question.

**Mr. J. Higgins:** The Taoiseach is not hanging out with a soft-soaping Hector today, when any old answer might do. I inquired about a conflict of interest and the Taoiseach did not provide a reply. He accused me of confusing Aer Lingus with Aer Rianta. Admittedly, some members of the Cabinet have difficulty knowing where they were. When he was sent to the Department of Health and Children, the new Minister for Finance thought he was in Angola. I did not confuse the two. If a private company making a loss closed with 200 jobs lost, the air would be thick with gloom and the creation of task forces would be mooted. However, a publicly owned company

that will make a profit of €90 million this year is proposing to savage 1,300 jobs and the political establishment and most of the media have not raised even a murmur. Is the Taoiseach aware that there is a callous and concerted strategy on the part of management at Aer Lingus to undermine and demoralise the company's employees in many areas of its operations such as reservations, telesales and baggage handling by outsourcing their work and making life impossible for them in order that they will walk the plank and feel they have no option but to accept redundancy? This is all aimed at stripping down the airline so that speculators will move in and buy it and the management, charged with protecting the interests of taxpayers, will make millions in the process. Is there a conflict of interest?

**The Taoiseach:** The redundancies are regrettable but they are voluntary.

**Mr. Healy:** Is there a conflict of interest?

**The Taoiseach:** People have to——

**Mr. J. Higgins:** They are not voluntary. Decent workers in Aer Lingus are being hounded out of their jobs. That is the reality.

**An Ceann Comhairle:** Deputy Higgins should allow the Taoiseach to reply without interruption.

**Mr. Rabbitte:** Is there a conflict?

**Mr. J. Higgins:** Is there a conflict of interest? That is the question.

**An Ceann Comhairle:** The Taoiseach is entitled to the same courtesy as Deputy Higgins was afforded to be heard without interruption. I ask the Deputy to resume his seat.

**Mr. J. Higgins:** I am entitled to the courtesy of an answer.

**The Taoiseach:** Yesterday I stated that I did not believe a management buyout was appropriate in the situation of Aer Lingus. I do not think that is a solution. While Aer Lingus has difficulties and aviation is having enormous difficulties there are now restrictions on investing capital. While in 1993 the State could give significant state aid, we cannot do that anymore. So the company——

11 o'clock

**Mr. Quinn:** That is not true.

**Mr. Stagg:** The Government can.

**An Ceann Comhairle:** This is Deputy Joe Higgins's question.

**The Taoiseach:** It is absolutely true. There is no possibility, as has been the case with Sabena and Alitalia in other countries, of the State investing under the old regime.

**Mr. Quinn:** If venture capitalists can invest the State can.

**The Taoiseach:** Deputy Quinn is talking about a different issue now.

**An Ceann Comhairle:** This is not Deputy Quinn's question.

**The Taoiseach:** We cannot give State aid. I do not believe it is compatible with the mandate of Aer Lingus to have a management buyout.

**Mr. Healy:** Why is the management proposal still there?

**The Taoiseach:** We want to have a strong Aer Lingus in the future, which is what it is achieving. It is the only aviation company in the State sector along with the one in the private sector I mentioned earlier that is managing to turn things around. Yesterday Alitalia announced a workforce reduction of 3,000 and is in considerable difficulty of going under altogether. We are trying to avoid that. Deputies should not propose simple solutions suggesting that the aviation industry in this country can act differently from aviation in Australia, Canada, America or anywhere else in Europe. They should not try to feed that kind of nonsense to people.

**Mr. Healy:** Is there a conflict of interest?

## Ceisteanna — Questions.

### Constitutional Amendments.

1. **Mr. Kenny** asked the Taoiseach if he will report on recent progress in respect of the implementation of the recommendations of the Oireachtas Committee on the Constitution; and if he will make a statement on the matter. [17231/04]

2. **Mr. Rabbitte** asked the Taoiseach the progress made to date with regard to the implementation of the recommendations of the Oireachtas Committee on the Constitution; and if he will make a statement on the matter. [18314/04]

3. **Mr. Rabbitte** asked the Taoiseach the constitutional amendments the Government intends to bring forward within the lifetime of the 29th Dáil; and if he will make a statement on the matter. [21327/04]

4. **Mr. Kenny** asked the Taoiseach the constitutional referenda that he intends will be held in the next year; and if he will make a statement on the matter. [21426/04]

5. **Mr. J. Higgins** asked the Taoiseach if it is intended to propose amendments to the Constitution during the current Dáil session. [22384/04]

6. **Mr. Sargent** asked the Taoiseach his proposals to amend the Constitution during the life-

[Mr. Sargent.]  
time of this session of Dáil Éireann; when a referendum on such proposals may be held; and if he will make a statement on the matter. [22464/04]

7. **Mr. Sargent** asked the Taoiseach when there will be a referendum on the proposed EU constitution; and if he will make a statement on the matter. [22465/04]

8. **Caoimhghín Ó Caoláin** asked the Taoiseach the proposed constitutional amendments which will be brought forward in the current Dáil session. [23418/04]

**The Taoiseach:** I propose to take Questions Nos. 1 to 8, inclusive, together.

The Government has acted on most of the key recommendations, which have emanated from the All-Party Committee on the Constitution. This Government and the previous one have held ten referenda in total. The Government will avail of appropriate opportunities to bring forward further recommendations of the all-party committee. The complexities involved in holding a referendum require that careful consideration be given to the frequency with which referenda can realistically be held and the significance of the issues in question.

The All-Party Committee on the Constitution published its ninth progress report on private property on 7 April 2004. All relevant Departments, and in particular the Department of the Environment, Heritage and Local Government, are considering its recommendations, with a view to further consideration by Government in due course. The Minister for the Environment, Heritage and Local Government answered a parliamentary question in this regard last Thursday.

The treaty to establish a constitution for Europe will be signed at a ceremony in Rome on 29 October. As the Deputies will be aware, I have indicated my intention to hold a referendum on the treaty. Member states of the EU must have completed their ratification processes by 1 November 2006. The Government will give detailed thought to the timing of the Irish referendum in due course.

**Mr. Kenny:** On 17 February the Taoiseach told me the Government had no intention of holding a referendum to amend the Constitution. However, a few weeks later the Taoiseach announced his decision to hold a referendum on citizenship. Will the referendum on the constitutional treaty for the European Union take place sometime in 2005 or is it intended to put it off until 2006? This is a serious matter and if the referendum is to be held in 2005, will the Taoiseach ensure that the National Forum on Europe will be adequately resourced to allow it to do its job around the country so that the citizens can have clear explanations of what is involved in this constitutional treaty and so we will not have a repeat of what applied at the first referendum on the Nice treaty when clearly people were not fully informed as to what the treaty was about?

Arising from some recent comment does the Taoiseach believe it would be appropriate for the All-Party Committee on the Constitution to examine the manner and the requirements under which eligible candidates might wish to have themselves considered for election to the Presidency of Ireland?

**The Taoiseach:** On the first matter, no decision has been made. The likelihood is that it will be in 2005. However, we have not discussed the matter yet. On the Deputy's second question we will ensure the National Forum on Europe can adequately carry out its job. While I am not sure when they will be ready, I am preparing two documents, a short information document on the main features and a more detailed one, which will be available in community buildings, libraries and other areas as we did the last time for the Nice treaty. Those documents are in preparation in the Department of Foreign Affairs. I believe these will be available sometime in November. The preparatory work is going ahead. The Minister for Foreign Affairs has prompted me to say it is nearly completed and we will have them late this month or early next month.

On the other issue, I have not changed my mind based on the debate and I do not want to get into the whole argument. I am satisfied that the eligibility requirements set out in the Constitution are adequate for prospective candidates to participate. I said this in 1997 and I have said it previously. Having again had the debate on the matter and given the nature and the responsibility of the position I do not believe it is unreasonable for candidates to be asked to show a fairly modest degree of support from elected representatives. I am satisfied it is possible for a substantial number of candidates to be nominated. It has been shown in the past that candidates do not have a problem in getting support. The system exists to do that.

To be frank, it is my personal opinion and not that of the Government, which has not considered the matter that it is too easy for candidates to run. If the Deputy were to press me I would say that if I were to change it — I have no intention of making such a proposal — I would toughen it rather than going the other way.

**Mr. F. McGrath:** The constitutional requirement is prohibitive for Independents.

**The Taoiseach:** I do not see why a person should be able to run for the Presidency of the country without showing a degree of support. I do not see any justification for changing it. While we have not had any Government discussion, that is my view.

**Mr. Kenny:** Arising from the Taoiseach's last comments, no facility is open to Government to have interaction on a regular basis with civil and religious leaders to discuss matters of religion, morality or issues that arise within their respective communities. In the past 20 years the country

has changed utterly in that regard. Would the Taoiseach see a role for the President——

**An Ceann Comhairle:** The Deputy cannot go into that area. It does not arise out of Questions Nos. 1 to 8.

**Mr. Kenny:** How does the Ceann Comhairle know? I have not yet asked the question. When I finish——

**An Ceann Comhairle:** It would not be appropriate for the House to discuss the role of the President. The President's role is totally independent of this House. In any event it does not arise out of these questions.

**Mr. Rabbitte:** All right. Deputy Kenny mentioned that the Taoiseach told the House on 17 February that he had no intention of holding a referendum this year. Then a couple of months later he decided to hold a referendum on citizenship. I ask him to be clear with the House on this occasion. Are the Taoiseach and the Minister for Justice, Equality and Law Reform, Deputy McDowell, cooking up any other surprises for us? Will any other referenda be sprung on us? How can the Taoiseach reconcile this with us having nine separate reports from the All-Party Committee on the Constitution? The only referendum we have had bears no relationship to any of the reports. Will the Taoiseach give the House a commitment that the timeframe recommended by the All-Party Committee on the Constitution for the processing of a referendum will be adhered to by the Government if it promotes another referendum?

**The Taoiseach:** I do not want to speak again about the last issue raised by the Deputy because I have answered a question on it already. I will point out briefly that I cannot say that the Government has decided to hold a referendum until a decision has been taken. I cannot say that if the deliberative process is ongoing. Such a difficulty was encountered on the last occasion. I assure Deputy Rabbitte that I do not think any issue which is around at present will fall into that category.

We have had discussions on this issue on many occasions in the last few years. There have been many referenda in the State in recent years — on Cabinet confidentiality, the Amsterdam treaty, the British-Irish Agreement, recognition for local government, the death penalty, the International Criminal Court, the Nice treaty, the protection of human life in pregnancy and citizenship. Some of the issues raised by the All-Party Committee on the Constitution which have not yet been dealt with could be categorised as technical, but the committee has said that trying to change the Constitution is never a technical matter. The issues which are the subject of referenda are always substantive. Departments have made a number of changes to legislation without requiring a consti-

tutional amendment. Issues raised by the all-party committee have been taken on board.

Three considerable examinations of property rights are currently taking place — the NESR report, which will be available shortly, as well as the reports prepared by Goodbody and the all-party committee, which has said the matter can be dealt with by means of legislation. The detailed consideration which the issue received over the summer is continuing. There is no other item. Deputy Rabbitte asked me to stick to the timescale recommended by the all-party committee. I cannot recall what that timescale is but——

**Mr. Rabbitte:** Sixty days.

**The Taoiseach:** ——I think it is the right thing to do.

**Mr. Rabbitte:** Can I ask the Taoiseach a question which I have asked him before? What is the point of the All-Party Committee on the Constitution's industry? Although the committee continues to produce reports, the Taoiseach's intentions in that regard are entirely unclear. What is the purpose of the committee's work? It has produced reports on land, international affairs, the role of Parliament, the Seanad, the Judiciary and other matters. Is the Taoiseach preparing us for a proposal to introduce a new constitution? Is he saying the Government may act on different aspects of the all-party committee's reports? It seems from the Taoiseach's replies that there will not be a constitutional referendum this year and that it is unlikely that there will be a referendum next year. If there is a referendum next year, perhaps it will concern the proposed EU constitution. What is the point of the committee producing so much output, recommending the need for change in certain areas, if the Government is not willing to take its proposals on board?

For a number of years, the Taoiseach intimated in his unique style that he did not intervene in the consistently spiralling house price market because there is a constitutional impediment to intervening in the price of private property. It was argued at length on this side of the House that no such impediment exists where intervention is required by the exigencies of the common good. The Taoiseach ultimately referred the matter to the All-Party Committee on the Constitution, which recommended that there is no such impediment. Having considered the committee's report on the matter, does the Taoiseach intend to take action on this issue?

**The Taoiseach:** I wish to take the Deputy's last question first. The Minister for the Environment, Heritage and Local Government, Deputy Roche, has also answered a question on the matter, which is being examined by his Department. The report says both things, as all great reports do. It states that the committee does not believe that a constitutional impediment exists, but it goes on to say that the current constitutional provision

[The Taoiseach.] could be strengthened. I can understand that the committee has said that because of the complexities of the matter. The possibility of doing it legislatively is currently being examined. Either way, I think it should be done — that is my view. If the all-party committee feels that it can be done legislatively, we should do it legislatively. If the committee feels there is a risk—

**Mr. Rabbitte:** The movement has been going on for ten years. The Taoiseach has been in office for seven and a half years.

**An Ceann Comhairle:** Allow the Taoiseach without interruption, please.

**Mr. Rabbitte:** When will we do it?

**The Taoiseach:** The Deputy knows that the great experts who have examined this matter have said that many of the problems will not be resolved, for various reasons, regardless of whether it is addressed legislatively or by means of a constitutional amendment. I think it would have a significant advantage, but not many people on either side of the argument accept that. I still think it is easier to do it legislatively. A constitutional referendum on property rights would be quite divisive as it would involve all kinds of extraneous arguments. When one speaks about the matter, as I have done in various fora, people get very stroppy about changing the section of the Constitution dealing with property rights. We are examining whether it can be done legislatively. The NESC report, which tried to help the NESC parties to reach a consensus, will be published soon. I hope the Department, which has done a large amount of preparation on the basis of the reports prepared by Goodbody and the all-party committee, will bring forward its proposals shortly. That is what the Minister said the other day.

Deputy Rabbitte's first question was about the Government's record in acting on the recommendations of the All-Party Committee on the Constitution, which has been very good. It is not true that the Government has not dealt with the committee's proposals, which did not all relate to constitutional change. Many of the recommendations were for procedural or legislative change, or updating the relevant statutes. We have made many such changes and we will deal with the recommendations which have not been acted on. The all-party committee recommended a constitutional amendment to abolish the death penalty, for example. While we did not pursue a referendum on the issue of judicial oversight, we held referenda on abortion and the recognition of local government. We have dealt with matters which did not require a constitutional amendment, such as the oversight role of this House in dealing with scrutiny of EU business and other matters.

There are practical limits to the number of referenda which can be put to the people at any time. The Government will continue to give priority to the recommendations of the all-party committee. Matters in respect of which action has yet to be taken include gender issues. The committee published a report about gender and the Constitution's reference to women in the home. The Government agrees with the committee's recommendations on such issues, but we need to find a way of implementing the necessary changes. The committee's report included some articles on the Presidency which can be dealt with. Its proposals relating to the courts are being dealt with in legislation, such as the Courts and Court Officers Bill. It has made recommendations on the oversight of judicial conduct, impeachment and issues relating to the Special Criminal Court.

We have dealt with a number of the issues of Government, but some of them are outstanding. I do not think the issues relating to changing the articles about the state of emergency in the State are urgent, but the necessary changes can be made at some stage. Other recommendations relate to international relations, the Ombudsman and national Parliaments. Constitutional issues relating to Northern Ireland include the ability of people to come before the House. I think the proposals I have made in that regard should be implemented. If we can reach a comprehensive agreement, it is important that we can deal with that when we are dealing with Northern Ireland issues. There is a separate report on that. The Government has made a decision and stated its position in that regard, but it needs all-party support to proceed. The all-party committee is examining issues relating to children and the family, many of which will not require constitutional change. All of the committee's work has been useful. The Government has not ignored the various issues raised by the committee.

**An Ceann Comhairle:** I call Deputy Joe Higgins.

**Mr. Gormley:** Are Members being called in a certain order?

**An Ceann Comhairle:** Yes. We take Deputies in the order in which they submitted their questions. We take Deputies who are in the House before we take Deputies who are not in the House.

**Mr. J. Higgins:** The Taoiseach has been referring to the question of possible constitutional referenda in the course of the 29th Dáil. Does he agree that, in reality, the uncontested Presidency shows that the office is a superfluous arm of the establishment and should be abolished, with an amendment brought forth in that regard? Does he also agree, in the context of what he said in answer to a previous question, that, in the event of there being an election for the Presidency, it

should be open to any citizen to go before the people to be elected? Does he agree that, in reality, the current requirement for four county councils or 20 Members of the Oireachtas means that the candidature will be confined to those who have gone through the hoops of the political establishment? That was quite common in the Stalinist era in eastern Europe, but it is hardly appropriate.

**An Ceann Comhairle:** A question, please. I remind the Deputy that he is being repetitive. That question has already been asked and answered.

**Mr. J. Higgins:** A different angle was adopted in previous questions.

**Mr. Kenny:** And a different emphasis.

**An Ceann Comhairle:** The Deputy has repeated the question.

**Mr. J. Higgins:** The Ceann Comhairle may be referring to Deputy Kenny, but he did not say that any citizen should be able to stand for the Presidency. I wonder what he feels on that. However, does the Taoiseach agree that a really democratic election in the event that we keep the office means that citizens should be able to go before their peers?

**The Taoiseach:** I may as well be bluntly honest: I do not agree with that at all. I cannot see the point in having a large number of people on an ego trip to find out how few votes they can get.

**Mr. F. McGrath:** It is more serious than that.

**The Taoiseach:** I am deadly serious.

**An Ceann Comhairle:** The Taoiseach without interruption.

**The Taoiseach:** As I said to Deputy Kenny, if one considers the matter, one will see that, if people in this House really wanted a candidate, it would be easy enough to get 20 Members. One need not think long to work out the figures. The same is true for the county councils.

**Mr. F. McGrath:** We had the numbers.

**The Taoiseach:** I know that they had the numbers and did not want to. One does not change the Constitution to provide for that, but that is another issue. It is not unreasonable that candidates are asked to show a fairly small degree of support, and the current requirements are relatively modest.

**Caoimhghín Ó Caoláin:** In the same vein, an tUachtarán, Mary McAleese, has been deemed re-elected, and I wish to acknowledge her fine work. However, I note the Taoiseach's earlier response that prospective candidates should be

able to show a modest degree of support. Does he therefore not think that the recommendation of the All-Party Committee on the Constitution of 1998, that a minimum body of 10,000 citizens should sign a petition or take part in a nomination process in support of a given candidate, would reflect a modest degree of support by anyone's standards? Should it not be open to people outside the political establishment or the political engagement that local authorities and the Houses of the Oireachtas represent? That is only fair and reasonable, and the office of the President—

**An Ceann Comhairle:** The Deputy should confine himself to a question.

**Caoimhghín Ó Caoláin:** I am doing so. I am asking the Taoiseach whether he agrees that it reflects a modest degree of support and the true nature of the office of the President, which is above political interaction. I would also like to ask the Taoiseach whether he plans, over the remainder of this term, to consider extending the right to participate in future presidential elections to Irish citizens living throughout the island of Ireland and overseas. We will recall that, in the last presidential election—

**An Ceann Comhairle:** The Deputy should confine himself to a question.

**Caoimhghín Ó Caoláin:** It is a question. I am asking the Taoiseach whether he recalls that, on the last occasion, the current President was unable to vote for herself by virtue of the fact that she had an address in County Down. It is not a small matter but a very important one, and I would like to know what response the Taoiseach will give—

**An Ceann Comhairle:** I am sorry, but I must ask the Deputy to confine himself to a question. Several people are offering questions, and I would like to facilitate them.

**Caoimhghín Ó Caoláin:** Perhaps the Ceann Comhairle might allow me to ask the question. These are questions, and I will conclude.

**An Ceann Comhairle:** The Deputy is making a statement.

*(Interruptions).*

**Caoimhghín Ó Caoláin:** I do not know whether it is the questions or the constant interruptions of the Ceann Comhairle that are so humorous. I know that he will tell me that the Chair never interrupts.

In the same vein as Deputy Rabbitte's earlier question, does the Taoiseach accept that the all-party committee's report on private property made several recommendations that were, importantly, also reflected in the Kenny report of 1973, which clearly stated that compulsory purchase of land for social housing purposes at exist-

[Caoimhghín Ó Caoláin.]  
ing use value plus 25% would not be unconstitutional? The Taoiseach has already said that he would be broadly in favour of such a measure. Given our serious need for social housing in many areas of the country, with current waiting lists of 50,000 housing units, does the Taoiseach believe that now is the time to make the change, be it constitutional or legislative, to grapple with this great need?

**The Taoiseach:** For the third time, on that last point, that is precisely what is happening. We are examining proposals, which now look like being legislative, to deal with that issue. There is a view that we do not require——

**Caoimhghín Ó Caoláin:** But when?

**The Taoiseach:** The Minister answered a question on that the other day. He hopes that it will be as quickly as possible. It is his priority, and one hopes that it will work. The core point of the Kenny proposal is still relevant. I believe that there is a basis in the all-party report for moving forward, and I support it.

I am not bringing forward any proposal on the Presidency. The last presidential election showed that several candidates who were non-political in nature and not from the political establishment could seek nominations. If the climate is right for people to do so, it shows that they can do it. Of the five candidates last time, two were not in any way part of the political establishment but were able to gain nominations. Not everyone should be able to go forward. They must have a modest degree of support, and that is what I see in the current constitutional position. I do not envisage any changes to that.

Deputy Ó Caoláin asked me about people in Northern Ireland.

**Caoimhghín Ó Caoláin:** Extending the franchise.

**The Taoiseach:** There was some discussion, but no great consideration has been given to it, subject to it being examined. No change is proposed. Perhaps there might be change in a different climate or in a different manner, but there has been no examination of the question, and I am not prepared to make any suggestion on the issue without its being thought out. As I said, Deputy Rabbitte also raised views on the desirability of existing practice regarding representation in the Seanad. The proposals of the all-party committee are now being discussed by the leaders in the Seanad in a working group chaired by the Minister, and I understand that they hope to bring forward proposals by Christmas. It is to be hoped that their basis would be formalising the excellent practice of several years' standing of having Members from Northern Ireland involved in the Seanad. Of course, it would have to be done on an all-party basis and at least be available to

those of other persuasions in Northern Ireland. On that basis, I would support it.

**Mr. Gormley:** I have two brief questions on the European constitution and I want a "Yes" or "No" answer. I suppose it is a little like Deputy McDaid at the meeting of the Taoiseach's parliamentary party last night. If the Irish people vote against the European constitution, will they be asked to vote a second time on the same question?

**An Ceann Comhairle:** That does not arise from Questions Nos. 1 to 8, inclusive.

**Mr. Gormley:** Regarding the European constitution, it does.

**An Ceann Comhairle:** It does not arise from Questions Nos. 1 to 8, inclusive, which really deal with referenda.

**Mr. Gormley:** This is surely going to be a referendum.

**An Ceann Comhairle:** Yes, but we are not talking about——

**Mr. Gormley:** It is a referendum, a Cheann Comhairle. We heard this morning that there will be a referendum——

**An Ceann Comhairle:** Let us hear the Deputy's second question.

**Mr. Gormley:** This is a vital question. There will be a referendum in 2005 on the European constitution. I am asking a direct question. If the Irish people vote against that, will they be asked to vote a second time? It is a fair question. If several countries vote no, will the matter be referred to the European Council at the end of 2007?

**An Ceann Comhairle:** I call Deputy Kenny.

**Mr. Gormley:** I beg your pardon, Ceann Comhairle.

**An Ceann Comhairle:** Those questions do not arise out of Questions Nos. 1 to 8.

**Mr. Gormley:** They are about a referendum which will take place next year.

**An Ceann Comhairle:** We cannot anticipate what the referendum might be and what the result might be. We could be here all day.

**Caoimhghín Ó Caoláin:** Is the Taoiseach thinking of changing his fallback?

**Mr. Gormley:** The questions are reasonable and are entirely in order. The Irish people would like to know if they vote a certain way if they will

be asked by the Government to vote again. That is not democracy.

**An Ceann Comhairle:** The questions are not appropriate.

**Mr. Gormley:** The Taoiseach might enlighten us. I ask him to answer the question.

**The Taoiseach:** The issue was discussed in the formulation of the European constitution, as Deputy Gormley knows, and in the convention earlier. That convention specifies that if after two years, one or more member states has failed to ratify the European constitution, the matter will then be considered by the European Council. There is no other stipulation.

**Mr. Kenny:** I accept that the family is the basic unit of society. Our Constitution asserts that all children of the nation are to be cherished equally. Does the Taoiseach foresee a time when the All-Party Committee on the Constitution will look at the question of constitutional barriers which currently prevent all children being treated equally, given the various forms of families that currently exist in the country, particularly with regard to social welfare and other entitlements?

**The Taoiseach:** That examination is about to start. The committee is now looking at the provisions of the Constitution for families and children. The issues involved must be considered because a number of reports over the past three or four years, or longer, have spelled out the inequalities and difficulties regarding people's rights. The argument is being made for more equality legislation. While we have extended the Status of Children Act, there is an argument that some constitutional change must be made. It is inevitable that an examination of the issues will now be made.

I have received, as no doubt has Deputy Kenny, submissions from some eminent people pointing out the areas into which the all-party committee should look. Those people are seeking to make presentations on the issue. I am not sure if constitutional change will be needed, or simply legislative change, but the matter will be considered by the committee in its current round of discussions.

**Ms O'Sullivan:** In the Taoiseach's response to Deputy Rabbitte's question earlier, he seemed to indicate that there was indecision about the recommendations regarding private property. I participated in drawing up those recommendations and there is no confusion at all regarding them. The committee said clearly that there was no constitutional impediment.

**An Ceann Comhairle:** The Deputy should ask a question.

**Ms O'Sullivan:** Does the Taoiseach agree that the recommendation was clear, that there is no

constitutional impediment? The committee suggested that it would be a good idea to pull together the two constitutional sections dealing with private property versus social and common good. Do the proposals being considered specifically relate to the original Kenny proposals, i.e. to cap the prices and add a percentage? Is the Minister considering that, and is there a time-frame for bringing forward proposals?

**An Ceann Comhairle:** That question is more appropriate for the Minister for the Environment, Heritage and Local Government.

**The Taoiseach:** The Minister is carrying out a broad examination of the issue. The all-party committee stated it did not find a constitutional amendment was necessary to allow reform of the existing system of compulsory land purchase. It went on to suggest that the wording of the Constitution in this area could be improved.

**Ms O'Sullivan:** Why not rope things together?

**The Taoiseach:** I am not arguing about that, but I have stated what the committee said. The Attorney General told me that because of part 5 of the Supreme Court decision, it seems we can address the issue through legislation. That is what we are currently working towards. I merely referred to what the report said.

**Mr. Boyle:** Regarding the possibility of a referendum on the Presidency, I know the Taoiseach has answered the question relating to how a President is nominated. Is the Government considering shortening the length of the presidential term? The seven-year term in Ireland is longer than in most countries. France had a term of similar length but is now attempting to shorten it to five years. Is the Government considering changing the Constitution in that regard, and holding a referendum on such a change?

**The Taoiseach:** To the best of my knowledge, that was considered when the report on the Presidency was issued by the All-Party Committee on the Constitution, but I do not think any change has been made in that area. I will check that. Changes were recommended in other areas. What action we take depends on the statements made in the report by the all-party committee.

#### **Financial Services Regulation.**

9. **Mr. Kenny** asked the Taoiseach the role, remit and composition of the IFSC clearing house group; and if he will make a statement on the matter. [17234/04]

**The Taoiseach:** The IFSC clearing house group facilitates high level communication between different Departments and agencies and prominent members of the financial services industry on matters regarding the development of policy in relation to the International Financial Services Centre. The group, which is chaired by the Sec-

[The Taoiseach.]  
retary General of my Department and includes senior representatives from the public and private sectors, identifies and considers issues of major concern to the long-term development of the centre and the industry, including the strategic development of new business areas, the progress of relevant legislation and the physical development of the docks area.

The group seeks to increase the level and quality of employment in the industry and to ensure that all opportunities are identified and developed. Industry members include representatives of industry associations and prominent figures from the financial services industry. There are also representatives from my Department, the Department of Finance, the Department of Enterprise, Trade and Employment, IFSRA, IDA Ireland, the Revenue Commissioners and the Dublin Docklands Development Authority.

A number of dedicated working groups, dealing separately with funds, insurance and banking and treasury, report to the clearing house group on a regular basis.

**Mr. Kenny:** Everyone recognises the importance to the economy of the financial services sector. Does the Taoiseach agree that national scandals in the banking sector influence international banking perception on how we do business in Ireland? I understand the Deloitte report on the IDA is currently in the hands of the IFSC clearing house group. When does the Taoiseach expect to receive that report, and what is his view of the recommended tax changes? The implosion of the Italian group, Parmalat, was partially effected, though to what extent we do not yet know, by Eurofood, a company in the IFSC. The recommended tax changes may have a detrimental effect. Has the Taoiseach a view on that matter?

**An Ceann Comhairle:** The tabled question refers specifically to the role, remit and composition of the IFSC clearing house group.

**Mr. Kenny:** That is the role which is dealt with in the Deloitte report.

**The Taoiseach:** Regarding the banking scandals and the question of damage to Ireland's reputation, the IFSC has for many years been a highly professional financial services centre, served by firms and institutions of the highest calibre. The industry is well managed and regulated. It was difficult to build up a reputation in the early years but that reputation will remain intact. Clearly, however, damage is done by malpractice because news of such malpractice spreads very quickly in the international markets.

While the AIB matters are not connected with IFSC activities, they are serious, and I am on record as saying we must do all we can to protect the integrity of the Irish domestic banking system. We should not however be too alarmist. IFSRA

is involved in a substantial investigation of the Faldor issue and the foreign exchange overcharging issue. We must await the results of the investigation before drawing any conclusions. I am confident that IFSRA will carry out a thorough investigation and I am told it will be completed as quickly as possible. It is urgent the industry does this. However, IFSRA is determined to ensure that high standards must apply in financial institutions. The industry has more to lose in this regard than others. If issues of general culture of compliance practice need to be investigated and corrected in any institution, it will be done.

On Deputy Kenny's question on the status of the report on the future of the International Financial Services Centre carried out by Deloitte & Touche, I am told the report will shortly be completed and will be made available to IDA Ireland, which commissioned the report, and it will then be up to IDA Ireland to follow up on its recommendations. Where my Department and the various IFSC working groups can assist in developing the strategies articulated in the report, they will be happy to do so because that is precisely the function of the clearing house group. However, there have been unfortunate leaks regarding the report — from working papers that were being examined — and I do not want to comment on the recommendations until it is finalised.

#### Departmental Reports.

10. **Mr. Kenny** asked the Taoiseach the number of internal audit reports completed in his Department since January 2001; the title of each completed audit report; and if he will make a statement on the matter. [17416/04]

**The Taoiseach:** Since January 2001, five internal audit reports have been completed by the internal audit unit and approved by the internal audit committee of my Department. The reports are as follows: the service provision of advertising; training and development; computer equipment; State entertainment; and courier services, value for money exercise. The reports have been forwarded to the Secretary General of my Department in his capacity as Accounting Officer.

**Mr. Kenny:** Was an internal audit carried out on the Abbotstown project, given the vast sums of money spent on Campus Stadium Ireland? Is the IFSC clearing house group considering the potential effect on the IFSC and the international financial services industry of changes to the tax laws to which the Taoiseach referred? Was an internal audit carried out of procedures at the Department of the Taoiseach in respect of the Government initiative on decentralisation? While the Department of the Taoiseach is not subject to decentralisation, eight other ministries and their policy centres are being moved to various locations around the country. Was an audit carried out of how the working relationships with

the Department of the Taoiseach and other policy making units of the Government would be affected?

**The Taoiseach:** I answered that question yesterday. It was not dealt with by the internal audit unit. All Departments examine in full how the post-decentralisation process will affect them but the internal audit unit did not do this particular work. The Secretaries General and senior officials have been involved in considering decentralisation from all aspects, including in regard to technology, the availability of meetings and cross-departmental groups. All issues are being considered, although some issues have been dealt with. The internal audit unit is a small section of the Department. It continually examines efficiencies, financial mechanisms, training and computer equipment within the Department to ensure there is no abuse, wastage or overlapping and that we get value for money.

The internal audit unit was also not involved in regard to Abbotstown. However, a full examination took place within the Department some years ago which was subsequently reported to the Committee of Public Accounts.

#### **Requests to move Adjournment of Dáil under Standing Order 31.**

**An Ceann Comhairle:** Before coming to the Order of Business I propose to deal with a number of notices under Standing Order 31. I will call on the Deputies in the order in which they submitted their notices to my office.

**Mr. Crawford:** I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of local and national importance, namely, the failure of the Government to show support financially and otherwise to the Border region in a similar way to the International Fund for Ireland and the Peace Fund, set up respectively on the signing of the Anglo-Irish Agreement and at the time of the first cease fire. The Government has failed dismally to support foreign investment in counties like Cavan and Monaghan. Of the recent €85 million health allocation, no funding came to the North Eastern Health Board region and regarding the closure of IFI, the workers in Belfast feel totally let down and isolated after working with an all-Ireland company. Even some of the cross-Border funding is used as replacement rather than additional funding to help the hard-pressed Border area.

**Mr. Morgan:** I seek leave to move a motion for the adjournment of the Dáil under Standing Order 31 to discuss the following matter of urgent public concern, namely, the illegal closure of Dunsink Lane in Finglas by Dublin City Council in an attempt to collectively punish a group of Travellers, other road users and residents as a result of alleged illegal activity by a small number of people in the area; the consequence of the clos-

ure in the event of an emergency, specifically the fact that emergency vehicles cannot now access the area directly; the necessity for Dublin City Council and Fingal County Council to consult with communities rather than undertaking this Israeli-type action which unfairly punishes the whole community; and the necessity for discussions to take place between local representatives and officials to resolve this issue at the earliest possible opportunity.

**Mr. Sherlock:** I seek the adjournment of the Dáil under Standing Order 31 to discuss the following important matter of public interest requiring urgent attention, namely, in the context of a €1.5 million profit for the Galtee company in 2003, the consequences of the closure of the bacon factory in Mitchelstown, County Cork; the consequences of imported bacon being sold under the Galtee label; the consequences of cheese being imported and sold under a Dairygold label at the cheese factory in Mitchelstown; and the consequences for workers who have been laid off and producers who have been affected at the Kildorrery poultry factory, where poultry are imported and sold under a central label. In view of the importance of the issue, I hope this will be agreed.

**Mr. Boyle:** I seek the adjournment of the Dáil under Standing Order 31 to debate the call by Dr. Joan Power, regional director of the Irish Blood Transfusion Service, for an inquiry into the handling of several issues relating to that organisation.

**Mr. Gogarty:** I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of urgent national importance, namely, the need to tackle the problems in our educational system that lead to one in seven children leaving primary school with literacy problems, which affects their further education and future income prospects and may cost the State money in terms of social welfare payments, lost tax revenue and possible prison expenses; and, given that early intervention in terms of school attendance is an important contributory factor to improved literacy, the Taoiseach and Minister for Education should acknowledge in such a debate that all 300 education welfare officers need to be put in place as a matter of priority rather than on a piecemeal basis as is the case at present.

**Mr. Timmins:** I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the growing concerns of the residents of County Wicklow following an application by Brownfield Restoration Ireland Limited to be permitted to keep illegally dumped waste on its site at Whitestown, County Wicklow, and reports that Roadstone Dublin Limited is in the process of preparing an application to permit illegally dumped waste to remain at its site in Blessington.

**Mr. Eamon Ryan:** I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the circumstances of the current marine rescue operation to aid the powerless Canadian submarine located 100 miles off the Donegal coast and the implications of our not being able to deploy a suitable emergency tug towing vessel in this case, and the lessons that can be learnt in this regard for future similar incidents.

**Caoimhghín Ó Caoláin:** I seek the adjournment of the Dáil under Standing Order 31 to raise a matter of national importance, namely, the urgent need for the Minister for the Environment, Heritage and Local Government to immediately require the Dublin City Manager to lift the blockade of Dunsink Lane in Finglas which is home to some 400 people and whose access to schools, work, health facilities and shops is being denied in this act of collective community punishment by the management of Dublin City Council.

**An Ceann Comhairle:** Having considered the matters raised, they are not in order under Standing Order 31.

### Order of Business.

**The Taoiseach:** It is proposed to take No. 1, Water Services Bill 2003 [*Seanad*] — Second Stage (resumed); and No. 2 — Adoptive Leave Bill 2004 [*Seanad*] — Second Stage. Private Members' Business shall be No. 38, motion re carers (resumed), to conclude at 8.30 p.m.

**Mr. Kenny:** I understand the Taoiseach will be away next week on business. Has he made arrangements for the Tánaiste to attend the House next week or are we to have line Ministers attending in his absence?

The Government is to publish the Intoxicating Liquor Bill 2004 today. This is to provide a clear statutory basis for the holding of alcohol free events for persons under the age of 18 years in a licensed premises. This is the ninth piece of unplanned emergency legislation introduced this year. Other such measures include the Child Trafficking and Pornography (Amendment) Act 2004, the Committees of the Houses of the Oireachtas (Compellability, Privileges and Immunities of Witnesses) (Amendment) Act 2004, the citizenship referendum Bill, the Immigration Act 2004, the Electoral (Amendment) Act 2004, the Copyright and Related Rights (Amendment) Act 2004, the National Monuments (Amendment) Act 2004 and the State Airports Act 2004, the purpose of which was to provide for the break up Aer Rianta. Now we have this Bill. Five of these Bills were from the Department of Justice, Equality and Law Reform.

In connection with this latest measure, the Minister for Justice, Equality and Law Reform repeatedly said that there was no need to change

the law in regard to licensed premises. It was only when bar owners, licence holders and other persons continued to raise the issue that he saw the folly of his ways. The Minister recently attended a major summit on traffic but nobody there seems to have told him there were serious problems with speed cameras located around the country. Is it intended to introduce more emergency amending legislation to cater for the Government's inadequacy in putting on the Statute Book legislation that works? Will we see more unplanned legislation being brought forward this year to address glaring anomalies in the way the Government does its business?

**The Taoiseach:** I agree it is not ideal to have to introduce emergency legislation. However, in most cases if the courts strike down legislation or interpret it in a certain way, as happened in this case, the choice is to leave it as it is, which results in a vacuum or hiatus, or to deal with it. In this case the issue was examined by the Attorney General, the Minister, and the Government.

**Mr. J. O'Keeffe:** All of whom said there was no problem.

**An Ceann Comhairle:** Allow the Taoiseach to continue without interruption.

**The Taoiseach:** They believed there was no problem, that if a premises has a bar which is locked and not in use and there is nobody working in it a licence should not be necessary. Others took the view that once there was a bar in a premises a licence was necessary. If it is the view of the DPP and others that the law should be amended, we must do so. I looked at it beforehand. I could not see why a licence should be necessary if a bar is closed and locked up. However, that is the position and we must rectify the situation. That is why we are introducing this legislation.

In answer to Deputy Kenny's other question, the Tánaiste will be dealing with the Order of Business next week.

**Mr. Kenny:** Does the Minister propose to extend the hours during which young people may be present on a licensed premises beyond 9 p.m.? This has caused serious concern in the tourism industry.

**The Taoiseach:** Not in this legislation. This deals with an issue that affects the "No Name" clubs and discos which take place all over the country. The issue of summertime to which the Deputy refers is being examined in the context of the broader Bill which is also coming forward.

**Mr. McCormack:** More emergency legislation.

**Mr. Rabbitte:** In respect of the substance of the Bill circulated last night by the Minister — I believe he intends all Stages to be taken tomorrow — the Taoiseach may have given the

impression to the unsuspecting listener that this was struck down by the courts. It was not struck down by the courts.

**The Taoiseach:** The DPP has expressed a view on it.

**Mr. Rabbitte:** Yes, but the Minister for Justice, Equality and Law Reform wrote to Deputy Eamon Gilmore on 17 September as follows: "My view has always been that section 14 of the Intoxicating Liquor Act 2003 does not prohibit young people from attending alcohol free functions in a portion of a licensed premises where the bar has been physically closed and shuttered and is not being used for sale of intoxicating liquor".

**An Ceann Comhairle:** It is not appropriate to quote.

**Mr. Rabbitte:** The Minister then went on radio and said: "The Garda Commissioner and I discussed the matter and we discussed the propriety of getting the Attorney General's view on the matter and I am glad to say that he, the Attorney General, has advised today that I was correct at all stages". There are a couple of points to be made about that. The first is that the Attorney General has surrendered his competence in this matter under the Prosecution of Offences Act 1974. It is a matter for the DPP, not the Attorney General. However, the Minister went on radio and wrote to my colleague, Deputy Gilmore, stating that he and the Attorney General are agreed that there is no question that this is suspect.

**An Ceann Comhairle:** The Deputy has made his point. Has he a question on the issue that is appropriate to the Order of Business?

**Mr. Rabbitte:** I have. Is this not the latest gaffe by the Taoiseach's most confident and error prone Minister? Furthermore, we are expected to take all Stages of the Bill tomorrow. It is not the first time this has happened and it is not acceptable.

The second matter I want to raise relates to an exchange that took place in the House on 18 February 1986 when the Taoiseach's predecessor,

12 o'clock **Mr. Haughey,** asked for the then Taoiseach's resignation on the basis

that he had misadvised the House regarding the appointment of a Minister of State. The Taoiseach told the House last Wednesday that he had accepted the resignation of the Minister of State at the Department of Transport, Deputy McDaid. That was untrue. He then told the House on Wednesday and on Thursday that he had appointed Deputy Conor Lenihan to be a Minister of State. That was invalid. Yesterday he implied that he had received a letter some time on Thursday from Minister McDaid tendering his resignation. He did not. He got it on Monday and eventually removed Deputy McDaid by decision of the Government on Tuesday. In the meantime

Deputy Conor Lenihan has been running around for the past week under the impression that he was a Minister. God knows what big executive decisions he has taken.

I will not ask for the Taoiseach's resignation as Mr. Haughey would have done. However, I will ask him to make a statement to the House to the effect that he misled the House last week regarding this matter and that he will now make a statement to correct the record of the House.

**The Taoiseach:** Let me deal with the first matter. The Minister believed that the law was in order and that if a "No Name" club or some other organisation held a function, or a disco as in the case in question, in a premises that had a bar which was closed and not in use, it was in compliance with the law. The Attorney General, who advises the Minister on such matters, took the same view.

**Mr. Rabbitte:** The DPP gave his direction on such questions. It is pure arrogance.

**The Taoiseach:** When seeking legal advice, the Minister for Justice, Equality and Law Reform, does not go to the DPP. Deputy Rabbitte should not give that impression.

**Mr. Rabbitte:** He brought in the Garda Commissioner. The Garda should go to the DPP.

**The Taoiseach:** The DPP under the 1974 Act is an independent officer of the State. The Minister for Justice, Equality and Law Reform takes the advice of the Attorney General. In this case, the Attorney General, the Minister for Justice, Equality and Law Reform—

**Mr. J. O'Keeffe:** Both of them were wrong.

**The Taoiseach:** —and the Cabinet believed that it was not necessary for a premises operating as a No Name Club that did not want access to alcoholic beverages for young people to get a separate licence. That is the view most reasonable people will hold.

**Mr. Costello:** The DPP had already prosecuted clubs.

**The Taoiseach:** The DPP has given his view on the matter and the situation must be corrected. There is no basis for berating the Government for taking a reasonable view.

I dealt with the matter of Deputy McDaid yesterday but I am glad to deal with it again. When I spoke to Deputy McDaid last Wednesday, I informed him that I was unable to continue his appointment as a Minister of State. At that stage, I did not ask him for a letter of resignation.

**Mr. McCormack:** Because the Taoiseach sacked him.

**The Taoiseach:** Though I asked the three Ministers leaving the Government for their letters of resignation, I did not think I needed one from a Minister of State. When I realised late on Wednesday night that I did, I made an effort to contact Deputy McDaid very early on Thursday morning. Subsequently, I contacted him after 9 o'clock and he informed me he would give me a letter of resignation. When I made the statement in the House on Thursday morning, I had not still received his letter. When I dealt with the issue yesterday in the House, I stated that in the morning I had asked the Government that Deputy Conor Lenihan be made a Minister of State with effect from yesterday.

**Mr. McCormack:** Will Deputy McDaid come back?

**The Taoiseach:** Deputy Conor Lenihan's appointment as Minister of State became effective from yesterday following completion of the formalities of Deputy McDaid's resignation under the statute.

**Mr. J. O'Keefe:** Another botched job.

**The Taoiseach:** If it created any confusion, I caused it and I apologise to the House for it.

**Mr. Gormley:** On behalf of the Green Party, I commend the bravery of the crews of the *LE Róisín*, *Aoife* and *Niamh* and wish them well in their rescue attempts of the Canadian submarine off the coast. Regarding the Intoxicating Liquor Bill, is it not clear that the Minister for Justice, Equality and Law Reform, Deputy McDowell, is a binge legislator?

**An Ceann Comhairle:** Does the Deputy have a question appropriate to the Order of Business?

**Mr. Gormley:** He piles up the legislation, rushes through it and then staggers from one crisis to the next.

*(Interruptions).*

**Mr. McCormack:** The other side of the House is enjoying the joke too.

**An Ceann Comhairle:** Does the Deputy have a question appropriate to the Order of Business?

**Mr. Gormley:** Why are all Stages of the Intoxicating Liquor Bill to be taken tomorrow? The Minister for Justice, Equality and Law Reform contacted my colleague, Deputy Cuffe, by telephone yesterday to inform him of this. Deputy Cuffe expressed his annoyance and many spokespersons are extremely annoyed by how the Minister proceeds with business. This is not the way to legislate.

**An Ceann Comhairle:** There will be a proposal before the House tomorrow concerning the Bill.

**Mr. Gormley:** Will the Taoiseach do something about this Minister who seems to be out of control?

**Mr. Allen:** Before the local elections in June 2004, the former Minister for the Environment, Heritage and Local Government, Deputy Cullen, published draft guidelines on one-off housing for consultation purposes. We have not yet seen the final guidelines as a result of those consultations. When will the guidelines be put before the House?

**The Taoiseach:** Following the publication of the draft guidelines, over 100 submissions were received by the Department of the Environment, Heritage and Local Government. The Department wanted a fair opportunity to examine all the submissions before finalising its work.

**Mr. Allen:** Will they be published before the next general election?

**The Taoiseach:** They will be published shortly.

**Mr. Kenny:** Yesterday in the Special Criminal Court, information was provided by a person, alleged to be a member of a particular organisation, of the movements of Members from several political parties. Will Members named in those papers be informed that their movements have been monitored by persons alleged to be members of the organisation at the core of this case before the Special Criminal Court?

**The Taoiseach:** Other than knowing about the case, I have no other facts. I will have the matter checked.

**Mr. Gilmore:** Last week when Deputy Rabbitte asked about the electoral (amendment) Bill, the Taoiseach could not state when it would be published. Yesterday, when Deputy Allen asked about it, the Taoiseach replied that it would be published some time next year. I am puzzled as to why there should be a delay. The Bill concerns the revision of constituency boundaries and should only have a standard text and a Schedule of constituency boundaries which is contained in the boundary commission report. Is the publication of what should be a straightforward Bill delayed to include matters other than boundary revisions?

**The Taoiseach:** It is purely a matter of the Bill being drafted and brought before the House. There will be no other changes to its content.

**Mr. Stagg:** It is drafted already.

**Mr. Gilmore:** Will any other matters be included in it?

**The Taoiseach:** To the best of my knowledge, no.

**Mr. Timmins:** Is it planned to introduce legislation to prohibit those operators of illegal dumps being rewarded with waste permits to legitimise their illegal operations? When will the criminal justice (miscellaneous provisions) Bill be published? I would like the Taoiseach to comment on my first point as it has gone on for several years with no movement from the relevant authorities.

**An Ceann Comhairle:** It is not appropriate to the Order of Business.

**The Taoiseach:** Legislation exists on the illegal movement of waste and there has already been several prosecutions.

**Mr. Timmins:** The waste is still in place.

**The Taoiseach:** The heads of the criminal justice (miscellaneous provisions) Bill are expected before Christmas and the Bill will be published next year.

**Mr. Gormley:** Regarding the Dublin metro Bill, as the previous Minister for Transport was buried, has the same happened to the metro?

**The Taoiseach:** No, it is still in the process.

**Ms O. Mitchell:** They are digging the holes.

**The Taoiseach:** It could be an expensive project.

**Mr. Gormley:** It is still in the process. When will we see the metro?

**Mr. Rabbitte:** It will be used to bury the e-voting machines.

**Mr. Ring:** It is underground at the moment.

**An Ceann Comhairle:** I call on Deputy Costello.

**Mr. Gormley:** A Cheann Comhairle, can we have an answer?

**An Ceann Comhairle:** It must be on the legislation.

**Mr. Gormley:** Yes, when will we see legislation on the Dublin metro?

**The Taoiseach:** The matter is under review and will depend on whether the Government will agree to the kind of expenditure that is necessary for such a project.

**Mr. Gormley:** It depends on the Government making a decision.

**An Ceann Comhairle:** The Taoiseach without interruption.

**Mr. Gormley:** When will the Government make a decision?

**The Taoiseach:** We must wait to make a decision on such a project.

**An Ceann Comhairle:** Deputy Gormley, I have called Deputy Costello.

**Mr. Costello:** The Minister for Justice, Equality and Law Reform has expressed great certainty on defeating the 800-1,000 cases, based on the European Convention on Human Rights, being taken to the European Court against slopping out in prisons. International and visiting committees have made statements on this matter. The report of the Inspector of Prisons—

**An Ceann Comhairle:** Does the Deputy have a question relevant to the Order of Business?

**Mr. Costello:** —condemned the practice. When will the prisons Bill, which proposes closing Mountjoy Prison and to deal with slopping out, be introduced?

**The Taoiseach:** Early next year.

**Mr. Crawford:** When the Taoiseach was on this side of the House, he was very vocal about the need for a live cattle trade. What effort is being made to re-open the live cattle trade to Libya?

**An Ceann Comhairle:** That is a question for the Minister for Agriculture and Food.

**Mr. Crawford:** Can we have a debate on this issue in the House? Cattle prices have collapsed.

**Mr. Durkan:** He is remembering previous experience in that area.

**An Ceann Comhairle:** I call on Deputy Neville.

**Mr. Neville:** Yesterday I asked when the Disability Bill would be introduced and was informed as soon as possible. The House has heard that answer for over three years. Will it be introduced in this session?

**The Taoiseach:** It has been published.

**Mr. Neville:** We know that.

**The Taoiseach:** It is for the Whips to discuss when Second Stage will be taken. I am also anxious to begin processing the Bill.

**Mr. Broughan:** I asked the Taoiseach last week about the Postal (Miscellaneous Provisions) Bill and the predicament of An Post pensioners. Has he had an opportunity over the past week to investigate their situation? These people are on modest incomes and, unlike ourselves, have received no increases under Sustaining Progress.

**An Ceann Comhairle:** That does not arise on the Order of Business.

**Mr. Broughan:** Perhaps the Taoiseach has had an opportunity to examine the matter.

**Ms Enright:** The Minister of State, Deputy Brian Lenihan, recently announced the appointment of new staff for the central vetting unit. In December 2003 he told the House that there were fundamental issues of policy and legislation to be dealt with. There is still no statutory underpinning for gardaí to hold information from the Courts Service and no provision has been made for holding soft information about people. In spring 2003, Members were promised that legislation on the registration of persons considered unsafe to work with children would be published in 2004. It is now October and we have not yet seen the Bill. It is not included in the list for this term. When will the Bill be brought before the House?

**The Taoiseach:** I do not have a date. A cross-departmental working group reported to the Minister for Justice, Equality and Law Reform on proposals for reform of the vetting of employees by the Garda. The Minister is considering these proposals but I do not have a date for the legislation.

**Mr. Kehoe:** There has been much talk since the last general election about the recruitment of 2,000 extra gardaí. Is legislation required before these extra gardaí can be recruited and is that the reason recruitment is so slow? When will the Driver Testing and Standards Authority Bill be brought before the House?

**The Taoiseach:** The first matter does not require legislation. Otherwise, there would not have been such a large passing out parade last week. The Driver Testing and Standards Authority Bill is already published and the Order for Second Stage has been made.

**Mr. Durkan:** In view of the unfortunate experience of the previous Minister for the Environment, Heritage and Local Government when he became entangled in electronic ballot boxes, will it be possible to introduce, as a matter of urgency, the dormant financial assets Bill to prevent a recurrence?

**The Taoiseach:** That legislation is listed for next year.

### **Water Services Bill 2003 [Seanad]: Second Stage (Resumed).**

Question again proposed: "That the Bill be now read a Second Time."

**Mr. Cuffe:** I warmly welcome this Bill. It is designed to modernise and manage water supply and distribution systems and it is a welcome measure. However, there is insufficient emphasis on sustainability, water conservation and water quality in the Bill so substantial reforms will have

to be made to it to make it acceptable from the Green Party's point of view.

We would prefer a demand management led approach to this matter, twinned with support and incentives to encourage conservation and reuse. We are disturbed there is an emphasis in the Bill on simply meeting demand as it increases rather than on examining the reasons for demand increasing and ways in which we can limit that demand and control and conserve water supplies. We are pleased with the European water framework directive and decision making at local level regarding water should be informed by that directive and undertaken with a river basin approach.

A conservation ethos of placing new emphasis on efficiency is necessary to save the Government and the taxpayer millions of euro. There should be proposals to reduce pollution at source, in the home and in industry. It is much more efficient, and far cheaper in the long run, to pre-empt and prevent pollution. Water quality also demands a new and urgent approach to policy, given the potentially serious implications for the health of consumers. Only a steep change in existing remedial policy to address water quality standards will succeed in reversing current trends with their potential consequences for human health. As the Friends of the Irish Environment have pointed out, Irish measures to improve water quality are fundamentally misguided.

Successive Governments have allocated massive funding for end of pipe solutions based on high cost engineering and damaging chemicals while the nitrates directive remains unenforced and dispersed rural septic tanks continue to proliferate. There should be use of separation techniques, such as dual piping systems in new buildings where pure water is used for drinking and washing and grey water is used for other needs within the home. There is insufficient mention of this in the Bill. Grey water could be used for showers, sinks, dishwashers, baths and washing machines. Indeed, roof collectors for water could be used in new homes and the building regulations could be changed to reflect this. The Bill should encourage this as well.

The Green Party would like to see a new emphasis on the quality of drinking water. The removal of fluoride should be discussed in the context of the Bill. Sadly, however, there is insufficient emphasis on this and on the repeal of the Health (Fluoridation of Water Supplies) Act 1960. There should also be an approach to wetlands. The Worldwide Fund for Nature pointed out that Ireland currently has no overall plan or strategy specifically aimed at the conservation of wetlands, although some peatlands are considered for restoration in certain areas. However, wetlands, their role in the water cycle and the functioning of aquatic systems should be included in this Bill.

The Green Party seeks an overall ban on the use of phosphates in washing powders and enforcement of the ban. Phosphates are still making their way into the detergent market in

Ireland. All future water management decisions should be climate proofed. In other words, they should anticipate the possible changes in climate that Ireland will experience over coming decades and ensure that those changes are managed. We are concerned at the widespread use of septic tanks in Ireland. Of the planning permissions given for new homes, over a third of the homes are running on stand-alone septic tank systems. This is storing up problems for the future. There should be greater emphasis on alternative methods of treating sewage, such as reed bed systems. These are not given enough attention in the Bill.

The traditional approach to draining development areas has a damaging effect on the environment and is unsustainable. It also contributes to a higher risk of flooding in urban areas. There is an approach called the sustainable urban drainage systems, SUDS, which offers a wide range of techniques for new and redeveloped sites to yield a reduced environmental impact from surface water drainage. At a simple level it means, if possible, avoiding putting down large slabs of concrete or tarmacadam to reduce the risk of flash flooding.

A contributory factor in the floods experienced two years ago in the River Tolka catchment area was the massive amount of urbanisation within that area. If there was a sustainable approach to managing new housing, some of the difficulties that arose could have been avoided. There should be greater recognition of supply side measures in Part 3 of the Bill. Items such as low flush toilets, showers, controlled flow taps and rain water recycling can and should be mentioned in detail in the Bill.

I wish to mention some of the difficulties experienced by the Geological Survey of Ireland. The ban on public service recruitment has led to serious understaffing in the GSI and its ground water protection scheme has been suspended due to a chronic lack of resources. That is a matter of serious concern because, unless we can estimate the damage being done to ground waters, we cannot plan for their future. Given the scale of urbanisation and new home construction in the past five to ten years, we should control this more closely.

We would like to see fairly radical changes in the Bill. Given that water management controls such a high proportion of our budget, we believe there should be greater emphasis on water conservation. I note that certain water conservation measures looking at leaks and wastage in Dublin have reduced leaks from 42.5% to 29%. However, we do not believe that goes far enough and that the high level of wastage and leakage in the Dublin water supply shows that we are undervaluing this resource. We would hate to see plans put in place to extract and to pipe water from either the River Boyne or the River Shannon catchment areas all the way to Dublin. We believe the energy that would be used in such

a project would not be sustainable. Instead, we should put the emphasis on water conservation.

We are disturbed there has not been 100% water metering on commercial usage at this stage because we believe such a measure should be moving more quickly than it is. We would like to see that completed this year rather than in a few years' time. In urban areas, we would like to see complete segregation of storm water from sewage. That has not happened and it means our rivers, streams and, indeed, the open sea become heavily polluted at times of heavy rainfall. It should not be the case that people are advised not to swim after periods of heavy rainfall and we should work harder to achieve that separation in towns, villages and urban areas.

We welcome the legislation and believe the word "sustainable" should be incorporated into the heads of the Bill in the same way as it was incorporated into the Planning and Development Act 2000 because it would reflect the mainstreaming of sustainability in this vital area.

**Dr. Devins:** I wish to share my time with Deputy Cooper-Flynn.

I take this opportunity to congratulate Deputy Batt O'Keeffe on his promotion to Minister of State. He will have a successful tenure in that position. He is a Deputy of outstanding ability. Previously he served as Chairman of the Oireachtas Committee on Health and Children and having served with him on that committee, I know how able he is. I wish him well in his new job.

I thank the Acting Chairman for the opportunity to speak on this important legislation. As we all know, water is an essential component of life. We are all too familiar with the horrific scenes that sometimes fill our television screens when drought affects a country. We live in a country that is blessed with a temperate climate. Nevertheless, despite all the rain we have, the provision of a clean, pure supply of drinking water and the safe treatment of our waste water is something we cannot take for granted.

It is only in the past ten to 15 years that serious steps have been taken to invest in and upgrade our water supplies. Legislation covering this field has been piecemeal and built up over many years. Some of it dates back to Victorian times, such as the Public Health (Ireland) Act 1878. It is time all this legislation was put on a modern footing and this Bill sets about doing so.

This is complex legislation running to more than 105 pages, so in the limited time available to me, I will deal with a few specific points. I am delighted the old-fashioned title "sanitary services" will be replaced with the much more easily understood and more appropriate title "water services". To me, sanitary services, conjures up images of toilets and such places and while the disposal of waste water is an important aspect of water services, it is by no means the only aspect. This Bill deals with the management of water from its arrival in a pipe to its eventual discharge

[Dr. Devins.]

as treated waste water. It does not deal with the production of water, that is, its preparation and treatment before it comes into the pipes. That we can leave for another day.

I welcome the establishment of new water services authorities which will be based on the county council or city council model. They have two very important functions: to provide water within their own jurisdictions and to be responsible for the supervision of water when it is not supplied directly by the water service authority. This will be done under a licensing process. An important role of the authority, which I warmly welcome, is that it can directly intervene to assist with the development or delivery of a service when that service encounters operational problems. This is something that cannot happen at present. If the users of a scheme encounter problems, which sometimes happens, usually through no fault of the management of the scheme, this new authority can take over the running of the scheme on a temporary basis until the problem is rectified. The end result is that the users of the scheme, that is, members of the public, will be assured of quality drinking water.

These new authorities are obliged to develop a strategic six year plan which must be approved by the Minister. Many county councils already have the basis of such a plan in place but now it is being put on a statutory basis. Again, this will be of great benefit to the public.

I will now address a few specific points in the Bill. In Part 2, section 43(4) is important as it gives the new authority the power to investigate the condition of water connections and, if necessary, to carry out repairs to them. This will help to control and minimise leakage, a problem that is widespread and leads to a substantial loss of water. Part 2, section 49, deals with the responsibility of the authority to record the location of all service connections and to make this record available to members of the public if they so wish. Some schemes are very old and where water pipes run is sometimes not known. As a result, during construction of new buildings and roads, burst water mains can occur. This section should ensure that such disruption of water supply to the public is kept to a minimum.

In Part 2, section 51 is one of the most important sections in the Bill and one which will have significant ramifications. Under this section, the authority can interrupt the supply of water or waste water where there is a risk to human health or the environment. That is right and proper. However, the really interesting part of the legislation is section 51(4)(b) which states that the water services authority shall "arrange for the provision to the user or users concerned of an appropriate alternative supply of drinking water for domestic purposes where the service interruption exceeds 24 hours." My understanding of this subsection is that where the supply of household water is unfit to drink, it will be the responsibility of the new water services authority to supply an

alternative source of water after 24 hours. Unfortunately, some of the water supplied in some water schemes can be unfit to drink on a temporary basis usually because it becomes infected with various pathogens such as certain types of e.coli. If there is a risk to human health, it will be the responsibility of the water services authority to supply an alternative source of domestic water if the problem is not rectified in 24 hours. This is a major step forward in protecting the health of the public and is one of the most radical and progressive steps in this Bill.

I note in section 56 of Part 3 that the water services authority has the power to direct the owner of a premises to take corrective action where there is excessive wastage or consumption of water. The amount of water that a household or commercial premises is using can only be determined if there is metering of the water supply. We do not have an infinite supply of water so any steps that can be taken to counteract excessive wastage or leakage are steps in the right direction.

With particular reference to section 56, I warmly welcome the commitment made by the Minister in the Dáil last night that metering of water supplies would not lead to charging for water. Much play has been made by some Opposition Members on this point. However, the Minister was definite and unequivocal. Last night he said:

The Bill is not a Trojan horse for domestic charges. Such charges are specifically prohibited under the Local Government (Financial Provisions) Act 1997.

He could not be more clear or definite. This Bill will not lead to the introduction of charges for domestic water. I welcome what the Minister said when he introduced the Bill. There are many other aspects of the Bill which I would like to refer to but, unfortunately, time does not allow. I welcome this important legislation and congratulate the Minister and Minister of State on bringing it to the House. I commend the Bill to the House.

**Ms Cooper-Flynn:** I thank Deputy Devins for sharing time with me. I congratulate the new Minister of State at the Department of the Environment, Heritage and Local Government, Deputy Batt O'Keeffe, on being elevated to such high office. It is very nice to see him acting in his ministerial capacity today.

One would have to welcome this Bill. Any Bill that intends to update legislation that is over 120 years old has to be a very good thing. Going back to May of this year, I note that there is a significant programme of investment in water by the Government under the national development plan. The Government has invested €4.4 billion for the years 2000-06. This major investment in the provision of proper water services is recognition of its importance by the Government and for that reason the Bill is particularly timely.

Some 2,500 group water schemes service 145,000 households. County Mayo has one of the largest numbers of group water schemes in operation. Water quality, quantity and access to it is a matter of particular concern to me. It may be coincidental, but a constituent of mine came to me this week who had concerns about her water supply. She is a single mother of a number of children who is on a group water scheme. It is important to illustrate the difficulties she has had in terms of her water supply. In the past week her water was switched off on five different occasions without any notification whatsoever. Two mornings out of seven she had no shower facility and on most days the colour of the water was brown which gave rise to concerns about quality. The reason I recount this story is that I would like to get some reassurance from the Minister that the provisions in the Bill would assist such a person.

Deputy Devins referred to the rights of consumers which is also an area on which I intend to focus. I wish to consider whether the Bill offers consumers better protection. Every individual household should have access to decent quality water. It is not unreasonable to expect that if one's water supply is to be switched off notification would be given. I welcome the provision in the Bill that if the water supply is off for a period of 24 hours or more it is up to the local authority to step in and make sure that people have access to water. That is an important development.

The Minister stated that in some ways one might think the Bill is stacked against the consumer. One could be excused for getting that impression. This is a point to which I will return later. I welcome the provision in section 32(3) which enables the Minister to make regulations on procedures for dealing with consumer complaints. However, section 29 provides for immunity from proceedings for damages arising from the non-performance of functions of the Minister, a water services authority or other prescribed person in regard to a restriction of water services in accordance with the legislation. We would like to think the Bill will improve the country's water services, yet immunity is given to the person who is in charge of the provision of water, local authorities and licensed group water schemes.

Section 34 enables the Minister to issue guidelines or codes of practice in relation to the provision of water services or the performance of functions under the legislation. Section 35 states that failure to comply with the guidelines or codes of practice issued under section 34 is not an offence. Immunity from prosecution is offered to the Minister who can issue guidelines and codes of practice although non-compliance with them is not an offence in any event. I highlight these sections because my concern is for the end-user, whether the householder is getting access to water and the water available is of good quality.

What can people do if they do not have access to a water supply or the supply is inadequate? Do they have recourse to the courts? Who can they

prosecute if there is a failure? Local authorities will now be in a position to license group water schemes, which is, obviously, an important development. Trustees of group water schemes had an unenviable task and provided a very valuable service, particularly in rural Ireland where there would be no provision of water in many cases in the absence of group water schemes. However, there needs to be an improvement in the administration of these schemes. I welcome the fact that local authorities will now have to license them and monitor the quality of water available to householders. In my experience, most local authorities are extremely hard pressed in terms of staffing levels and I am curious as to what provision will be put in place by the Department to increase staff numbers so that local authorities will be in a position to monitor group water schemes on an ongoing basis.

While I recognise the opportunity in the Bill for complaint, I question the protection offered to individual householders. One could be unfortunate to be at the end of a pipeline in a group water scheme and get a very bad service while 80% of people on the scheme might do fine. Where is the line drawn and how can such people be protected?

I welcome the general thrust of the Bill and the fact that it updates legislation that has been in place for 120 years. The Bill is focused, dealing specifically with water in the pipe. It establishes a modern legislative code governing functions, standards, obligations and practice in respect of the planning, management and delivery of water supplies and the collection and treatment of waste water.

Section 30 places a duty on the Minister to facilitate the provision of safe and efficient water services infrastructure. That reads very well until one gets to section 39 of the Bill which gives the Minister immunity from prosecution. While there is much that is good in the Bill I question whether the necessary teeth are there to ensure the job is carried out properly. If there is one thing we should aspire to it is that every single household should have a decent water supply. While protections are built into the Bill there is no guarantee that every single household in the country is guaranteed an adequate water supply, or indeed any water supply.

I also wish to raise with the Minister the issue of the water services strategic plan to be carried out by water services authorities. It is important that strategic plans would be updated every six years. These plans require departmental approval. Having recently been a member of a local authority I find it disappointing that this is an executive function and that local authority members have no hand, act or part in the drawing up of strategic plans. It does not go before the local authority for approval and no public consultation is required.

The Minister of State is a former member of a local authority, so he will be conscious of the fact that it is the public representative in the locality

[Ms Cooper-Flynn.]

who gets the blame when something goes wrong. At a time when we are trying to promote better local government, it is a backward step that local authority members now have no role to play when it comes to formulating this particular plan. This might be something that could be addressed on Committee Stage or possibly through amendment. I believe it is important to involve local authority members in strategic planning. How else are they to have any say in how water services affect the individual householder? I do not want to appear negative because there is a great deal of good in the Bill. That has been articulated already by many contributors. If the Bill had more teeth, however, and there was greater participation by local authority members, I would be much more content.

With that, I wish the Minister of State every success in his job. I know he is more than able for the task. We look forward to hearing what he has to say on this in the future.

**Mr. McCormack:** I would also like to congratulate Deputy Batt O’Keeffe on his elevation to the second bench as a Minister of State. It is a much deserved promotion and will leave a vacancy in the chairmanship of the Joint Committee on Health and Children that some of the disappointed backbenchers may look forward to filling, shortly. It is always nice to see the level of co-operation that exists between the main party in Government and Deputy Cooper-Flynn in the sharing of time with her former colleagues. I would certainly agree with that Deputy’s final remarks about this being a managerial rather than a reserved function. It is the third or fourth example of the erosion of local authority powers in the time of this Government. I am one of the long-serving members of a local authority who was very much opposed to the abolition of the dual mandate and I have suffered from that along with other Members of this House. It was a retrograde step because there will soon be nobody in this House to defend the rights of local authority members. Their functions are constantly being eroded by this Government and specifically in this case by, the Minister for the Environment, Heritage and Local Government.

The Bill is concerned only with the provision of water and does not deal directly with water quality or related environmental issues. It is impossible to separate those two matters, however, because if there is not clean water, it cannot be put into pipes for public consumption. The explanatory memorandum states:

The Bill concerns itself only with the actual provision of water services. It does not seek directly to take on board wider environmental issues surrounding water resources (pollution control; water quality in its broadest sense; river basin management, etc. although it complements the relevant legislative codes in this regard. To appreciate the overall thrust of the Bill therefore, it is helpful to visualise its appli-

cation as pertaining to management of “water in the pipe”, i.e., from the time, following abstraction, that it first enters a supply pipe to the point of its subsequent discharge again to the environment as treated waste water.

It is no good having a Bill that will deal with water in the pipe because one cannot separate matters that affect the quality of the water either by discharge or entry into the pipes. I regret that the Bill does not address that.

The central aims of the Bill are to facilitate a more coherent expression of the law as it relates to water services by means of a single enactment which would represent a comprehensive legal framework; develop a modern and progressive approach in the sustainable management of water services; strengthen administrative arrangements for planning the delivery of water services at local and national level; and introduce a new licensing system and regulatory framework for group water services schemes, to assist in their development, and to address water quality problems in this sector.

Again, water quality problems may not be addressed without looking at the quality of the water before it enters the pipes. Will the Minister of State say whether the necessary finance will be made available to local authorities now that a water service authority must be set up. Will the necessary extra finance be made available to the local authorities to provide the necessary staff to deal with these matters? This is going to be a major problem. As it states in one section of the Bill, if a water supply is deemed to be inadequate or polluted, the water services authority must supply an alternative source within 24 hours to the group scheme, village or townland affected. There are cases in my constituency of Galway West, for example, in the summer time in Carraroe, where the water may not be drunk. Does this mean that the residents there will be guaranteed an adequate supply of drinking water within 24 hours if the supply has been deemed unsuitable for their consumption? That is an important area I would like the Minister of State to address.

The former Minister for Environment, Heritage and Local Government, Deputy Cullen, told the Seanad:

There is nothing in the Water Services Bill which is intended to launch water services policy on a course towards privatisation. The Bill is drafted with a view to retaining the *status quo* and to providing the necessary supports to foster the development of current arrangements into a top class service. Privatisation of water services would require significant additional legislation to give the necessary powers to an independent regulator and is not on the agenda of this Bill.

That is all very well. Despite what the previous Minister told the Seanad, I am concerned that the Bill will pave the way for the privatisation of Ireland’s water supply. I am particularly concerned about that because I find it hard to accept

to take at face value what the previous Minister said. I dealt with him on the Committee Stage of the Bill dealing with electronic voting and we saw where that ended up. It is difficult to trust this Government on the evidence because it has broken almost every promise it made in the previous general election. It is difficult to accept further promises it might make between now and the next general election. It would probably not be many, but I fear if the Government parties gets back to power after the next general election, they may start down that road.

The Bill deals with metering of premises. Most people whose premises are metered bear the brunt of increases on an annual and local basis. There is obviously no respite in the Bill for these people. As a nation we can be critical of EU directives, but those affecting the environment, particularly in regard to the quality of drinking water and waste water treatment, have transformed the way we think about these issues. They will serve the country well by ensuring greater care, management and accountability on environment issues in future.

Water services authorities, as they are termed, seem to be packaged in such a way that they can easily be cut off from the umbrella of the local authority. It is this definition of functions and powers that leads me to question whether the ultimate goal of the Government is the privatisation of the water supply and its management.

The Environmental Protection Agency published a series of reports on water services this year. Among its key findings were that drinking water quality is improving, and that the compliance rate for faecal coliforms, which is the most important indicator of drinking water quality, is improving in both public water supplies and group water schemes. However, the overall quality of drinking water supplied by group water schemes remains unsatisfactory. That is from the report of the EPA. If we are serious about the good quality of water in pipes as envisaged in this Bill, then we should phase out the chemical treatment of water and concentrate our efforts on protecting the source of the water. That is the key requirement, rather than chemically treating water, but that can only be achieved by a reduction of the nutrient loading of our lakes and waterways. According to the Environmental Protection Agency, our lakes meet the standards as laid down, but that does not correspond with what I see and what has been shown to me.

Last week, a public meeting was held in Oughterard about the deteriorating quality of the Corrib water system. In my own constituency, for example, the Owenriff river is fed from the lakes around Maam Cross. It flows through Oughterard and into the Corrib outside Oughterard. The Owenriff river is one of the most important rivers in Ireland because of the presence of pearl mussels, which are protected under the habitats directive. The Owenriff river is one of the few remaining rivers with a live population of pearl mussels but all is not well on the river. Recently, there

was a presence of algae on the river and this year a survey found that all juvenile mussels, that is, up to three or four years, had been wiped out. That is serious because the Owenriff river flows directly into the Corrib and the pollution of that river will have an effect on the quality of water in the Corrib lake. The Corrib lake is one of the most important sources of clean water supply to all of Galway city and a large part of Galway county, stretching from Oughterard to Killanin, Moycullen, Annaghdown, Headford, Claregalway, Oranmore, Clarinbridge and the surrounding areas. The water supply for all those areas, including Galway city which has a population of 70,000, comes from the Corrib and if the Corrib becomes polluted, the water supply to the city and almost half the county would be wiped out. We should protect the source of our drinking water rather than the continuous use of chemicals to treat water entering our pipes.

I quote from a report of a paper presented by Mr. John Hanily, principal environmental health officer of the Western Health Board, to a conference in Dublin some years ago. It states:

Alarming levels of chlorine found in the public water supply in the Western Health Board region have prompted calls for a national survey of drinking water and more transparency at local authority level.

A recent pilot survey of public water supplies in the Western Health Board region revealed that almost 70 per cent of the samples had unsatisfactory levels of chlorine. Some supplies had a 100 per cent unsatisfactory level of chlorine, and others had the same level of chlorine as a swimming pool.

The survey, which was carried out over a nine month period last year, comprised over 600 samples taken from 21 water supplies.

Speaking at a conference in Dublin, John Hanily, Principal Environmental Health Officer with the WHB, said that these levels may reflect a national problem arising from excess use of chlorine as a disinfectant and he has called for a nationwide survey of drinking water.

Chlorine is used by all local authorities to disinfect drinking water and is widely recognised as the most effective way to do so, according to Mr. Hanily. Health boards were responsible for the monitoring of chlorine levels, but as of last year this responsibility was passed back to local authorities. [I presume it will now be passed on to the Water Services Authority and not even members of local authorities will have an opportunity of questioning the matter.]

Mr. Hanily said that he had concerns about the implications of such self-regulation and said that it is time local authorities came out of the closet and provided the public with regular and comprehensive information on the quality and content of our drinking water.

[Mr. McCormack.]

That is very strong talk. We will now hand this responsibility over to the Water Services Authority, thereby preventing the local authority and the elected members raising the matter or having an input into it. The report further states:

There are no guidelines in relation to the addition of chlorine to the water supply except the stipulation that chlorine in drinking water must be monitored with regard to public health requirements.

Mr. Hanily said that concerns were being expressed in the scientific community over the levels of chlorine compounds being used to disinfect drinking water. Excessive chlorination is the cause of the presence of chlorination by-products in the water supply. It is these by-products which potentially cause adverse health effects.

I understand the Government has set up a western river basement project to investigate the water sources in the western region. I understand ESB International are the appointed consultants and that the project will cost €8 million. My information also is that the project will not be completed until 2015. That is much too long a delay and perhaps too late to save our lakes, waterways and drinking water. Action needs to be taken immediately in many cases. Surveys or investigative projects do not solve problems. Only action will solve problems. I will give an example of that.

In 1995, following the serious flooding in south Galway, the Department initiated an investigation which cost more than £1 million. Despite the publication of a detailed report, not one spade will be put in the ground in south Galway because the flood relief programme for the area has been abandoned. I was proud to have been involved in an unofficial small relief drainage scheme following the 1995 flooding, which alleviated flooding in nine houses, a nursing home and a school, at a cost of £125,000. The same scheme was estimated by the Department to cost £1.5 million, yet there has not been flooding in that area since. That is an example of action, not words, and that is what I advocate the Minister should take.

According to the Exchequer return figures published on Monday, the Minister of State's Department, or at least the Department of the Environment, Heritage and Local Government — I do not know what portfolio the Minister of State has but I believe it is that Department — underspent its budget by €650 million. How much clean water could be provided for that amount of money? Would it not provide a sewerage scheme in the many small towns and villages where water sources are polluted or inadequate? I speak of villages like Carraroe, where the water supply collapsed during the summer because of sewerage problems, and the Galway Gaeltacht where thousands of children from all areas of the country take Irish classes. Other villages like Roundstone, Clifden, Leenane Cornamona and Clonbur — I

could continue naming villages in my own constituency — have either no sewage treatment facilities or very inadequate ones.

Will the Minister of State inform the House when replying whether he will spend that €650 million on providing sewerage schemes in those small towns and villages, which would alleviate their water contamination problems, rather than saving that money, which I believe is a deliberate policy? I do not blame the Minister of State for that; he was not in Government at the time. I blame his party for saving €650 million in the Department of the Environment, Heritage and Local Government. Several hundred million euro was saved in other areas as well, making a total of more than €1 billion in savings. That money is being saved this year and the following year to provide a slush fund and the appearance of a great deal of money being spent in the run-up to the general election. That is a false economy. That money should be released now and used to provide sewerage schemes in the small villages and towns in my constituency and elsewhere, and that work could be carried out much more economically now. Instead the Government is saving it for a few years so that it will have a splash of money before the general election. That is politics at its worst. People might ask us why we say that but our job in Opposition is to expose what is going on at that level. It is a scandal to which I will return at every opportunity because so much money has been put aside this year and not spent on the essential schemes. It is being saved for a slush fund for the general election to try to reelect this staggering Government.

Approximately 70% of urban waste water receives secondary treatment and nearly two thirds of secondary waste water treatment plants fail to comply with one or more of the standards during the reporting period. Corrective action programmes are needed for treatment plants consistently in breach of standards. Procedures for the use of sewage sludge in agriculture need to be consistently implemented. The decline in the number of river stations of the highest biological water quality is a serious cause of concern. One third of all river stations do not comply with the targets. Meeting targets set by the phosphorus regulation will continue to be a major challenge. Local authorities are putting in place a range of measures to tackle water quality problems and it will take years before the success of those measures is determined.

The EPA noted that the quantity deficiency in group water schemes mainly resides with private schemes, those responsible for the abstraction and distribution of drinking water. Those schemes provide water for approximately 140,000 houses. The Minister is aware that raw sewage is still entering rivers and seas, which is a disgrace. In his response to this debate he should set out when it is envisaged that we will have sufficient water treatment plants to prevent raw sewage entering the waterways. That is the key to what

the Minister will do, particularly given the €650 million underspent this year in providing small sewerage schemes to protect the waterways in the towns and villages I have mentioned. It is necessary also to protect drinking water for the population which depends on a clean water supply and expects clean drinking water to come from its taps rather than having to buy bottled water as many do.

**Mr. Naughten:** I congratulate Deputy Killeen on his appointment as Minister of State at the Department for Enterprise, Trade and Employment and I wish him every success in his new post.

I welcome the opportunity to speak on this Bill because it is deficient in many respects. It is disappointing that such a large Bill ignores many key elements that should have been included. I have several concerns about some of its contents. It is pointless to talk about this legislation unless there is a budget to support it. There is no point giving local authorities responsibility for water services unless the funding is made available to deliver appropriate services and standards. It is disgraceful that the Department has underspent €650 million on projects and the capital budget. There are inadequate water supplies around the country yet there is a large budget which seems to be gathering dust rather than being spent.

There are serious delays in planning projects. Value for money is supposed to be a mantra of this Government but it takes a minimum of five years for water services projects to be approved. The process is a paper trail and there is a crazy amount of red tape and bureaucracy involved in water-related capital projects. The only comparison is the pathetic building unit in the Department of Education and Science which is tied up in paperwork and bureaucracy. For example, in south County Roscommon we have been waiting 13 years for the Department of Environment, Heritage and Local Government to approve an upgrade to our water scheme. The largest single water supply in the county supplies a major pharmaceutical company and the flagship tourism project in the county with water that is consistently brown. That is not useful to a pharmaceutical company and it certainly does not encourage tourists to return to County Roscommon. There is no major tourism sector in the county and we need every tourist we can get and want to encourage them to return.

I am disappointed that the Bill covers only water in the pipe and not the overall issues such as river basement management. I am surprised that this is not included in the legislation because the Minister responsible for publishing the Bill and steering it through the Seanad, Deputy Cullen, when he was Minister of State in the Department of Finance said on 18 April 2000 that this was a priority of his. At the time we were debating the River Shannon and the need for some type of co-ordination for the 30 agencies involved in managing and controlling that river,

whether dealing with pollution or water levels. The Shannon is a major source for water supply and an outlet for water treatment facilities yet nothing has been done about this. It is interesting to read Deputy Cullen's comments at that point because he urged a co-ordinated approach to water management and said that river basement management plans are a critical element in that. He said that he was trying to accelerate the pace of these developments to address the issues of surface water, estuarine and coastal waters and ground water yet it is ignored in this Bill.

Deputy Killeen knows that we need some type of co-ordination of water levels and quality in the River Shannon, and for tourism. The Shannon is sadly a barrier to tourism and designates boundaries on tourism areas rather than being an asset which, with its catchment, can be promoted. If there was some type of co-ordination between the 30 agencies and local authorities in this Bill we could bring them together to develop the tourism brief as well.

I am also disappointed that the Bill does not include water quality. Throughout the country there is a substantial amount of asbestos piping which feeds many water supplies but there is no budget made available for refurbishing the pipes, or replacing them with safer ones. Many people are not aware that most of the water they drink comes from asbestos pipes. This is ignored in this legislation, as is the issue of eutrophication and over-enrichment of many water supplies coming from water courses or lakes. The Minister may say in his response that the nitrates directive will solve this but it will not. When Roscommon County Council conducted a survey of the upper Shannon catchment area and pollution in Loughrea and Lough Derg, one might have expected that farming would make a major impact because of the limestone-based soil and the quantity of ground water.

The largest polluter was the local authority because it had not been given the resources to upgrade its waste water facilities throughout the county. Farming was not a contributing factor to the pollution entering the River Shannon from County Roscommon, more of which — approximately 75 miles — borders the river than any other county. The farming community in my county was not responsible, to any great extent, for the pollution of the Shannon but the Minister still came before the House and stated that the nitrates directive would solve the problem. The €650 million that lies gathering dust in the Department is the cause of much of the pollution in the River Shannon.

I welcome the fact the Bill will put some form of co-ordination into place. However, I have serious concerns about some of its contents. For example, it will introduce a new licensing system and regulatory framework for group water schemes. While this is a positive development, in reality local authorities are being instructed by the Department of the Environment, Heritage and Local Government to bundle group water

[Mr. Naughten.]

schemes together — perhaps 12 to 14 at a time — and seek a public private partnership to carry out the upgrading works required on them.

There appears to be a major anomaly as regards the type of charges that will be put in place by private operators. Initially, there was to be a charge on an ongoing basis for the duration of the 20-year contract regarding the treatment of potable water or waste water. What will happen, however, if a company decides in a couple of years' time to establish a business within 500 yards of an existing water supply? It will have no choice other than to deal with the private operator that is in place, which will be able to charge whatever it likes in terms of providing an extension and enhancing the capacity of the overall scheme.

We are leaving ourselves open to abuse in a way that is similar to what happened with the M50 toll bridge. When the latter was built, we thought we had obtained a good deal. However, the bridge turned out to a cash cow for the private operators. The bundling together of group water schemes and awarding design, build and operate contracts to private contractors could result in their being major cash cows for many of those contractors. A small number of operators will become involved in this type of project and they will dictate and control the charges at some future date. This is particularly apparent when one considers the plans under Part 5 of the Bill in respect of metering. That gives rise to major concerns on my part regarding the possibility of the reintroduction of water charges in one way or another, be it through the private operator through the design, build and operate procedure or through the local authorities. One can rest assured that for a small operator using very little water, a significant minimum charge will be put in place. Penalties will then be loaded on to people who have a sizeable demand for water.

If one considers this matter in the context of businesses, particularly those of the smaller variety, that water charge, in conjunction with the large scale charges planned in respect of waste water, will become a stealth tax on employment in many rural communities, the water supplies of which, whether in terms of potable water or waste water treatment, are not developed to the extent that they should be at this stage. There has been a significant lack of development in County Roscommon in terms of potable water and waste water treatment in recent years. We are now going to tie ourselves into a situation where there will be private contractors working under the design, build and operate model, while charges will be introduced in respect of the development of waste water schemes. This could all lead to significant taxes being placed on employment and small businesses in counties such as Roscommon.

Charges have already been put in place in respect of first-time buyers who are bearing the brunt, through the mechanism of development charges, of the cost of many of the major infras-

structural schemes that are currently in train. Young people are going to have to pay for the water services not only of this generation but also those of future generations. It is unfair that one element of the population should have to carry the can for the lack of investment over a long period. Rather than the responsibility lying with the Government regarding the huge underspend that has occurred due to the lack of resources provided to local authorities, young people and businesses, particularly of the smaller variety, will be obliged to foot the bill in the future.

I wish to raise a number of issues in respect of the Bill. I note that a new duty of care provision is being put in place which specifies responsibilities on owners and occupiers of premises in respect of the conservation of water supplies and the avoidance of risk to public health or the environment. I hope owners and occupiers will be made fully aware of these risks and that a situation will not arise where local authorities will impose severe fines on them without their being made aware of what will be involved when the legislation is enacted. There is an onus on the Department of the Environment, Heritage and Local Government to ensure people are made fully aware of the impact of the provision to which I refer.

Will the Minister elaborate on the impact this will have on insurance costs, particularly those relating to businesses? Businesses and owner-occupiers will be obliged to ensure that they have adequate insurance to cover any risk that may be associated with this new responsibility. This will give public liability insurers another opportunity to hike up charges again. It is important that the full implications of this responsibility are considered.

In conjunction with metering and the duty of care, I hope that another element of the Bill will address the problem of the many leaks in our water system. These leaks are causing major problems as regards demand. There is no doubt that significant abuses of our water services, particularly in terms of potable water, are taking place in areas where there are major leaks. This is relevant not only to owner-occupiers but also to the local authorities. The latter will have to take some of the onus and responsibility in respect of leaks. I will not be the most popular person for saying so but we need to consider, as is the case with litter, introducing on-the-spot fines for leaks. There is a massive cost involved in trying to enhance or secure water supplies. There have been significant abuses by some owner-occupiers as regards leaks.

If we introduced an on-the-spot system of fines, it would focus many people's minds on this matter. Some of the leaks to which I refer can be caused by a worn out washer which it would only cost 40 or 50 cent to remedy. However, people ignore such leaks for years. I recently spoke to an overseer who is involved in water service provision for Roscommon County Council who informed me that there are literally lakes of water

lying around the county — I am sure the position is the same in every other county — because people have failed, for example, to replace washers in drinking troughs. If a fine of €125 or €127 was introduced, it would focus people's minds and ensure they did not ignore leaks. This would help avoid the need for metering in many instances.

One aspect of Part 4 of the Bill is the licensing of trade effluent discharges into sewers. This will place a considerable onus on water laboratories in many local authorities. What resources will be made available to enhance and upgrade these laboratories? While Roscommon County Council's was upgraded with EU co-financing, many local authorities have very poor water supplies at the moment.

Section 43 gives rise for concern. It enables the water services authority at its discretion to provide or take in charge a service connection. Existing planning legislation allows a local authority to abdicate its responsibility for taking in charge the State's water and sewer pipes. Many local authorities are washing their hands of this. Even though powers exist and people can sign petitions forcing the local authority to take in charge water supplies, sewers, roads etc., in reality no funding is available to ensure they are brought up to an acceptable standard and the local authority has no onus to do so even though it was at fault in not policing the developers in the first instance to ensure that services of an acceptable standard were put in.

Until a developer can provide documentary evidence that its water and sewerage services are up to an acceptable standard, the local authority should refuse a connection to the public sewer and water main. Developers are selling off houses and abdicating responsibility for completing services. If they were unable to get the water connection in the first instance, they would have to ensure the services were brought up to the proper standard before the occupants moved into their houses. This small amendment could help to resolve a significant problem with some cowboy developers.

**Mr. Healy:** I congratulate the Minister of State, Deputy Killeen, on his appointment and wish him well. I welcome the opportunity to speak on this legislation. As the Minister said, this is the first root and branch upgrading of the legislation in more than 120 years. It is a pity it does not go the whole hog and deal with all the issues involved, particularly such matters as water quality, water pollution, river basin management etc. An opportunity has been missed. Given that it has taken us 120 years to upgrade the legislation, we should do so in a comprehensive manner. I am disappointed this has not been done.

The Bill, like many others coming before us, fails to address the issue of finance. If the provisions of this legislation are to mean anything in practice, the availability of finance is fundamen-

tal. This matter should be addressed on Committee Stage and the Minister should table amendments in this regard. While this is not unusual and I disagree with it, I would like to see it rectified during the passage of the Bill.

A number of areas in the Bill concern me. In his speech yesterday the Minister tried to assure us by saying:

I stress that the Bill before the House does not provide for or facilitate the re-introduction of domestic water charges. The Government's position on water charges is not changed in any way by this Bill. The Local Government (Financial Provisions) Act 1997, which specifically precludes charging for domestic water services, remains in force and will continue to apply after the Bill has been enacted.

This is all very well. However, we all know the record of the Government is that such an assurance is not worth the paper on which it is written. Every page of another document, An Agreed Programme for Government, contains such assurances, which have not been acted upon. We simply cannot trust the Government in maintaining that domestic water charges will not be reintroduced.

Not long after the re-election of the Government in 2002 the three wise men, some of whom were former civil servants, recommended the reintroduction of water charges. The European Union is strongly pressing for the reintroduction of water charges. In granting planning permission, every local authority requires that all dwellings must provide a facility for a meter. All the indications are that there is no great stomach for the reintroduction of water charges before the next general election. However, given the opportunity I have no doubt that the Government would re-introduce water charges if it thought it could get away with it. As far as I am concerned it will not be allowed to get away with it.

The Bill makes no reference to the possibility of the introduction of domestic waste water charges. These have already been introduced for commercial entities almost overnight. Most people were not aware they were coming. Even if the assurances in the Minister's speech were any good there is no guarantee that waste water charges will not be introduced in the future.

The current level of commercial water charges and commercial waste water charges might be significantly increased because of the effects of the Bill in the future. Many small business people and small farmers are already finding it difficult to meet the water and waste water charges. It would be most unhelpful to small commercial businesses for water and waste water charges to increase beyond all proportions. I am concerned that this might occur.

Debate adjourned.

*Sitting suspended at 1.30 p.m. and resumed at 2.30 p.m.*

## **Ceisteanna — Questions (Resumed).**

### **Priority Questions.**

#### **Pension Provisions.**

121. **Mr. Ring** asked the Minister for Social and Family Affairs if he will amend the habitual residency condition for social assistance payments to ensure that non-contributory old age pension payments to Irish missionaries and citizens are restored; the number of persons who have applied for non-contributory pensions and have been refused since this legislation was introduced; the savings which have been made by his Department as a result of the habitual residency condition; and if he will make a statement on the matter. [23464/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The requirement to be habitually resident in Ireland was introduced as a qualifying condition for a range of social assistance and child benefit schemes operated by my Department with effect from 1 May 2004. The old age non-contributory pension scheme is one of the schemes affected. The basis for the restriction contained in the new rules is the applicant's habitual residence. The restriction is not based on citizenship, nationality, immigration status or any other factor. The effect of the restriction is that a person whose habitual residence is in the United States, Europe, Africa or elsewhere is not paid certain social welfare payments, including non-contributory old age pension, on arrival in Ireland. A person's "habitual residence" is determined in accordance with European Court of Justice case law, which sets out the grounds for assessing individual claims.

The habitual residence condition is being operated in a careful manner to ensure that Ireland's social welfare system is no longer open to all new arrivals in Ireland, while ensuring that people whose cases are appropriate to the Irish social welfare system get access to social assistance if they need it. Every effort is made to find grounds for making a positive decision when cases are being considered. Such grounds have to be compatible with EU law and other international and national legal obligations, however. It is not possible to discriminate in favour of any particular group or nationality. Specifically, it is not possible to discriminate in favour of missionaries or Irish citizens in general. The changes do not affect missionaries returning to Ireland on a permanent basis, for example to retire. They still qualify for an old age pension on the same basis as heretofore.

All cases received for determination on the habitual residence condition are dealt with in

their own right. Decisions are based on the application of the guidelines to the individual circumstances of each case. Some 64 claims for old age pension have been refused to date on the grounds of habitual residence. It is not possible to estimate the resultant savings, however, because other aspects of the claims in question, such as the means involved, were not subsequently investigated. An applicant who disagrees with the decision of a deciding officer has the right to appeal to the social welfare appeals office. If such a person is in an exceptional situation and is without funds, a community welfare officer may provide a one-off exceptional needs payment under the supplementary welfare allowance scheme.

The habitual residence condition is a major new development in the social welfare system. As it has been in place for almost five months, a review of its efficiency and effectiveness is being carried out by my officials. The review will include an examination of the implications for various groups whose cases have come up for decision, including elderly missionaries returning to Ireland on holiday on a temporary basis. I am anxious to promote comprehensive pension provisions for all individuals and groups. In that context, I would be happy for my officials to enter into discussions with representatives of missionary orders and other groups to discuss their concerns about pensions and other social welfare payments.

**Mr. Ring:** When the Minister, the Taoiseach and the President go abroad, they give credit to missionaries before they give credit to anyone else by referring to them as wonderful ambassadors for this country. Although the new regulations affect just 64 people, they were the cause of a great deal of annoyance over the summer. When missionaries, such as Christian brothers, nuns and priests, return from Third World countries, where they are promoting this country and doing great work for the people of other countries, they prefer to apply for a pension for a few months rather than being a burden on their families. When the relevant legislation was being considered — the Minister, Deputy Brennan, was not responsible for this area at that time — Deputies on all sides of the House were given a guarantee that Irish citizens would not be affected by the changes.

**Mr. Penrose:** That is correct.

**Mr. Ring:** I am glad the Minister intends to meet representatives of the missionary orders. I ask him to arrange the meeting immediately. The 64 people who were refused the old age pension during the summer have served the State well and should receive back-dated payments. It is not right that the Minister, the Taoiseach or the President should say one thing when they are abroad, while the Government does something else. This was the meanest of the mean cuts.

**An Leas-Cheann Comhairle:** References to the President are not in order.

**Mr. Ring:** That is fine, a Leas-Cheann Comhairle, but I have to put my point of view across. Will the Minister pay the 64 people who have been affected by this change? When will the Minister meet the missionary orders?

**Mr. Brennan:** I propose to arrange the meeting as a matter of urgency. I hope to meet the orders to discuss their concerns in the next week or two, if it can be arranged. Priests and nuns who retire to Ireland on a permanent basis will satisfy the habitual residence conditions for the old age non-contributory pension. As I have indicated, the matter is being examined in the context of the review of the habitual residence conditions, which is under way in the Department. I asked Department officials this morning to review the scheme, which has been in existence for some months, so that we can assess what we can learn from it. I am especially keen to deal with the missionaries issue, which I appreciate is of particular concern, as Deputy Ring said. I have asked my officials to study the matter and to bring some positive proposals to me in that regard. We will discuss the proposals with the representatives of the missionary orders, which will be held as a matter of urgency.

**Mr. Ring:** I thank the Minister. We will monitor developments because it is serious that this anomaly, which should be corrected immediately, has arisen. I am glad the Minister is taking a hands-on approach to this matter. Very few people are affected by this measure, which is mean and should be dealt with.

#### **Health Board Allowances.**

122. **Mr. Penrose** asked the Minister for Social and Family Affairs if his attention has been drawn to the findings of the report by CentreCare and the Dublin Citizens Information Service, *Creating Crisis: the Impact of Rent Supplement Restrictions*, which show that cuts in the rent supplement have created severe hardship for many persons; if he will reverse these cutbacks; and if he will make a statement on the matter. [23470/04]

124. **Mr. Ring** asked the Minister for Social and Family Affairs further to the recent announcements by Government about rent supplement, the effect these changes have had on the persons on the ground; the instructions he has issued to health boards in relation to rent supplements; and if he will make a statement on the matter. [23465/04]

**Mr. Brennan:** I propose to take Questions Nos. 122 and 124 together.

The supplementary welfare allowance scheme, which is administered on behalf of my Department by the health boards, provides for a weekly or monthly supplement of rent to eligible people

in the State whose means are insufficient to meet their accommodation needs. Although the scheme is intended to address short-term income maintenance needs, the numbers accessing it in recent years have grown substantially and the length of time people spend on the scheme has increased. Consequently, a number of changes to the rent supplement scheme were introduced earlier this year.

The likely impact of the changes was assessed in advance and the manner of their implementation was carefully designed to ensure that the interests of vulnerable groups such as the homeless, the elderly and the disabled are protected. The community welfare staff who administer the scheme on behalf of my Department were advised of the changes by means of a formal circular. My Department has been in regular contact with the community welfare staff before and since the introduction of the changes in January.

A working group was established under Sustaining Progress to facilitate engagement with the social partners in monitoring the impact of the changes to the scheme. The working group, which was chaired by the Department of the Taoiseach, included representatives from ICTU and the community and voluntary pillars, as well as my Department and the Department of the Environment, Heritage and Local Government. The group met a number of community welfare officers as part of its work. The working group examined 498 randomly selected rent supplement applications which were refused since the measures came into effect in January 2004. The result was that they found that only 11% of refusals were because of the new measures. Many of those would in any event have been refused on other grounds. The group concluded that the new measures were not having any significant adverse impact with regard to the design of the measures, including the operation of the appropriate level of discretion by the community welfare officers. In that regard, I point out that more than 27,000 rent supplements have been awarded since the measures came into effect at the end of January 2004.

The recent report by CentreCare and the City Centre Dublin Citizens' Information Service stated that its purpose was to identify issues arising from the first six months since changes to rent supplement eligibility rules were introduced. The report was based on a survey of 51 cases where the applicant was refused rent supplement, with information relating to 40 other similar cases not included in the survey. The report does not show that the new measures are causing hardship. In some cases, rent supplements were awarded. It is also clear from the information given regarding several other cases cited that the application failed for reasons not connected with the new measures. My Department has identified several significant inaccuracies in the report and does not accept its central conclusions.

In the light of the report published by the social partners working group and the fact that more

[Mr. Brennan.]  
 than 27,000 rent supplements have been awarded since the measures became effective, it does not appear that the changes in the supplementary welfare allowance rent schemes have created hardship. Deputies are aware that the arrangements are part of a wider programme of change whereby local authorities will progressively assume responsibility for meeting long-term housing needs, including those of people dependent on rent supplements for 18 months or longer. Those new arrangements will see local authorities put in place positive solutions for people with long-term housing needs, while the existing rent supplement scheme will continue to provide short-term income support in appropriate circumstances. The overall programme of change, particularly the greater role of the housing authorities regarding people who need rent supplements, will result in a better outcome both for the State and the individuals concerned.

**Mr. Penrose:** The Minister obviously disputes the findings and central thrust of the report which was carried out by the department of planning and development at the Dublin Institute of Technology and launched within recent weeks. Whatever one might say regarding some of the findings, does it not indicate that large numbers of vulnerable people are experiencing hardship as a result of the cuts to the rent supplement and the operation of the revised scheme? In particular, the changes to the eligibility for rent supplement are causing people to live in undesirable housing situations. The Government has cut holes in the housing safety net by removing eligibility from many people. What alternatives do vulnerable people have in the absence of the rent supplement provision? Does the Minister agree that not enough social or affordable housing is available for such people? He says that local authorities will fill the void, but how can they do that when housing waiting lists are overloaded with those awaiting housing allocations? Is Threshold also wrong? Evidence from it shows that the groups worst affected are returning emigrants, those with a crisis pregnancy, those moving from rural areas to urban ones seeking employment, and single homeless men. Where do they fit into this picture? Is the Minister trying to tell me that today?

I know the Minister has been burdened with one of the savage 16 cuts that his predecessor put in place. This is one that will come back to haunt the Government, along with 14 others, only one of the measures having been reversed. I appeal to the Minister to reverse those savage 16 cuts when he gets the opportunity. They saved a paltry €52 million and visited tremendous difficulties on large and vulnerable sections of the community.

Are the Simon Community, Threshold, the City Centre Dublin Citizens' Information Service and CentreCare all out of touch, or might it be the Minister's Department that is out of touch?

**Mr. Brennan:** As I said in my reply, there was a working group chaired by the Department of the Taoiseach, involving the ICTU, the community and voluntary pillars and various Departments. There were meetings with community welfare officers. They examined 498 randomly selected rent supplement applicants who were refused and found that only 11% of refusals were as a result of the new measures. The group concluded that the new measures were not having any significant adverse impact with regard to the design of the scheme and especially the level of discretion that community welfare officers had.

As the Deputy knows, specific provision has been made to ensure that the interests of vulnerable groups, particularly the homeless, are fully protected in the implementation of these measures. In that context, no one with a genuine accommodation need will be made homeless as a result of the new measures. Under the Social Welfare Acts, a health board has the discretion to make a payment if, in its opinion, the circumstances of any case still warrant it. I have instructed my Department to review those 16 decisions and give me a report at the earliest possible date on how they are working and whether any hardship issues are involved. It may be that some of them need further adjustment, but I have asked for all 16 to be reviewed. That is not to say that I will necessarily make any changes to them, but I have asked for a review and a full report on each one with an assessment of the change's effect on any individuals and whether there might be another way of dealing with the issue.

**Mr. Ring:** There is a major conflict between the two reports from the different groups monitoring the effects of the rent supplement changes. Does the Minister think it acceptable that the Department's group met on four occasions and spoke in that time to only three community welfare officers? How could one have a proper report if that was the case? That is not a random sample of community welfare officers throughout the State. Will the Minister ensure his Department contacts the groups with which there is a conflict, namely, those which say that his report is not accurate, that their report, based on dealing with people involved, is correct, and that the cuts in rent supplement entitlement are having an effect?

Regarding the recent changes to the rent supplement which are undoubtedly having a major effect, especially with 52,000 on the housing waiting list and 1,733 social houses built last year, which means there is a major crisis, what deal has been done with local authorities? Perhaps the Minister might let me know what is happening regarding local authorities being able to rent houses from the private sector on long-term leases. What instructions have local authorities received from the Department? The Minister might not have the figures today, but I hope that he will let me know. How many local authorities

have entered into private arrangements to lease houses?

**An Leas-Cheann Comhairle:** That is not within the Minister's remit.

**Mr. Ring:** The Department of Social and Family Affairs pays the bills and instructs the local authorities.

**Mr. Brennan:** The Deputy informs me that three community welfare officers were consulted. I cannot say whether the Deputy is right or wrong. My information is that the working group involving the ICTU, the Department of the Taoiseach and the voluntary and community pillars met several such officers, although I am not clear on the exact number. If the Deputy wishes, I can certainly check that point for him. Some 27,000 rent supplements have been awarded since the measures came into effect at the end of January 2004. I have already given the figure that the group found that 11% of refusals were because of the new measures. The rest would have been refused in any case on other eligibility grounds. On the housing front, I will endeavour to seek out that information for the Deputy.

#### Social Welfare Benefits.

123. **Mr. Crowe** asked the Minister for Social and Family Affairs if he has considered establishing a new allowance of similar value to the fostering allowance, particularly to grandparents who are looking after grandchildren in the absence of parents, especially in cases in which there is a drug addiction by parents; and if he will make a statement on the matter. [23466/04]

**Mr. Brennan:** The foster care allowance can be paid only in respect of children who are taken into the care of the health board and placed in foster care under the Child Care (Placement of Children in Foster Care) Regulations 1995, or in relatives' care under the Child Care (Placement of Children with Relatives) Regulations 1995. I understand that under the regulations it is possible for a health board to place a child with relatives in an emergency. However, the board must ensure that its regulatory obligations regarding the assessment of the child's and relative's needs are carried out as soon as practicable and that it conforms to all the other obligations regarding care plans and reviews.

Issues of foster care are a matter for the Department of Health and Children and the health boards, and any question of extending payment of the allowance in circumstances other than those which currently apply are a matter for that Department. The orphan's contributory allowance and orphan's non-contributory pension, paid by my Department, provide income maintenance in situations such as that raised by the Deputy, subject to certain qualifying conditions. The definition of an orphan for the purpose of these payments was extended in 1995 to

include children where one or both parents are alive but have abandoned or refused or failed to provide for them. This expansion of the definition was a response to changes in family and social circumstances.

The weekly rate of the orphan's contributory allowance and maximum rate of orphan's non-contributory pension, which is paid to the child's guardian, is €107 per week. This is substantially higher than other payments made by my Department in respect of children. The highest rate of child dependant allowance is €21.60 per week. The foster care allowance is set at a rate of €289.50 per week for a child under 12 years of age, and €316.50 per week for children of 12 years and over.

The two payments have significantly different objectives and purposes. The orphans' payments, paid by my Department, are designed as income support measures while the foster care allowance is a very different type of payment which responds to very specific child care needs and the additional challenges faced by foster carers. There are no plans to change the present arrangements in this regard. I will keep the matter under consideration, taking account, *inter alia*, of a review of these payments which was published by my Department in 2003.

**Mr. Crowe:** I am pleased that the Minister says he will keep the matter under review. This area has expanded over the years. Many Dublin Deputies would be aware of cases where children have been abandoned and left to be cared for by their grandparents. The Minister has explained the system but there is a great anomaly involved and a major difference between the fostering allowance and the orphan's allowance. That needs to be examined.

Many families in such situations do not know where to turn, and many young social workers are not aware of the allowances. That needs to be addressed. Being new to the Department, the Minister should prioritise the matter. It is not merely a problem in Dublin but is spreading through the country. I know that the debate about carers will continue later, but those of whom I speak feel abandoned. The children have in many cases been abandoned. They do not know to whom to turn. The State seems to turn its back on them and makes it difficult for them to receive allowances. I could cite many cases where people have been left to look after their grandchildren and do not hear from the parents. The grandparents are reluctant to come forward and say the children have been abandoned, partly because they are elderly and face age-related difficulties when attempting to claim allowances.

Will the Minister consider the matter? I know the budget is coming up. While the Minister says there are differences in the situations of orphans and foster children, the work that grandparents do in these areas is much the same.

**Mr. Brennan:** The Deputy states the matter well and has captured in his words the personal and human dimension of this issue. A great deal of trauma surrounds the issues related to orphans, definitions, payments and relationships. As I said, I will review the matter and take into account the payments which were published by my Department in 2003. I will conduct that review as a matter of urgency, taking into account what Deputy Crowe said. I will do that without any commitment today other than to study the matter, which I have not yet had an opportunity to do.

*Question No. 124 answered with Question No. 122.*

125. **Mr. Connolly** asked the Minister for Social and Family Affairs if it is intended to restore eligibility for the back to education allowance to persons who were unemployed for six months, in view of the hardship caused to persons by the 15 month stipulation; and if he will make a statement on the matter. [23468/04]

**Mr. Brennan:** The back to education allowance is a second chance education opportunities programme designed to encourage and facilitate people on certain social welfare payments to improve their skills and qualifications and thus their prospects of returning to the active workforce. The conditions for entitlement to the third level option of the back to education allowance were revised with effect from 1 September 2004. From that date, the qualifying period was increased from six months to 15 months for new applicants intending to commence third level courses of study.

The scheme was always intended to benefit people who had difficulty finding employment because of a lack of education qualifications. In many cases, people who have not completed second level education are held back in their efforts to obtain employment. The scheme provides these people with an opportunity to improve their qualifications and thus their prospects of obtaining work. It was never intended to be an alternative form of support for people entering the third level education system.

One of the factors that influenced the change in the qualification conditions is the concern that some people may go on the live register specifically to qualify for the back to education allowance. In the academic year 2003-04, the majority of participants in the third level option of the scheme were in receipt of an unemployment payment for 12 months or less when they accessed the scheme. It was therefore decided that the qualifying condition should remain at six months for people who wish to pursue a second level qualification. Restructuring the back to education allowance in that way ensures that this support retains its focus on the more vulnerable groups in our community, particularly people who do not have a second level education qualification and

who are at risk of becoming dependent on social welfare payments on a long-term basis.

Time spent pursuing a second level course with the assistance of the back to education scheme will count towards meeting the 15-month qualification condition for the third level option. In a situation where priorities had to be set and choices made, those in greatest need of assistance under the BTEA have been protected.

**Mr. Connolly:** I thank the Minister for his response and welcome the fact that he has decided to review these cutbacks. Does he agree that the back to education allowance has the laudable aim of bridging the gap between unemployment and a return to work? For lone parents in particular and for people with disabilities, the extension of the timeframe from six months to 15 months acts as a disincentive. If people are unemployed, it is much more difficult for them to remotivate themselves and return to education.

I attended the launch of a pre-budget submission by people with disabilities. They have outlined their difficulties, including their additional cost of living costs and the 3 o'clock cost of mobility. The latter is reckoned at about €40 weekly and is another one of the hurdles the disabled must jump. Will the Minister agree that restoring the back to education allowance will help lone parents to become more independent and contribute equally to society? Will he agree that this would be cost-effective and self-financing over a period of time? The changes to the back to education scheme have saved €1 million but it is regrettable that they were made because some people were abusing the scheme. We should investigate those abusing the scheme rather than punish those benefiting from it.

**Mr. Brennan:** The scheme was designed to help those who have not worked for some time to improve their employability and their job readiness by giving them a chance to improve their qualifications and education. As the Deputy hinted, the scheme is a recognition of the special difficulties people can face when attempting to get a foothold in the labour market.

There are no plans to abolish the back to education allowance. The concern is always to support those who need extra help to equip themselves for the job market. Since it began in 1990, the number who have accessed the scheme has steadily increased, from 67 in 1990 to 7,648 for the last academic year. I intend to review it, taking into account the points made by Members.

#### Other Questions.

#### Money Advice and Budgeting Service.

126. **Mr. Neville** asked the Minister for Social and Family Affairs the numbers using MABS. [23392/04]

**Mr. Brennan:** In 2003 the Money Advice and Budgeting Service took on approximately 16,000 new clients and had more than 13,000 active cases at any one time. The number of new clients increased from 9,000 in 2001 and 12,000 in 2002. An average of 1,700 persons per month visit the MABS website *www.mabs.ie*. The key feature of the MABS programme is the provision of money advice, including the publication of information on money management and debt counselling. The service is targeted primarily at individuals and families who have problems with debt or money-lending and who are on low income or in receipt of social welfare payments.

The Money Advice and Budgeting Service helps to negotiate voluntary arrangements as an alternative to the legal system. This approach is generally well received by creditors but in some instances, especially when MABS is not involved, creditors will use the legal system to enforce the debt. MABS now operates from 65 centres throughout the country, with 130 money advisors and 80 administrative staff working for it. It has an emphasis on practical, budget-based measures that will succeed in removing people permanently from dependence on moneylenders and open alternative sources of credit through the credit unions. The service gives advice and assistance but does not pay debts. MABS will cost more than €11 million to run in 2004.

An option offered by MABS is to arrange for the person to open a special account in their local credit union. This enables persons to repay their debts by paying an agreed weekly amount into this account. A shares account is also opened which helps to cultivate a savings habit and enables them to borrow in time of need.

#### *Additional information*

Currently the Money Advice and Budgeting Service and the Irish Bankers' Federation operate a debt settlement scheme on a pilot basis as an alternative to the legal system of debt enforcement. This pilot is targeted at those who are on the point of legal action with their creditor or creditors and consists of a voluntary agreement between debtor and creditors which provides for income retention, freezing of interest and writing off of residual debt after a repayment period of up to five years. A new company, MABS National Development Limited, was established this year and will promote and develop MABS services throughout the country.

A recent evaluation found that over 90% of those questioned were positively disposed towards the service, and this included clients, community and voluntary bodies, the finance industry and statutory creditors. It found that two thirds of the caseload consisted of female clients. Just over half were aged between 25 and 44 and one third were aged over 45, with a small proportion aged under 25. Approximately 70% were receiving some form of social welfare payment. The overall conclusion was that the MABS has proven itself a worthwhile intervention with a strong rationale for its continuation.

**Mr. Ring:** At the time of the savage 16 cutbacks last year, if some family or individual was in difficulty, MABS, often in conjunction with the health boards, worked out the difficulty, advised the family or individual to go to credit unions and made arrangements with the relevant bank, building society or other financial institution. An agreement was entered into that the family or individual would pay a portion of the debt, the institution would reduce its claim for interest and, most importantly, when the person had entered into agreement with MABS and the health board, the health board would make a part payment. One of the savage 16 cutbacks last year stopped this and I ask the Minister to reverse this decision. Community welfare officers have told me it is having a significant effect on those attending MABS.

Financial institutions give money to those who cannot afford to pay them back. Some 1,600 people were in jail last year for non-payment of television licence fees and non-payment of debts to financial institutions. Legislation should be introduced so that financial institutions will be prosecuted if they give money to those who cannot afford to pay it back. It works both ways.

**Mr. Brennan:** I will reconsider the 16 or 17 adjustments to satisfy myself as to where they stand, including the one to which the Deputy refers, but I stress that this involves no commitment. I have asked for the relevant files and in particular for an assessment of whether hardship is involved. In many cases, those involved at the time, such as the social partners and others, felt the adjustments were unfair but have now come to the view that they have not caused hardship. However, in other cases perhaps they have and I will take a positive view of these cases.

The Deputy will agree that MABS provides a good service. It is there to help people in particular circumstances and we will work with the service to help improve it.

**Mr. Penrose:** The service was established in 1992 with five pilot projects but now has over 50 offices with funding of €11.4 million. However, the cut to the MABS supplement is insidious and I ask the Minister to review it. It provided a financial safety net and took people out of the hands of money lenders and other sharks who created huge difficulties.

Will the Government follow through on its commitment to set up MABS as a statutory authority? This was agreed in principle and a Bill was drafted but has been deferred pending further discussion. Will the Minister ensure that some aspects of local input currently facilitated by boards of management are retained as it has been positive in effect?

We spoke to MABS and the free legal aid centre with regard to the other issue. Will the Minister ask the Department of Justice, Equality and Law Reform to explore debt settlement legislation which would impose duties and obligations

[Mr. Penrose.]

on financial institutions to ensure they are not handing out money and credit cards freely while expecting everybody else to pick up the tab? They put pressure on vulnerable people with free mail shots while expecting the Government to supply additional funding in this regard. Debt settlement legislation would be important and complementary to the ongoing tremendous work of MABS. Long may it continue.

**Mr. Brennan:** I assume the Deputy refers to the MABS National Development Limited company which was incorporated on 18 March 2004 and for which a team has been recruited, which commenced employment on 1 September. It is a new company to further develop the MABS service. Its aim is to identify and assess the needs of management and staff in MABS at local, regional and national level. The directors of the new company are all stakeholders in MABS, representing management and staff interests from the service. Comhairle is also represented. The Department is represented by the national co-ordinator for MABS to whom the company employees report on a day-to-day basis. A company secretary has also been appointed.

I will pass on to the Minister for Justice, Equality and Law Reform the Deputy's query in regard to debt settlement legislation.

**Mr. D. Wallace:** I record my appreciation of the work of MABS in the community. From a small beginning in Cork ten years ago, where the late Mr. Brendan Roche was the first chairman, the service has come a long way and has done tremendous work, most of it unseen and sensitively handled. However, the service is not widely known throughout the community. The Minister should communicate to MABS that greater awareness is needed as well as a campaign to make people aware that the service is there for their assistance. While 2003 showed an increase of 9,000 users, many others would avail of this assistance if they were aware it was available. I congratulate the Minister on his appointment and know he will do an excellent job. He should communicate with MABS that greater awareness of its services is needed in communities that do not have the service.

**Mr. Brennan:** I agree with the Deputy's comments regarding MABS and will do what he suggests.

#### **British-Irish Council.**

127. **Ms B. Moynihan-Cronin** asked the Minister for Social and Family Affairs the nature and content of the discussions with members of the British-Irish Council on Social Inclusion in Cardiff in July 2004; and if he will make a statement on the matter. [23304/04]

**Mr. Brennan:** The British-Irish Council was established under the terms of the Good Friday

Agreement to promote positive, practical relationships among its members. The members are the British and Irish Governments, the devolved administrations of Northern Ireland, Scotland and Wales, and Jersey, Guernsey and the Isle of Man. The BIC provides a forum for members drawn from the eight administrations involved to consult and exchange information on a range of issues of mutual interest.

At the meeting of the council in November 2002, it was decided that the initial work of the group should be on the specific theme of financial inclusion. My predecessor as Minister for Social and Family Affairs, Deputy Mary Coughlan, attended the ministerial meeting of the social inclusion strand on 16 and 17 July in Cardiff at which this work was received and concluded. Ministers discussed the report, which is aimed at enabling individuals and communities affected by poverty and deprivation to have greater access to appropriate financial products and services.

It was noted that financial inclusion strategies can make a major contribution to improving individual and household income, employability, health and well being. At a community level, financial inclusion programmes can support ownership of assets and the capacity of communities to foster wealth creation and enable local businesses to grow. Ministers recognised that the problems of social and financial exclusion affect all communities. The meeting heard progress reports on the range of strategies on which members are working to tackle these problems. Ireland's experience in developing the Money Advice and Budgeting Service was considered to be particularly valuable.

Ministers reaffirmed the important role that financial inclusion can play in social inclusion and anti-poverty strategies more generally. BIC member administrations will continue to exchange information and ideas and learn from each other's experience. The report of this work will be published shortly on the BIC website.

Ministers agreed that the next topic for work within the council's social inclusion theme would be disability with a specific focus on access to employment, education and training.

**Mr. Penrose:** The Minister has been in the job only a few days, but can he give any indication as to when he might be hosting a meeting of the British-Irish Council on Social Inclusion? The last meeting took place at Cardiff and I welcome the progress that was made, particularly in terms of the recognition of the importance of financial inclusion and the role it can play in social inclusion and anti-poverty strategies. It is notable that cognisance has been taken of the central role MABS plays. That is something of which the Irish Government can be proud.

The Minister indicated that the next topic for work at the British-Irish Council on Social Inclusion is the theme of disability. When will there be a final report on the work dealing with best practice at national and local level regarding

the financial inclusion aspect of the last council meeting?

**Mr. Brennan:** Ministers have agreed that the next topic for work within the council's social inclusion theme will be disability with a special focus on access to employment, education and training. I do not have a date for that meeting. As soon as I have one I will communicate it to the Deputy.

The work of preparing for this meeting has already commenced. My Department has already submitted a paper to the group outlining information on schemes and benefits targeted towards people with disabilities. Between 1999 and 2004 the council met on five occasions at summit level. The Taoiseach attended all five meetings. It considered a range of subjects including the misuse of drugs, the knowledge economy, social inclusion and minority and lesser used languages.

There have also been nine ministerial meetings on social inclusion, 81 meetings of officials and 14 conferences and seminars. There is much work going on and I will keep the Deputy informed of developments.

#### Health Board Allowances.

128. **Mr. Crawford** asked the Minister for Social and Family Affairs if he has made or intends to make changes to the assessment for carer's allowance for farm families in view of the strict criteria being used by many of her social welfare officers; and if he will make a statement on the matter. [23185/04]

136. **Mr. Durkan** asked the Minister for Social and Family Affairs the number of persons in receipt of carer's allowance; the number of applications refused in 2004; if this represents an increase or decrease on previous years; if he expects there to be an increase in the number of persons likely to be eligible for carers allowance in the course of the Estimates for 2005; and if he will make a statement on the matter. [23324/04]

138. **Mr. Naughten** asked the Minister for Social and Family Affairs if he has given consideration to establishing a national carer's database with the aid of the Central Statistics Office. [23362/04]

155. **Mr. Gogarty** asked the Minister for Social and Family Affairs if his Department influences the non-payment of further grant assistance to social welfare recipients, especially in relation to the domiciliary care allowance. [23400/04]

168. **Mr. Penrose** asked the Minister for Social and Family Affairs his progress in the implementation of the recommendations of the Joint Committee on Social and Family Affairs report on the position of full-time carers; and if he will make a statement on the matter. [23297/04]

190. **Mr. Kehoe** asked the Minister for Social and Family Affairs his proposals to change the eligibility criteria for carer's allowance, partic-

ularly for persons in receipt of a social welfare payment prior to making application for carers allowance; if consideration will be given to the need for the introduction of an income disregard for those persons in receipt of a social welfare payment who subsequently qualify for carer's allowance; and if he will make a statement on the matter. [23361/04]

192. **Ms B. Moynihan-Cronin** asked the Minister for Social and Family Affairs the plans he has to increase the rate of payment of the respite care grant; and if he will make a statement on the matter. [23303/04]

**Mr. Brennan:** I propose to take Questions Nos. 128, 136, 138, 155, 168, 190 and 192 together.

Supporting carers in our society has been a priority of the Government since 1997. Over that period weekly payment rates to carers have been greatly increased, qualifying conditions for carer's allowance have been significantly eased, coverage of the scheme has been extended and new schemes such as carer's benefit and the respite care grant have been introduced. Under the provisions of the carer's allowance scheme, carers may engage in employment or self-employment for up to ten hours per week. This measure was introduced in recognition of the value such work affords to carers.

It also allows carers to maintain contact with the labour market. The reason for placing a limit on the hours that a recipient of carer's allowance can work is to safeguard the needs of the care recipient and to ensure that they receive the full-time care and attention that they require. The operation of this limit will be kept under review.

The report of the Joint Oireachtas Committee makes a range of recommendations, many of which relate to my Department and a number of which concern the Department of Health and Children. I am always prepared to consider changes to existing arrangements where these would be for the benefit of recipients and financially sustainable within the resources available to me.

One of the recommendations relating to my Department pertains to improvements in the information available to carers. In this regard, funding of €18,000 has been provided to the Carer's Association towards the publication and distribution of a new information pack which will provide information about services and supports for carers and their families. The information pack is currently being compiled by the association and will be distributed throughout the country in libraries, health board offices, clinics, citizen information centres and social welfare offices by the end of the year. It will contain important information to carers on the services and supports available to them and their families.

In addition, my Department is currently finalising plans for a nationwide campaign to increase awareness of carer's benefit and carer's leave arrangements. This is planned to take place during October.

[Mr. Brennan.]

Regarding a national carer's database, the Central Statistics Office included a question in the 2002 census to identify the number of persons providing unpaid personal care for a friend or family member with a long-term illness, health problem or disability. In March this year, the CSO published volume 10 of the census results pertaining to data in relation to people with disabilities and carers. This is a most comprehensive document with more than 40 tables of data relating to carers.

Carer's allowance is not paid concurrently with another social welfare payment or by introducing a disregard in respect of that payment on the grounds that, as a general rule, only one social welfare payment is payable to an individual. Persons qualifying for two social welfare payments always receive the higher payment to which they are entitled. The question of an income disregard for carer's allowance would raise similar issues.

The overall number of persons receiving a carer's allowance has increased from 10,126 at the end of 1997 to 22,300 the week ending 24 September 2004. Expenditure on the scheme has in the same period increased from €46.36 million to an estimated €203.8 million in 2004. The number of applications refused payment relative to claims received has declined in recent years arising from various improvements introduced by my Department. My Department has awarded 3,220 applications and refused 2,021 applications this year up to mid-September.

The respite care grant is paid to recipients of carer's allowance, including those who receive a carer's allowance in respect of recipients of a domiciliary care allowance. The Department of Health and Children pays a respite care grant to all other persons for whom a domiciliary care allowance is payable.

Government policy is strongly in favour of supporting care in the community and enabling people to remain in their own homes for as long as possible. The development of the range of supports for carers will continue to be a priority for this Government and, building on the foundations now in place, we will continue to develop the types of services which recognise the value of the caring ethos and which provide real support and practical assistance to the people involved.

Proposals relating to increasing rates of payment or other measures involving additional expenditure will be considered in the context of the forthcoming budget. As part of this process my Department is currently undertaking an internal review of the carer's allowance and carer's benefit schemes, taking account of the issues that have been raised in many fora.

**Mr. Crawford:** I thank the Minister for his extremely extensive reply. It would not be fair to push him on the issues in my question which was tabled as a result of discussions I had with his predecessor specifically regarding farming issues.

The Minister referred to the issue of ten hours at work on a farm. The case of an individual who is away from the home doing ten hours work is different from the case of an individual operating a small farming enterprise who is in and out of the home on a constant basis. Social welfare officers will estimate, based on numbers of, for example, cattle, that the work cannot be completed within ten hours. Though the individual may be in serious financial difficulties, he or she will often be refused. The individual often has to pay money for assistance in looking after a loved one. When the single payment was introduced, social welfare officers were understanding and reasonable. However, in the past 12 months, they have kept to the letter of the law and refused genuine cases.

Small farmers are often asked to produce audited accounts for means tests, yet are ignored by social welfare officers when provided. I know of a case where the individual concerned had come through serious banking and other problems, yet his means test found he was earning €729 per week. I ask the Minister to introduce more realism into these procedures. The Minister referred to approximately 2,000—

**An Leas-Cheann Comhairle:** I remind the Deputy that supplementary questions are limited to one minute. The Deputy is now on his third minute.

**Mr. Crawford:** I urge the Minister to have the procedures reviewed. The money should not be spent on a national advertising campaign. If people are getting a service, they will advertise it. If not, they will persuade other people not to waste their time in applying.

**Mr. Brennan:** I am open to sensible and practicable changes that will remove nonsensical anomalies from the system. My basic approach to this matter is a common sense one in examining the merits of individual schemes to see how they can be improved. More must be done for carers. Much has happened as shown in the statistics I quoted. However, there is scope for further improvement and I am committed to examining it as a matter of urgency.

**Mr. McCormack:** I am glad the Minister is open to sensible suggestions in correcting anomalies. One anomaly I have raised with previous Ministers, from Deputy Woods to Deputy Dermot Ahern to Deputy Coughlan, is that of a full-time carer losing the carer's allowance if he or she receives a widow's or widower's pension. Take the example of a small farmer's wife caring for someone at home who is incontinent and bedridden. If her husband dies, she will receive the widow's pension to compensate her for her loss but will lose the carer's allowance, despite continuing to be a full-time carer. She is then forced to employ casual work to replace her husband on the farm. What can be worse than that example?

I have appealed to the Minister's predecessors on this issue, yet they have ignored me. I hope the new Minister, fresh with new ideas and open to suggestions, will answer me on this matter.

**Mr. Brennan:** I will examine the case raised by the Deputy. I am in the business of providing solutions and targeting resources at people who need our support, and I will examine this in that spirit. However, I stress that having just heard of this example, it would be wrong of me to commit myself.

**Mr. McCormack:** I am not rushing the Minister.

**Mr. Brennan:** I am committed to examining procedures that do not make sense and sorting them out. That is my approach to work.

**Mr. McCormack:** I will write to the Minister about these cases when I return to my office.

**Mr. Penrose:** I do not intend to rehash last night's debate on the carer's allowance but there is a way the Minister can get around this problem. Widows and widowers are a specific example that the Committee on Social and Family Affairs put in its report's recommendations. Take the example of a husband earning €400 per week while his wife receives a carer's allowance for caring for a handicapped child. If he dies, his wife's income is reduced to a widow's pension but she loses the carer's allowance at the time she needs it most. One way to overcome the difficulty of two social welfare payments is to declare the widow's pension as an income support while the carer's allowance remains an allowance. It is now time to get rid of the many pedantic regulations in this area. The period of 15 months taken by an individual to look after a loved one should be extended to 30 months. I know it will have to be negotiated with IBEC and the Department of Enterprise, Trade and Employment. However, Deputies O'Connor and Wallace will confirm that this was one of the recommendations in our report on carers' interests and one which they supported.

**Mr. Brennan:** I appreciate the work done by Deputy Penrose and the members of the Oireachtas Committee on Social and Family Affairs. I will examine those recommendations in the report with an open mind.

**Mr. Durkan:** I appeal to the Minister to change the culture in the Department of Social and Family Affairs, particularly towards the carer's allowance and other allowances. A more rigid interpretation of rules and regulations in assessing means for carer's allowance is evident since the last budget. It was regressive step. Will the Minister recognise that because of competing demands, the circumstances of carers are getting worse and a reversal of this policy is now needed?

**Mr. Brennan:** I note the Deputy's comments.

**Mr. Boyle:** The Minister has reaffirmed the long held position of the Department of Social and Family Affairs that only one payment can be received by social welfare recipients. However, this principle was rejected when the Government relented on the widow's and widower's pension half payment. In his parliamentary question, my colleague, Deputy Gogarty, asked to what degree the Minister's Department has influenced payments made by other Departments. Lone parents find themselves caring for children with special needs but are precluded from availing of the domiciliary care allowance from the Department of Health and Children. This is due to the ongoing Government policy enunciated through the Department of Social and Family Affairs. Will the Minister assure us that he is not placing barriers against social welfare recipients receiving due entitlements from other Departments? If so, it will go some way to relieving the burden of many people involved in caring for loved ones and denied what should be a right.

**Mr. Brennan:** It is a general rule that only one social welfare payment is payable to an individual. Those qualifying for two will always receive the higher payment. That is the general rule but I believe there is room for exceptions and I am prepared to examine this. If there are rules which affect people by causing them hardship, instead of standing by the rule we need to amend it to deal with the hardship. If that breaks a general dogma or headline, so be it. We will have to find a way around it.

The focus should be on sorting out the individual's problem. If that breaks a golden rule, there is something wrong with the rule and we must find a way to amend it which does not open the floodgates by attracting either more fraud in the system or spurious claims, all of which reduce the resources available for the people who really need support and help. That is the type of approach we must take. We must focus resources where they are needed, not let silly rules get in the way in individual cases where people must be helped, and ensure there is no wastage, fraud or spurious claims which reduce the amount of money we can focus on genuine cases. That is the general approach. I have not examined many of these issues in detail yet but I will approach them against the background of that philosophy, if one can call it that.

**Mr. Crawford:** I thank the Minister for being so forthright and I hope he can follow through. Can the Minister accept a situation in which a widow or widower who is left to care for somebody receives no carer's allowance, yet the same person can take up a full-time job and retain their widow's or widower's pension? That is a fact. Deputy Penrose spoke about extending carer's benefit to 30 months. Recently, I had a telephone call from a friend who told me about the mother of a two and a half year old child who had to give up her job. She is no longer able to get carer's

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benefit. Her husband is in an ordinary job but his wages are too high to meet the criteria, so she is paid nothing. There is enormous financial pressure on that family. Half of the carer's allowance would be of benefit in either of those cases.

**Mr. Brennan:** I am learning a great deal from what is being said today. I hope I am a fast learner and I will deal with those issues as well and as quickly as I can.

**Mr. Crowe:** We do not even know how many people are cared for. One issue that has not been referred to in this debate is the children who are caring for a relative or some other person. The Disability Federation of Ireland put forward its submission today and is asking the Minister to examine this area. Countless numbers of young people are looking after relatives or neighbours and this should be examined by the Minister and his Department.

**Mr. Brennan:** I will do that.

**Mr. D. Wallace:** I support the remarks of previous speakers about carers. The Department should be complimented on the removal of anomalies in the system, as social welfare is so wide-ranging and so many people are affected by it. Nevertheless, people still encounter obstruction. While progress has been made, we look forward to meeting the Minister to discuss this area. The committee has devoted a great deal of time to this issue and we are aware of the importance of carers. In some instances, they do not get the recognition they deserve.

In one case, a lady returned from the United States to look after her father. She had to rent out her house because its accessibility was unsuitable. She then rented another house. However, she was debarred from getting the carer's allowance. She was told that had she been working here in Ireland, she would have been given the carer's allowance but because she returned from the United States to care for her father, keep him at home and out of an institution, she was debarred from receiving the allowance. This is the type of anomaly we must examine.

I am conscious of the tremendous progress and changes that have been made. However, we must continue to keep an eye on the system. I have given one example and could give others but there is not enough time. We look forward to working with the Minister. There is tremendous potential for progress and I believe the Minister will be sympathetic in that regard.

**Mr. Brennan:** I thank the Deputy for his remarks, which I will consider.

### **Social Welfare Benefits.**

129. **Mr. Stanton** asked the Minister for Social and Family Affairs if he has received reports or observations from the community welfare service

concerning the operation of SI 728 of 2003 regarding rent supplement. [23393/04]

150. **Mr. Eamon Ryan** asked the Minister for Social and Family Affairs his views on a report, commissioned by the Dublin Citizens Information Service and the homelessness agency CentreCare, which says that new rules intended to reform the rent supplement scheme are creating crises through new eligibility requirements. [23415/04]

**Mr. Brennan:** I propose to take Questions Nos. 129 and 150 together.

The statutory instrument referred to gave effect to certain changes which were introduced in the rent supplement scheme in January 2004. Regular meetings are held between my Department and the health boards at which the operation of the supplementary welfare allowance scheme is discussed. Specific discussions were held with representative groups of superintendent community welfare officers on the implementation of the rent supplement provisions.

A working group was established under the Sustaining Progress agreement to facilitate engagement with the social partners on monitoring the impact of the changes to the scheme. The working group, which was chaired by the Department of the Taoiseach, included representatives from the ICTU and the community and voluntary pillar as well as my Department and the Department of the Environment, Heritage and Local Government. As part of its deliberations, the group met a number of community welfare officers.

The working group examined 498 randomly selected rent supplement applications which were refused since the measures came into effect in January 2004 and found that only 11% of the refusals were because of the new measures. Many of these would have been refused on other grounds in any event. The group concluded that the new measures were not having any significant adverse impacts having regard to the design of the measures, including the operation of the appropriate levels of discretion by the community welfare officers. A total of 27,000 rent supplements have been awarded since the measures came into effect at the end of January this year.

The recent report by CentreCare and the City Centre Citizens Information Service states that its purpose was "to identify issues arising from the first six months since changes to rent supplement eligibility were introduced". The report was based on a survey of 51 cases where the applicant was refused rent supplement and information on 40 other similar cases that were not included in the survey. The report does not show that the new measures are causing hardship or crises. In some cases rent supplement was awarded. It is clear from the information given in respect of a number of other cases cited that the application had failed for reasons other than the new measures. My Department has identified a

number of inaccuracies in the report and does not accept its central conclusions.

In light of the report published by the social partners working group and the fact that more than 27,000 rent supplements have been awarded since the measures became effective, it is considered that the changes in the supplementary welfare allowance rent supplement scheme have not created hardship. These arrangements are part of a wider programme of change whereby local authorities will progressively assume responsibility for meeting long-term housing needs. These new arrangements will see local authorities put in place positive solutions for people with long-term housing needs.

**Mr. Ring:** Is the Minister aware that Ballymun is the only place in Ireland where one cannot avail of rent supplement? According to the CentreCare report, the Minister's predecessor and now the Minister for Agriculture and Food, Deputy Coughlan, issued instructions to the health board covering that area that nobody in the Ballymun regeneration area was to receive rent supplement unless the local authority there agreed. Does the Minister agree that this flies in the face of the Government's homeless strategy of local response to homelessness? Nobody in that area has received rent supplement since last June. It is a scandal. Why are the people of Ballymun not allowed to avail of rent supplement? Instead of the local authority assessing people's housing needs, does the Minister not think it is time an independent assessor did so?

It is wrong that the people of Ballymun are not allowed to receive rent supplement. That is discrimination against them. Why is this happening? The Minister is a Dublin Deputy and another Dublin Member, Deputy O'Connor, is sitting behind him. I am surprised this matter has not been raised previously in the Dáil. It is wrong. Why should there be discrimination against the people of Ballymun? I ask the Minister to issue a directive tomorrow rescinding the directive made by the previous Minister. Nobody can decide who is in need of housing or rent supplement because one does not know on a daily basis what will happen. This is discrimination and I ask the Minister to deal with it. He might not be aware of it and it might be unfair to throw it at him. However, I urge him to check this out and have the directive I referred to rescinded immediately. The people of Ballymun should be treated equally to the people of the rest of the country.

**Mr. Brennan:** I thank the Deputy for bringing that to my attention. I am not aware of any issue in regard to Ballymun. I would be surprised if there was a particular instruction or directive in regard to a certain location and if any such piece of paper existed in that format based on a geographic location rather than on general eligibility rules. I will take up the Deputy's invitation to see what is happening there.

**Mr. Boyle:** Deputy Ring has pre-empted my Question No. 141 which asks about designated geographic areas and I will wait to see what the reply states. In regard to Deputy Eamon Ryan's Question No. 150, which returns to the CentreCare report and which I appreciate was dealt with during priority questions, the Minister and his Department officials seem to be listening to what they want to hear in terms of who issues a report on this matter. The quote from the CentreCare report is quite emphatic. It states that the new rules intended to reform the rent supplement scheme are creating crises through new eligibility requirements. It is not only this report or this organisation which has stated that. This morning the One Family group, which used to be known as Cherish, in launching its pre-budget submission said that it wished to see it rescinded and that it was causing great hardship for one parent families. It said it was part of a group of 39 NGOs also campaigning to rescind this measure. In making his decision on the effect the decision on rent supplement has had, will the Minister defer to the report he has just received or will he listen to Department officials or the actual experience of people working with disadvantaged people in disadvantaged communities?

**Mr. Brennan:** I have invited all the groups in this area, including those the Deputy mentioned — there is a large number of groups in this area — to meet me on an organisation by organisation basis as soon as we can arrange dates so that I can learn first-hand what their priorities are rather than from any intermediaries. Next Monday I will meet more than 29 different groups over perhaps four hours as part of a pre-budget forum. I will be able to listen first-hand to what each of those 29 or 30 organisations regard as their priorities, including the areas of homelessness and carer's allowance. I intend to listen directly to those who must deal with these issues rather than study particular reports.

**Mr. Penrose:** I probably sound surprised given the nature of the order from the Minister's predecessor. I refer the Minister to a letter dated 24 May 2004 from the chief executive of the North Eastern Area Health Board directing that the Northern Area Health Board not pay rent supplements in respect of accommodation in the area delineated in the attached map. It appears to exist and I believe it has to do with the Ballymun regeneration area. What worried community welfare officers in the area was that applicants who had been refused included people who had lived in Ballymun all their lives. What concerned them was that it was referred to by some people as a form of social engineering. That was causing concern in some areas. Perhaps it is an issue which the Minister will examine. Maybe there is a reason for it. The local authority and the Minister may well be involved in it in the context of the regeneration project.

**Mr. Brennan:** I believe it has to do with the regeneration project.

**Mr. O'Connor:** I warmly welcome the forthright manner in which the Minister has answered the questions. It is clearly a new beginning which we should welcome. In regard to what Deputy Ring said earlier, I am proud to be a Dublin Deputy and I will continue to raise issues which are of concern to Dublin and, indeed, to my constituency of Dublin South West which includes Tallaght.

*Written Answers follow Adjournment Debate.*

### Adjournment Debate Matters.

**An Leas-Cheann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Sherlock — that, in view of the heavy traffic in the Bridge Street and Spa Glen areas in Mallow, County Cork, funds be made available to construct the northern relief road to relieve the situation; (2) Deputy Timmins — to ask the Minister the progress achieved in dealing with the issue of illegal dumping in County Wicklow; (3) Deputies O'Sullivan and Noonan — the need for the Minister to sanction the continued employment of jobs initiative workers in Limerick; (4) Deputy Michael Moynihan — calling on the Minister to further enhance the attractiveness of the CLÁR region as a centre of enterprise development by offering greater incentives for setting up businesses there; (5) Deputies Pat Breen and James Breen — to ask the Minister to immediately provide emergency funding for the provision of temporary accommodation for additional teaching staff at Ennis national school, County Clare; (6) Deputy Deenihan — the urgent need to provide facilities for autistic children at Nano Nagle school, Listowel, County Kerry; (7) Deputy Fiona O'Malley — to discuss the importance to the Irish economy of developing an indigenous biofuels industry; (8) Deputy Michael Higgins — the deteriorating situation in the Middle East, the need for the Government to press through the EU and the UN for an end to Israeli military action, the issue of the number and conditions of prisoners being held in Iraq and the initiatives that the Government proposes to take in this regard; (9) Deputy Morgan — the necessity for the Minister to address the absence of maternity services at Louth County Hospital in Dundalk; (10) Deputy Twomey — what role the Minister has taken in the continuous monitoring of medications available in Ireland and if she is aware of any more ongoing concerns regarding this or other medication; (11) Deputy Neville — the review of the care and treatment of a person (details supplied) at the Mid Western Regional Hospital; (12) Deputy McHugh — the need for the Minister to approve the submission from the Western Health

Board of the planning brief for Tuam Hospital which was forwarded to her Department on 8 October 2002; (13) Deputy Cowley — to ask the Minister if he will give the same financial consideration to Knock Airport as he gives to the international airports at Shannon, Dublin and Cork; (14) Deputy Upton — that the Minister outline the responsibilities of local authorities under section 247(5) of the Planning and Development Act 2000; (15) Deputy Aengus Ó Snodaigh — the urgent need for the Minister to immediately require the Dublin city manager to lift the blockade of Dunsink Lane in Finglas which is home to 800 people and whose access to schools, work, health facilities and shops is being denied in this act of collective community punishment by the management of Dublin City Council; (16) Deputy Stanton — if the Minister will examine why her Department has requested school principals not to contact them by telephone in order to discuss the needs of pupils with special educational needs and if she will allocate more resources and staff to this section of her Department in order to allow the Department to respond speedily to principals across the country; (17) Deputy Gogarty — the need for an investigation to be carried out as to the reason why a person (details supplied) was not told by health board officials that he had a sister (details supplied) in foster care and why an investigation into alleged abuse at a residential institution being carried out by a member of an Garda Síochána (details supplied) was not proceeded with despite the evidence available; (18) Deputy Broughan — the urgent need to ensure that An Post pensioners are paid their due pension increase under the national pay agreement; and (19) Deputy Cuffe — to discuss the future and possible closure of Sion Hill Catering College, Blackrock, County Dublin, as Sion Hill College is one of only two home economics teacher training colleges in Ireland.

The matters raised by Deputies Michael Higgins, Fiona O'Malley, Cowley and Timmins have been selected for discussion.

### Water Services Bill 2003 [Seanad]: Second Stage (Resumed).

Question again proposed: "That the Bill be now read a Second Time."

**Mr. Healy:** I dealt with a number of matters earlier when speaking on this Bill and I wish to deal with a range of other matters now arising from some of the comments I made earlier on the possibility of the re-introduction of domestic water charges and waste water charges. I also wish to raise a concern raised in the Seanad, that is, privatisation, whether this Bill makes it easier for it to take place and whether it is the ultimate goal of the legislation. I hope it is not but I have a concern about the manner in which the water services authorities are set up. They seem to be set up in way which would allow for the water

services authority to be cut off from local authorities in the future and possibility set up in a private manner. I have a concern about that because there has already been a move to take these sanitary functions from authorities, such as Clonmel Corporation, borough councils and urban councils, and to give them over to the county councils. Now there is a further move in the direction of this water services authority. I know this matter was raised in the Seanad but I am not sure whether privatisation of water and waste water services is the ultimate goal of this legislation. I raise a note of caution in that regard.

A number of other issues come to mind in this area. Over the past number of months there have been periods of bad weather with much rain. In my constituency and, indeed, throughout the country, there has been considerable discoloration of water and long cut offs of water. Many of the intakes are surface based and in heavy downpours they tend to take in all sorts of matter — stones, gravel, peat and other natural materials, which has the effect of giving a strong, dark brown coloration to the water. In many instances, as happened in recent times, the water has had to be cut off completely because it is not possible to treat it to make it safe. I hope in future we will be able to ensure surface sources will be replaced and all sources will be underground. A great deal of cuts in supply has been due to this problem.

Another recurrent problem, with which I am sure Members are familiar, is the lack of available water supply to service new developments. In many cases planning permission has been given for developments and they have been built and tenanted before it is discovered that insufficient water is available to supply them. I hope in future infrastructure will be provided either prior to or contemporaneously with the construction of such developments and that the Bill will co-ordinate the building of developments in tandem with infrastructural requirements, particularly water.

It takes an inordinate length of time for water schemes to be approved. The projects must go through a lengthy design and approval process in the Department before work commences. I am aware of one scheme which took ten years to be approved. Multi-annual funding and the co-ordination of schemes is required. A period of no more than three years should be specified from a scheme's conception to the commencement of work.

Such delays for new schemes give rise to a situation where existing infrastructure regularly breaks down. Not a week goes by without calls from constituents complaining of water being cut off due to burst mains. This arises because schemes which have been sent to the Department for approval are gathering dust in the Department and causing delays in the commencement of work. Cracks in pipes become endemic and put pressure on other sections of piping which leads to further breaks. This is a commonplace occurrence and is happening on an ongoing basis in the

Ballingarry-Commons-Killenaule area of south Tipperary. A further problem with existing piping is that much of it is old style and has an asbestos content. Provision must be made for the replacement of such piping.

I call upon the Minister to use his good offices to ensure local authorities dealing with water have an on-call maintenance arrangement in place. I am not aware of any local authority which has a measure in place for the repair of leaks or breaks out of hours and at weekends. It is usually a case of catch me if you can. It is great if the local plumber is available but if he is playing a match with the local football or hurling club or is elsewhere then the complaint will take forever to be dealt with.

A plan must be put in place for the provision of village sewerage schemes. It is vital that this is done as it gives rise to pollution of water courses and domestic water sources. The lack of such infrastructure is holding up the development of many villages and is delaying the provision of local authority housing in addition to private housing schemes. I hope a proper planned scheme is put in place to ensure villages are serviced by sewerage schemes in the not too distant future. I believe a start has been made in this regard but more work and resources must be put into this area to ensure villages have the necessary sewerage infrastructure.

Reference is made in the Bill to the duty of care of householders regarding water conservation. That is a welcome provision as the wastage of water should be prevented. However, I hope this duty of care will not translate into fines for wastage of water, particularly for non-deliberate wastage. Many local authorities refuse to give reductions even on compassionate grounds in cases where leaks have arisen on private property for those who pay commercial water charges. The vast majority of people ensure they conserve water and that leaks which arise are promptly dealt with. However, on occasion, leaks do not come to notice until a meter is read and in my experience local authorities insist on the full bill being paid in the interests of water conservation.

They will offer no reduction on any grounds, compassionate or otherwise. I hope this matter and the way local authorities deal with it will be changed and that the Minister will talk to them in this regard. I also hope fines will not be introduced in circumstances where there is no deliberate wastage of water.

I welcome the Bill. It is unfortunate, however, that a Bill which has taken 120 years to materialise does not deal with some of the other related matters such as water pollution and river basin management.

**Mr. Murphy:** I am pleased the Minister of State, Deputy Batt O'Keeffe is present. I also congratulate him and wish him well. I am sure he will put the many years he has spent on Cork County Council to good avail in his new position. Equally, he may understand better than other

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Ministers for the environment some of the issues I raise in the House.

In general, we welcome this legislation. It updates and clarifies many procedures, but, unfortunately, like much of the legislation introduced by this Government it does not spell out what resources will be made available. The Government has a history in this regard. It seems to believe that a raft of legislation will solve every problem. There are many examples of this. The Minister for Justice, Equality and Law Reform has introduced Bill after Bill to curb public order offences. Yet the problem of disorder on our streets continues to deteriorate. It seems the Government will not learn. Instead of introducing this volume of legislation all Ministers needed to do was honour the Government's commitment in the general election to put 2,000 extra gardaí on the streets. That would have done far more towards solving the problem than a continuous stream of legislative measures.

Again, more recently, the former Minister for Transport, Deputy Brennan, introduced the penalty points system. This worked well for a few months until drivers realised that there were no resources to successfully implement the system. There were no extra gardaí or traffic cops and with the few resources available the Garda could only hit soft targets on national roads where the least number of accidents occur. This annoyed members of the public who soon lost confidence in the system. The problem with the Government is that it introduces plentiful legislation but fails to provide the necessary resources.

We now have the water services Bill, which has been published solely in response to EU pressure. Everybody is wrong except the Government. The county and city councils are blamed for bad waste management, too many septic tanks and for the failure to manage water supplies properly because of massive wastage. There is no mention that until recently, the Government had no effective waste management strategy and had failed to provide adequate funding for its implementation. The recycling facilities are in poor condition, there are few bring sites, even fewer civic amenity sites and little or no recycling plants or proper transfer stations. Yet, the Government professes to be shocked that ground water is being polluted while the councils are doing nothing about it.

Sewerage treatment plants are totally inadequate in most of the medium and large towns and raw sewage is flowing into the streams and rivers. The local councils would have solved these problems a long time ago if the Department of the Environment, Heritage and Local Government had provided the funds. Even when the Department recognises the urgency of installing effective treatment systems, it takes years to overcome the delaying tactics that sometimes appear to be nothing other than a device by the Government to save money. The council must get the Department's permission for up to seven or eight

different steps before even the smallest of schemes may get off the ground.

The Department, An Taisce and other environmental groups tell us we must build up the towns and villages. Many of them do not have the infrastructure to cope with the demands for new development. Again, the Government professes to be shocked at how careless councils can be and how the ground water is still being contaminated. I am aware of one excellent source of water in my area, yet the council cannot account for 47% of the water that flows from it. Pipes that should have been replaced years ago are still leaking because the council has not been given the resources to replace them.

The cracks in our infrastructure in this area are beginning to show. Ireland is now a rich nation. Everyone in Europe accepts that we are doing well economically, but this is where the problem arises. We can no longer look for derogation after derogation to avoid implementing EU directives, yet after seven years of unprecedented wealth creation, the so-called Celtic tiger, the infrastructure is in many instances closer to that of a Third World country. We need to give the existing councils the resources to deal with waste management and sewage effluent as well as the finance to lay new pipes to contain the massive wastage of water.

While the Bill updates old and inadequate legislation, this in itself will not improve the situation. Section 32 refers to detailed performance standards to be prescribed in due course by the local authorities. How may an adequate performance standard be quantified? Water pressure can be a particular problem in rural areas or at the end of a line. How may local authorities guarantee an adequate standard of water pressure? Setting such standards will be costly for the councils if they are to achieve and live up to the targets that are set.

Section 44 will enable the water services authority on request to repair privately owned services and service connections that pass under private land not belonging to the owner of the premises being serviced. The provisions outlined are not strong enough. Water is a valuable commodity and the authority will not have any resources to get involved in legal wrangles or lose time while it is being wasted on a constant basis. The Minister should ensure that the authority has automatic right to access land where it knows there is a leakage or some other problem affecting water supplies. Changes such as this could save money and time for local authorities and there would be no cost to the Department.

Despite the Bill's good aspirations, in the end everything comes down to resources. The Government constantly says there are to be no domestic water charges. Long ago the Government gave the management in local authorities power to impose waste management charges. Many households saw their refuse collection charges increase by 300%. More recently they

were again doubled by introduction of the pay-by-weight system.

Water is such a valuable resource that a tracking system is necessary. To do this properly metering is necessary. It is no wonder, considering the Government's track record on stealth taxes, that people are nervous. It comes down to the resources available to local authorities, but past experience has shown that the Government is determined to force local authorities to tax locally to fund their requirements and obligations. Those requirements and obligations are placed on them by central Government without any source of funding or resources.

It is not long since the Government refused to compensate county councils for the huge cost of benchmarking or the national wage agreements entered into by the Government without concern as to how local government was to fund them. Cutbacks or extra stealth taxes were the only way the council could deal with that issue.

Let us consider recent experiences. There have been massive increases in waste collection charges. New regulations from the Department of the Environment, Heritage and Local Government pushed up costs without compensation. Funding for recycling facilities is inadequate and without adequate recycling facilities the customers — families and other users — have no choice but to pay these exorbitant taxes.

Recently the Government and the Department of the Environment, Heritage and Local Government forced local authorities to impose massive new development charges on new houses, costing from €5,000 to €20,000 in some areas for each new house built. That represents more stealth taxes to fund the Government's failure to properly fund local government. To add insult to injury, they had already increased VAT, which pushed up the price of housing and abolished the first-time buyer's grant. We now know that the Government, while claiming to be a low tax administration, has no difficulty in introducing a huge range of stealth taxes that have no relationship to the ability of an individual, a family or a small business to pay them.

That brings me to the myth that this Administration is business friendly. The failure to properly fund local authorities has had a huge negative effect on small business. IBEC and the chambers of commerce have constantly echoed this problem. IBEC clearly stated that a review of local authority funding arrangements is urgently needed as well as a system that ensures business pays only its fair share. Other services such as water charges must reflect the cost of providing the service and cannot be just another stealth tax imposed on smaller businesses.

Because of the Government's constant refusal to properly fund local authorities, small businesses in particular are paying excessive water and refuse collection charges, in addition to rates, which are far in excess of the cost of providing these services. The Government, in an effort to protect itself as a low tax Administration, forces

local authorities to impose stealth taxes on the shopkeeper and the small business.

IBEC claims that, on average, rates have risen by 30% since 2000 despite the fact that waste disposal, infrastructure development, water supply and treatment, once covered by rates, have been removed and have become a significant user charge in their own right. Companies are paying more and getting less for their rates every year. IBEC rightly claims that these stealth taxes will damage the business sector as they are unsustainable, inequitable, punitive and lack transparency and value for money.

Like many other objectives of the Government, aspirational legislation will not solve the problems we face. This type of legislation lays out the path to achieving the objective but without the resources, it is toothless. Local authorities are to be the water authorities but they cannot carry out the Minister's wish list without resources. Without the resources, this Bill is just another showpiece which will have no real effect on either the supply or the quality of water.

**Ms Lynch:** We all recognise and appreciate that the supply of clean water is essential for life but it appears it is now essential also in the world of commerce. We get so much from it. If this legislation, which is long overdue, was just about the supply of clean water or how that supply is managed it would be welcome but I have been listening to the debate since it began yesterday and I would like people to take note that on Tuesday, 5 October, Deputy Gilmore spoke on the Bill on behalf of the Labour Party. Anyone who knows anything about local government and the environment will be aware that Deputy Gilmore is considered, in political circles, to be one of the most informed people on that issue. When he speaks about legislation I usually take note. Yesterday, he said that, in the main, this is fairly boring legislation of which people would not take much notice. I listened to speaker after speaker talk about rural water supply and not being connected to a mains supply.

Four minutes from where I live there is what could be considered a substantial village of approximately 30 houses on the only main street, which are still not connected to a mains water supply. They are all using wells and septic tanks. Those people are anxious to be part of the system on which the rest of us, in the main, rely. It was not the local authority but lack of funding which ensured that those houses still have not been connected. That is something we should seriously examine because the type of septic tanks being used now are dangerous in terms of the ground water supply. The older type septic tanks were better, as a friend of mine highlighted when he took me on a detailed tour about a year ago. One need never go back to them and they should not interfere with ground water provided they are installed in the proper manner. That is the type my friend has, and he is very proud of it. The type of septic tanks being installed now, however, are

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inclined to overflow, rain water gets into them and various problems arise with them.

Most of us would consider speaking on this legislation to be a duty rather than something one would enjoy coming into this House to debate. I believe I speak for everyone on that. It is something that has to be done and the Opposition has to keep its end of the bargain, but having listened to Deputy Gilmore's contribution I discovered it is far more than boring legislation.

I would like to give the House some history in respect of water charges in Cork city. When they were first introduced there was huge opposition. There continues to be huge opposition to charging for water but I remember the campaign that was run, in which I was involved. I recall contractors being employed by the local authority to dig up what is commonly known as the stopcock outside people's houses and break their supply of water. The people in the houses would employ a plumber to reconnect the supply and the following week the council contractors would return to go through the same process and finally pour cement into the stopcock to ensure that people could not access it. That was not pleasant and it did not go as smoothly as I suggest, as the Minister probably knows. Some people never quite recovered from the experience. It was not as if no one in the houses relied on water. These were families with young children, and members who were elderly or sick. Cutting off the water supply does not only prevent people from making a cup of tea. In the main, they no longer have a heating system and they cannot cook or wash. We all would rather not undergo that experience.

One can compare the proposals in the Bill with the developments in regard to refuse charges. This topic is close to my heart because last Wednesday my phone started to ring as Cork City Council sent out letters about refuse charges for 2004, almost at the end of the year. Until last year Cork City Council had a very generous waiver system whereby people on social welfare — there are few enough of them as the Minister for Social and Community Affairs can tell us — did not have to pay refuse charges. Most of those receiving social welfare are sick, elderly, or lone parents, none of whom produce much waste, unlike a family of ten. Last year, if there was someone in a household receiving social welfare a quarter of the second income in the household was taken into account in setting service charges. This year because the manager can now proceed independently the method for assessing income has been changed. Has anyone been told this? The entire second income is being taken into account which pushes everyone over the threshold.

One 85 year old woman received a letter in response to her waiver form telling her that she would not get a sticker this year, her bin would not be collected and she owed Cork City Council €355. In panic she paid. Had she argued she would have won the day but she panicked. An

elderly couple, both receiving the old age pension, with an adult son who suffers from extreme depression, is now over the limit and must pay €355. That is not much money to the Minister or me but to someone on a very limited income, €7 per week must come from a budget and cannot be afforded.

Considering all that I have said about the transfer of power from councils to managers, which seems to be the Government's intention in virtually every sphere, the Bill, when passed, will permit water services to be privatised without any further authority from Dáil Éireann. It will also allow water service providers — I am assuming at some stage the Minister will insert the phrase "whomever that may be" — to charge for water. This worries me. Why should not the local authority do it?

Although the Minister protests that water charges are not being introduced, the Bill provides a way around the 1997 Act. It will allow for the introduction of the metering of water and sewage disposal. Many Deputies say water is a valuable resource, which it is, and we must know where it is going and whether it reaches its destination but in some instances it does not. That is not due to leaks but because of roads being washed away and uncontrolled leaks. Most local authorities can give a very good daily estimate of how much water they lose through leaks. That is what they do. I do not understand, therefore, why it must be metered except for commercial users. However, why would domestic water users be metered unless one wanted people to pay for it?

Some years ago I watched an ITV documentary about the introduction of metering in the home by the British Government under Mrs. Thatcher. It showed families who were not on social welfare but on very limited incomes bathing three children at a time because they could not afford to bathe them individually. They were constantly warning the children not to drink too much water. Surely we should be saying drink more water and less Coke if we are serious about the health of our children.

This Bill introduces metering of water and sewage disposal. It authorises water service providers to tell householders how much water they may use and if necessary, to ration it. It will allow further EU water legislation to be implemented without legislation being brought before this House. It is wide-ranging and powerful and the Minister should think very carefully before drawing down the wrath of people on his head again. It will empower county managers to make and amend strategic water service plans without any public consultation and without seeking the approval of the elected councillors. County managers are becoming very powerful people. Soon they will be more powerful than the Minister.

**Mr. Roche:** They already think they are.

**Mr. F. McGrath:** The Minister had better watch his back.

**Ms Lynch:** They know they are. The Bill will permit water service providers to dig up public roads without having to get a road opening licence. They will require only the consent of the National Roads Authority, a function that was always part and parcel of local government.

The Bill makes individual householders legally liable for the quality of water coming through their domestic taps while it indemnifies the Minister, the city and county council and water service providers, whomever that may be, for any fault on their part. In other words, the water service provider may poison one and one can do nothing about that because it is indemnified. A few years ago there was an incident in which one of the main water supplies on the north side of Cork, where the water was pumped uphill, under pressure, burst very early one morning. It was the luck of God that no one was killed because the water came back down the hill at such a rate it washed entire houses away. The local authority took responsibility and indemnified people for the loss of property. The Bill removes such indemnities.

Section 29 states that nobody can take a legal action against "the Minister, a water services authority or other prescribed persons" arising from any failure to provide water or to fulfil their function under the Bill. Similar immunity is being granted to their officers and employees. Section 56(12) states: "Liability shall not accrue to a water services authority arising from any consequence of the restriction or cutting off of a supply of water in accordance with *subsection (11)*." People need to take another look at the Bill because it is not as inoffensive as it appears. Today, people are being warned. The Bill is designed to reintroduce water charges and to introduce the metering of water in individual homes. It is intended to remove a key function of elected local government and transfer it to city and county managers. It involves far more than it purports to involve.

People need to take this legislation extremely seriously. It is another rod licence Bill and the Minister knows what were the consequences of that legislation. In my view, he needs to give serious consideration to it. I accept that he has not been in his job for a long period and, in some instances, ignorance can be a defence. However, the civil servants sitting next to him know what is in the Bill because they have given it careful consideration and scrutiny. As was stated at another time and in another place, perhaps the Minister is just not asking the right questions. His civil servants definitely know the answers. Anyone who votes in favour of the Bill or allows it to go through on the nod will live to regret their actions.

**Mr. F. McGrath:** Before dealing with the legislation, I wish to congratulate the Minister and wish him well in the future in his new job. I welcome the opportunity to contribute to the debate on the Water Services Bill 2003. This is an important Bill because it deals with a vital com-

modity and national asset, namely, water. We often take this commodity for granted and, sadly, the great old song, "Only Our Rivers Run Free", is no longer true in light of massive pollution and abuse of water systems. In discussing this legislation, it is important to broaden the debate and not walk away from dealing with tough decisions regarding water and water services in general. Water is a great national resource and must be protected at all costs. Like Deputy Lynch, I have major concerns about the legislation.

The central aims of the Bill are to facilitate a more coherent expression of the law as it relates to water services by means of a single enactment which will represent a comprehensive legal framework. It will develop a modern and progressive approach in respect of the sustainable management of water services. It aims to strengthen the administrative arrangements for planning the delivery of water services at local and national level. It is also designed to introduce a new licensing system and regulatory framework for group water services schemes in order to assist in their development and address water quality problems in the sector.

The Bill also provides that what are currently sanitary authorities will become water services authorities, defined in terms of county and city councils in so far as the delivery of water services is concerned. Each water services authority will be enabled to provide water services within its functional area and, with the consent of the relevant authority, outside its functional boundaries. Such services must be in accordance with "prescribed standards", which is the key phrase. We must guard and protect those standards.

When dealing with the Bill, we must also focus on the issue of pollution and public safety. Section 30 sets out the functions of the Minister in respect of water services. It places on the Minister the duty to facilitate safe and efficient water services and associated water services infrastructure and gives him or her responsibility for the supervision of the performance by water services authorities of their functions under the Bill. It also provides for the planning and supervision of investment in water services. It is essential to place strong emphasis on the words "safe" and "efficient".

The sad reality is that many water schemes are under pressure as a result of pollution and of neglect by successive Governments. However, I welcome section 36 which requires each water services authority, every six years, or less, if necessary, to make a water services strategic plan for its functional area and submit it to the Minister for approval. This will deal with appropriate responses and protect human health.

Section 38 deals with the issue of making copies available, which again highlights the need for accountability, transparency and openness. Section 51 enables a water services provider to interrupt services for maintenance purposes or where there is a risk to human health and the environment. Interruptions will be subject to

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reasonable prior notice and services will be restored as soon as possible. I hope this section will work. However, the reality is a different story. I regularly witness major problems involving burst pipes and water mains, water being switched off with proper notice being given and schools being left without water. This has happened in my constituency on many occasions. These types of complaints must be dealt with in a professional manner.

Part 4 deals with waste water. Section 60 requires all water service providers to keep their waste water works in good order. We have seen the destruction of Lough Derg, which spans counties Tipperary and Clare, and the pollution of Dublin Bay. At present, Dublin City Council is attempting to clean it up. However, there are others who want to destroy and fill in the 52 acres of the bay. As a representative for Dublin North Central, I will fight this project to the end. I am standing by my commitment to the people of Clontarf to save the bay from further disruption. The tradition of Seán Dublin Bay Loftus in respect of this issue goes on in the 29th Dáil and it is particularly relevant to this debate. Saving and cleaning up Dublin Bay is important to the vast majority of the citizens of Dublin and the State and not merely those who live in Clontarf.

I pay tribute to the people of Drumcondra, Richmond Road, Clonturk Park, Gracepark Road and Fairview who suffered a horrific nightmare and damage to their homes following the Tolka River floods. It was a particularly difficult time for all of these people. Not only did they suffer damage to their homes but they also encountered major problems with insurance following the floods. We all worked hard together to resolve these issues and it is hoped that the Tolka River, after major works and investment, is now safer for all of the residents. Governments and city councils have a duty to protect and look after citizens who live adjacent to seas and water systems. That is why I have raised this issue.

As regards water services and the question of public health, it is also appropriate to raise the question of fluoridation. Water fluoridation is the practice of adding compounds containing fluoride to the water supply to produce a final concentration of fluoride of one part per million in an effort to prevent tooth decay. Trials first began in the US in 1945 but before any of these were complete, the practice was endorsed by the US public health service in 1950. Since then, fluoridation has been enthusiastically and universally promoted by US health officials and officials in this country as being safe and effective in fighting tooth decay. However, most countries worldwide have not succumbed to America's enthusiasm for this practice and their people's teeth are just as good as those of US or Irish citizens. I have major concerns about this matter and it is important to raise it in the context of this debate on water and water services.

Fluoride is not an essential nutrient. No disease has ever been linked to fluoride deficiency. Humans can have perfectly good teeth without fluoride. Fluoridation is not necessary. Most western European countries do not fluoridate their water and have experienced the same decline in dental health decay as the US. Fluoridation's role in the decline of tooth decay is in serious doubt. The largest survey conducted in the US of more than 39,000 people from 84 different communities by the National Institute of Dental Research showed little difference in tooth decay among children in fluoridated and non-fluoridated communities. This was from a report by Hileman in 1989. According to the NIDR researchers, the study found an average difference of only 0.6 DMFS, which means decayed missing and filled surfaces, in the permanent teeth of children aged from five to 17 residing in either fluoridated or non-fluoridated areas. The difference is less than one tooth surface. A child's mouth has 128 tooth surfaces. I raise this issue in a debate on water in the interest of health and safety.

Where fluoridation has been discontinued in communities from Canada, the former East Germany, Cuba and Finland, dental decay has not increased but has decreased. There have been numerous recent reports of dental crises in US cities, for example, Boston and New York, which have been fluoridated for more than 20 years. There appears to be a far greater relationship between tooth decay and income level than with water fluoride levels. Modern research, particularly reports from 1986 and 1998, shows that decay rates were declining before fluoridation was introduced and have continued to decline even after its benefits would have been maximised. Many other factors influence tooth decay. Some recent studies have found that tooth decay increases as the fluoride concentration in the water increases.

Despite being prescribed by doctors for more than 50 years, the US Food and Drug Administration has never approved any fluoride supplement designed for ingestion as safe or effective. Fluoride supplements are designed to deliver the same amount of fluoride as ingested daily from fluoridated water. The US fluoridation program has spectacularly failed to achieve one of its key objectives, that is, to lower dental decay rates while holding down dental fluorosis, a condition known to be caused by fluoride.

The level of fluoride put into water of one part per million is up to 200 times higher than normally found in mothers' milk, which contains between 0.005 and 0.01 ppm. There are no benefits, only risks, for infants ingesting this heightened level of fluoride at such an early age. Fluoride is a poison. On average, only 50% of the fluoride we ingest each day is excreted through the kidneys. The remainder accumulates in our bones, glands and other tissues. If the kidney is damaged, fluoride accumulation will increase and with it the likelihood of harm. Fluoride is very

biologically active, even at low concentrations. It interferes with hydrogen bonding and inhibits numerous enzymes. Fluoride forms complexes with a large number of metal ions which include metals like calcium and magnesium which are needed in the body and metals like lead and aluminium which are toxic to the body. I raise these issues in the interest of public health. Rats fed for one year with 1 ppm fluoride in their water, using either sodium fluoride or aluminium fluoride, had morphological changes to their kidneys and brains, an increased uptake of aluminium in the brain and the formation of deposits which are characteristic of Alzheimer's disease. I am not scaremongering; I am just pointing out these matters. These data are based on international research.

Animal experiments show that fluoride accumulates in the brain and exposure alters mental behaviour in a manner consistent with a neurotoxic agent. Rats dosed pre-natally demonstrated hyperactive behaviour. More recent animal experiments by Wang in 1997 have reported that fluoride can damage the brain. Five studies from China show a lowering of IQ in children associated with strong fluoride exposure. These are issues we must address.

The only US Government-sanctioned animal study to investigate whether fluoride causes cancer found a dose-dependent increase in cancer in the target organ, that is, the bone, of the fluoride-treated male rats. The initial review of this study also reported an increase in liver and oral cancers. However, all non-bone cancers were later downgraded, with a questionable rationale. A review of national cancer data in the US by the National Cancer Institute revealed a significantly higher rate of bone cancer in young men in fluoridated versus non-fluoridated areas. This information comes from the Hoover report of 1991. While the NCI concluded that fluoridation was not the cause, no explanation was provided to explain the higher rates in the fluoridated areas.

A smaller study from New Jersey, the Cohn report of 1992, found bone cancer rates to be up to six times higher in young men living in fluoridated versus non-fluoridated areas. These serious matters must be investigated from an environmental and health point of view. Fluoride administered to animals at high doses wreaks havoc on the male reproductive system. It damages sperm and increases the rate of infertility in a number of different species. This information is again based on international research.

When it comes to controversies surrounding toxic chemicals, vested interests traditionally do their very best to discount animal studies and quibble with their findings. In the past, political pressures have led US Government agencies — I am concerned about our Government — to drag their feet on regulating materials such as asbestos and dioxins. With fluoridation we have had a 50-year delay in dealing with the matter. Unfortunately, because Government officials have put so much of their credibility on the line defending flu-

oridation and because of the significant liabilities waiting in the wings if they admit that fluoridation has caused an increase in hip fracture, arthritis, bone cancer, brain disorders or thyroid problems, it will be difficult for them to speak honestly and openly about the issue. However they must do so, not only to protect millions of people from unnecessary harm but also to protect the notion that, at its core, public health policy must be based on sound science, not political expediency. They have a tool, the precautionary principle, with which to do this. Simply put, this says: "If in doubt, leave it out."

While we constantly get lectures from Ministers about what other EU countries are doing, most European countries do not fluoridate their water and their children's teeth have not suffered, while their public's trust has been strengthened. Just how much doubt is needed on just one of the health concerns identified in my speech today to override a benefit which, when quantified in the largest survey ever conducted in the US, amounts to less than one tooth surface out of 128 in a child's mouth? Some will call for further studies and I would be quite happy to see those carried out. I respect the dedication of researchers, particularly in the dental and medical field. However, we should take the fluoride out of the water first and then conduct all the studies we want. This folly must end without further delay. I raise these issues in the context of the discussion of water services as addressed by the Bill.

Section 70 of the Bill places a duty of care on occupiers and owners to ensure that waste water from their premises does not cause nuisance or risk to human health or the environment. It also prohibits discharge of anything to a drainage system which would block or damage it or adversely affect a waste water treatment process. Discharge of any polluting matter to a sewer providing solely for storm water is prohibited. I welcome this section. However, I emphasise the need for caution when dealing with waste water. We have seen the untold damage to our rivers streams and communities and to people's health. We need further research on this matter. The jury is out on the causes of many modern diseases and water must be closely monitored. As someone who was elected on a health and disability ticket, I regard these matters as quite relevant to this debate on water.

The section of the explanatory memorandum dealing with staffing and financial implications states:

It is not possible at this stage to estimate the overall cost of implementing this Bill. The Bill itself is in large measure a consolidation and update of existing legislative provisions, and therefore, is not expected to have significant additional cost implications.

Much of the inflationary pressure on water services costs arises from the knock-on effect of the investment in new infrastructure under the National Development Plan, to meet EU regulatory requirements. While the Bill pro-

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vides for the necessary powers and duties to underpin this investment, the resultant increase in expenditure is unavoidable, and would arise in any event.

That is the reality, but I would like to see more figures and more costing. The explanatory memorandum continues:

Similarly, the Bill itself is not expected to have any significant staffing implications for the Minister's Department. Such future increase in demand as may occur will derive from more stringent EU regulatory requirements for monitoring and supervision, and is intended to be met from rationalisation of existing resources in the first instance.

When I hear the word "rationalisation", I worry about staff, services and the quality of services. I hope it does not lead to cuts. The explanatory section of the legislation also states:

Certain additional costs will accrue to water services authorities from the implementation of licensing requirements under the Bill. However, it is not possible at this stage to quantify these, as such an exercise must await the preparation of detailed regulations to give effect to the system, and resulting consultation with water services authorities.

The memorandum is somewhat open and windy. It is essential that we be given some indication of the cost of providing water services. The people demand accountability, efficiency and honesty from those involved in water services infrastructure projects. We need to know the approximate cost of providing water services.

A number of Deputies have asked if this Bill is opening the door for water charges. Are their fears justified or are they engaging in scaremongering?

**Mr. Roche:** It is scaremongering.

**Mr. F. McGrath:** I am glad that the Minister has said on the record of the House that the door is not being opened for water charges. I do not think water charges should be introduced under any circumstances. People who work every day pay their taxes and do their best. They are paying for their water and their refuse collection. They should not have to pay again under any circumstances. This issue is linked to the overall debate. I welcome the positive sections of the Bill, but I have concerns about other parts of it. I will examine the issues which arise in such parts at a later stage. Water is an important commodity. This country is fortunate that it has enough water because of its climate. We need to ensure that the water we use every day is safe for the people of this country, including our children.

**Mr. Stanton:** I congratulate the Minister, Deputy Roche, on his appointment.

**Mr. Roche:** I thank the Deputy.

**Mr. Stanton:** I am sure he is sick of people congratulating him at this stage. I wish him well. I hope Members on this side of the House can debate many issues under the Minister's remit with him in a constructive and challenging manner.

A great deal of work has gone into this complicated Bill. I pay tribute to those who have been working on it as it cannot be easy to tie all the pieces together when legislation is being constructed. As Deputies, our job is to take an overview of the Bill and to comment on it. I am happy to do so in the few minutes available to me.

Deputy Finian McGrath concluded by speaking about the importance of water. Irish people sometimes take water for granted. I have read that the average supply of water per person worldwide is expected to decrease by one third over the next 20 years, as agriculture becomes more intensive and industry and population increase. Waste management is not keeping pace with such developments. Climate change will also have a global impact in the years to come. While Ireland does not have a problem with water, some 1.2 billion people throughout the world do not have access to safe water. Of a global population of 6.2 billion, some 2.4 billion lack sanitation facilities. Irish people take it for granted that clean, fresh and drinkable water will come out of a tap when they turn it on. In some countries, the water which comes out of the tap is so contaminated that it is not even good enough to brush one's teeth with. We are quite fortunate in this country.

According to the UN world water assessment programme, no improvement in the proportion of people in the least developed countries with access to water was made in the last decade. Water is not piped to the homes of many people in Europe, especially in the new EU member states. Ireland is fortunate to have fresh water generally. The main function of the Bill before the House is to protect and improve the provision of fresh water to houses as well as dealing with waste issues.

As a medical doctor, the Ceann Comhairle might be interested to know that the number of children throughout the world who have died from diarrhoea in the past ten years is larger than the number of people lost to armed conflict since the Second World War. The diseases which kill such children are water-borne generally. We need to ensure that we continue to protect water supplies from pollution. I welcome the Bill's measures in that regard.

I welcome the legislation's application to many EU directives. I understand that the Commission has sent a warning to Ireland about urban waste water treatment. Perhaps the Minister will clarify the matter. I understand that other member states, including Portugal, Spain and the United Kingdom, have received similar warnings. I would welcome an explanation of the impact of

the Bill on the urban waste water treatment directive which addresses nutrient-based and viral pollution caused by urban waste water. I would be interested in acquiring further information about that matter.

The European Union recognises water as being non-commercial. The preamble of the water framework directive states that "Water is not a commercial product like any other but, rather, a heritage which must be protected, defended and treated as such." I have quoted from the directive in the context of the debate on water charges. We are familiar with what happened in England and Wales when the system was privatised and water charges were introduced. It went wrong; it did not work. The privatisation of water supply did not bring about greater efficiency. Fixed costs dominate and little potential is left for efficiency. As other speakers have done, I ask the Minister to clarify this situation.

The Bill contains many sections dealing with meters and metering. I understand that there is a need for monitoring, but it seems that building regulations demand that every new house should have a meter. There is a fear that such meters could be used in future to impose charges for the consumption of water. The Minister might inform us whether the Bill gives him, or the water authorities, the power to impose such charges. I am glad that the Minister is shaking his head. It was not clear from my reading of the Bill whether that was the case.

**Mr. Roche:** I assure the Deputy that separate legislation would be required to change the law in that area. I said that earlier and I will reiterate it in my concluding remarks.

**Mr. Stanton:** I thank the Minister for his useful assurance. Water management must be open to scrutiny by citizens, public influence and participation by stakeholders. Will the Minister consider amending the Bill to ensure that all relevant data, including quality and quantity data, leakage rates, short-term and long-term budgets, water resource protection activities, service quality information and network investments information are made available? I take it that the water authorities will be the county and city councils. In his response, the Minister might clarify whether the work they do under this Bill will be open to scrutiny under the Freedom of Information Acts. How will citizens be able to access information such as that to which I have referred? It is important that such data be known. The Bill also includes provisions for collecting data. Although it is not mentioned, I assume such data will be covered by the Data Protection Acts. Perhaps that needs to be stated in the Bill.

I have a concern about an issue that seems to be falling between several stools. I have raised the issue in a parliamentary question. It is not in the Bill, and I know that the Minister said that it covers water in the pipe. However, there may be an opportunity to cover the protection of aquifers

in the State. I note that a process of mapping aquifers is ongoing. Everyone realises that they are very important. They are very large deposits of gravel and sand that filter water that comes from underground streams and so forth. The aquifers filter and clean the water.

Unfortunately, they are also very valuable deposits of sand and gravel. I have a very large aquifer, and there are several rivers, streams, wells and so on that start in it. It acts as a filtering system. If a commercial company goes in and starts mining that gravel, one loses one's natural filtration system that has probably existed for hundreds of thousands of years. When I asked a parliamentary question on this on 10 June 2003, the response, which I welcome, spoke of protecting groundwater against pollution. I was told that it was an offence for a person to cause or permit polluting matters to enter waters, including an aquifer. I also refer to Question No. 883 of 29 January 2003. I was concerned about aquifers being mined and, for want of a better word, destroyed, by gravel and sand companies. The local authorities do not seem to have any power, and they are not taking it seriously enough. Once those aquifers are taken away, they cannot ever be replaced.

Other countries, particularly the United States, have taken an extremely serious view of the matter. Perhaps the Minister might ask his officials to examine the aquifers across the country and commission reports on what state they are in. Are they currently being mined or destroyed? Are sand and gravel being extracted, and, if so, is it in his power to put a stop to it? I believe that it is. Once sand and gravel is extracted the damage cannot be undone.

I have a few points that I would like to raise on the Bill itself. Section 29(1)(b) refers to "a restriction of the provision of water services in a manner which is reasonable for the performance of any functions under the Act". I would like to know who defines what is "reasonable". It is probably a simple enough matter, but it stood out when I was reading the Bill. Section 30(8) states:

The Minister may make regulations for the purposes of *subsection (7)*, without prejudice to the generality of which, may provide for public notification and consultation procedures and general requirements in relation to the service of a compliance notice.

In several places in the Bill, including section 51, temporary interruption to water services is mentioned. What is in the Bill is quite welcome. Notices must be given in newspapers, on radio and television, or advertised in any such manner as the Minister may direct. I am sure the Minister is aware that very often such public notices appear in newspapers, and I am not sure that people read them at all. They may miss them. I have come across instances where the water has been cut off and people did not know it was going to happen, with the result that it caused them ter-

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 ribe inconvenience. The local authority might very well — I am sure they always do — give notice in the proper manner prescribed, which is a little column at the back of the local newspaper that no one reads.

I ask the Minister to re-examine the issue and see if there is any other way of informing people that the water will be cut off in an area. It may only be one housing estate. The ESB always sends a written notification to every house involved. Where the ESB is concerned it is a matter of life and death because of the danger of electricity. However, surely the same notice might be possible in terms of water supply. Every house could receive a written notification in advance, such as a postcard, saying the water will be cut off on such a day for a given period. People would then know. Some have small babies, and there are households where two parents work. They come back in the evening and find no water, or they put on washing machines or dishwashers and find they get damaged. It is a small point, but perhaps the Minister might consider it and beef up the provision in the legislation.

There is another strange reference in section 30(4)(k), which states the Minister may “seek such information or data from any person whom he or she considers to have such information or data”. That seems very open and a little unclear. Perhaps that should be re-examined.

Section 31 deals with the powers of a water services authority, saying in subsection (2) that “Subject to regulations made under subsection (3), a water services authority may provide water services or supervise the provision of water services by other persons”. It goes through a list taking account of aspects of public policy. Subsection (2)(c) mentions “relevant regulations and other statutory provisions made by the Minister [this is the curious part] or the Parliament and Council of the European Union”. I am sure the Minister will correct me if I am wrong, but I thought regulations or statutory provisions made by the Parliament or Council would have to be transposed into Irish law before they could become law here. The section seems to indicate rulings apply to Irish law without being specifically transposed. Perhaps I am wrong, but it seems curious.

Subsection (4) states “A water services authority may not provide water services or supervise the provision of water services if doing so is inconsistent with any of the public policy issues specified in subsection (2)(a) to (l).” That is a very powerful statement. I can see the reason for it, but it is fairly heavy. Subsection (10) states “A water services authority may provide assistance to any water services provider to facilitate the provision of water services.” What kind of assistance, and who decides? Once again, it is left undefined. I welcome the subsection, which is good, but it seems a little open.

I also welcome the fact that recognition is made in section 32(3)(r) of “measures to facilitate the provision of water supplies for firefighting”,

which is very often overlooked. It also mentions strategic plans and so on, which are in the Bill. One issue, which other Deputies may already have mentioned, is that the pace of house building has outstripped the ability of local authorities to provide water. There have been several instances around the country where the infrastructure has not been adequate to supply houses. People with electric showers and so on have not had the requisite water pressure. I have seen cases where water pressure is much reduced on a Sunday morning, since everyone is having a shower together, and there is no water.

**Mr. Roche:** Not together in the same shower at the same time, but in different ones.

**Mr. Stanton:** The Minister is very observant. That is why he is a Minister. Well done.

At any rate, it appears the infrastructure is not adequate to cater for the high demand. Perhaps the Minister might talk to the local authorities to discuss whether it is right to provide planning permission for hundreds of houses, have them built, and allow people to live in them without water. I am told the development charges fund the water supply. If that is the case, one is building houses, putting people in them, taking the money and then installing the water. That is putting the cart before the horse. Surely the infrastructure should be installed before the houses. Perhaps there is something for the Minister to examine there with regard to the provision of water. I know it is a strategic plan, but I am talking about the finance, since the local authorities do not have the money to do it beforehand. My understanding is that they are building houses, getting the development charges, and then getting a grant from the Department to install water services. In the meantime hundreds of families have no water. In one area I know of, the water supply stopped last Christmas over a period of three days. The other problem is that when the pressure on the pipes is increased, they break, and there are leaks. It is a mess.

Page 39 of the Bill is concerned with procedures for dealing with consumer complaints. The Minister should look closely at that area. I referred earlier to holiday periods. Like many other people throughout the country, I know that over Christmas the water supply system invariably breaks down, or there is a sewage leak. That happened on St. Stephen's day last year in an area I know. Sewage began flowing down the street, and the people living there found it impossible to contact the local authority. The Minister should insert a provision for every local authority to have a 24-hour emergency number in the case of water supply breakdown or sewage leaks, especially over holiday periods, when such breakdowns or leaks always seem to occur. People should be able to phone someone for help and an emergency team should be available to fix the problem.

Almost every Christmas I am contacted by people telling me their water supply has failed, and asking if I can help. I cannot, but when I try to find someone who can, it is very difficult. I am sure the Minister has had the same experience.

**Mr. Roche:** One can contact the Deputies but not the engineers.

**Mr. Stanton:** On page 49 of the Bill it is stated that a water services authority may contribute to the cost of the maintenance or renewal of a connection or part of it by another person to such an extent as it may decide. One might have a situation whereby different water services authorities might have different codes of practice, so that provision seems vague. I welcome its presence but it may need to be tightened up.

I am almost certain that the Bill does not cover private wells. Section 54 provides that the owner of a premises shall ensure that the internal distribution system of a premises is sufficient for and maintained in such a condition as to ensure that water intended for human consumption meets the prescribed quality requirements in the tap or taps used for that purpose. If someone turns on a tap and the water which emerges is not suitable, how can the owner be responsible when the water comes from elsewhere? This could also be construed as meaning that someone in a private house with a private well might also be liable in this regard. I am not sure. It seems unlikely, but it should be made clear.

Conservation of water is also mentioned, and the Bill refers to people wasting water and so on. Would the Minister consider an awareness raising campaign for conserving water? He might insert in the Bill a provision that water authorities should raise public awareness. One of the European directives noted that Ireland falls down in terms of raising awareness of the need to conserve water. That is important.

The use of waste water was mentioned by colleagues. It was noted that water running off the roofs of houses could be collected and used for flushing toilets. There are also two-flush toilets, with two buttons.

The Minister will be very busy if he is to bring in all the regulations in this Bill, though some of them may have been brought in already. An entire section of the Department might be needed to attend to this aspect.

Much building has taken place on flood plains, which leads to flooding. Being in charge of environmental matters, the Minister might look at that area and ensure that flood plains are not built on. Fluoride, an important issue about which I have concerns, has also been mentioned. Chambers of Commerce of Ireland is also worried about increased costs of water for businesses, and the Minister might allude to that.

**Mr. Connaughton:** I too welcome the Minister and I hope he will have a good run in the Custom House. He will certainly have a busy one.

**Mr. Roche:** I can see that.

**Mr. Connaughton:** I have contributed in this House over many years on matters relating to water. I ask to be forgiven for being somewhat amused by these matters. I have no doubt that the intention of the Bill is to ensure that the public get a better water supply of better quality water at a time when they need it. However, I have been listening to discussions on this matter for many years, and I notice that whenever new legislation or recommendations come from the Department of the Environment, Heritage and Local Government, the term always used is "strategic management". Our efforts at strategic management will have to be better in the future than they have been in the past, because I have seen the most amazing botches. I do not know who was making the rules, who did the ground work, the drawings or the scheme specifications, but modern-day requirements have not been met.

As has been stated *ad nauseam* over the past day or two, this is a very important debate. I want to bring a number of issues to the Minister's attention. Nearly everything that could be said about water has been said so far, but the issues differ in different parts of the country. The Minister went to great lengths to ensure that every Deputy understood that this has nothing to do with privatisation. I take him at his word.

**Mr. Roche:** On charges.

**Mr. Connaughton:** Yes. Nevertheless, if everything contained in the Bill comes to pass over the next few years, it will be a lot easier to privatise the water supply. All the steps suggested to ensure privatisation of the supply would have been taken. That matter is for another day, but it a little like Aer Lingus and its affairs being put in order.

Getting water to flow from A to B, from the source to where the customer wants it, is an engineering problem. It largely involves pipes on the ground, gravity flow systems from towers, pumping and so on. I am not an engineer, but I spend a lot of my time dealing with water and its problems. For many years I have been a trustee of a group water scheme, and as far as delivery of water is concerned I have seen everything possible that could happen. This has nothing to do with the Minister, who has just arrived in the Department, but what I cannot understand is that despite having Ministers of all types down through the years with responsibility for the environment, we could not manage to put water through a pipe in every townland and village in Ireland. We still have not done so, and there remains a lot of work to do.

What we decided to do a few years ago was worse. Again it involved "strategic management". It is nothing new to see a few parishes in rural Ireland getting a fine, good quality water scheme, often at great cost to the taxpayer and to the parishioners, and then, a year or two later, to see one

[Mr. Connaughton.]

or two parishes in that area water-locked. The engineering specification would have ensured that the pipe narrowed so much that there was no room to allow the water to continue on to the next two or three parishes. The Minister has probably seen this also happen in Wicklow.

I can think of a place called Ballygar on the Galway-Roscommon border where more than £1 million was spent on a wonderful scheme.

**Mr. Roche:** I know it well.

**Mr. Connaughton:** The Minister will know it much better while he is in the Custom House because it is coming his way.

**Mr. Roche:** I married in that area.

**Mr. Connaughton:** The Newbridge regional supply scheme brought water to 300 to 400 houses. However, for some unknown reason it was decided that Ballygar would not benefit from this, although it cost more than £1 million. This is what I mean by bad strategic management. While I hope the Minister will not be in office for too long, he will be remembered if he manages to overcome difficulties such as that at Ballygar, Loughrea and elsewhere.

**Mr. Roche:** And then drain the Shannon.

**Mr. Connaughton:** We will not mention the Shannon as this is a serious debate. Loughrea town has a population of 6,000 to 7,000 and a huge lake suitable for pumping. However, for 25 years there has only been talk about pumping water to Kilreekill and Craughwell. I attended a recent meeting in Kilreekill where 100 people have an inadequate water supply. A major water project is planned for 2006 for Loughrea town but the adjoining town is to be left out, which is another example of bad strategic planning. I hope the Bill addresses this and forces local authorities to take a wider view of their actions. Even if it were to take longer, the water would go to the right places.

With regard to section 30, the Minister spoke about his duty to facilitate the provision of safe and sufficient water. What had he in mind when he referred to a statutory consultative group? Water monitoring committees are already a part of the local authorities and, in addition, there are also area meetings of county councils. Will all the stakeholders be involved in such consultative groups? If so, will the consumers, the users of the water, be involved? The Minister should explain the composition of the consultative groups. We have no shortage of consultative groups but we need an overall plan and money invested to do the job.

The Minister stated that some €4.4 billion has been allocated in the national development plan to water services generally. He also referred to the influence of the public private partnerships and their first cousin, the design, build and oper-

ate, DBO, schemes. I am involved in several design, build and operate schemes under way in County Galway. A financial allocation was made available by the Department almost three years ago and the local authority was informed that the money was available, subject to getting the DBO scheme under way. Three years later, not one hole has been dug in any of the villages involved — Kilkerrin, Dunmore and Leenane — which are grouped together for the purposes of the DBO sewerage scheme. Can the Minister fast-track this DBO scheme? I could accept if on one occasion it took time to tease out difficulties at the start of a scheme. However, a project with a DBO scheme as its core principle will have set rules and specifications. All that could change would be the partners involved and perhaps the size of the project. However, the core principle of the scheme would remain the same. Will the Bill expedite that system as it has been extraordinarily slow to date?

I assume the same applies to public private partnerships, although I have no personal experience of these despite discussing the issue at the Committee of Public Accounts on a number of occasions. Is there a template of a successful project which could be used elsewhere so that each local authority does not reinvent the wheel and find out for itself? Years have been wasted for no reason, as the Minister will agree.

**Mr. Roche:** It is a good point.

**Mr. Connaughton:** With regard to the EU directive governing drinking water quality, the EU, to be blunt, has put in the boot and we have a long way to travel in a short time. However, it is important to note that water quality is improving. Given the significant investment in sewerage schemes and the efforts of the farming community through the rural environment protection scheme, the level of pollution has been dramatically controlled. The Minister should ensure such schemes continue because they are bearing fruit. As I understand the timetable, we will not satisfy the requirements of the directive unless the Government produces a much greater injection of funding for capital projects next year. We know where the water must go and I hope the relevant plans have been drawn up as enough money has been spent on consultants to put water in every house in the country. We need a higher level of spending and await the Government response.

**Mr. Roche:** We are providing €4.4 billion.

**Mr. Connaughton:** I move on to the issue of waste water and septic tanks. Given the stringent specifications laid down by the Environmental Protection Agency in its 2001 guidelines, we will not have much pollution if septic tanks are built to the required standard. However, while the specifications deal with new tanks, there are thousands of old-fashioned septic tanks. Perhaps

we need an imaginative grant scheme which would get tank owners to make improvements.

Why is it not possible to have an environmentally sustainable system for dealing with the disposal of ordinary detergents given that action was taken to deal with smoke from coal in Dublin? It is a minor matter but I understand the polluting effect is very high and I hope something will be done about it.

On group water schemes, I have no ideological hang-ups regarding whether they are better than regional schemes. However, if we had to wait for a regional scheme we would never have got a water supply. I note the Minister is proposing to license group water schemes in respect of 50 persons. Does that mean 50 participants or 50 persons in, say, ten houses? What does that mean for group schemes? The scheme of which I am a member has more than 50 people. What criteria must be met? Does it mean we will have to do certain things that we have never done before? That is one of the difficulties with this type of Bill. It is a very wide-ranging Bill and if we do not have specific answers to these questions, an official will one day tell me I was one of the people who took part in the debate and allowed everything through. Unfortunately, this is not a sexy debate, but it is a very important one because it affects every citizen in the State. Most people will not see it that way until their water is cut off. When that happens everybody will want to find out what happened.

Regarding group water schemes, a new concept called the bundle system is emerging whereby 12 to 14 group schemes brought together under a single contractor who will guarantee to provide water that is safe for human consumption. We are trying to organise that in County Galway. It is a slow process but the advantage is that a professional group or person will be in charge of the delivery of water while at the same the group water scheme members and committees will still be in charge and will still own the pipeline. I hope these will be successful. It has often been said over the years that group schemes were all right in their day but that given the pressures of modern living it was unlikely they would have the same importance in the future as they did in the past. I do not particularly believe that. I believe they can still be well run and can deliver very good quality water most of the time, and possibly be much more cost effective than any regional scheme for the very obvious reason that many chairmen, secretaries and organisers of group schemes do jobs for nothing that one would otherwise have to pay the local authorities to do. The concept of group water schemes is like the concept of credit unions. They involve the same kind of local initiative and togetherness, the *meitheal* concept that is so important and can always be built into the system.

There is a great onus on the trustees of group water schemes. I and the other two trustees of the water scheme in my area, such as it is, would now want to test our water almost every month,

although there was a time when we did not test it from one end of the year to the other. We must pay for testing each time it is done and when it is done 12 to 14 times a year the cost mounts up. However, we do it out of respect for the consumer and to ensure that no baby, young person or elderly person becomes sick from drinking water that is not top quality.

The decision of a former Minister to give autonomy to the National Federation of Group Water Schemes was very useful. I hope the licensing system, when it is introduced, will be even-handed and that it will not transpire that most of the group schemes will be unable to measure up to it. It is extremely important that we supply good quality water. However, it is also important that there are no impediments placed in the way of group water schemes in the form of regulations with which they cannot comply. Many group water schemes around the country, and there are thousands, will want to know where the Minister stands on that issue. Over the years some Ministers for the Environment have been in favour of group water schemes while others favoured regional schemes. Where the money went depended on the whim of the Minister of the day. I would be delighted to know the Minister's views on group schemes and more particularly on licensing.

I wish the Minister the best of luck. We will give him approximately a year and when we come back we might not be as pleasant as we have been today.

**Mr. Hogan:** I join in congratulating Deputy Roche on his appointment as Minister for the Environment, Heritage and Local Government and wish him well in undertaking his responsibilities in the years ahead. As previous speakers mentioned, there is much activity in the Department that impacts on people, and whether it is in planning, housing or sanitary services, which we are debating today, there is a huge responsibility on the Minister of the day to ensure the best quality services are available to people through local government and national Government.

The establishment of better local government by one of the Minister's predecessors was highlighted at the time as visionary. I am sorry to have to say that it could not be further from the truth. County managers have decided that their best option is to act as supervisory authorities and to delegate most responsibilities to directors. There is less accountability, less input from public representatives and glaring difficulties in some local authorities in terms of customer services.

I was pleased to note recent comments by the Minister to the effect that he is focusing on the need to ensure a consistent level of service for customers across the country. I urge him to do so as quickly as possible and, in the context of drawing up a charter of services for the consumer, examine the better local government system that has been in operation for four or five years to see whether changes could be made to ensure the

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restoration of proper input at local level to public representatives who are elected by the people and who are the only ones who are ultimately accountable to the people.

Regarding the Water Services Bill, we have been forced by our EU obligations over recent years to increase resources and generate more strategic plans to deal with the problem of water quality. My colleague, Deputy Connaughton, mentioned group water schemes, of which there is an enormous number — more than 6,000. I am sure the Department officials and the Minister of the day would prefer to have fewer group schemes because of the potential difficulty of imposing European Union directives on some of them.

Problems also arise with issues such as way-leaves, registration and putting them into a proper legal order. In some cases this has been made more difficult with extensions to existing pipe networks. Many older schemes were not designed to cope with the type of demand seen today. Group water schemes are important in bringing water to customers in rural areas. However, those difficulties with pipe networks and sources must be resolved. The Water Services Bill will provide a statutory framework to achieve this objective.

The Bill is narrow in that it does not take account of environmental issues such as water quality and pollution. Neither does it take into account that many water service systems are ancient or have fallen into disrepair, resulting in poor water quality in many areas. I regularly make representations on behalf of my constituents to the Department of the Environment, Heritage and Local Government regarding capital works required for a number of schemes in County Kilkenny. In Kilkenny city, a major conservation implementation programme has been undertaken to reduce water leakage in the system. This is a common complaint in many other towns. There have been a number of difficulties at the Troyswood plant, serving the Kilkenny city area. Just today I was assured by the county sanitary services engineer that the water quality is fine. While an engineer's assurances are given in good faith, often the customer does not believe the quality of the water is as it should be. A standard needs to be set through a charter for consumer service and water quality. Education is also required about water content and what is good for the customer. Often the fluoridation or draining by chemical means of a system can lead to unintended illnesses. Customers must be made aware of what constitutes good water content. The consumer is now more discerning and expects higher quality and standards. It is not just the EU but also the customer who expects the State and the local authorities to implement water quality programmes.

The Leas-Cheann Comhairle is aware that water quality in the Castlecomer area in north-east County Kilkenny is poor. The problem lies with the water mains in the town. We are

informed that the water is safe even though it is often discoloured, raising concerns among local people. The local authority has presented proposals to the Department and I ask the Minister to examine the scheme as a matter of urgency. In 1994, it was announced that the Gowran-Goresbridge-Paulstown scheme, which services the eastern part of County Kilkenny, would be improved under the national development plan. Ten years on, it has not even gone to contract stage. As Deputy Connaughton said, many of these plans are progressing at a slow pace. Those who lose out are the customers, particularly those in east County Kilkenny. I ask the Minister to urgently review the Gowran-Goresbridge-Paulstown scheme.

There are difficulties with group water schemes in areas with low population bases, particularly hill lands. I am sure the Minister knows of areas in the hills of County Wicklow with a low population base but a large area to be covered by a water network. In County Kilkenny, Castlewarren is an example of an area where it is too expensive for the local people to provide the necessary pipe network and reservoir scheme. The deficit in funding for these schemes is causing financial hardship for those affected in Castlewarren. Another scheme encountering difficulty is the Bennettsbridge regional water supply. The housing explosion in Kilkenny city has made it difficult for the existing schemes to cater for the demands and pressures on water supply. There are plans to augment and upgrade the Bennettsbridge scheme. Other schemes submitted to the Department for augmentation are Freshford, Urlingford and Johnstown. Will the Minister comment on when these proposals will be considered?

The small schemes programme is valuable. The decision of then Minister for the Environment and Local Government, Deputy Noel Dempsey, to increase the grants for small and group schemes for individuals to €6,000 per house for water provision allowed many schemes that otherwise would have to be provided by a local authority to be provided by a group scheme. This has been successful in providing high quality water supplies. The same principle must now be applied to small group sewerage schemes. A large number of these schemes are waiting to be started. However, due to the financial outlay required, many people cannot raise the necessary finances. At €6,000 per house, this can be expensive to many individuals who are not part of a sewerage network. Will the Minister bring the grant assistance for group sewerage schemes to the same level as those for group water schemes in the Estimates? By doing so, much good work could be done in wastewater management.

I am wary of public private partnerships, though I am in favour of securing as much private capital investment in the system as possible. However, a framework must be laid down whereby those involved in PPPs cannot ultimately charge what they like. The local authority

and the Minister must have control over the charges that can be levied. I note the Bill's provisions ensure that no private investor can rip people off in such a manner.

The Purcellsinch treatment works for Kilkenny city has caused difficulties for residents, fishermen and staff in nearby factories and offices. Though €6.2 million was allocated for its development, nothing has been done to draw down the money. I ask the Minister to review this so as to improve the quality of life for those living near the plant. The smell from the plant is a cause of nuisance to the local people. It is important for the future development of the city that the treatment system is upgraded.

How we deal with wastewater treatment plants has an impact on planning and development. The Environmental Protection Agency has produced a report regarding planning in rural areas and wastewater treatment. While some local authorities are taking account of it, they all should be obliged to do so and to take account of any environmental report that will improve the quality of percolation and remove the potential for serious problems with water quality. We must ensure we have the highest quality sewage treatment systems, whether that is achieved through individual septic tanks, certification of Pura flow systems or certification from the manufacturers of percolation systems and equipment. These should be written into the system to ensure the highest standards in the community so people's neighbours will not be polluted and there is good quality water. Now, at planning stage, is the time to do it. Otherwise we will encounter problems in the future similar to those we have had over the years with some group water schemes.

The impact of services on planning and development should be factored into any regulations that might have to be sent to the local authorities. We can have all the plans in the world but we must have the finance. Finance can be mobilised through public private partnerships and design, build and operate schemes. A good method of mobilising more finance is through group sewerage scheme grants. The capital investment required for many of these schemes is, as a result of the explosion of development in this country over the last ten years, putting huge pressure on the resources of the local authorities.

The Department will require extensive contact with local authorities to ensure we not only plan for existing developments, where the authorities are coming under pressure to provide water and sewerage schemes, but also for future developments in major urban areas to ensure we do not encounter the difficulties we experienced in the past. In that way there will be first class water and sewerage systems in cities and towns. The customer will know they are getting good quality for the taxes they pay to the Department of Finance and that they are able to rely on the water systems in place, which should be of the highest quality and standard in the interests of public health.

**Mr. O'Donovan:** I welcome the Bill. I also congratulate the Minister on his appointment and wish him every success in this important office. The Bill is a serious attempt to co-ordinate the fragmented nature of the provision of water services. Under the Bill, water services cover the provision of water through a pipe into one's house and the subsequent wastewater.

The provision of water is a problem in various regions. We are struggling to come to terms with establishing a proper system. Recently, I met a Swiss man who holds a science degree and is now living in west Cork. He told me the basic requirements for a healthy man in his 70s is a healthy constitution and the provision of a clean, uncontaminated water supply. He is using an old style well in the mountains. It was an old spring well and he is very pleased with it. His other advice was that when preparing food one should peel and boil everything. Water, however, was the significant factor for this man who has lived most of his life in Switzerland.

There is a number of problems and anomalies with our water supply. There is an ambitious programme in the national development plan for the provision of water schemes throughout the country. My home town of Bantry has been waiting 30 years for a regional water supply. In 1985, people in the town held a public inquiry into what was required. The town council did not give us much support and the chamber of commerce was ambivalent as to whether it supported us and with regard to what the needs were. In 1989, the Department bowed to a request by an environmental group to protect an underwater rare lily that was found in Drumbroe, where the council had bought the land, carried out its tests and was ready to start a scheme. The last scheme had been undertaken at the end of the 19th century. The underwater lily has gone but in 2004 Bantry is still waiting for the commencement of the Bantry regional water scheme.

The town has a population of almost 6,000 people and it is worrying for a number of reasons that this issue is still ongoing. The town has an important mussel industry, which requires an abundant quantity of fresh water, and an important regional hospital with over 200 beds. It employs up to 400 people. There is also a pharmaceutical industry that has raised concerns about the quality of water in the area. It is a pity that, following a decision taken in 1989 about an underwater lily, several years later and after millions of pounds being spent, we are still having difficulties.

It is probably the most important scheme in my constituency. I do not wish to be parochial but it would serve places such as Durras, Kilcrohane, Glengarriff and outlying areas. I do not expect answers from the Minister today but I hope he will, over the next couple of months, ensure that this long awaited scheme, for which funding is ring-fenced under the national development plan, will commence. It will take a long time to construct and will involve a number of phases. It

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could be up to seven years before the outlying villages get a water supply, which is a long time to wait.

There are other schemes in my constituency, such as one in Schull and outlying areas, Skibberreen and so forth. I am not being critical of previous Ministers but it is hard to grasp that there are townlands and villages that still have problems with water supply. It would be a huge achievement for the Minister and this legislation if this issue was finally resolved. There is a group water scheme in Lisheen in my constituency whose surviving trustee is well into his 80s. It is 35 years since the scheme was completed but the local authority still has not taken it over. That is a worrying trend. Promises were made to me ten years ago that this would be resolved but it has not. My electoral area is a CLÁR area and I wish to acknowledge that the CLÁR programme has contributed in a significant way to the provision and support of water supply.

The Minister stated that this Bill does not provide for the introduction of water charges. I am from a humble background but when people with significant incomes are prepared to pay from €500,000 to €7 million for a house in Dublin but do not have to pay a bob for water, it must mean we are the laughing stock of Europe. Look at other parts of Europe. People pay as they go. Where people cannot afford to pay they could be given appropriate allowances. I will not get into that debate now since it is more an issue for Dublin than rural areas, but when people can afford to pay, they should do so. A Member referred this morning to the medical card scheme for old age pensioners. There is a need for assessment when one sees fellows worth €10 million and more getting a free medical card while others cannot get one. This is a personal observation, in case somebody claims it is Fianna Fáil policy. It is my personal view after my experience in this area.

Let us consider the provision of water and the issue of getting a pipe from A to B and providing water for houses. I was on a local authority for almost 19 years. There is an average  
6 o'clock of three pipe breaks per week in Bantry town. There are cast iron pipes dating back to the 1890s.

Recently I attended a function in Germany of friends of Ireland, industrialists, who had invested in various places and I got talking to a few of them. A concern of pharmaceutical companies was the quality of water in Ireland. In one instance, a small pharmaceutical plant, which I will not name, employing approximately 150 people had to pay €160,000 for water purification because the water supply was inadequate yet we are trying to create, and to hold on to, jobs. I complained to the local authority and the county council. At many levels, there seems to be a mishmash of services from county to county and from city to urban and rural areas.

The major schemes in the main centres of the population have got much attention but the provision of water in many peripheral areas and in the area I represent — I could mention another six or seven towns and a number of villages — has not been adequately addressed. I do not want to be parochial as I am sure the same applies to other areas. I listened to Deputy Connaughton and he mentioned places in east Galway to which, I suppose, the same could apply. I hope that with this new Water Services Bill, there will be a more co-ordinated, streamlined vision which will permeate down to places as remote as Kilcrohane, Sheep's Head, the Beara Peninsula and elsewhere. In the 21st century, everybody should have a decent, good quality and uncontaminated water supply in their home. I hope this will be a major step in the right direction.

Public private partnerships and the build, design and manage programmes were mentioned. These programmes have a big future. I do not care who is in Government but unless such programmes are brought into the reckoning, we will not catch up for some years in terms of the provision of water and sewerage schemes, treatment plants, schools and other such services. Under the public private partnership, magnificent, state-of-the-art new schools were built in Ballincollig and Dunmanway. The amazing thing was that once a site was made available and planning permission was in place, these schools were delivered in just over 12 months in one instance and 14 or 15 months in the other. Given that type of production and delivery, I urge the Minister to go down that road in regard to some of the major water schemes to deliver and provide a service to the community. I encourage that approach.

Another issue is the problem of metering and the provision of water to industry, to the farming community or whatever. Metering is a must but then again we are moving into the area of discrimination. A small subsistence farmer in a remote area, whether in Wicklow, west Cork, Kerry or the west, with 40 or 50 acres would be connected to a meter yet others, the super rich, would not have to pay for a drop of water, but *sin scéal eile*. The metering system must be kept in place because I know of several instances where people, whether farmers or business people, and sometimes local authorities, misuse much water through carelessness. We have the most abundant supply of fresh water of any country, yet there are problems around which we have teetered over the years but have not really grasped. I am certain that in many of the schemes, the quality of the water remains less than appropriate.

I have come across appalling, once-off instances where mothers have come to me after their children have been sick, including infants from six months to three or four years. The tests have come back and the doctor, through analysing the potability of the water supply, has said the problem was *e.coli* in the water. That cannot be tolerated. I am not accusing the Minister or the

Department but the provision of water has, in many ways, failed us. Over the past 25 years we have talked about resolving this issue once and for all and I have no doubt we are going some way in the right direction. The provision of this invaluable and necessary ingredient for our lives should be streamlined and fast-tracked as soon as possible.

We talk about water conservation and the amount of money being put into the system. I welcome the Minister's commitment under the national development plan of €4.4 billion which is significant funding. I said at a parliamentary party meeting that many of these schemes need to be delivered this year or next year — certainly no later. If the money is there, they should be rolled out.

In the delivery of some of these major schemes, there is no reason we should not look outside this country for contractors. There was some anger when a Turkish company was awarded the contract for an important part of the Cork city ring, or relief, road by-passing Ballincollig. It competed with other European countries and construction experts. It appears it has completed the job for several million euro less than many other well-known contractors. In addition, it is coming in somewhere between six and nine months ahead of schedule. If that could happen in the provision of water or other services, such as major sewerage treatment schemes, one should not be shy about using the *Official Journal of the European Communities*, although I believe it is compulsory to advertise large schemes in it. We may have to bring in outside contractors in certain areas.

I welcome the proposal in Part 6 where it is intended to bring in a licensing scheme to regulate and develop the operation of the group water scheme sector. This is not before time. The Minister and the Government have the courage to tackle this issue at last. Group water schemes played an important role throughout the country but they were very shabbily administered. Going back to the 1970s and 1980s, unwitting trustees worked in communities to collect money to get schemes up and running, to put them out to tender, involve contractors and get the best job possible done. Such schemes have been a source of worry for the trustees for maybe 20 or 30 years. I mentioned such a scheme earlier. It is about time this was resolved.

The renaming of the sanitary departments of local authorities is welcome. It is incumbent on the Department, the Minister and local authorities that they be set up as water service providers etc. It is also important that in dealing with the Bill the Minister would not just focus on the provision of water from A to B or from a particular source to the home but would also deal with waste water which is often neglected. As a former councillor, I am aware of problems arising from estates being built where there was little or no provision for waste water.

I compliment the Minister and wish him well in his new brief. I have no doubt he will acquit himself well. Unlike some previous speakers I hope he will have a long-lasting ministry and that it will extend beyond the term of the Government, which will probably end in 2007. Perhaps by the time the Minister is finished with the Department of the Environment, Heritage and Local Government we will have water everywhere and instead of all the salt water around west Cork, Bantry Bay and other such places we will also have an abundant supply of decent fresh water.

**Mr. Crawford:** I congratulate the Minister on his new portfolio. He certainly did an excellent job for the country in his role in Europe and I hope he can continue the same service in the very important role he has now taken on.

Water provision and services, including drinking water and sewerage, are a vitally important part of our infrastructure. Without good water and sewerage services it is impossible for householders to survive or industry to prosper. The Bill is very important and, as the explanatory note states, it is trying to bring together legislation that has been in existence since long before the foundation of the State. It is important that such legislation is updated. However, it is also important to ensure it does not overly impinge on the many people who have done a tremendous service to the country. Coming from a farm organisation background I speak without apology of the major role played by farm organisations in the setting up of group water scheme committees. This structure has become an intrinsic part of water provision and has ensured a water supply to 90% of homes.

Reference has already been made to the some 6,000 group water schemes in existence, some of which are very small but many of which are major in scale. I will return to this point later. Obviously, in discussing the legislation one cannot ignore the issue of metering. I support metering in general and I supported it in my group water scheme in the Rockcorry and Swan's Cross area of County Monaghan. Whether or not a charge is being made for water it is important that usage and wastage can be monitored. Whether the water is required for agricultural purposes, public houses or whatever, the bottom line is that the charges should only relate to what is being used.

I understand the meter system is being forced on us by European law. I have worked for a long time within EU structures and I accept there is a need for such legislation and guidance, part of which we are now implementing. Last week a small farmer came to my clinic who has only a few acres and eight cattle yet he is paying €300 for the use of a water supply for his cattle for a few weeks in the year as that is the council regulation. However, under a metering system he would only pay for the water he actually used. I support and welcome that provision.

[Mr. Crawford.]

I am fearful that some day the EU may be used as a scapegoat for the introduction of water charges. I put on record that I anticipate grave anxiety among the public on this matter. I accept the Minister's statement that there is nothing in the Bill to this effect, but it does leave a structure in place for the future imposition of charges. Full capital funding is paid to group schemes but already due to unforeseen costs some schemes have had to impose meter charges among others simply to make ends meet. We should not underestimate the imposition of meters and the dangers they present for the introduction of charges in future.

At rural level, group water schemes and credit unions have played a major role in the well-being of local areas. They have come about because of individuals freely giving of their time and talent to make sure services are available. I am concerned at some of the comments regarding how group water schemes are run. I accept that some of them may not be perfect but it is absolutely certain that if it had not been for them some people would have been waiting a long time for a supply of water. They met a major need and gave a great service.

I also give credit to rural families who had the basic trust to put their hands in their pockets to lodge the required £400 or £500 into a bank account in the trust of a few unqualified individuals that took on the job of organising group water schemes. Credit must be given to the organisers but schemes would not have been possible without people putting their money upfront to make sure the necessary capital was available so that contracts could be signed. We must make sure that nothing in the Bill will damage that sort of go-ahead approach that has proved its worth. As I mentioned on the Order of Business this morning, County Monaghan has no outside industrial investment. It has been a case of people getting up off their backsides and providing services and industries and, in this context, group water schemes.

I have a major anxiety about some of the structures put in place recently. In many cases we have 20-year contracts with outside companies. People came to me recently inquiring as to what would happen if some of these companies did not survive in the long term and if proper bonding and coverage was in place. We need to take account of this matter and ensure that in future contracts the 20-year guarantee is for 20 years and not just for one month after a particular company or organisation ceases to exist.

Another issue, which has come to light in recent days, is the amount of unspent money in this area. I understand that although €120 million was allocated to groups throughout the country, on 15 September only a third of that sum had been utilised.

I would want to ensure if there are schemes that could benefit from this between now and the end of the year that the money is utilised in what-

ever way possible. We are up against EU deadlines and run the risk of fines. Any group or organisation that is seen not to have utilised every penny available to it will rightly be blamed if that is the case. Some people tell me it will all be spent to within €10 million or so, and I hope that is right. I urge the Minister of State, who is at an early stage in his portfolio, to review the position and ensure that this is the case. Some of these group water schemes produce more water than some of the bigger towns.

That is the case in County Monaghan. One scheme, at Donaghmoynne, has been rather controversial — I make no apology for naming it. It was headlined as producing desperate water etc. It did not join a bundle of schemes and as yet it has not been restructured. I want to put on the record of the House that this scheme supplies more water than the town of Carrickmacross. Carrickmacross was able to get its own water scheme. Is there any reason a scheme such as Donaghmoynne cannot get direct funding without going into a bundle of schemes. This is vital. I can accept there is a genuine case for eight or ten schemes serving 50 houses each being put into a bundle.

I am extremely happy with the work that has been carried out in Monaghan. There has been some brilliant work and many people are extremely happy. However, we must get value for money. As regards this scheme, people believed that what they would have to pay in the long term was too high. They had a low cost base and felt happier to go it alone. Is there any legislation to stop them going on their own? Is there a means by which in taking that route some of the funding which is not being spent at present could be utilised?

Another issue is that of group water schemes being taken over. I have sympathy with the Department which in turn will give structures to county councils, ensuring that where grants are available people co-operate with group schemes to produce the required water quality. Quality water is needed for households. As a dairy farmer, not active but still in ownership, I say it is extremely important for dairying and in the production of food. I am not against rules being put in place to take over schemes either on a temporary or full-time basis. However, it is not clear from the Bill whether there will be compensation for all the pipework, head works etc. that have been paid for over the years if a compulsory order has to be put in place to take over a scheme. Some schemes have, admittedly, been grant-aided but many have been funded by the consumers. I would like that clarified. If a scheme is taken over by compulsory order, will it be through negotiation and will funding be made available to ensure that the trustees are not exposed unnecessarily?

I want to turn to the waste issue. Waste water has been a major contention. I see from my briefing notes that many urban water schemes are not up to standard. There is no longer an excuse for

this. I was involved with a group around Lough Egish a couple of years ago and we installed a co-operative system there with INTERREG funding. That sewerage plant is producing water of the highest possible quality. The lake it goes into is nowhere near as good. There is no reason in these urban areas businesses or otherwise cannot install a system that can produce water of the highest quality. I reiterate a comment made by my colleague, Deputy Hogan, regarding the whole issue of local group schemes that would provide a service and improve our water quality. There is a great need for that. There are some areas of intensive individual housing which I strongly support, but nowadays they would prefer to go to a group scheme and it is important that proper funding is put in place.

I want to refer to our single biggest town, Monaghan. It is a hub town which benefited greatly from the installation of a major treatment plant funded from INTERREG, with some Government money, many years ago. Unfortunately, there is no collection system. Failure of Government to provide a collection system there means that private houses and sites in Monaghan are literally as dear as anywhere in Ireland. In an area where employment is based on the furniture industry, fruit industry etc., incomes are not too high. It is unfair of the Government, in effect, to force people into a situation where those prices prevail. Several schemes could be undertaken if proper collection systems were put in place in Monaghan town. The proper mains is there and it is solely a matter of lack of a collection system. I urge the Minister of State to make every effort possible to ensure that is done.

In Clones, a town hard hit by the activities on the Border, for the short time Fine Gael was in office, the Government allocated funds towards a new water scheme there. Unfortunately, that has not, as yet, been finalised. One wonders how, after seven years of planning, building etc. that project is not finalised and people are still without water. There is also a serious problem there with regard to sewerage. Many people are annoyed about the odour. I ask the Minister of State to take note of that and make it a priority.

I urge that funding be granted in the most generous manner possible to low population areas. I spoke about this issue to the Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív, yesterday as regards a couple of areas in my county, adjoining the Border, where there is forestry, mountain etc. The low population necessitates long-distance piping, at high cost. Those regions are not in a CLÁR area, for whatever reason. I do not believe the EU is at fault, but rather Government bureaucracy. They are therefore not entitled to extra funding. There has to be some understanding that areas such as that must be funded. A region around my village of Newbliss, down towards Clones and across by Killeevan is one of the few areas not provided with a water scheme at present. That must be seriously examined.

I am aware that because of European Union laws priority has been given to the head works in water schemes and that the better grants are directed towards that, but I urge that these low population areas be examined as a priority. I am not just talking about County Monaghan but areas generally where it might be difficult to bore a well because of high ground or whatever. It might be far cheaper to run a pipe along the road if the additional funding was made available. I became aware of a case recently, not too far from my own home, where a young man wanted to build a house but the group water scheme could not afford to connect the water to his house as an individual.

I welcome the Bill. I again urge the Minister to ensure the regulations are dealt with in a caring way. I will re-examine the position again before Report Stage and perhaps come back to the Minister on it. I emphasise that individuals in group water schemes have put a lot of voluntary work into this area but some people at Administration level do not appreciate that. I know that from listening to discussions in my own council. They do not appreciate the voluntary work that was done but I would not like to see those volunteers, who give so much, not being properly appreciated.

**Acting Chairman (Mr. Sherlock):** As there is no Government Deputy to call, I now call Deputy Twomey.

**Dr. Twomey:** I congratulate the Minister on his new post. I hope there is a change in ethos in the Department under this Minister because the word "environment" never sat comfortably with his predecessor. I hope the Bill will set out the Minister's ethos for the Department because the substance of the Bill and many of the issues that have been commented on in the course of this debate are important for the future of this country. The Minister will have seen many environmental difficulties arise in his own county and I am sure he has done his best to keep those at bay, although it is a difficult job. I will be interested to hear the Minister's views on many of those issues.

The provision of clean water is vital for people's quality of life. We are told the quality of water has improved over recent years but many people remain concerned about the quality of the water coming out of their taps. Residents in major urban areas wonder whether quality comes second to getting a supply of water to their houses.

This is also an essential public health issue. Comments were made earlier about fluoridation, but water can carry a whole range of pathogens and diseases can be carried in polluted water supplies. The way we deliver this water supply to people's houses is vitally important. We have to examine the way these services will be developed over the coming years.

I am very interested in what are known as functional areas and whether the water services auth-

[Dr. Twomey.]

ority will have total control over the areas for which they have responsibility. A year ago I got a request from the residents of ten houses which were supplied water from a private well but for some reason that well became polluted. Will statutory responsibility be placed on the water service providers to ensure every household has access to a clean water supply or is this something that relates to the large group schemes that are set up? What responsibilities will be given to each of these functional areas in regard to water services and what will be their commitment to providing clean water to every house?

There is an ongoing debate, which again reverts to the Minister's Department, about once-off housing, ribbon development and the country being overrun with concrete. How will this legislation reflect on that type of planning issue? Will there be a responsibility on county councils to ensure that every house or group of houses built complies with this legislation? In rural areas we often see three or four houses being built, inter-linked by a roadway. Will there be a responsibility on county councils to provide water to those houses? I have no doubt that in due course, because I am sure this is where the legislation is leading to, the issue of waste water and sewage treatment from these houses will arise.

That leads me on to another section of the Bill which states there is a duty of care in the provisions which place specific responsibility on owners or occupiers of premises in regard to the avoidance of risk to public health or the environment. In the course of our day to day work it is amazing the way an issue crops up which deals with that type of problem. For instance, there is the issue of septic tanks. A constituent of mine has a septic tank which the local county council deems unsuitable for the house in which he is living. It says effluent is leaking into a lake and causing pollution via a very small stream that runs at the bottom of this man's house. This septic tank was not installed by this man, nor was it put in outside the planning regulations. There is full planning permission for the septic tank and for the percolation area; the tank was put in about ten or 15 years ago. As far as this man is concerned, everything was done legitimately but because the percolation zone may not be up to scratch and some effluent is seeping into a very small stream, he has been told by the county council that he is causing pollution to the lake. Can this type of legislation be used to bring this man before the courts? The stream in question runs into a lake but if somebody were taking fresh water from the lake to supply water to a house or group of houses, he or she could technically be accused of polluting the water supply.

I raised this issue during the course of the Finance Bill 2004. I asked the Minister, Deputy McCreevy, to consider giving a tax credit to individuals facing this problem to allow them upgrade their septic tanks or percolation zone because this situation will recur. The man to whom I refer

could be landed with a bill for a few thousand euro to make these adjustments which, in some respects, are not of his making because he fulfilled the necessary criteria.

The same applies to the farming community because under the nitrates directive, which is being implemented by the Department of Agriculture and Food, the same issue can arise, not relating to nitrates but perhaps to e.coli. If a farm is located upstream from this man's house, who is to say where the e.coli detected downstream before it entered the lake came from? Was it human or from cattle? What about other pathogens that might be detected in the water? What standards do we set? This man can stand accused of polluting the waterway but just at the point where this stream enters the river there are fish swimming around in the water. Is that water polluted if it can sustain fish life?

We may find this legislation being used by county councils to force people to upgrade their septic tanks, force the farming community to change the way they store their effluent or force through an environmental law which does not appear to be the essence of this legislation. This issue should be cleared up because legislation often goes through Dáil Éireann without its Members having full regard to the consequences. The smoking ban is a good example of that. A vote was not called in Dáil Éireann on the smoking ban because there was unanimous agreement on that legislation. It was only when the legislation was enacted that many Members felt it was unjust or unreasonable and they would go to jail for it. When we have an opportunity to highlight aspects of legislation they should be clarified. We are only on Second Stage of this legislation and we can clarify on Committee Stage whether it could be used in the way I describe. It is stated throughout the legislation that the rules do not apply to Government and that these matters are the responsibility of the individual. However, the individual often finds it difficult to stand up to Government on such issues.

If the Minister is in a position to pay grants to the group water schemes to upgrade their systems, for instance, if there is a failure in the way the system was set up initially to deliver pure water to households, should we not reconsider giving grants or some concession to people who pollute a water supply, even if it is not done intentionally, in order to remedy this. It is a sad fact that all too often our environment is destroyed and polluted intentionally, whether through illegal dumping or run-off into rivers and streams. Many inland towns run raw sewage into rivers and destroy the environment. This legislation would not apply to the local authorities or anyone else who may be running tonnes of sewage into our rivers and lakes. Conversely, the council could use this legislation against an individual using a septic tank. That is a very serious issue.

Section 92 enables a water service authority to direct any person, other than the water service authority or its agents, who is already connected to its water service to facilitate extension of those services to another person through their pipes. A

similar direction may be made to facilitate connection of another person's premises to water storage facilities or related drains. When the Minister was drafting this legislation did he take on board the issue of property rights or business legislation? For example, a local authority might direct a builder who has applied for planning permission for a large number of houses to install a fairly expensive run-off system whether for storm water or waste water, or even a sewerage system for which he might have to cross a major road or difficult rocky terrain at great expense. Later, the same local authority might give an adjoining landowner or developer permission to develop another group of houses and force the first developer to share the waste pipe he installed. At present the two parties would have to negotiate and the second party would incur costs to cover some of the costs of the first party. The first builder could almost go broke in developing this pipe and other developers thereafter would reap the profit of his hard work. I do not see how this could be upheld by the High Court or any other forum dealing with property rights or business issues because it would be anti-competitive and would allow the first person to take most of the rap for what happens.

We are told that water metering is a European initiative to show how we use our water. Our problem with water and water pipes is leakage and waste through the system. People are not letting their taps run to the extent that thousands of gallons of water are running all over the place. We must balance the idea of metering every household with the cost. Have we balanced the cost of installing these meters in every household, as must happen if everyone is to be treated equally, against the cost of using that money to reduce the level of waste in the infrastructure? There is a great deal of water wasted through the infrastructure, some of which is good and some not, and some of which gets damaged, leaving us waiting a long time for it to be fixed.

The rural water schemes have been an excellent addition. Much work has been done on them and the bundling has dramatically improved the quality of the water. Some of these group schemes have achieved a high standard and this legislation may result in even higher standards, which are sought for the most part from private enterprise. We should seek the same standards from local authorities in regard to treatment of their water supplies, waste water and sewerage management. If we could push this legislation in that direction we might effect a dramatic improvement there.

Waste management is, and will remain, a very important issue, not only for the environment but also for the economy. Everyone knows Rosslare Europort in my area in County Wexford. It is the nearest port and the shortest crossing to continental Europe. There are many daily crossings to the United Kingdom and one might expect the area to be ripe for development but for some reason the hinterland of the ferryport has not

been developed. People attribute this to poor local politics and lack of interest in the area, or the infrastructure, which is good but could be much better. There is an ongoing argument in the south east as to why Euro routes 1 and 2 are not being developed, as they should have been over the past 30 years. One problem in the area, however, is the lack of a sewerage system. Raw sewage is pumped into the sea at Rosslare ferryport. The Taoiseach promised €13 million to deal with this but that has not materialised. We should consider how we provide waste water treatment services to the country.

Another village in Wexford with which I have dealings has built its own waste treatment plant. This is intended as a temporary measure until the system is connected. There is a significant quantity of ground water beneath these villages that could be polluted without a proper waste treatment system. Although we are focusing on good quality, clean, safe water for the public, waste water is the other side of the same coin. Management of the sewerage system has a major bearing on management of the water supply. An easy solution was to chlorinate the water to be dammed which would kill pathogens, but that has remarkably disimproved the quality of the water.

These two issues go hand in hand and I hope that, as a new Minister, Deputy Roche will show a more enlightened approach in terms of the quality of services we provide to the people we represent. I hope a different ethos will prevail so the position that existed 20 years ago, when we had better quality water, will be restored. We are making comparisons with what the EPA discovered perhaps five years ago but the standard with many group schemes in the early days was diabolical. We should be making comparisons with the water supply that may have been available to a more sparsely populated Ireland many years ago when there was less pollution, less industrialisation and less intensive agriculture.

The Minister faces a difficult job and I wish him well with it.

**Mr. Sargent:** Mar a dhearna mé cheana, ba mhaith liom gach rath a ghuí ar an Aire ins an jab atá aige. Is mór an dúshlán é. Le cúnamh Dé éistfidh sé le comhairle, pé áit as a dtagann sí, ó am go céile.

I listened to the Minister introducing the Water Services Bill and I noted that at the end of his contribution he displayed generosity in thanking a number of the stakeholders. He mentioned, as one would expect because they deserve thanks, various interest groups, group water scheme operators, local authorities, industrial interests and others. Perhaps it was an oversight on his part but he did not thank the European Commission for keeping the pressure on us and ensuring that we delivered on the drinking water and urban waste water treatment directives, although he did refer to these during his contribution. The Commission deserves huge appreciation for not accepting the progress, such as it was, being made

[Mr. Sargent.]  
in these areas and for threatening as well as encouraging us to get on with implementing the directives. There was good reason for that.

The OECD report, particularly in terms of rural drinking water, indicated that an astonishing 400,000 people might be consuming substandard drinking water. That illustrates a glaring need for urgent, decisive and comprehensive action. When one considers aluminium, nitrate and even fluoride levels in various places, there is no doubt that this legislation is necessary. However, as other Members stated, more necessary still is the action that will follow its enactment. In 1995 and 1996, during the course of the debate on what is now the Waste Management Act, there was wonderful expectation about the measures that were to address the crisis with which we were then faced. That crisis remains with us and has become even worse, given that we create more waste each year. Many of the measures in that legislation remain mere words and have not yet been translated into action. I hope this will change and that the Water Services Bill will not follow in that tradition of sounding great but delivering proportionately a great deal less than one would expect.

The Minister has given us great cause to expect much of the legislation. He stated that it is designed to protect the integrity of water supplies and related ecosystems. That will be a tall order and it will require a major level of action. I am sure the Minister is aware of the position in An Cheathrú Rua i gConamara. Tá fadhb an-mhór ansin le fada an lá. Má tá aon cur amach ag an Aire ar an áit tuigfidh sé go bhfuil an córas séarachais lochtach agus go bhfuil an córas uisce ag baint uisce as an loch céana atá truaillithe ag an séarachas.

The Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív, has stated that money has been provided but the problem persists. I spoke to people in Connemara who have not yet seen action. It is frustrating that money seems to have been provided but that action has not followed in a way in which one would imagine it should have done. The result is that people have no choice but to drink the water which has been so chlorinated to cope with the potential pollution that it is like drinking water from a swimming pool. That is completely unacceptable and this matter must be put on the Minister's list of urgent things to do. The water scheme in Carraroe is a disgrace.

Not too far from Carraroe is Lough Corrib, which is associated with many activities, from tourism to fishing, that are central to our economy and which is also a source of water for Galway city. However, sewage from Oughterard, Cong and various other centres of population is being poured into it. The water from the lake can only be used for drinking purposes following heavy chlorination.

There are massive problems as regards the standard of water throughout the country. If it was not chlorinated, there would be even further

problems. The matter has reached crisis point in many places. The Minister stated there are difficulties with the quality of water, particularly in the rural water sector. He will be aware that he has put the matter mildly. If the Minister visits Kilnaboy in the area represented by the Minister of State at the Department of Enterprise, Trade and Employment, Deputy Killeen, I am sure the latter will be quick to inform him——

**Mr. Cassidy:** The Minister of State can inform the Minister about it now as he has entered the Chamber. Deputy Sargent's timing in mentioning him is perfect.

**Mr. Sargent:** I am sure the Minister of State can outline the relevant details but I will certainly provide him with a cue. Not only is the scheme there falling apart but, again, as with Carraroe, there are wonderful plans to put matters right. However, those plans have been on the long finger for such an extended period that individuals have taken to drilling their own wells. Not only are matters becoming disorganised but the long-term sustainable supply is being jeopardised.

The Minister's predecessor, Deputy Cullen, stated that €300 million worth of grants remain unclaimed by local authorities. Although it was stated that this money will be used, it sounds as if the Minister, Deputy Roche, has a serious and urgent job to do to ensure the plans designed to provide improvements to the system are implemented. The Bill sounds great but the level of action does not give huge cause for optimism.

I am interested in hearing the Minister's remarks in respect of public private partnerships. He used the term "operational reality" in his initial contribution. If that is not what one might term softening up the ground, I do not know what is.

The operational reality may well be translated as meaning that public private partnerships seem the best route to take. If operational realities result in PPPs in one form or another, we will then be obliged to discuss commercial realities. This brings us to the thorny question of water charges.

Debate adjourned.

### Private Members' Business.

### Carers Support Services: Motion (Resumed).

The following motion was moved by Deputy Penrose on Tuesday, 5 October 2004:

That Dáil Éireann:

- noting that it is almost 12 months since the Joint Committee on Social and Family Affairs published its major

report, *The Position of Full-Time Carers*;

- regretting the failure of the Government to take action to implement the key recommendations contained in the report;
- conscious of the fact that the CSO has produced figures showing that almost 150,000 people in Ireland provide unpaid help for a family member or friend with a disability; and
- aware that carers are saving the State huge expenditure that would arise should those being cared for have to be provided with institutional care;

calls on the Government to recognise the value of the carers' contribution by:

- the abolition of the means test for the carer's allowance;
- the introduction of a comprehensive system of assessment of the supports and services required by carers;
- a significant shift of resources to home care subvention;
- the introduction of a respite care grant for all carers;
- the development of a national strategy for carers.

Debate resumed on amendment No. 1:

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

commends the Government on its record in providing supports to carers, in particular for the very significant increase in the number of carers entitled to a carer's allowance, which has increased by 142% since this Government came into office and now stands at 22,300; the fact that expenditure has increased by 310% over this period and welcomes the Government's stated commitment to continue to build on this progress.

— (Minister for Social and Family Affairs).

**Ms Sexton:** I welcome the motion before the House this evening as it puts the spotlight on a very important issue that affects thousands of families. As a former carer, I appreciate at first hand the dedication, commitment and personal sacrifice required of those who become carers. I also appreciate the sense of isolation involved and it would be hard to read the Private Members' motion without acknowledging that some areas need to be examined in depth. However, as I have done in past contributions to this House, I reiterate that no one has a monopoly on care in the community.

In 1990 a Fianna Fáil and Progressive Democrats Government introduced the carer's allowance, followed by the carer's benefit in 2000 and respite care grant in June 1999. In contrast, Lab-

our, whose motion we are discussing tonight, did not introduce allowances for carers while in government.

The amendment to the motion outlines the Government's track record in providing support for carers, with a 310% increase over the period since its introduction. The number of carers entitled to a carer's allowance has increased by 142% since the previous Government came into office and now stands at 22,300. However, I acknowledge it is not enough and one only has to tune into Joe Duffy's "Liveline" programme any day of the week to hear genuine and often heart-rending accounts by carers who do not have access to sufficient respite, who face bureaucratic obstacles in trying to access State services, have difficulties in getting entitlements, are struggling to make ends meet on the carer's allowance and feel isolated, neglected and in some cases let down by the State.

However, the solution proposed by the Opposition is simplistic and flawed. While the proposal to abolish the means test on the carer's allowance might make a good headline, it will not help those who are most vulnerable and in need. If extending the medical card scheme to everyone over 70 has taught us anything, it is that blanket, across the board measures, politically popular at the time, do not necessarily deliver to the public the net benefits anticipated.

In my constituency of Longford-Roscommon we have the highest proportion of carers in the country, 3,763. I am acutely conscious of the limitations of supports that exist for them. The carer's allowance, benefit, respite, home help and nursing home subventions are well intentioned, but they have constraints. While these can certainly be addressed in small part by increasing carer's allowance, while it remains means tested some will always frustratingly just exceed these limits. The families of carers would be more impressed by a better way of organising and financing care services.

With one year already passed since the publication of the Mercer report on financing long-term care and Professor Eamon O'Shea's recommendations on the nursing home subvention scheme, I am anxious for real changes to take place so that the incremental changes that currently occur can be replaced by a redesign of the whole care system. These two reports recognise that a fundamental change is required and not the headline-grabbing proposal to abolish the means test.

In a population of 4 million people, Mercer calculates that 153,000 are in need of some long-term care. This figure will rise in 2011 to 171,000. This means that most of us, whether aged 60 or 90, can look forward confidently to a relatively healthy and independent life. However, for those who need care the worry and stress is very great. Will the State be there to support them? Will personal finance be adequate or will the strain be too much on spouses and families? None of this takes into account the personal trauma associated with

[Ms Sexton.]

losing a loved one. As a society we have failed to deal with the real concern.

Instead of abolishing the means test, we need to think outside the box on the issue and come up with genuinely innovative solutions which address people's needs on an individual basis and recognise that each carer has different needs and should be afforded choice. Our carers form one of the most important and vital components of the health of families in the community. The Government recognises this and the proposal I intend to make is testament to that care. We should introduce a new system for people needing long-term care and their families to give choice and consistency in the provision of care. This could replace the present way of funding home help, the nursing home subvention scheme, the carer's allowance, meals on wheels and the domiciliary care allowance.

Building on the commitment of the Tánaiste at our annual party conference and reiterated on radio last week, we propose that tax revenue available from the SSIA scheme should provide substantial additional funding for the new scheme. It would be straightforward, streamlined and simple. This new scheme would end the inconsistencies that exist across the different schemes, which confuse and frustrate carers and the people for whom they care. While in some instances the entitlements exist, people must overcome bureaucratic red tape to access them. We want to eliminate that entirely.

The new scheme would give greater power and choice to people needing care and to their families. It would support care at home as the primary choice of that care system over the institutional care system we have at present. It would be a financially sustainable and predictable care system, taking away the fear of the financial and family burdens associated with long-term care. This proposal if implemented would mean that people who need care would be given the resources depending on their level of medical need, which they could use as they wish to purchase a mix of home help, payments to family carers, nursing home care, respite care, meals on wheels or whatever else they needed. Such a model successfully operates in Austria.

While providing choice is not necessarily an additional cost, in theory it would be a reorganisation of spending based on the cared-for person's choice accompanied by additional resources to show increased support for carers and people needing care.

Additional resources would come from the money the Government saves from the SSIA scheme, which will end in April 2007. After this, all the tax revenue, which is now credited to the SSIA accounts, will be counted in the national accounts as revenue. Budget 2007, which will be delivered in December 2006, will therefore be able to count on two thirds of the SSIA tax revenue and the following year's budget can count on the full amount. While using this revenue for

a spending programme will significantly raise spending levels, it will not affect the general Government balance as the revenue is not counted before it is credited to the SSIA.

**Mr. Carey:** I congratulate the Minister for Social and Family Affairs, Deputy Brennan, on his appointment to that portfolio. That office gives the holder a unique opportunity to contribute to the development of a caring and equal society and I wish the Minister well in that. I also congratulate the Minister of State, Deputy Killeen, on his appointment. I look forward to working closely with him and his colleagues in the coming years.

In as far as possible I want to avoid indulging in the "Oh yes you did, oh no you didn't" style of debate, which does not help anybody. Anybody listening to today's "Liveline" programme will recognise the depth of feeling attached to the issue of caring and carers in our society. Their value cannot be measured in terms of monetary contribution; their social value is immeasurable. Their role within families and in society saves the taxpayer millions each year in services and support, the financial burden of which would otherwise fall on the Exchequer.

Those who are most in need of care are the elderly in our society. According to the last census of population, 436,001 persons in Ireland are over the age of 65. These are the people who built the Celtic tiger economy. Their taxes, paid at the highest levels, kept the country from bankruptcy in the early 1980s.

Two weeks ago we saw the launch of the Disability Bill. This is the first comprehensive attempt to make provision to ensure that those with disabilities are able to participate fully in every aspect of Irish life without discrimination. A multi-annual funding envelope for disabilities will be announced in the forthcoming budget. The carer's allowance is a vital instrument in assisting those who suffer from disabilities to remain in the home and to live their lives with dignity. Just yesterday the CSO published figures which state that 150,000 people provide unpaid help to a family member or friend with a disability or health problem. The CSO figures also suggest that approximately 3,000 people between the ages of 15 and 17 take on the role as an unpaid carer in the home. When I read that I was surprised — perhaps I should have known it. These are the people who hold together the fabric of society. I put on the record of the Dáil my personal appreciation for the work that paid and unpaid carers do every day of the year.

Fianna Fáil is committed to assisting carers during its time in office. Expenditure on carers' payments has increased by 310%, from €46.36 million in 1997 to €190.2 million at the end of last year. The number of people receiving carer's allowance has increased by 142% since the Government took office in 1997 and now stands at 22,300. The carer's allowance has been increased by €68.28 for those over 66 and by

€50.08, or 56%, for those under 66 over the last seven budgets. The allowance represents just a fraction of the value that carers contribute to society. Carers do not give selflessly to their families or friends for financial gain, but because of their love and compassion. I do not suggest that they should forgo recompense or settle for a token financial reward.

The current level of allowance has increased consistently in recent years. I am confident the Ministers for Finance and Social and Family Affairs will maintain the commitment shown by their predecessors. The Government took a prudent economic approach to a harsh international economic storm so that resources could be focused on the most needy and deserving in society when the economy again showed signs of growth. I agree with the Minister for Social and Family Affairs, who said in the House last night that it seems likely the new Minister for Finance will have some discretionary spend when he announces his budget. I urge the Minister to devote additional resources to carers.

The Government's real financial commitment is proof of its commitment to carers. In this year's budget, the amount of income disregarded in the means test for carer's allowance was increased to €250 in the case of a single person and to €500 in the case of a couple. The Government showed its commitment to supporting the valuable work undertaken by carers by increasing the annual respite care grant by €100 to €835. Carers who look after more than one person receive a grant of €1,670. While I admit that the Government started from a low base, the support it is providing to carers is not insignificant, although it is inadequate. The level of carer's allowance permits those dedicating their lives to helping others to live with some level of dignity.

We must aspire to ensuring that carers do not have to give of themselves selflessly at the expense of financial or career advancement. Such aspirations are not seen in Fianna Fáil as pious, but as deeply held convictions that are shared by many of my colleagues. Unlike members of the Opposition, our actions speak louder than empty rhetoric. Contrary to the view that the Opposition purports to hold, the Government is providing for those who had to struggle to survive in the past with little or no assistance from the State. The days when couples feared the onset of old age because of the angst of leaving a disabled child to the care of friends or relatives is almost a thing of the past, thankfully. The provisions made by the Government are easing such fears.

Ireland needs to make further progress in ancillary services for the disabled and aged community, a process which has started. The Government recognises that a society is judged on how it treats its most vulnerable. Fianna Fáil will continue to work to provide the most comprehensive system of support for carers. Recognition of the invaluable work in which they are involved is payable enough for some carers, but the carer's allowance is a lifeline for others. Fianna Fáil will

endeavour to continue to improve carers' welfare and the health and educational facilities which enable those who require care to live in dignity.

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen):** Tá áthas orm a bheith anseo mar Aire Stáit. Gabhaim buíochas leis na comhleacaithe a thraoslaigh liom. Tá ábhar tábhachtach á phlé againn. Cé gur scéim nua go leor í an íocaíocht do dhaoine a thugann cúram do ghaol nó duine eile sa bhaile, ní aontaím gur cóir í a íoc le chuile dhuine gan trácht ar ioncaim. Is léir go bhfuil daoine áirithe i bhfad níos mó i nganntanas ná iad siúd i gcásanna eile. B'fhearr liom go ndéanfaí gach iarracht cabhair a thabhairt dos no daoine atá go mór faoi bhrú. Caithfidimid a adhmháil go bhfuil daoine áirithe sna cásanna seo go mór faoi bhrú.

I am probably obliged to declare an interest at this point, as my household would benefit from carer's payments if the terms of the motion were to be introduced. Some people may well believe that households with earnings of over €100,000 per annum should qualify for this hugely important payment and there may well be a time when that will be possible. I do not share such a view and I do not believe it is shared by most people in this country. I am convinced that the resources, financial and otherwise, which are available should be directed to those in most need.

Carers and their families have needs at several levels. It is clear that many people have a substantial financial burden. That many people lose out because of administrative decisions and low income thresholds needs to be addressed urgently. There is a considerable disparity in the amount of care that is needed. Many factors need to be considered, such as the severity of the relevant illness or disability and the level of time and commitment required to provide an appropriate level of care. Carers need many support services. While there have been some improvements in that regard, such services tend to be relatively poor and unevenly distributed throughout the country.

I pay tribute to the Carers Association and its CEO, Mr. Enda Egan, as well as the Caring for Carers organisation, which operates in my constituency. Many other local groups and organisations contribute to making the life of a carer much more bearable and less difficult than it might otherwise be.

As I said earlier, the financial need of some carers is not the most significant. Other carers face substantial financial difficulties, however. I understand that the gross cost of abolishing the means test would be approximately €180 million per annum. Could such funds be put to better use? I consider that such funds could be spent more effectively in the short and medium terms. Those whose earnings are currently barely above the income guidelines could benefit significantly from such moneys. They would certainly benefit

[Mr. Killeen.]

to a greater extent than those in the higher income groups, such as my family.

Tonight's motion is timely because it is important to remind ourselves of the huge debt we owe to carers. In many cases, individual beneficiaries of caring cannot express gratitude or provide recompense to carers. Society and the State must step into that breach to try to ensure that the huge debt we owe to carers is acknowledged. That debt needs to be repaid in a targeted manner. Some considerable improvements have been made but, in the context of this debate, we need to acknowledge that a huge amount of work remains to be done. We should focus on continuing to improve the level of financial support. As the motion suggests, we need to examine a range of other supports which might be necessary.

I understand the terms of reference of the Mercer report, which was published recently, related to the potential to the public sector of a combined public and private sector approach to assisting and funding long-term care. The report also spoke about the potential of the PRSI system to financing and funding long-term care. It examined whether the current system of long-term care financing should remain the *status quo*. The report, which is an important document, is currently at a consultation stage. It should form an important part of the carers' support strategy, following the receipt of submissions from the groups which have been consulted.

Carer's allowance was introduced quite recently, in November 1990. Members on neither side of the House can take kudos for its late arrival. There have been annual increases ranging from 2.5% to 12%. There have been several significant improvements in the conditions applying to recipients of the payment. In 1997, there was a 50% increase for dual carers. In 1999, a modest respite care payment was introduced, and carers were allowed ten hours a week in paid employment. That was subsequently increased to 20 hours a week. It is undoubtedly important to the financial conditions of the carer, but it is also important to address the sense of isolation which so many carers will tell one is their daily, weekly and ongoing lot. It impinges severely on the main carer and everyone in a family in which caring is a reality. I look forward to seeing incremental rises and improvements in the allowance and the benefit payments to carers. If this debate advances that, it will have been very useful. In the meantime, I want to see the money targeted towards those most in need.

**Mr. Callanan:** As a member of the Joint Committee on Social and Family Affairs which produced a report on carers, I am delighted to say a few words on the subject. Long before I entered this House, I campaigned for carers and tried to make it easier for them to qualify for carer's allowance. The Government has come a long way towards that since 1997. I thank the Ministers, Deputy Dermot Ahern and Deputy Coughlan,

for that. A few years ago, if a person came to me hoping to apply for carer's allowance but had any kind of reasonable income, I would have said that he or she would not qualify. However, now, owing to the fact that the first €500 of a married couple's income is discarded, a fair number of people qualify — 22,300. That is an increase of 142% since 1997. The respite grant has also increased to €835 for someone looking after one person and €1,670 for more than one person. That respite grant is valuable, as it gives a carer a break. What most carers need is to be recognised for their great work.

The carer's benefit was introduced in 2000 and allowed a person to take 15 months off work to care for someone. That 15-month period should be extended, if necessary, to 30 months. There is also a problem with those on a widow's pension, since they cannot qualify for a carer's allowance unless they give it up. That is unfair, and something should be done about it. The committee recommended that widows should get an extra half rate, or €70 per week, if they qualify for carer's allowance. It also recommended that the means test for carers should be eased and, in time, perhaps discontinued altogether. However, that would entail a cost of €180 million a year.

The way forward is to introduce a home-based subvention which gives the elderly in particular the choice of staying in their own homes for as long as possible. That choice is not available currently because all subvention payments are geared towards nursing homes. I have nothing against such homes, but most surveys of the elderly find that they would be happier being cared for at home, and that is most people's view. Will the Minister, Deputy Brennan, contact the Minister for Health and Children, Deputy Harney, who deals with the subvention? Between them, they should introduce a mix of carer's allowance and home-based subvention which would be suitable to carers and patients alike.

I congratulate the Minister, Deputy Brennan, who is a fellow Galway man. He is caring and will be an excellent Minister for Social and Family Affairs. I look forward to working with him.

**Mr. F. McGrath:** I am sharing time with Deputies James Breen, Cowley, Healy, Boyle and Crowe. I congratulate the Minister, Deputy Brennan, on his recent appointment to his new Department.

I support the motion. We now have an opportunity to put our money where our mouth is and see if all the talk of recent days about a more caring Government is a reality or just more old guff. I support the needs of carers, which include the abolition of means testing for the carer's allowance. I also pay tribute to the carers who look after 35,000 children with disabilities, 3,000 people with dementia, 10,000 people disabled by strokes, and 50,000 older people. As we heard, this package would cost approximately €180 million. However, the carers' work at present is worth at least €1.9 billion annually to the State. Those

people are health patriots and do a great job, many of them against the odds, and they need and deserve our support. I challenge all parties and all Deputies in the House tonight to get off the fence and support this motion. This is a time for leadership and a chance to take tough decisions in the interests of vulnerable people.

I have promised the people of Dublin North-Central that I will push the health and disability agenda in the Dáil. I am living up to that commitment. This issue should be above party politics, and I urge everyone in the House to support carers and send out a strong message of compassion and humanity. When we debate this issue and the health service generally, we must think of two key words, "reform" and "investment". Both are contained in this policy statement and I commend Deputy Penrose on having brought it before the House. Now is the time to implement it. We have had enough talk, spin and image making. These are the basic core values of a healthy society. I welcome any change of heart from the major political parties and urge them to move in the right direction. The people are demanding change and radical reform and investment in our health services.

I also raise the current situation of waiting lists for people with intellectual disabilities. There are still 1,382 people on residential waiting lists, 621 seeking day care places and 823 respite care. People are on trolleys and chairs in accident and emergency departments, and children are acting as carers. I support the Disability Federation of Ireland's pre-budget submission launched today. It included the cost of disability payments, income for people with disabilities, community employment, accommodation for people who experience mental illness, the young chronic sick, disabled person's housing grant, child carers and funding for voluntary and disability organisations. Those are all part of the debate. I urge all Deputies to support this excellent motion which deserves their support. Last night I heard the Minister, Deputy Brennan, speak of social justice. Now is the chance to put that talk into action by supporting our motion.

**Mr. J. Breen:** I tabled a parliamentary question to the Minister last September asking her to abolish the means test for carers. The Ceann Comhairle disallowed my question, saying that it might pre-empt the budget. However, there was nothing in the budget.

Anyone looking after a loved one in their own home should be entitled to carer's allowance, regardless of their income. If a person is put into full-time care in a nursing home, it will cost the State approximately €60,000 a year. Surely it would be more economic to provide care for them in their own homes. I am calling on the Minister to consider a home subvention scheme. Full-time carers will have to be looked after by the State. Most of our nursing homes are overcrowded and understaffed. In my county, there is a waiting list for admission to nursing homes.

People caring for a father, mother, son or daughter in overcrowded conditions should be entitled to a grant to build an extension and allow those needing care to live in the loving care and attention of their own homes. I know a person in my own county who applied for a carer's grant. He was €1 a week over the limit and did not get it.

Will the Minister to remove the anomaly whereby a widow does not qualify for carer's allowance, something she enjoyed before she became a widow? Will he also remove the anomaly whereby a carer travelling to Dublin with a person under 16 will get free travel while the person under 16 must pay? That is ridiculous and should be removed. All our services for children with disabilities are based in Dublin.

We have heard a great deal about the caring Government that Fianna Fáil is going to present to us now by means of a Cabinet change. I wish the Minister well. He has a tough job, but he needs to give us something, to act now, to show he is serious about looking after carers. They should be paid and looked after. I am confident the Minister, coming from the west and following his speech last night, will deliver.

**Dr. Cowley:** I wish the Minister well in his new job. It will be all right for him to deliver on this issue because the all-party Oireachtas committee has said this is the way forward. Everyone in the Dáil and in Ireland would have to agree that the carer's allowance should not be means tested. I compliment the Labour Party on bringing forward this motion, and it is very important that the Minister supports it. It would send out the message that the Government wishes to send out, that it is a caring Government. Many people feel that the Government is not at all caring. This is one area in which the Minister can make his mark and I urge him to do so.

As my colleagues beside me have noted, it makes great sense to prevent people from going into nursing homes. Many people go into such homes far away from their own homes. What is better than to have people stay in their own homes if at all possible? We all aspire to that. If a loving relative is prepared to provide care, what better end could one have than to spend one's last days in one's own home? It is wonderful that some disabled people can be cared for at home. Many people end up in care and in profit-driven nursing homes because it is not feasible for them to stay at home.

The motion makes great sense. Much lip service is paid to the idea of keeping people at home and to the value of that. Here is the way forward and the opportunity to allow many people to stay at home. Some 20% of people in nursing homes should not be there. If the Minister supports this motion, he will ensure that many of those people will be able to stay in their own homes. Even if they could not do so, they could possibly be catered for in sheltered housing. That is where a defined revenue funding scheme would help. Yet

[Dr. Cowley.]

home is best, and anything else second best. I urge the Minister to support the motion and to make a mark for himself. He can do so by abolishing the means test for carer's allowance.

**Mr. Healy:** I support the motion and compliment the Labour Party on tabling it. In particular I support the abolition of the means test for carer's allowance. The current payment is approximately €139.40, less than €1 per hour over a week for people who provide 24-hour care every day of the week. That is a very small payment, but it is one which saves the Exchequer a huge amount of money and ensures that people are looked after at home. The means test should be abolished and anyone caring full time at home for either an elderly or disabled person should automatically qualify for the allowance.

There is a related issue not referred to in the motion. The carer's allowance should be paid in addition to the social welfare payment. Currently, someone in receipt of a social welfare payment loses it when receiving a carer's allowance, which in effect means that in most cases the carer's allowance amounts to approximately €60 per week.

The housing aid for the elderly scheme and the disabled person's grant scheme are totally underfinanced. They are very important schemes which, if used properly, will save the Exchequer a great deal of money. If only on that basis, and not on that of humanity, I urge the Minister to accept the motion before the House.

**Mr. Boyle:** Yesterday, in speaking in this debate, while making his first contribution to the House as Minister for Social and Family Affairs, the Minister defined his philosophy of social justice which, as I understood it, was that he believed in developing the economy so that additional resources could be made available to those in need. On the surface, that sounds like a perfectly reasoned philosophy, but there are a number of difficulties with it. It leaves open the timeframe involved for meeting those needs. It also divides society into an economy and a society, whereby those who have the capacity and who are not burdened with family ties or social commitment are allowed to create and take as much wealth as possible so that we get a very unbalanced, uneven society. Unfortunately, that has been the net effect of that type of philosophy over the past ten years.

I believe in a diametrically opposed philosophy, I believe that the poorest society, at the poorest moment of its history, should always first look after those most in need. Until we can get that balance right and reverse the social policy dynamic we have had in this country, I fear that the poor, the disadvantaged and the incapacitated will always wait. That is why we are having such a debate this evening. The motion before us indicates the manner in which many people not only

in this House but in this society believe we should advance and how we should meet existing needs.

As the Minister reads himself into his brief, he will become aware of the situation facing the majority of carers, who are themselves social welfare recipients, of pensionable age and either in need of care or close to that need. The sentiment has been expressed even on the Government benches that we cannot put an economic value on what carers do for our society. Why not? In debates like this we constantly hear Governments pleading inability to pay because of lack of resources or willingness to put an economic value on carers in our society. This too is an imbalance. We have a Government which knows the price of everything and the value of nothing.

On this issue we have a clear, diametrically opposed view as to how we should progress as a society. In terms of how we progress this debate, the Minister could take the opportunity to say that the money can be provided other than by direct payments. The burden could be eased by a carer's tax credit for those who can avail of it if they have an additional outside income. There is the suggestion of getting rid of this notion that the Minister spoke of during Question Time, that somehow those already in receipt of a social welfare payment should not or could not be in receipt of an additional payment. We should show imagination and the breadth of wisdom that suggests that social welfare should be structured in such a way that payments should be provided for according to need. They should allow for the overcoming of artificial barriers in terms of means and that people are expected to jump through hoops to do what we as a society and a nation should be doing.

Until we have such a reasoned approach to the needs of carers in our society, an honest policy approach to this issue, I have to express again the sentiment I expressed in similar debates on subjects like this in the past, we will have many more of these debates. The motion before us is simple and clear-cut. This House should address it unanimously and we should provide the resources to address it immediately. Unfortunately, the Government has chosen the St. Augustine approach, "Make me pure, but not yet."

**Mr. Crowe:** I welcome the opportunity to speak on this issue. The motion is timely in that the Minister was in the House earlier to answer questions on carers. Members are aware of the difficulties involved. We all know of carers looking after the elderly or loved ones and Members on all sides agree we have not done enough for them.

The word which sums up the view of most carers is "frustration", born mostly of the feeling that no-one listens to them, that their work is taken as given and that they are ignored by the Government and the State. As we do not even know the full extent of the problem or the number of people in care, how can we address the problem? The age of those in care ranges from the very young to the very old and includes

grandparents, sisters, brothers, parents, friends and neighbours. Reference was made to rural areas. One of the aspects which holds rural communities together is the goodwill of neighbours and friends looking after the elderly, not State intervention.

It is accepted that carers save the State a significant amount of money. Full-time carers work twice as hard as ordinary employees and are on-call 24 hours a day but receive an allowance of €735 just once a year. This is supposedly to deal with respite care. However, if one talks to those trying to put a loved one in residential care or take him or her on holidays, the allowance does not cover the cost. It is not enough and the Minister must reconsider this.

A well thought-out national strategy for carers is needed. Given his recent appointment, the Minister has an opportunity to take advantage of widespread support among his party and the Opposition if he is prepared to bring about the minimal changes sought. I commend the Labour Party motion to the House. It outlines the difficulties involved and puts forward not radical proposals but ones which should be acceptable to all parties. They would resolve the problem, which must be addressed sooner rather than later.

**Mr. Sherlock:** It is said that in assessing a situation one must be clinical in one's appraisal but sympathetic in one's approach. However, no sympathy is being shown for the great elderly people of this country. A person who came home to look after an 89 year old father received a form with which to claim carer's allowance. It was five pages long and the person could not face answering all the questions on it. I compliment Deputy Penrose on bringing forward this motion to recognise the value of carers by the abolition of the means test for carer's allowance.

The Labour Party's draft carers Bill suggests a new section 6 to amend the Health Act 1970 by substituting a new section for section 61 which deals with the home help service. The new section 6 substitutes the word "shall" for "may", thus making the provision of much needed home help services mandatory. Home help hours have been reduced, leaving recipients quite vulnerable.

Respite care is also important. Care should be given to family members who themselves provide 24-hour care. Many experienced carers are left alone with nobody to talk to about the importance of their work when their elderly relatives go into respite care. The Government failed to recognise this and to provide for their care outside the context of the means test. Those providing care must be considered and security must be provided for them.

On subvention, it is appalling that carers are given application forms for private nursing homes which they have no choice but to accept. However, when their means are assessed, they find they cannot afford to pay for the nursing homes. By that stage the patient is in the private nursing home, which is a disgrace to the elderly.

The Minister should accept the motion to give confidence and security to the elderly. Many people need full-time care in the same way that those with physical and sensory disabilities need it.

**Ms Burton:** I compliment Deputy Penrose on his timely motion. I listened with interest to the Minister's contribution in which he seemed to acknowledge handsomely the work done by carers. He spoke about the changes in the demographics of the country whereby an increasing number of women are working and, thankfully, people are living to a much older age. As a consequence, many in their declining years need varying degrees of assistance and care at home. One point that informs this debate is that most Members, especially women Members, at some stage have been or will be carers. It is part and parcel of being a human being that when one is a small child, one receives care but, as one gets older and has family and community responsibilities, one gives care.

As a society, we are understandably proud of our economic achievements, the numbers at work and how rich we are. However, in many ways Fianna Fáil has moved away from the notions that informed its founding fathers and mothers, one of which was that the community, the meitheal, looked after its own and each other. Given the reports, I understand the Minister was not happy with his move to the Department of Social and Family Affairs. Perhaps it will be the making of him. The Minister in this debate referred to his youth in Galway and his experience of his father and community reaching out to look after others. However, what of a young family who discover next week that one of their children has been born with a severe and permanent disability? That family goes from being quite well off, with both parents at work, to suddenly having a reliance on the State which did not previously enter the equation. As well as the shock of having to come to terms with a child who will need special care all his or her life, they then enter into a bureaucratic nightmare where the State coldly says that unless they jump through the income hoops — they are very high and difficult, with an income limit of less than €30,000 in the case of a couple with two incomes — the State will not be particularly easy about offering help. In the context of today's Celtic tiger, the income of a couple, perhaps two teachers or the nurse and the garda often referred to by the Minister for Justice, Equality and Law Reform, Deputy McDowell, could easily exceed €30,000. However, the Government says to that family who have just had a special child that it will not be particularly easy about offering help even though their child will need lifelong care and attention and all their efforts. It is wrong not to address that issue.

Last week we had a parting gift from the former Minister for Finance, Deputy McCreevy, as he set out to succeed Commissioner Bolkestein in

[Ms Burton.]  
the European Union. It was an extraordinary set of figures. Every day this year so far the weekly take from PAYE has exceeded expectations by more €4.5 million per day. If the Minister were to target some of that excess money towards helping carers, it would do substantial good.

I worked on and off for a long period with young adults who have a permanent disability and who, while not necessarily in need of carers as people with high levels of dependence might be, need personal assistance. Despite economic prosperity, during the lifetime of this Government, scheme after scheme has been either reduced or eliminated. The concept of the personal attendant, which was pioneered by one of the Minister's predecessors, Deputy Michael Woods, and myself when we were in the Department of Social Welfare, has remained at the same level. These are young people. Many of them have exceptional talent and could be out working but they are wheelchair dependent and dependent on being able to employ a special care assistant to lead the kind of life that a young active disabled adult person should be able to lead. Shame on the Government that it has failed to respond to their needs.

My colleague, Deputy Sherlock, spoke about elderly people. This week and every week elderly people will be released from hospitals to return to cold homes with little access to home help or community care. Many will not be able to obtain even minimal grants to adapt their homes for special needs. Small amounts of money will go a long way towards making people that bit more independent and postpone the day when they must opt for full-time care in a nursing home or in a community facility. It is one area where we lag behind almost every other European country. People with special needs in our society, whether they are young or old, ought to be treated as special people. Instead it sometimes seems this Government is determined to pay no more than lip-service. Deputy Penrose's Bill essentially suggests that the Government do for carers what was done by the late Frank Cluskey of the Labour Party in the Government of 1973-77 when he introduced the concept of universal payments for lone parents and upped the level of what used to be called children's allowance and is now child benefit. Giving a universal payment cuts out means testing. It gives people with a special and lifelong need an easy way to access some support from the State. It is long past the time when this Government ought to have taken a brave decision and moved forward on that road, as Deputy Penrose's Bill sets out very clearly.

**Mr. Broughan:** Earlier in the debate the new Minister for Social and Family Affairs seemed satisfied that 22,000 carers now receive the carer's allowance and that these 22,000 represent 55% of full-time carers. This is presumably based on CSO estimates of citizens engaged in full time care of relatives with disability in the home, although the

last review of the carer's allowance placed the number of citizens giving effective seven-day, 24-hour care at approximately 55,000 people. Even by the Minister's limited definition, the Minister and his Department should be thoroughly ashamed of their policy towards carers because those figures are an admission that nearly half the people engaged in seven-day, 24-hour, year in, year out care of loved ones still do not qualify for carer's allowance or carer's benefit.

The reality is much worse than the Minister's figures indicate. A litany of reports in the past 20 years puts the true figure for carers at anything between 150,000 and 200,000 citizens. We do not know how many there are. We have no database. Six or seven years ago, the carer's charter asked for a comprehensive database to be prepared. In the past seven years, the Department of Social and Family Affairs never busied itself with effectively carrying out that work. Local and regional studies show that the great majority of carers are female — between 70% and 80%; that many are elderly, with a quarter over 65 years and, according to one study, 20% over 70; that many carers suffer from a serious illness and are sometimes chronically ill; and that many are "hidden carers" working diligently in isolation for infirm relatives with minimum support from the Government or local health bodies.

A seminal study of carers, carried out by Dr. Francesca Lundström from my constituency for Care Alliance Ireland, reports that carers of older persons are most often spouses and siblings and that the care of the elderly is by the elderly. The thorough report of the South Eastern Health Board, *Listening to the Voice of Carers*, found that the average age of carers in the South East was 56 years, that 20% are over 70, that nearly 12% cared for two or more people, and that an appalling figure of 83% did not receive the carer's allowance. That report was carried out only a few years ago.

This is the reality against which Labour's spokesperson, Deputy Willie Penrose, framed the motion and heads of the Bill before us tonight. I warmly commend Deputy Penrose and urge him to continue and intensify the struggle on behalf of carers. Throughout its history, the Labour Party has rightly highlighted the sad plight of carers and those for whom they care. Even in the past seven and a half years of bitter and often sterile opposition, our spokespersons, Deputies Moynihan-Cronin and Penrose and myself for a period played a fundamental role on behalf of the Labour Party in promoting the carer's benefit. It was our amendments which succeeded in persuading one of the Minister's predecessors, Deputy Dermot Ahern, to extend the benefit to 65 weeks when we sought a three year timeframe. We also successfully applied pressure to increase the levels of respite grant and the carer's allowance. As Chairman of the Joint Committee on Social and Family Affairs, Deputy Penrose has rightly placed the concerns of carers at the top of the political agenda and issued a fine all-party

report on the position of full-time carers which should be accepted in full by the Minister, Deputy Brennan.

Most serious Members of this House do not need to read the burgeoning literature on carers. On a weekly basis we encounter heartrending cases of the invaluable, massive work and intense sufferings of carers. People often arrive into my clinic with a fully or partially completed carer's application form, having sometimes been sent to me by a local general practitioner. Often these applicants are elderly women whose husbands have suddenly become immobile or infirm or whose ongoing medical condition has sharply deteriorated. Applicants include mothers of young families, whose husbands have suffered life-changing injuries, trying to live on the few hundred euro of disability benefit a week. There are parents who care for a child with a severe disability needing 24-hour care. There are younger men and women who feel deeply obliged to care for a parent with severe disability, especially when the other parent, the previous caregiver, has died, perhaps partly from the intense overwork and stress that goes with caring.

This timely motion should not be opposed. In last night's debate the Minister set out a political philosophy that would respond to the needs of the most vulnerable sections in society. He now has an opportunity to put it into practice by addressing this issue. His predecessor, Deputy Coughlan, one of the worst Ministers for Social and Family Affairs shamefully ignored the plight of the carers was shamefully ignored. She never once responded to any issue I raised on behalf of my constituents. At least her predecessor Deputy Dermot Ahern, gave some thought to this by dealing with students of the area in his office. However, even he was not prepared to grasp the nettle fully.

In 1996, the Oireachtas report, Long Term Support Framework For Female Carers, written by Mel Cousins, argued that the means test for the carer's allowance should be removed over a certain time frame and that the national aim should be to award the allowance to carers of all citizens requiring full-time care. The Labour Party supported this and the abolition of the means test was one of Deputy Quinn's key policies in the 2002 general election. The report of Deputy Penrose's Oireachtas Joint Committee on Social and Family Affairs is unanimously of the same view.

In his 2000 report the Comptroller and Auditor General examined the expansion of the carer's allowance and the necessity for full records of carers and those with disabilities receiving care. He anticipated that a Government would one day have the courage, decency and integrity to begin caring for the carers. The response of the Secretary General of the then Department of Social Community and Family Affairs was striking. It revealed that the average duration of a carer's allowance is only three years and that large

numbers of applicants are refused every year on the grounds of income earned. For example, between 1999 and 2001, approximately 11,000 carers were awarded an allowance but approximately 9,000 applicants were turned down. Tens of thousands of others did not even bother applying because the income disregards were so low.

The introduction of a comprehensive system of assessment of the support and services required by carers, the shifting of resources to home care subvention and respite care for all carers are critically important. The draft carers Bill is similar to the Carers (Recognition, Needs Assessment and Services) Bill that I introduced several years ago. The draft Bill correctly provides for a statutory right of a carer to an assessment of his or her needs by a health board. It also considers the situation of both the carer and the person being cared for. Most importantly the Bill places the home help service on a statutory basis in section 6. Section 3 greatly increases the availability of respite care and abolishes the means test for carer's allowance.

Since 1997, the advocates of carers have pleaded with the Government to recognise the often heroic work done by carers and to at least provide basic income and services support for them. When one re-reads the carer's charter, proposed by Professor Joyce O'Connor on behalf of the caring for the carers project, it is clear that the mean-spirited and uncaring Fianna Fáil-Progressive Democrats Government has failed to deliver a single element of its 14 points. We are still arguing about the true numbers of carers because there is still no register of carers. There is no carer's payment or no cost of disability payment. There is no carer's additional payment for those already on social welfare benefit. Respite care is limited and the home help and personal assistant service is poorly resourced. There is no ombudsman for carers or a local caring partnership structure between home carers and health professionals. After eight years, no White Paper or legislation on carers has yet been published. There is little or no planning for the future where 40% of us will need caring in our later years. Above all, there is no constitutional protection for carers and the Labour Party's proposed revision of Article 41.2 to support carers has been ignored. The carer's charter is a challenge for us all. Tonight Deputy Penrose has taken a fundamental step in meeting that challenge, which this House should applaud.

**Mr. Wall:** I wish the Minister, Deputy Brennan, well in his new brief. Many difficult tasks lie ahead for him. The Minister claims that €16,000 will be put aside for the Carers' Association to prepare information packs. However, in County Kildare there will not be much need for those packs as many there have been refused the care of the elderly grant, the essential repairs grant and the disabled person's grant. What does this mean to an individual that must care for a loved one at home because the Government will not

[Mr. Wall.]

provide funding for these three essential schemes? It means further hardships will be endured by carers. If an individual cannot receive a care of the elderly grant, it means no shower can be purchased and the person must continue to be put into the bath. It means that person must be carried to bed because no lift is available. This lack of funding extends the hardship for people who have given their lives to looking after their loved ones. It is an indictment of the Government. The Minister must insist that his and other Departments recognise the other factors involved in the carer's allowance.

The issue has been raised many times. However resolving it is always put on the long finger while the unfortunate carers continue, against the odds, to strive to provide a normal life for their loved ones. In doing so, their physical strength and outlook in life is greatly diminished. While many of us can plan our holidays, many carers do not have such an opportunity as they must wait to see if respite care is available to them. They cannot get the glossy brochures from the travel agents. Instead, for the odd weekend away, they must ensure the provision of a hospital bed from the local director of nursing.

A Progressive Democrats Member claimed the carer's allowance must be means-tested. There should not be a means test and there should be no hindrance in the provision of the care of the elderly grant, the essential repairs grant or the disabled person's grant. They are all associated with one issue, the pressure we put on families who are caring for their loved ones.

I wish the Minister well with his portfolio. It is a wider brief than simply getting rid of the means test for the carer's allowance. All other aspects I mentioned must be taken into account as well.

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** I am glad to have the opportunity to contribute to the debate and to remind colleagues of what the Government has achieved in the area of care for older persons and persons with disabilities. Everybody accepts that carers make a valuable contribution to our society. It is said that nobody is indispensable in this life but where family carers are concerned, I disagree. Without people doing that work, our society would be a much poorer place. That is why the Government will continue to support our carers in their work and, indeed, the people for whom they care.

In the past two years the essential task of the Government was to consolidate the economic gains made in recent years. That often required that difficult decisions be made. The Government is as committed as any Member of the House to promoting caring and it has not been found lacking in providing support. Funding for carers and services for older persons and persons with disabilities has never been higher. A total of €115 million has been allocated to the nursing home subvention scheme this year and €2.5 billion is

being provided for disability specific services. Over €3 million has been made available to voluntary organisations, including the Carers Association mentioned by Deputy Wall. A total of €1.25 million has been made available to develop community care support services for older persons and expenditure on carers' payments in the Department of Social and Family Affairs is estimated to be in the region of €212 million this year. These are just a few examples of how money is being invested in caring.

I agree with Deputy Wall that this area must be considered in a holistic manner, not just in terms of a financial payment. Of course, the means test could be improved. The ultimate objective of a non-means tested carer's benefit is desirable but if one is to look at this practically and in an evolutionary manner, the means test must be examined. The rates of payment to carers have been steadily increasing during the Government's time in office. The carer's allowance rates of payment have been increased by 76% for those over 66 years and by 56% for those under 66 years over the last seven budgets. It has become easier to qualify for this payment.

I will spare the blushes of the Labour Party and not refer to the last time it was in government. It is now looking forward to when it might next be in government. The amount of the respite care grant which is paid with carer's allowance has increased by 229% over five successive budgets. Those carers who are caring for more than one person have seen an increase of over 550% in the amount of respite care grant which they received over the past five years.

Steady progress has been made on a number of initiatives which are changing the shape of services for carers, older persons and persons with disabilities. In 2000, the then Minister for Social and Family Affairs introduced a carer's benefit scheme. This was quickly followed by the introduction of a carer's leave scheme to support those who have to leave work temporarily to provide care. These are unique schemes in Europe to support carers who are working full time. I hope it signals to carers how much their work is appreciated.

Further innovations are under way which demonstrate the concern and commitment the Government has for carers and the persons for whom they care. The new personal care packages and home subvention measures are being promoted as an alternative to long stay residential care. The administration and operation of the nursing home subvention scheme is being examined. A national implementation group has been established to put structures in place to deal with cases of elder abuse. The Minister for Social and Family Affairs published the study to examine the future financing of long-term care in Ireland last year. An extensive public consultation process is now under way to assist with policy development in the area of financing long-term care.

**Mr. S. Ryan:** There are plenty of studies.

**Mr. B. Lenihan:** The response from this process will be the starting point for the working group promised in Sustaining Progress which will be in place before the end of this year.

Officials of the Department of Social and Family Affairs are carrying out a review of the carer's allowance and carer's benefit schemes within the Department. The review will consider many of the issues and recommendations raised by the joint committee report which was referred to in the course of the debate. The review is nearing completion and its recommendations will be considered in the context of budget 2005.

The facts that I have set out clearly demonstrate how active the Government has been on many fronts in continuing to develop supports for carers. We are well aware that not everybody has been in a position to benefit from our thriving economy and we are determined to work hard for those who feel that they have been left behind. We are aware of the magnitude of the challenge involved in meeting the needs of vulnerable citizens and we look forward to facing that challenge and developing a society in which prosperity, inclusion and participation are a reality for all.

**Mr. S. Ryan:** I wish to share time with Deputy Rabbitte.

I am pleased that, once again, the Labour Party has raised the role of carers in the House. I compliment Deputy Penrose and I hope the motion can be supported by the House. However, the Labour Party will continue, in one way or another inside or outside the House, whether it is in or out of Government, to pursue the needs of carers until they get due respect and acknowledgement.

Life expectancy has increased due to medical advances and there are now many more people with chronic illness and serious disability requiring care. Family carers in the home are expected to provide the bulk of care for the chronically ill, the disabled and dependent older persons. They are offered little support or practical help. It is important to outline the amount of caring being undertaken daily in this country. It is estimated that there are nearly 400,000 people with disabilities in Ireland. There are approximately 40,000 people with dementia, 5,000 with multiple sclerosis, 7,000 with Parkinson's disease, between 20,000 and 30,000 adults with intellectual disabilities, at least 5,500 people who are wheelchair users and each year 3,000 people become dependent on constant care as a result of the effects of strokes. That is an indication of the reality of the work being done each day.

Until recently the carer's role was largely defined by tradition, culture and religious factors incorporating ideas of self-sacrifice, duty and acceptance. Thankfully, this attitude has changed and carers are emerging as people who want to care for their loved ones but who are increasingly angry about the lack of recognition, services and support for them in their caring role in one of the richest countries in Europe. Despite the increased emphasis on the value and importance of community care, expenditure patterns in the health

services do not reflect any noticeable shift towards community care services as opposed to hospital care.

There appears to be an erroneous perception that carers are always other people. We are all potential carers. Who is to say when or if we will experience the emotional, physical or financial effects of caring for a loved one struck down by accident, illness or the effects of old age? We must acknowledge that and deal with it. Entrenched social assumptions regarding the role of women and the perception that caring is an integral part of femininity can be seen in the failure in some areas to bury the official definition of the home help service as a good neighbourhood service. Sufficient funds must be allocated to enable the service to expand and attract workers by paying a reasonable wage. Workers in this service should receive adequate training for the job. The service should be greatly expanded in size, scope and function and should include emergency cover for the carer if he or she becomes ill, as well as a night and weekend service.

I wish to make a point which the Minister should take on board on behalf of the so-called caring Government. I was trying to get information from the various health boards over the past 18 months on the amount of money available and the cutbacks in the home help service. From the information provided to me, there was a reduction of over 300,000 home help hours in 2003 compared to the previous year. For the most needy people in this country, there was a reduction of over 300,000 home help hours. In further health board areas, clients were reviewed on the basis of need and clients' contributions were increased and the hours available were limited so they could not plan. That is the reality.

The Minister will be judged on what he does for the most needy in society. I am a member of the committee under the chairmanship of Deputy Penrose which brought out this report on carers and carers' needs. There was unanimous support in the committee for the report and it is up to the Minister to ensure it is implemented because the Labour Party, as it has in the past both inside and outside the House, intends to continue to further this issue to ensure the needs of those people who provide so much support to the most needy in this country are looked after as they should be.

**Mr. Rabbitte:** I pay tribute to my colleague, Deputy Penrose, for bringing forward this motion and publishing a Bill which goes with it. I express my thanks to colleagues on all sides of the House for their support for the substance of the motion. It must be alternatively gratifying and infuriating for people who are carers to listen to this debate. They are bound to be gratified by the genuine sentiments expressed on both sides of the House for the role and contribution carers make to civilising our society and to supporting and caring for their loved ones, but they must be infuriated that the Government side, after all those fine words, has signalled it will vote against the motion. It is very difficult to reconcile that with the speeches made, and I do not question their bona fides. It

[Mr. Rabbitte.]

is even more difficult to reconcile it with the new direction we are told this Government has taken.

The motion is no scatter-gun, off the top of the head effort by Deputy Penrose in the name of the Labour Party. Deputy Penrose has worked long and hard on this issue not only in his capacity as spokesperson for the Labour Party but in his capacity as Chairman of the Oireachtas Joint Committee on Social and Family Affairs. Members on all sides, including on the Government benches, supported the elements of this motion. It is in the report of the committee. I do not understand how colleagues can support it in committee but when it comes into the House, take the opposite position.

I know €180 million is not an insignificant amount of money and that this is not the type of motion one would table every Private Members' time but this is a special issue for the reasons Government Deputies have agreed and for the reasons the very vivid description Deputy Wall gave to the House of what it actually means for the people affected. After all, if we look at the burgeoning tax receipts we are enjoying again, how is this not a reasonable choice? At the end of the day, politics is about making choices. The Labour Party has made this choice and, as Deputy Sean Ryan, said, we intend to stand by it.

The Minister of State, Deputy Brian Lenihan, told us the priority of the Government is to consolidate the economic gains. To what purpose, or to what end? The economic boom is with us since 1993-94. We have had a decade of unprecedented growth. At what point do we stop being lectured to by the people who were fortunate to inherit that situation? At what point will they tell us what they are going to do with the fruits of that boom? They are saying that more than a decade later, the priority is to consolidate the economic growth and that they will think about this type of issue. This type of issue is the mark of a civilised society. When will they come into the House to say they are going to address this issue?

The motion before the House has attracted unusual attention not only because there is a growing public awareness of the importance of the role of carers in society but also because most people see it as a litmus test of the new direction we have been promised by this Government. We, on these benches, did not create that expectation. The Opposition is not responsible for the belief abroad that there is a new direction, a new departure and a new caring dimension to this Government that is so concerned to consolidate economic progress. The Taoiseach and several Ministers created it, as did the Minister for Foreign Affairs, Deputy Dermot Ahern, when he upbraided the Minister for Justice, Equality and Law Reform, Deputy McDowell, and the Progressive Democrats for foisting on Fianna Fáil an antagonistic philosophy with which it was not accustomed or familiar. I do not know why it took the Minister, Deputy Dermot Ahern, seven and a half years to wake up at the Cabinet table one morning and to realise that for that period he was sharing it with people who were antagonistic to

his beliefs. If he says they are his beliefs, I accept that but it was he, his Taoiseach, his Ministers and the jamboree at Inchydoney who conveyed it to the public, as it was intended, with Fr. Seán Healy in mufti or otherwise, the new, caring and sharing Fianna Fáil. This is its opportunity. I cannot think of a better litmus test. It has testified to the role of carers in society and this is the test.

Last night I listened to the Minister, Deputy Brennan, retrace his motivation for being in politics. I would not question his motivation and I accept entirely what he said. I do not recognise the self-portrait drawn by the Minister because I have always seen him as a neo-liberal in economic terms. It is a legitimate point of view with which I do not agree. I do not accept the reason he gave last night for not joining the Progressive Democrats at the time. The Progressive Democrats was not about ideology but was about being unable to live with the Haughey philosophy or ethos at the time. It adopted a hard right, neo-liberal political philosophy later to justify its existence. I do not believe the Minister, Deputy Brennan, has become a liberal in economic terms overnight but I acknowledge he has ability. The fact he did not want to be in this portfolio is not my responsibility — he had better clear that up with the Taoiseach — but now he is in it. He has never shown empathy with this particular constituency or these types of issues. However, he is an immensely experienced politician and an able Minister. I wish him well in his portfolio.

Here is the Minister's chance to get his own back on the Taoiseach. Here is his chance to put his finger in the Taoiseach's eye and say: "I am now going to do what you told the people at Inchydoney we would do and the Government will have to support it." This is the test. It is a great opportunity for the Minister to do something significant, to implement the report encapsulated in this motion produced by Deputy Penrose and his colleagues, including the Minister's colleagues, in the select committee. Then the Taoiseach might think twice about putting the Minister into the Department of Social and Family Affairs the next time.

Amendment put.

The Dáil divided by electronic means.

**An Ceann Comhairle:** The House will hear Deputy Stagg.

**Mr. Stagg:** Given the importance of this issue which affects tens of thousands of people and as a teller in the count, in accordance with Standing Orders I demand a vote by traditional methods.

**Mr. Davern:** It is a pity Deputy Stagg did not have a say in the Labour Party when Deputy Michael D. Higgins was defeated by Labour.

(Interruptions).

Amendment again put.

## The Dáil divided: Tá, 68; Níl, 58.

## Tá

Ahern, Dermot.  
 Ahern, Michael.  
 Ahern, Noel.  
 Andrews, Barry.  
 Blaney, Niall.  
 Brady, Johnny.  
 Brady, Martin.  
 Brennan, Seamus.  
 Callanan, Joe.  
 Callely, Ivor.  
 Carey, Pat.  
 Carty, John.  
 Cassidy, Donie.  
 Coughlan, Mary.  
 Cowen, Brian.  
 Cregan, John.  
 Cullen, Martin.  
 Curran, John.  
 Davern, Noel.  
 Dempsey, Tony.  
 Dennehy, John.  
 Devins, Jimmy.  
 Ellis, John.  
 Fitzpatrick, Dermot.  
 Fleming, Seán.  
 Glennon, Jim.  
 Hanafin, Mary.  
 Haughey, Seán.  
 Hoctor, Máire.  
 Jacob, Joe.  
 Keaveney, Cecilia.  
 Kelleher, Billy.  
 Kelly, Peter.  
 Killeen, Tony.

Kirk, Seamus.  
 Kitt, Tom.  
 Lenihan, Brian.  
 Lenihan, Conor.  
 McGuinness, John.  
 Martin, Micheál.  
 Moloney, John.  
 Moynihan, Donal.  
 Moynihan, Michael.  
 Mulcahy, Michael.  
 Nolan, M. J.  
 Ó Cuív, Éamon.  
 Ó Fearghaíl, Seán.  
 O'Connor, Charlie.  
 O'Dea, Willie.  
 O'Donoghue, John.  
 O'Donovan, Denis.  
 O'Flynn, Noel.  
 O'Keefe, Batt.  
 O'Malley, Fiona.  
 O'Malley, Tim.  
 Parlon, Tom.  
 Power, Peter.  
 Power, Seán.  
 Roche, Dick.  
 Sexton, Mae.  
 Smith, Brendan.  
 Smith, Michael.  
 Treacy, Noel.  
 Wallace, Dan.  
 Wallace, Mary.  
 Wilkinson, Ollie.  
 Woods, Michael.  
 Wright, G. V.

## Níl

Boyle, Dan.  
 Breen, James.  
 Breen, Pat.  
 Broughan, Thomas P.  
 Bruton, Richard.  
 Burton, Joan.  
 Connaughton, Paul.  
 Costello, Joe.  
 Cowley, Jerry.  
 Crawford, Seymour.  
 Crowe, Seán.  
 Cuffe, Ciarán.  
 Deasy, John.  
 Deenihan, Jimmy.  
 Durkan, Bernard J.  
 Enright, Olwyn.  
 Gilmore, Eamon.  
 Gogarty, Paul.  
 Gregory, Tony.  
 Hayes, Tom.  
 Healy, Seamus.  
 Higgins, Joe.  
 Higgins, Michael D.  
 Hogan, Phil.  
 Kehoe, Paul.  
 Kenny, Enda.  
 Lynch, Kathleen.  
 McCormack, Pdraic.  
 McGrath, Finian.

McGrath, Paul.  
 McHugh, Paddy.  
 Mitchell, Olivia.  
 Morgan, Arthur.  
 Moynihan-Cronin, Breeda.  
 Murphy, Gerard.  
 Naughten, Denis.  
 Neville, Dan.  
 Noonan, Michael.  
 Ó Caoláin, Caoimhghín.  
 Ó Snodaigh, Aengus.  
 O'Dowd, Fergus.  
 O'Shea, Brian.  
 O'Sullivan, Jan.  
 Pattison, Seamus.  
 Penrose, Willie.  
 Perry, John.  
 Quinn, Ruairí.  
 Rabbitte, Pat.  
 Ring, Michael.  
 Ryan, Seán.  
 Sargent, Trevor.  
 Sherlock, Joe.  
 Shortall, Róisín.  
 Stagg, Emmet.  
 Stanton, David.  
 Timmins, Billy.  
 Upton, Mary.  
 Wall, Jack.

Tellers: Tá, Deputies Kitt and Kelleher; Níl, Deputies Durkan and Stagg.

Amendment declared carried.

Question put: "That the motion, as amended, be agreed to."

The Dáil divided: Tá, 67; Níl, 48.

Tá

Ahern, Dermot.  
 Ahern, Michael.  
 Ahern, Noel.  
 Andrews, Barry.  
 Blaney, Niall.  
 Brady, Johnny.  
 Brady, Martin.  
 Brennan, Seamus.  
 Callanan, Joe.  
 Callely, Ivor.  
 Carey, Pat.  
 Carty, John.  
 Cassidy, Donie.  
 Coughlan, Mary.  
 Cowen, Brian.  
 Cregan, John.  
 Cullen, Martin.  
 Curran, John.  
 Davern, Noel.  
 Dempsey, Tony.  
 Dennehy, John.  
 Devins, Jimmy.  
 Ellis, John.  
 Fitzpatrick, Dermot.  
 Fleming, Seán.  
 Glennon, Jim.  
 Hanafin, Mary.  
 Haughey, Seán.  
 Hoctor, Máire.  
 Jacob, Joe.  
 Keaveney, Cecilia.  
 Kelleher, Billy.  
 Kelly, Peter.  
 Killeen, Tony.

Kirk, Seamus.  
 Kitt, Tom.  
 Lenihan, Brian.  
 Lenihan, Conor.  
 McGuinness, John.  
 Martin, Micheál.  
 Moloney, John.  
 Moynihan, Donal.  
 Moynihan, Michael.  
 Mulcahy, Michael.  
 Nolan, M. J.  
 Ó Cuív, Éamon.  
 Ó Fearghaíl, Seán.  
 O'Connor, Charlie.  
 O'Dea, Willie.  
 O'Donoghue, John.  
 O'Donovan, Denis.  
 O'Flynn, Noel.  
 O'Keefe, Batt.  
 O'Malley, Fiona.  
 O'Malley, Tim.  
 Parlon, Tom.  
 Power, Peter.  
 Power, Seán.  
 Roche, Dick.  
 Sexton, Mae.  
 Smith, Brendan.  
 Treacy, Noel.  
 Wallace, Dan.  
 Wallace, Mary.  
 Wilkinson, Ollie.  
 Woods, Michael.  
 Wright, G. V.

Níl

Boyle, Dan.  
 Breen, James.  
 Breen, Pat.  
 Broughan, Thomas P.  
 Bruton, Richard.  
 Burton, Joan.  
 Connaughton, Paul.  
 Costello, Joe.  
 Cowley, Jerry.  
 Crawford, Seymour.  
 Crowe, Seán.  
 Cuffe, Ciarán.  
 Deasy, John.  
 Deenihan, Jimmy.  
 Durkan, Bernard J.  
 Gilmore, Eamon.  
 Hayes, Tom.  
 Healy, Seamus.  
 Higgins, Joe.  
 Higgins, Michael D.  
 Kehoe, Paul.  
 Kenny, Enda.  
 Lynch, Kathleen.  
 McCormack, Padraic.

McGrath, Finian.  
 McGrath, Paul.  
 McHugh, Paddy.  
 Mitchell, Olivia.  
 Moynihan-Cronin, Breeda.  
 Murphy, Gerard.  
 Naughten, Denis.  
 Neville, Dan.  
 Noonan, Michael.  
 Ó Caoláin, Caoimhghín.  
 Ó Snodaigh, Aengus.  
 O'Shea, Brian.  
 O'Sullivan, Jan.  
 Pattison, Seamus.  
 Penrose, Willie.  
 Quinn, Ruairí.  
 Rabbitte, Pat.  
 Ring, Michael.  
 Sherlock, Joe.  
 Stagg, Emmet.  
 Stanton, David.  
 Timmins, Billy.  
 Upton, Mary.  
 Wall, Jack.

Tellers: Tá, Deputies Kitt and Kelleher; Níl, Deputies Stagg and Durkan.

Question declared carried.

## Adjournment Debate.

### Foreign Conflicts.

**Mr. M. Higgins:** I thank the Ceann Comhairle for allowing me to raise this issue. I congratulate the Minister on his appointment, wish him well in dealing with the complex issues he will face in future and thank him for the replies he has already given in respect of issues I have raised with him.

I raise this issue of the deteriorating situation in the Middle East in the context of the deaths of 85 Palestinians in the past seven days. This is an ever-present background factor to all the issues associated with Iraq. I recently received from the delegate general a list of those 85 who were killed and discovered that more than 20 were children aged between 14 to 16 years. There were also some very elderly people, the oldest of whom was aged 87. It is one of the unfortunate aspects of current foreign policy that the public and the media are beginning to accept deaths as merely numbers and statistics which are dissociated from the people involved.

The list to which I refer contains the name of Saed M. Abul Eish who was 14 years of age. The difference between the First World War and what happens today is interesting. Nobody in the media seems to give any description regarding how a person was killed. The 14-year old to whom I refer died as a result of injuries to the chest and abdomen. Also listed is Mohammed Jabr who was 16 years of age and who died of multiple body wounds. Ahmad A. Madhi, aged 16, died as a result of wounds to the chest and abdomen. As one reads through the list, the people on it acquire a personality and humanity because their age, name and the manner of their death is provided. I do not have time to go into the list in detail.

What is happening is a continuing breach of international law and many United Nations resolutions. Whether these are Chapter 7 resolutions is, to some extent, irrelevant. The Minister is aware, as was his predecessor, that there has been agreement across the floor of the House in respect of events in the Middle East. At present, however, a complete impasse has been reached in terms of the peace process and the roadmap for peace. It is clear that the withdrawal from Gaza and the Israeli position have completely replaced the commitment to the roadmap.

Each day, Palestinian people, including children and the elderly, are being slaughtered. I referred to the ages of the individuals to whom I referred earlier to make the point that while the principle of pre-emptive assassination — which is what is happening at present and which is causing many casualties among children and those over 80 years of age — is being employed, such methods do not simply result in the elimination of the leaders of terrorist groups. The issue which arises is exactly the same as that relating to the

illegal war conducted in Iraq through the assertion of a principle of pre-emption, which is against every fundamental point of international law. What we are witnessing in Gaza, which was occupied in recent days, is the principle of pre-emptive, arbitrary assassination outside the terms of any law.

We have seen not merely the loss of life but also the maiming of people and the destruction of more than 1.3 million trees, the means of livelihood of an entire people. It is time the international community moved into the vacuum that has emerged in respect of the roadmap for peace. The European Union must fill that vacuum by providing positive proposals aimed at seeking a return to discussing a political solution. It is outrageous that one of the parties to the roadmap suggested that no progress is possible until Chairman Arafat is replaced. That is an outrageous interference in the sovereignty of a country. A debate is taking place within the Palestinian Authority which belongs to Palestinians.

I hope the new Minister will give prominence to taking such a political initiative. What is taking place serves as a backdrop to what is happening in Iraq. It is outrageous, as regards the prisoners issue in Iraq, that those on one side taking hostages can assert hundreds of prisoners and the occupying forces two or three. The International Committee of the Red Cross can clarify issues in respect of people held under the Geneva Convention but a body should assert on the others.

I thank the Minister for his recent letter regarding the measures the Government has taken which may facilitate the release of Ken Bigley. What is needed, however, is a re-engagement of those who are concerned, from a human standpoint, with the basis of this conflict which is threatening to create the foundations for another appalling war.

**Minister for Foreign Affairs (Mr. D. Ahern):** I thank the Deputy for his remarks about my taking this position. I also thank him for his recent efforts in respect of the matter of Ken Bigley with which I will deal in due course.

I share the widely expressed concerns about the continuing deterioration of the situation in the Middle East, both in the occupied Palestinian territories and in Iraq. I will begin by addressing the current violence in the Gaza Strip. The Government's position on the Israel-Palestine conflict has been one of consistent support for a peaceful solution. Together with our EU partners, we work for a negotiated end to the conflict leading to two states, Israel and Palestine, living at peace within secure and recognised borders.

I issued a detailed statement on Monday — I hope the Deputy had an opportunity to read it — in which I expressed the Government's great concern at the deaths and injuries caused in the current upsurge of violence in the Gaza Strip and southern Israel. As the Deputy stated, more than 80 people, many of them civilians, including children, have been killed and dozens more injured

[Mr. D. Ahern.]  
during the major Israeli military incursion into the refugee camp in Gaza. This incursion is stated to be in response to continuing rocket attacks by Palestinian groups into southern Israel which resulted in the death of two young children last week.

I unequivocally condemn the terrorist attacks by Hamas and other Palestinian groups which have taken place, including, and in particular, the killing of young children, and demand their immediate end. I also call on the Palestinian Authority to act, to the fullest extent of its powers, to bring about a total ceasefire and put an end to such terrorist outrages.

I strongly urge the Israeli authorities to take every precaution to avoid causing civilian casualties and to conduct operations in full conformity with the obligations of international humanitarian law, including the Fourth Geneva Convention. We recognise Israel's right and duty to protect its own citizens but I am particularly concerned at the civilian casualties on the Palestinian side, including the many children killed or wounded, and the disproportionate force deployed by the Israeli defence forces, including the bulldozing of Palestinian homes and economic infrastructure. I strongly support Kofi Annan's call for an end to the incursions. The Taoiseach, I and others will meet Mr. Annan when he visits Ireland next week and we will raise these issues with him.

It is the Government's long-standing position that the ongoing cycle of violence will not lead to a resolution of the conflict. As happened in our own country, that type of violence will only postpone the day when an Israeli state and a Palestinian state can live side by side in peace and security. There is no substitute for political negotiations between the parties to the conflict leading to a lasting political settlement. I call on both parties to work for an immediate ceasefire as a prelude to renewed political contacts.

I am certain that everyone in the House shares the Deputy's concern about the ongoing hostage situation in Iraq. I call on all those holding hostages to release them immediately and unconditionally. This situation has been brought closer to home by the distressing case of Kenneth Bigley. We have all been extremely moved by the plight of his family and by their determination to do everything they can to secure his release. This determination has won support from eminent citizens around the world, from leading Arab figures and from thousands of people in Ireland, the UK and far beyond. One need only look at the Al-Jazeera website to see the many Irish people who have sent e-mails of support to that website and the Bigley family.

When the Government learned that Mr. Bigley's mother Elizabeth was born in Ireland, my predecessor, Deputy Cowen, immediately spoke to the British Foreign Secretary and informed him of the Irish interest in the case. As the Deputy is aware, the Taoiseach issued an appeal to the Al-Jazeera network the next day for

Mr. Bigley's release. The Taoiseach also instructed the Irish ambassador in London to communicate the sympathy and support of the President, the Government and the Irish people to the Bigley family.

In the intervening period, we have been very actively monitoring the case. On my appointment as Minister for Foreign Affairs last week, I immediately reviewed the case with my senior officials to see how Irish influence could best be brought to bear. Following on from this, we had contacts with a number of authorities in the area. This included my discussing the Bigley case with the Jordanian Foreign Minister, whom I have met on many previous occasions, on Saturday morning and with the Secretary General of the Arab League, Amre Moussa, yesterday morning. We are, of course, remaining in close touch with these contacts.

Yesterday afternoon, on my instructions, a passport was issued to Kenneth Bigley in order to help convince his kidnappers of his Irish citizenship and in the hope that it will contribute to the efforts to secure his release. I was very happy to respond positively to the request from Mr. Bigley's family for an Irish passport. I thank the Deputy for his involvement in that respect.

We do not know at this stage what might persuade Kenneth Bigley's kidnappers to release him. The Government sincerely hopes that its continuing efforts will add constructively to the efforts of the Bigley family, the Jordanian and other Arab authorities, the British Government and the many other governments and leaders throughout the world who have joined in appealing for his release. These efforts have been complemented by the huge volume of concern and support of Irish people, including many Members of this House.

For reasons which I am sure Deputies will appreciate, I do not intend to comment further on this sensitive issue, other than to reiterate the hope that Mr. Bigley will soon be reunited safely with his family.

### **Alternative Energy Projects.**

**Ms F. O'Malley:** I am grateful for the opportunity to raise this important issue on the Adjournment. Given the state of flux in which the agricultural sector exists and the growing importance of the Kyoto Protocol in future policy choices and decisions, the development of a renewal fuel sector in Ireland is a political imperative. The Government should open the door to development in this area. The Minister will be aware of the EU directive that requires Ireland to develop 2% of transport fuel as biofuel by 2005 and up to 5.75% by 2010. We are currently stuck at 0%. If we do not quickly incentivise development and innovation in this area we will be facing fines of many millions of euro. A clear and straightforward policy opening the market to a broad range of innovative solutions is called for.

It is now almost a year since the Minister announced his intention to introduce an excise

reduction for pilot projects on biofuels, but very little has happened. If we are serious about the commitments on CO<sub>2</sub> emissions into which we have entered, we need to act quickly. The main policy instruments available to us to mitigate for harmful emissions, particularly from the transport sector, are fiscal and information instruments. These generally have two objectives, to influence behaviour and to affect purchasing decisions. If we are to make any headway on achieving the 2% benchmark, we must incentivise and change behaviour now.

I hope the Minister will facilitate the immediate opening of the market to biofuels for road use. This can be done by exempting biofuels from VAT and excise duty. Cork County Council runs a portion of its fleet fuelled by vegetable oil. This is supplied by Eilish Oils from County Wicklow, which produces it for 52 cent per litre. When VAT and excise duty are added the price rises to €1.12 per litre. This makes the biofuel 33% more expensive than conventional diesel fuel and thereby unattractive in the marketplace. The tax foregone on such a measure would far outweigh the benefits. A spin-off from the development of this industry will create employment, significantly reduce our CO<sub>2</sub> emissions thereby avoiding punitive fines and offer new opportunities to enterprising farmers.

A range of sources and technologies are emerging both here and abroad. I understand that a third level institution has been involved in the production of bio-ethanol from wood waste and that this has produced encouraging yields. The measures to develop this sector need to take account of this diversity and all the diversity needs to be facilitated in a positive and welcoming environment that the Government intends and must, I hope, provide for biofuels.

We are falling behind our peers in Europe and to allow Irish entrepreneurs the opportunity to thrive, we must act now. I learnt today that we are exporting bio-diesel because the market is not developed here. We must reverse this. Clearly farmers and others are on board in producing the rapeseed and other raw material. The industry is by and large ready to roll. Let Government give it the green light, but do not let Government smother the incentive in red tape.

**Minister of State at the Department of Transport (Mr. Callely):** I am replying on behalf of the Minister for Communications, Marine and Natural Resources. On his behalf I thank Deputy Fiona O'Malley for raising the issue. She can be assured that the Minister will take note of the comments. I believe I have some good news for the Deputy. Biofuels are renewable fuels, which have a significantly lower environmental impact than traditional mineral oils. They are available on the market as pure plant oil, which can only be used in vehicles with modified engines, bio-diesel, which is blended with diesel, and bio-ethanol, which is blended with petrol for use in ordinary engines.

Biofuels have an increasingly important role in achieving environmental objectives in the transport sector. Transport is the fastest growing sector in terms of greenhouse gas emissions and the national climate change strategy sets a target of reducing transport related greenhouse gas emissions by 2.67 million tonnes. The strategy calls for the introduction of measures to encourage more CO<sub>2</sub> efficient fuels such as biofuels.

Earlier this year, the Department of Communications, Marine and Natural Resources secured an amendment to the Finance Act 1999, which allows the Minister for Finance to apply a relief from mineral oil tax, for biofuels essential to a pilot project to produce biofuel or to research aspects of biofuel production and usage as a motor fuel. The Department of Communications, Marine and Natural Resources and the Department of Finance have been in discussions about the final design of a proposed scheme under the measure and they expect to be in a position to announce details of a scheme under the Finance Act provision shortly.

Sustainable Energy Ireland is responsible for promoting and assisting environmentally and economically sustainable production, supply and use of energy, in support of Government policy. Its remit includes the task of promoting further research, development and demonstration of renewable energy technologies, including biofuels. SEI offers capital grant aid for biofuels projects as part of its research design and development programme.

Sustainable Energy Ireland has also concluded a resource study into the use of recovered vegetable oil and tallow produced from rendering plants with a view to converting such waste materials to bio-diesel. The study shows an immediate potential for 22,000 tonnes of tallow and 5,000 tonnes of recovered vegetable oil to be recycled as biofuels.

The Deputy is correct in referring to the benefits. It is clear the development of a biofuels sector in Ireland has potential to benefit many sectors, including the agricultural sector.

In March 2004, the Department of Agriculture and Food introduced an energy crops scheme, under which aid of €45 per hectare is granted for areas sown under energy crops and used for the production of biofuels or electrical and thermal energy produced from biomass. The Department of Communications, Marine and Natural Resources is aware of a number of biofuel projects in existence in the Wicklow and Wexford areas, as Deputy Fiona O'Malley said. The plant oil being produced from one of the projects is being used to fuel 17 vehicles operated by Cork City Council.

The EU directive on the promotion of the use of biofuels or other renewable fuels for transport requires member states to report on specific measures to promote biofuels and biomass and to set indicative targets for the penetration of biofuels on the transport fuels market. The Department of Communications, Marine and Natural

[Mr. Callely.]

Resources, through Sustainable Energy Ireland, has commissioned consultants to evaluate the policy options that might be available to develop a biofuels sector here. An interdepartmental biofuels group has been established, led by the Department. Apart from the Minister's officials, the group consists of officials from SEI and the Departments of Finance, the Environment, Heritage and Local Government, Transport and Agriculture and Food. The available policy options for the development of biofuels are being discussed. Potential constraints to development, such as limitations on available agricultural land and environmental impacts relating to the life cycle analysis for the production and sale of biofuels, are also being considered.

The Minister, Deputy Noel Dempsey, is fully committed to the development of an integrated biofuels policy for Ireland. He plans to assist Ireland in meeting its environmental targets and to benefit local economies. He has asked his Department to come forward with detailed proposals for the development of the sector and the implementation of the EU biofuels directive over the coming months. The Minister has advised me that he will keep Deputy Fiona O'Malley informed of all such developments.

#### State Airports.

**Dr. Cowley:** I am grateful for the opportunity to discuss this important matter on the Adjournment. I congratulate the Minister of State, Deputy Callely, on his appointment.

Funding of €150 million has been approved for Cork Airport in 2004, even though the airport already has strong infrastructure. The six regional airports have been allocated €2.5 million per year for the next three years. They will receive €7.5 million over three years. The regional airports have sought more money, but they will still receive very little if they are given a small percentage increase. The sum of €2.5 million is not much when it is divided between six airports.

Knock Airport needs an investment of €40 million and a dramatic change in direction, rather than the mediocre funding it has been getting. It is an international airport, in fairness, just like Shannon and Cork Airports. If one examines its passenger numbers, one will see that Knock Airport is growing at a rate of 55% this year. A flight to Gatwick Airport was launched recently so things are happening. It is envisaged that the airport's growth will be similarly dramatic in 2005.

I wish to give an example of the need for expenditure. It is estimated that the necessary passenger apron facilities for landing will cost €2 million. Category 2 lighting and associated developments necessary to reduce the number of diversions at the airport would cost €6 million. Safety and security developments are badly needed. The airport's fire tender has been costed at €750,000. Some 28 projects are needed at Knock Airport, at a cost of €40 million. A sum of €150 million was given to Cork Airport this year.

Knock Airport employs 100 people and indirectly supports more than 800 jobs. Dublin's roads are so congested that those trying to get in and out of Dublin Airport travel at a snail's pace. One should examine the pace of development at Knock Airport, through which 400,000 passengers travel. It has taken 18 years to reach such a level, but that should have happened in the airport's first four years of development. I ask the Minister of State to imagine the difference which balanced regional development would make to the country and to the lives of those trying to leave the County Mayo area.

Approximately 20 million people came in and out of Dublin, Cork and Shannon Airports last year. Is it any wonder there is congestion in such places? A fraction of that number — 250,000 people — came in and out of Knock last year. It is hell on earth to try to get in and out of Dublin because such an imbalance exists. Would it not make great sense to consider other development with the new terminal at Dublin Airport? Knock Airport was significantly restructured during the first phase of the national development plan, instigated in part by the Government following a report prepared by the then Department of Public Enterprise. Passenger numbers expanded rapidly, by 25% in 2003 and 55% so far in 2004, following that restructuring. Independent market assessments suggest that the growth will continue, to 1 million passengers in the medium term. Investment at Knock Airport is an imperative.

There was a significant underspend of €1.8 billion in the BMW region during the first phase of the national development plan. The economic gap between the east and west of the country continued to widen in that period. Approximately 25% of all job losses in State-assisted industries were in the seven-county western region. Those of us from that region are aware of the importance of airports to development. We are familiar with the challenges facing the western region.

In January 2004, York Aviation produced a report on the social and economic impact of airports in Europe. One of its key findings was that airports play an increasingly critical role in regional economies. Access to markets and external and international transport links are regarded as absolutely essential when business decisions are being made. Airports have a catalytic effect — they help to enhance business efficiency and productivity by providing easy access to suppliers and customers, particularly over medium and long distances. Global accessibility is a key factor for business location and success in all European regions.

International research has proven that airports stimulate regional development. That airports are major economic drivers in the western region is demonstrated by the fact that they supported 546,000 bed nights in the region in 2004. As long as Knock Airport continues to have an international runway length capacity of 2,300 metres, its potential will not be fully realised. The Government should have supported Knock Air-

port in the same way as it has supported Aer Rianta airports. It provides approximately €3 per passenger to such airports each year. The European norm is as high as €8 or €10. If the minimum Aer Rianta standard had been applied to Knock Airport, it would have received a capital investment of between €115 million and €190 in the last decade. Instead, it has received investment of less than €5 million. The Minister for Transport needs to have a vision for Knock Airport. The actions which have been taken until now have not addressed the problem and will not do so if they continue.

**Mr. Callely:** I thank Deputy Cowley for his kind congratulatory remarks on my appointment as Minister of State at the Department of Transport. It is interesting that an Opposition Member is calling on the Government to have a vision for Knock Airport. If I recall correctly, when a Fianna Fáil-led Administration supported the construction of Knock Airport, under the leadership of Monsignor Horan, those on the Opposition benches said that it would not be successful because it was being built on a foggy and boggy mountain. Neither Deputy Cowley nor I were in this House at that time.

**Mr. Timmins:** The Minister of State has a good memory.

**Mr. Callely:** Deputy Cowley is right to look to these quarters for vision. The general aim of the Department of Transport is to ensure that the gateway airports of the State have the appropriate infrastructure to provide a competitive service and to meet current and future needs of airlines and other aviation customers, consistent with a commercial mandate. The Department is committed to enhancing the contribution of the country's network of regional airports to balanced regional development.

The recently enacted State Airports Act 2004 strengthens the Government's policy by encouraging the development of State airports by means of the appointment of new boards for the Dublin, Cork and Shannon airport authorities. The State airports will continue to operate to a commercial mandate. The Government does not envisage that the revitalised State airports will require the provision of Exchequer support to meet their development needs. The changes made are designed to encourage commercially vibrant State airports which facilitate as wide a range as possible of reliable, regular and competitive commercial air services for Irish tourism, trade and industry.

The Government recognises the important role Knock Airport can play in stimulating more balanced economic development in the north west. The financial performance of the airport company has improved in recent years under the guidance of new management structures at the airport, and the airport company is no longer heavily dependent on Exchequer support as it

was in the 1980s and 1990s. The importance of air access to the region is stressed in the national development plan, and the regional planning guidelines for the west region identify the need for a wider range of services at Knock Airport. The recent introduction of new services on non-subsidised routes to the UK is an encouraging development and will help contribute to economic growth through improved access to the region for business, tourism and inward investment.

In the recent past, traffic has grown significantly at Knock Airport. In the past five years passenger numbers rose from 197,000 in 2000 to almost 250,000 in 2003, and I understand from the airport company that the airport is on course to exceed 300,000 passengers for the first time in 2004. Much of that growth results from the introduction of the new daily services by low-cost operators on routes linking the region with large UK cities such as London, Birmingham and Manchester. The programme for Government provides for the continued support of the six regional airports, and Knock Airport continues to avail of a range of financial mechanisms in support of that objective.

My Department provided €2.4 million in Exchequer grants towards essential infrastructure at the airport between 2001 and 2003 under the BMW operational programme of the NDP. The most significant project supported under the measure was an impressive new departures hall, which was supported with grant-aid of approximately €1.38 million. The primary purpose of the NDP measure is to provide grant assistance to facilitate the continued safe and viable operations at the regional airports. My Department is currently considering proposals for the allocation of further capital assistance to ensure that the airport can meet all safety and security standards. Under the CLÁR fund in 2003 the Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív, provided grant-aid of approximately €400,000 towards the cost of new car-parking facilities.

My Department also provides funding towards current expenditure on marketing, safety and security measures. More than €1.2 million has been allocated to the airport for this purpose since 2001. Air access to the region is also directly facilitated through the daily public service obligation service linking the airport to Dublin.

I am aware that the airport board has submitted a three-year development plan to the Department for consideration under the national development plan. The ambitious development plan incorporates new terminal buildings, expansion of the apron area to accommodate more aircraft, and significantly upgraded taxi-ways and navigational aids.

My Department will continue to assist Knock Airport in the interests of the economic development of the BMW region. However, the level of financial support will have to be carefully evaluated in line with the general scale of operations

[Mr. Callely.]  
at the airport and wider transport and aviation policy. The commercial initiative adopted by the new management structure at the airport is encouraging and will help to ensure the long-term future viability of the airport as it responds to the many challenges and opportunities currently facing all airports in the increasingly competitive and liberalised aviation sector.

On my appointment to the Department of Transport, my good friend and colleague, Deputy Carty, contacted me regarding some of the information on grants that I have given here tonight. In the light of my appointment, and now, with responsibility for the Irish Aviation Authority, he asked me to visit Knock, and I have given him an undertaking that I will do that in the coming months. I will be happy to inform Deputy Cowley when that visit will take place.

**Dr. Cowley:** I thank the Minister.

**Mr. Timmins:** It is very magnanimous of Deputy Callely to acknowledge the representations made by Deputy Carty.

**Mr. Callely:** He is a brilliant man.

**Mr. Timmins:** I am also glad to invoke the memory of the late Jim Mitchell. Whether one agreed with him or not, he had the ability to strike a chord with an impressionable young north side Dub.

**Mr. Callely:** He was a good friend.

### Illegal Dumping.

**Mr. Timmins:** I thank the Ceann Comhairle for selecting this very important subject this evening. I congratulate Deputy Roche on his elevation to Minister for the Environment, Heritage and Local Government. I wish him and his family well. It is well deserved. He has a great task ahead of him, but I have every confidence that he will be more than equal to the challenge. I tabled this matter for the Adjournment before the Dáil resumed, and it is timely. It is appropriate that the Minister is here to respond, as I know that he has a great interest in the issue and is concerned that the right course of action be taken.

The issue of large-scale illegal dumping in County Wicklow first raised its head in the public domain in autumn 2001. While an examination of records can show that there were some complaints in previous years, I do not believe anyone other than those directly involved was aware of the scale of the problem. Wicklow, owing to its proximity to Dublin, the presence of many quarries, and increased truck movements after economic advances, was and is vulnerable to illegal dumping. However, the problem is not exclusive to County Wicklow. Nor is it exclusive to the west of that county. Many sites, large and small, have been identified, both countywide and country-

wide. This evening, I am particularly concerned about two sites.

First, a company called Brownfield Restoration Ireland Limited has applied to the Environmental Protection Agency for a licence to restore the site of Whitestown, Stratford-on-Slaney and to take in an additional 1 million tonnes of waste over a ten-year period. This application was lodged some months ago, and I am given to understand that a decision may not now be taken until early next year. Approximately 250,000 tonnes of waste are on the site. Second, Roadstone Dublin Limited is in the process of preparing an application to keep the waste illegally dumped at their site in Blessington *in situ*. There are approximately 110,000 tonnes on that site.

Neither of those sites would ever have been considered for a legal landfill. Irrespective of that, it is totally unacceptable that an illegal act may now be rewarded. I cannot overemphasise the necessity for those companies to be required to move the waste off site immediately. The Whitestown site was uncovered in autumn 2001, and the Roadstone site in the late summer of 2002. There is growing concern among the local population at what they see as a failure to move things on.

In that vacuum, a great deal of misinformation and distrust has arisen. I know the Minister will want the problems to be addressed more speedily than to date. There have been disingenuous attempts to slur members of Wicklow County Council, and I wish that the catalysts of division and misinformation, whose numbers are small, would refrain from manipulating the public and join in the effort to have that waste removed. I cannot understand why people who purport to be interested in cleaning up the whole affair cannot put their energies into that rather than self-promotion and putting misinformation out into the public domain. It is a subject to which I hope I need not return, but if I have to do so, I will.

The draft Wicklow county development plan 2004-10 contains a policy at section 5.4.1 that the work on landscape, restoration and after-care of the site will be carried out to the highest standards in accordance with an approved scheme. The scheme is to incorporate progressive restoration that does not include landfill, industrial, commercial or domestic waste, nor illegal waste of any kind. I am not aware of any political party or group in Wicklow that is opposed to that. It is the correct thing to do, and to the best of my knowledge, everyone supports it right across the political domain. Dumping, legal or otherwise, is not permitted in quarries. I call on the Minister to use his good offices, first to ensure that the waste is removed and the site made safe in an environmentally friendly manner, second to ensure that the Garda investigation uncovers the truth of what has gone on and the necessary action is taken, and finally that the public know the full truth about who and what was involved in this whole unsavoury saga, no matter what lengths he has to go to.

One must empathise with a population that is becoming increasingly cynical of authorities that can move so fast on minor breaches by individuals but in the case of major companies appear to be moving at a snail's pace.

I wish the Minister well and know that he will use all the resources that he can to address the problem.

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I thank my good friend and constituency colleague, Deputy Timmins, for his kind remarks. If the two dumps he mentioned, Whitestown and Roadstone, had been specifically mentioned, I would have been able to respond in more detail. However, we can return to that, and I will deal with it in correspondence with Deputy Timmins. I thank the Deputy for raising the matter, which is very important. He is well aware of my long-standing and unrelenting criticism of those who have been involved in illegal dumping. It is particularly interesting that the correspondence files in the county council show that, when I was a councillor, I was very active in criticism of both those dumps.

Substantial powers were provided to local authorities under the Waste Management Act 1996 to enable them to tackle illegal waste activity and these were further strengthened by the Protection of the Environment Act 2003. That Act was very significantly influenced by the events unfolding at that time in County Wicklow.

Local authorities are empowered to order measures to be taken regarding the disposal of waste, including the remediation of any effects arising from illegal activities. Deputy Timmins has outlined the extent of measures that can be taken. They may also directly take appropriate actions to remedy or counteract such activities and to recover their costs through the courts. Local authorities also enjoy substantial powers to halt vehicles, inspect premises and examine records found.

The burden of proof in certain enforcement activities has been changed, in light of the incidences of illegal dumping in Wicklow, to require that the defendant must demonstrate how his or her activities do not cause environmental pollution. Furthermore, the courts can now assume, in certain cases, that a landowner consented to the illegal activity, unless the contrary can be shown. It should also be noted that the maximum penalties attaching to illegal waste activities are substantial, involving a €15 million fine and-or a ten-year jail sentence. Those are not insignificant penalties.

To assist local authorities in acting on these powers, €7 million has been allocated from the environmental fund to directly support ramping up overall environmental enforcement effort, with particular emphasis on combating dumping and other unauthorised waste activities. Of equal importance is the recent establishment of the Office of Environmental Enforcement whose primary initial focus is to improve implementation

and enforcement of waste management legislation. The OEE has established an unauthorised waste working group, including representatives of local authorities and my Department, whose functions include co-ordination of enforcement actions against companies and individuals involved in the illegal movement and disposal of waste.

The Government has demonstrated the seriousness with which it views incidences of illegal dumping. The Garda Síochána was requested to assist in the investigation of such activities in Wicklow. An investigative team from the National Bureau of Criminal Investigation is involved in ongoing inquiries into these matters. As a consequence of the steps taken, a successful High Court prosecution has been secured. The Deputy will appreciate that in respect of further pending proceedings I am naturally constrained from commenting to preclude any possibility of prejudicing the outcome. I understand there will be further proceedings.

I do not want to say anything that could let a criminal, corporate or private, off the hook. However, I can advise that Wicklow County Council, in partnership with the NBCI, is continuing to investigate illegal waste activity and, in several instances, formal legal proceedings are being prepared. I hope to see more cases in the courts in the not too distant future.

In addition, the local authority has reported to my Department that it is investigating the main incidences of illegal activity. Deputy Timmins made a good point about speed being of the essence. I share his view on that. He can be assured that I will be encouraging, both through my Department and the local government officials responsible, movement of this matter at a more visibly speedy pace than has been the case so far.

The council believes that systematic illegal dumping has been discontinued in the county. I will need some convincing on that. We must not be complacent. What happened could recur if people feel they can get away with it, because the rewards are high.

I am sure the House will acknowledge that, taken together, the measures that I have outlined will greatly strengthen local authorities in tackling the problem of illegal waste activities and are a testament to the priority the Government attaches to this matter. The measures I have outlined make it clear that the type of activity that turned the garden of Ireland into the dumping ground of Ireland will not be tolerated.

Nobody, corporate or private, is above the law. On my watch the stringent legal measures that have been put on the book will be implemented. There are positive signs that the penny has started to drop. Those who might have felt in the past that they were too powerful or that their activities were too well hidden will have reason to believe they were wrong on both counts.

Deputy Timmins mentioned two specific cases. As he knows, both in the case of Whitestown and

[Mr. Roche.]

Roadstone, and the Roadstone lands, the EPA operates as a completely independent authority, and properly so. It will not be subject to political interference. My views on both cases are a matter of record and I am sure they have been taken note of in Wexford. The EPA has to make its own decision in these matters and will be fully independent in doing so.

Deputy Timmins also touched on the level of activity being taken to counteract illegal dumping. I have indicated in the Department that I am interested in seeing that activity stepped up and in seeing very visible evidence of that sooner rather than later.

The Dáil adjourned at 9.55 p.m. until 10.30 a.m. on Thursday, 7 October 2004.

## Written Answers.

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**The following are questions tabled by Members for written response and the ministerial replies received from the Departments [unrevised].**

*Questions Nos. 1 to 10, inclusive, answered orally.*

*Questions Nos. 11 to 120, inclusive, resubmitted.*

*Questions Nos. 121 to 129, inclusive, answered orally.*

### Departmental Websites.

130. **Mr. Wall** asked the Minister for Social and Family Affairs if his Department is responsible for maintaining a website (details supplied); the frequency with which it is updated; and if he will make a statement on the matter. [23302/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The website referred to by the Deputy is managed by the national information agency, Comhairle, which comes under the aegis of my Department. The overall aim of the OASIS website is to provide simple, clear, straight-forward information on all public services that is focused on the needs of people living in Ireland. In that regard, OASIS represents a new approach to the presentation and delivery of public service information over the Internet through the structuring of information around key life events such as the birth of a child, education, housing, employment, retirement and death.

The OASIS website which was first established in 2001 integrates information on services from a range of Departments and agencies and presents it using its life events approach. Comprehensive information for each life event is available in one place regardless of the number of State organisations involved in providing the relevant services.

In addition to information, citizens can download forms such as application forms for passports and driving licences.

Ensuring that the OASIS content remains accurate and relevant is a challenging task given the range and diversity of public services, service providers, rights and entitlements and the complexity of legislation underpinning entitlements. Site content is managed on a daily basis and every effort is made to ensure that the website content is kept accurate, relevant and accessible.

A range of systematic procedures are in place to facilitate this including partnership with a number of key Departments to maintain content. Information on the site comes from a variety of sources, including Departments, statutory agencies, in-house information staff and commissioned authors. In addition, Comhairle invites feedback from OASIS users in the form of comments, suggestions, ideas and content updates.

The OASIS website experienced significant traffic growth in 2003 with almost one million

users, which represented an increase of 86% over the previous year. Early indications for the first half of 2004 suggest that usage has increased further and is likely to exceed the 2003 level.

### Anti-Poverty Strategy.

131. **Mr. Gormley** asked the Minister for Social and Family Affairs the policy initiatives the Government intends to take on foot of the recommendations of the recently published ESRI report on relative income poverty. [23412/04]

159. **Mr. P. McGrath** asked the Minister for Social and Family Affairs the position with regard to relative poverty levels in the State and in relation to revised targets for the national anti-poverty strategy. [23364/04]

182. **Mr. Gilmore** asked the Minister for Social and Family Affairs his views on the recent ESRI report (details supplied) which shows that Ireland has the highest level of relative income poverty in Europe; and if he will make a statement on the matter. [23299/04]

**Minister for Social and Family Affairs (Mr. Brennan):** I propose to take Questions Nos. 131, 159 and 182 together.

The ESRI report referred to was commissioned by my Department and provides an excellent analysis on relative income poverty in Ireland. The report and its recommendations constitute a very valuable input to the strategy for tackling poverty and will be fully taken into account in the future development of the process.

The percentage of the population in relative income poverty is arrived at by calculating the numbers below the income threshold of 60% of median income.

Not all those below the threshold are regarded as being in poverty, as that depends on other factors such as the extent to which their income is below the threshold, the length of time they have been living on a low income, the degree to which their assets will have run down while on a low income, and the other resources they have at their disposal. In the case of Ireland, for example, the indicator does not reflect the high level of home ownership, especially among the elderly, and consequently the value to households of owning their own home. It also does not reflect access to household allowances in kind such as electricity, fuel, telephone rental and TV licence.

As a result of limitations such as these, people under the 60% relative poverty threshold are classified by the EU as being at risk of poverty rather than being in poverty. It was for that reason that in setting targets for a reduction of poverty in the national anti-poverty strategy, another indicator, which measures consistent poverty, was used. This indicator, developed by the ESRI, identifies the proportion below 60% of mean income, who are also deprived of goods and services regarded as essential for living in Ireland today, as measured by deprivation indicators.

[Mr. Brennan.]

The numbers of people experiencing consistent poverty in Ireland fell from 9.7% in 1997 to 5.2% in 2001, as indicated by the latest figures available.

Reducing consistent poverty to at least 2% or eradicating it altogether by 2007 is the overriding objective of our national anti-poverty strategy. It will remain the objective to identify, for priority attention, those most vulnerable and in need from among those classified as being at risk of poverty.

The percentage below the 60% threshold of median income and at risk of poverty rose from 18.2% in 1997 to 21.9% in 2001 during the same period as consistent poverty was falling. However, social welfare rates also increased significantly in real terms during that period — 27% above the increase in the cost of living between 1997 and 2004, which, together with the sharp fall in unemployment, helps to explain the reduction in consistent poverty. The main reason for the increase in relative income poverty, therefore, was the almost unprecedented increases in average incomes, which resulted in the 60% median income threshold almost doubling, for example, from just over €83 per week in 1994 to €164 per week in 2001.

The increases in average incomes have been due to the high levels of economic growth in the past decade which led to: major increases in employment; better paid jobs; more two income households resulting from a significant increase in female participation in the workforce; and lower tax levels in exchange for moderate wage increases to maintain economic competitiveness.

Accordingly, the main groups now classified as at risk of poverty are those who are not in employment or are in low income employment, and have not been in a position to benefit from the employment opportunities afforded by the high economic growth. These include pensioners, people with disabilities, lone parents and larger families, with their children, and the much reduced numbers of unemployed.

It is now almost universally recognised in the EU that the best route out of poverty for those able to work is through employment. Priority, therefore, is being given to removing obstacles to employment experienced by those with family responsibilities, such as lone parents and the parents of larger families, people with disabilities, and the unemployed. This requires ongoing improvements in access to training and education to improve employability, supports with job search and job placement, services, such as child care, and appropriate income supports.

In the case of those who cannot work, improved income support is a key element. The Government is committed to increasing old age pensions to €200 per week by 2007. It is essential also to ensure that focusing on income indicators does not distract from the importance of services such as health and care, especially in the case of older people.

The aim should be to ensure provision of the right balance of supports in terms of income and services to maximise the overall well-being of the people in need.

Economic sustainability is an essential feature of the strategic process as it delivers high employment and high employment participation, and thus delivers the virtuous circle of fewer demands on State services and more revenue to finance them. We must maintain the balance which has been developed between achieving the key economic and social objectives, having regard to our current stage of economic development and the need to maintain economic competitiveness.

#### Social Welfare Policy.

132. **Mr. Eamon Ryan** asked the Minister for Social and Family Affairs if he has received a report from the National Economic and Social Council which states that Government welfare policies have done little to address inequality here. [23414/04]

**Minister for Social and Family Affairs (Mr. Brennan):** I understand that the report in question is still in draft form and is not expected to be published until 2005. It would not be appropriate for me to comment on it until I have received the final report.

#### Social Welfare Code.

133. **Aengus Ó Snodaigh** asked the Minister for Social and Family Affairs the changes he envisages making to the rules governing sickness and disability benefits. [23369/04]

**Minister for Social and Family Affairs (Mr. Brennan):** My Department operates a number of schemes which provide income support to persons who are unfit to work because of illness or who are substantially handicapped from doing work which would otherwise be suitable for a person of that age, experience and qualifications. The rules determining eligibility for these benefits is set down in the Social Welfare (Consolidation) Act 1993 and subsequent amending acts. Detailed rules which elaborate on primary legislation are also set out in regulations and guidelines.

Significant improvements have been made in these supports in recent years. For example, cover for social insurance payments, including illness and disability payments, has been extended to additional groups of workers, including part-time workers and public servants; a range of improvements have been introduced in the operation of the means test for the disability allowance and blind person's pension schemes, including substantial increases in the amount of earnings from rehabilitative employment and self-employment which can be disregarded for means test purposes — currently €120 a week — and major improvements in the method of assessing capital, with the first €12,697 being disregarded; the disqualification for disability allow-

ance purposes for those in full-time residential care has been progressively relaxed; and the range of employment supports available to people in receipt of illness and disability payments has been significantly strengthened and enhanced.

Changes to the conditions determining eligibility for these schemes are normally made in the context of the annual budget, subject to priorities and available resources. I will be considering what improvements in terms of access to income and employment support can be made in the context of the forthcoming budget.

134. **Mr. Durkan** asked the Minister for Social and Family Affairs the number of persons who have had their entitlements reduced, curtailed, terminated or otherwise deemed ineligible as a result of the implementation of the 2004 budgetary cuts; if expenditure to date under the headings affected by such cuts is in line with expectations; and if he will make a statement on the matter. [23325/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The measures introduced in the context of the 2004 Estimates included changes to the back to education allowance, one parent family payment, certain child dependant allowances, changes in the conditions of entitlement to short-term social insurance payments and changes in the supplementary welfare allowance scheme.

It is not possible to quantify precisely the numbers affected by the measures in question in that where disallowances or reduced entitlements occur, the specific reasons for such are not recorded on payment systems in a way which facilitates production of the information requested.

While data is regularly available on the numbers in receipt of all payments, simple comparisons of such numbers would not reliably indicate the number of persons affected by the measures.

The number in receipt of any particular scheme can and does fluctuate for a wide variety of reasons such as, for example, seasonal factors in the case of unemployment.

Furthermore, in many instances, the individuals who may have been affected by a particular measure could have availed of alternative support. Again, it is not possible to distinguish those particular cases from those who, for other reasons, avail of these alternative supports over the same period.

The total overall projected expenditure in 2004 on the schemes affected by the measures is, however, broadly in line with expectations.

As my predecessor explained to the House, these measures produced savings which, in turn, were directly reinvested in a substantial 2004 budget package of €630 million. A budget package of this magnitude enabled the provision of increases well ahead of inflation for all social welfare recipients of weekly payments as well as sig-

nificant general improvements in social welfare provision.

### Social Welfare Schemes.

135. **Mr. S. Ryan** asked the Minister for Social and Family Affairs if his attention has been drawn to the finding in the Report of the Working Group of Illness and Disability Payment 2003 that the risk of an ill person or a person with a disability falling into consistent poverty is three times higher than that incurred by the rest of the population; if he has proposals to reduce this risk; and if he will make a statement on the matter. [23309/04]

**Minister for Social and Family Affairs (Mr. Brennan):** A review of the various illness and disability income maintenance payments was carried out as part of my Department's ongoing programme of expenditure reviews.

In its analysis of the effectiveness of the income support system in tackling poverty, the working group found that for persons in receipt of illness and disability payments, there had been a significant decline in consistent poverty from almost 23% in 1994 to just over 16% in 2001. Significantly, this fall reflects an almost halving in the proportion of those experiencing basic deprivation. The decline in those experiencing consistent poverty among those in receipt of illness or disability payments is reflected in the decline in consistent poverty in the population generally from 14.5% in 1994 to just under 5% in 2001.

Nonetheless, the review drew attention to the fact that the rate of consistent poverty for those in receipt of an illness or disability payment is over three times higher than the population generally and significantly higher than most other categories of social welfare recipients such as old age pensioners and unemployed persons. This suggests that factors other than the very considerable rise in the real value of social welfare payments played a role.

The report identifies a number of factors which could be considered as affecting these trends including: trends in social welfare rates relative to other groups; the lack of employment opportunities for people with disabilities; issues related to additional costs of disability; the impact of extended durations on the social welfare system compared with persons on shorter durations; and differences in household composition among the group.

In relation to social welfare rates, Government policy is to increase the real level of social welfare over the period to 2007 and I am confident that this commitment will be reflected when social welfare rates increases for next year are announced in the context of the forthcoming budget. This would benefit all social welfare recipients, including those in receipt of illness and disability payments.

The report also identified a number of areas where employment support could be strengthened within the social welfare system and across

[Mr. Brennan.]

Departments generally and the report will provide guidelines for my Department's future strategy in this area.

In relation to the additional costs associated with disability, a working group, established under the Programme for Prosperity and Fairness and chaired by the Department of Health and Children, is examining the issues associated with the introduction of a costs of disability payment.

The report also highlights the need for better data and more research to strengthen our understanding of the links between poverty and disability and I will be pursuing this as part of my Department's research agenda.

*Question No. 136 answered with Question No. 128.*

### Social Welfare Code.

137. **Mr. McCormack** asked the Minister for Social and Family Affairs if a non-EEA national has the right to apply for and be granted a PPS number. [23394/04]

152. **Mr. Ring** asked the Minister for Social and Family Affairs the persons who can qualify for a PPS number; and if non-EEA nationals can apply and qualify for a PPS number if they are married to an Irish citizen and living in the State. [23346/04]

**Minister for Social and Family Affairs (Mr. Brennan):** I propose to answer Questions Nos. 137 and 152 together.

The personal public service number, PPS number, was introduced in the 1998 Social Welfare Act as the unique personal identifier for transactions between individuals and Departments and other public bodies specified in the Social Welfare Acts. These public bodies include health boards, educational institutions and hospitals.

Any person who does not already have a PPS number and who requires one for a transaction with a public body can apply for a PPS number at one of my Department's local or branch offices.

An application can be made by anyone, regardless of nationality. This includes non-EEA nationals with no relations in this State, and non-EEA nationals married to Irish citizens and living in the State.

Applicants are required to attend in person, fill out an application form and provide proof of identity. Such proof of identity typically entails a person's passport or national identity card from their country of origin as appropriate. Where my Department is satisfied that all the criteria are met, a PPS number is allocated and the applicant is advised by letter, usually within five days.

*Question No. 138 answered with Question No. 128.*

### Social Welfare Schemes.

139. **Mr. Naughten** asked the Minister for

Social and Family Affairs if there is a common framework within the EU to allow persons who have travel passes in their own country to travel on them within the EU; the progress which has been made in establishing a senior euro pass card within the EU, to entitle older persons to concessions on various services, including travel, cultural and social activities with a particular emphasis on the benefits for Irish emigrants living in the UK and elsewhere; and if he will make a statement on the matter. [23373/04]

**Minister for Social and Family Affairs (Mr. Brennan):** As far as I am aware, there are no proposals being worked on currently at EU level in relation to a common travel framework on the lines referred to by the Deputy. Any such proposals would have significant financial and administrative implications and, in the light of the variety of arrangements which currently apply, there would be major practical problems in implementing arrangements of this kind.

The free travel scheme in this country covers everybody aged 66 or over as well as carers and people with disabilities in receipt of certain social welfare payments. It applies to travel within the State and cross-Border journeys between here and Northern Ireland. The Government is committed to the introduction of a system of all-Ireland free travel for pensioners and other eligible categories of social welfare customers to enable passholders to make onward journeys free of charge in each jurisdiction. Discussions have taken place with the Northern Ireland authorities to progress this issue.

The issue of a senior euro pass card, which would entitle older people to concessions on various services including travel, cultural and social activities, was raised in a report commissioned by the EU Commission some years ago but no proposals in this regard have been brought forward subsequently.

140. **Mr. Hayes** asked the Minister for Social and Family Affairs if he will amend the child benefit scheme to ensure that parents of twins receive equal treatment; the estimate of the costs of same; the number of parents currently receiving child benefit for twins and the number in receipt of child benefit for multiple births; and if he will make a statement on the matter. [23386/04]

**Minister for Social and Family Affairs (Mr. Brennan):** I am assuming the Deputy is seeking parity of treatment for parents of twins with other parents of multiple births.

Prior to 1998, child benefit was payable at the normal rate for each child in the case of twins. However, a grant of €635, or £500, was payable at birth and further grants of €635 were payable when the twins reached the ages of four and 12. Child benefit was paid at double the normal rate where three or more children were born together. However, no birth grants were payable in the case of triplets.

In 1998, two key additional measures were introduced, designed to improve the overall package of benefits available to parents of multiple births. First, the €635 grants were extended to include families with multiple births of three or more children. Second, the rate of child benefit payable in respect of each twin was increased to one and a half times the normal child benefit rate.

Currently, double rate child benefit is in payment in respect of 270 sets of triplets, 11 sets of quadruplets and one set of quintuplets — 859 children in all. An increase to double the rate for twins as with other multiple births in respect of the 26,500 children involved would cost an estimated €22 million in a full year.

Any further changes in the scheme would have to be considered in a budgetary context and in the context of priorities generally.

The very substantial investment in the child benefit scheme in recent years, including the historic increases since 2001, have benefited all families with children.

141. **Mr. Boyle** asked the Minister for Social and Family Affairs if he will explain the policy whereby geographic areas can be designated by her as areas in which rent allowance will not apply. [23396/04]

**Minister for Social and Family Affairs (Mr. Brennan):** Rent supplements are paid under the supplementary welfare allowance scheme which is administered by the health boards subject to my general direction and control. Rent supplements are paid throughout the State. No geographic areas have been designated where rent supplement does not apply or is not available.

In the case of the Ballymun regeneration area, rent supplement is paid only with the prior agreement of the local authority. This is to ensure that the payment of rent supplement would not conflict with the housing strategy of that area. The decision was taken in response to a request from the members of the North West Area Committee of Dublin City Council, from Ballymun Neighbourhood Council and from the Minister with responsibility for housing and urban renewal.

The achievement of a housing tenure diversity and social mix within the residential developments of Ballymun are key objectives of the Ballymun regeneration plan. In this regard the development of a vibrant private rental sector is an important ingredient in securing these objectives. The overall housing strategy in the plan is to move Ballymun from being 100% social housing to that of a more typical city neighbourhood with a diversity of tenures ultimately arriving at a more sustainable social mix.

I would like to emphasise that rent supplement is still payable within the Ballymun area in any case where the housing authority considers it appropriate.

I would like to further emphasise that the decision to make rent supplement applications subject to the approval of the housing authority is consistent with the role of housing authorities

in determining and providing for a person's housing need.

142. **Mr. McCormack** asked the Minister for Social and Family Affairs if he will extend the living alone allowance to persons in receipt of the retirement pension; and the cost of so extending this allowance. [23395/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The living alone allowance is an additional payment of €7.70 per week made to people aged 66 years or over who are in receipt of certain social welfare type payments, including retirement pension, and who are living alone. It is also available to people under 66 years of age who are living alone and are receiving payments under one of a number of invalidity type schemes.

It is estimated that extending the living alone allowance to retirement pensioners aged 65 would cost of the order of €600,000 per annum. However, the position of other social welfare recipients aged 65 would also have to be considered in the context of such a change and this would add considerably to the estimated cost.

For many years the policy in relation to support for pensioners has been to commit resources to improving the personal pension rates for all pensioners, rather than supplementary payments such as the living alone allowance. This approach ensures that the position of all our pensioners is improved. Any change in policy in relation to the living alone allowance would have to be considered in a budgetary context.

#### **Services for People with Disabilities.**

143. **Aengus Ó Snodaigh** asked the Minister for Social and Family Affairs if he has proposals for introducing measures to have induction loops installed in all premises coming under the criteria of her Department, welfare offices and so on. [23368/04]

**Minister for Social and Family Affairs (Mr. Brennan):** My Department is committed to having all of its offices and services accessible to people with disabilities.

The installation of induction loop systems in existing offices is provided for under the disabled access programme of works managed by the Office of Public Works and to date, such systems have been installed in a number of offices.

In addition, it is now an accepted standard requirement that induction loop systems be installed in all new and refurbished buildings occupied by my Department.

#### **Social Welfare Schemes.**

144. **Mr. Ring** asked the Minister for Social and Family Affairs his plans to amend the back to education allowance scheme. [23347/04]

179. **Mr. P. McGrath** asked the Minister for Social and Family Affairs if he will reinstate the back to education allowance which formerly was available during summer months. [23375/04]

**Minister for Social and Family Affairs (Mr. Brennan):** I propose to take Questions Nos. 144 and 179 together.

The back to education allowance is a second chance education opportunities programme designed to encourage and facilitate people on certain social welfare payments to improve their skills and qualifications and, therefore, their prospects of returning to the active work force. The scheme was always intended for the benefit of people who had difficulty finding employment and was never intended to be an alternative form of support for people entering the third level education system.

The conditions for entitlement to the third level option of back to education allowance were revised with effect from 1 September 2004. From that date, the qualifying period was increased from six months to 15 months for new applicants intending to commence third level courses of study.

One of the factors that influenced the change in the qualification conditions is the concern that some people go on the live register for short periods specifically to qualify for the back to education allowance. In the 2003-04 academic year, the majority of participants in the third level option of the scheme were in receipt of an unemployment payment for 12 months or less when they accessed the scheme.

The scheme is intended to assist people with a history of long-term dependence on social welfare. In many cases, people who have not completed second level education are held back on the account in their efforts to find employment. Therefore, it was decided that the qualifying condition should remain at six months for people who wish to pursue a second level qualification.

Restructuring of the back to education allowance in this way has ensured that it retains its focus on the more vulnerable groups in our community, particularly people who do not have a second level education qualification and who are at risk of becoming dependent on social welfare payments on a long-term basis.

The changes recognise the more urgent need for intervention in the case of people who have not completed formal second level education. Time spent pursuing a second level course with the assistance of the back to education scheme will count towards meeting the 15 month qualification condition for the third level option.

Payments under the scheme for the summer period have been discontinued for BTEA participants who were in receipt of an unemployment payment as many students find seasonal work at home or abroad during the summer months. Participants in the scheme who fail to find employment during the summer may be entitled to unemployment assistance or benefit, subject to satisfying the usual qualifying conditions.

All other participants on the scheme — lone parents and people with disabilities — retain payment during the summer period.

There are no plans at present to change any of the existing conditions of the scheme.

### Social Welfare Benefits.

145. **Mr. P. Breen** asked the Minister for Social and Family Affairs the number of unemployment assistance recipients who are categorised as self-employed; and the average assistance paid each week. [23387/04]

**Minister for Social and Family Affairs (Mr. Brennan):** Persons who are engaged in self-employment may qualify for a reduced rate of unemployment assistance payments if their net income is below the relevant threshold. At 24 September 2004 there were 1,727 such persons in receipt of unemployment assistance.

Where income from self-employment is assessed as means for unemployment assistance, the weekly payment is reduced on a euro for euro basis by the weekly means assessable. People categorised as self-employed for unemployment assistance purposes do not have to declare individual days worked but must report changes in income levels.

The weekly amount assessable is based on the person's net income in the previous 12 months. The average weekly payment to these persons is €137.85.

In general, the people involved are sole traders. People so categorised are not counted as unemployed on the live register series. They do, however, have access to the range of secondary and supplementary benefits if they are long-term recipients of unemployment assistance.

### Income Support Schemes.

146. **Mr. Ferris** asked the Minister for Social and Family Affairs if it is his intention to introduce measures to encourage social welfare recipients with impairments to take up work; and if so, the details of such a proposal. [23370/04]

**Minister for Social and Family Affairs (Mr. Brennan):** My Department operates a number of schemes which provide income support to persons who are unfit to work because of illness or who are substantially handicapped from doing work which would otherwise be suitable for a person of that age, experience and qualifications. These payments include, for instance, the contributory disability benefit and invalidity pension schemes and the means-tested disability allowance and blind person's pension schemes. In addition, there is a further range of benefits available under the occupational injury benefits scheme for people who have been disabled as a result of an accident at work.

There are also a number of employment and training incentives available within the social welfare system to encourage and facilitate people with disabilities to take up available employment and training options. In recent years the range of employment supports has been widened considerably and now include: the back to work allowance; exemptions from the general "no work" conditions for contributory illness and dis-

ability payments; income disregards in the case of means-tested payments; family income supplement; the job facilitator network; and exemptions from liability for employer and employee social security contributions.

As part of the Government's expenditure review initiative, a working group established by my Department completed a review of the illness and disability schemes provided by my Department and by the Department of Health and Children. The review identified a number of areas where employment support could be strengthened within the social welfare system and across Departments generally.

The review considered that there is no one single option which offers a total solution to all of these problems. Rather a combination of measures is required which should include: a recognition of the fact that some people's medical and other circumstances may mean that they have some capacity for work but may never achieve full-time work; ensuring that whatever employment support measures are adopted do not act as a disincentive for people with disabilities and long-term illnesses in maximising their employment and earnings potential; retaining a range of employment supports for different client groups and ensuring that clients are referred to the most suitable option, having regard to the nature of their illness/disability, age and social circumstances etc.; and the introduction of early intervention measures which are aimed at re-integrating people who sustain serious illnesses, injuries and disabilities back into the workforce before they become long-term dependent on social welfare payments.

The review also stresses the importance of meeting the additional costs of disability in ways that are less dependent on labour force status, if people with disabilities are to be given the opportunity of participating in the workforce. The review sets out a strategic direction for policy in relation to these schemes in the future and its recommendations will be taken on board in the context of the future development of the scheme.

### Social Welfare Schemes.

147. **Mr. Quinn** asked the Minister for Social and Family Affairs the action he has taken to alleviate the high costs on families of back to school children; and if he will make a statement on the matter. [23318/04]

163. **Dr. Upton** asked the Minister for Social and Family Affairs if she will review the means test for the back to school clothing and footwear allowance; and if he will make a statement on the matter. [23321/04]

**Minister for Social and Family Affairs (Mr. Brennan):** I propose to take Questions Nos. 147 and 163 together.

My Department assists families with the cost of children returning to school via the back to school clothing and footwear allowance scheme. The scheme provides assistance towards the cost of

school clothing and footwear for children attending mainly primary or post-primary schools. In addition, the significant increases in child benefit payments in recent years also assist parents in meeting school costs at this time of year and indeed throughout the year.

The back to school clothing and footwear allowance scheme operates from the beginning of June to the end of September each year and is administered on behalf of my Department by the health boards.

A person may qualify for payment of a back to school clothing and footwear allowance if he/she is in receipt of a social welfare or health board payment, is participating in an approved employment scheme or attending a recognised education or training course and has household income at or below certain set levels.

Under the scheme an allowance of €80 is payable in respect of qualified children aged from two to 11 years and an allowance of €150 is payable in respect of qualified children aged from 12 to 22 years.

A couple with one child whose weekly income is at or below €348.10 may qualify for the allowance. A lone parent with one child could have income of up to €238.90 per week and qualify for a payment. For couples the income limit is increased by €19.30 for each additional child and for lone parents it is increased by €21.60 for each additional child.

Recipients of the allowance are now better able to meet the cost of school clothing and footwear than was the case in 1990 when the scheme was introduced. The value of the allowance in real terms has improved considerably since the inception of the scheme.

According to the consumer price index, the cost of clothing and footwear has fallen by 2.6% in the year to June 2004 even though the overall consumer price index rose by 2.3% during the same period. In the period from 1990 to 2004, the cost of clothing and footwear has fallen by 29.5%. In the same period, the payment rates for the scheme have increased by 195% in the case of children aged 12 years or more and by 152% in the case of those below 12 years.

### Departmental Information Policy.

148. **Mr. Crowe** asked the Minister for Social and Family Affairs if he will make provision for the introduction of clearer and more easily accessible guidelines for the public, outlining not just their entitlements but the way in which to access them; and if he will also make provision for the supply of clearer information in cases in which applications are turned down. [23367/04]

**Minister for Social and Family Affairs (Mr. Brennan):** An essential element of the effective delivery of the social welfare schemes and services for which my Department is responsible is the provision of comprehensive information in a clear and simple manner. The objective of my Department's information policy is to ensure that

[Mr. Brennan.]

all citizens are made aware of their entitlements across all social welfare schemes and supports and are kept informed of changes and improvements as they occur.

My Department directs information to citizens on new schemes and services through advertising, using an appropriate mix of national and provincial media and through information leaflets, fact sheets, posters and direct mailshots. All our schemes and services are publicised on our website at *www.welfare.ie*. Selective use is also made of freephone telephone services to provide information on new schemes and services and at particular times of the year, such as budget time.

In relation to information products, my Department produces a comprehensive range of information booklets covering each social welfare payment. These are widely available from the network of 130 social welfare local offices and branch offices throughout the country as well as from citizens information centres, many local organisations and also from my Department's website *www.welfare.ie*. All of my Department's information booklets can be ordered free of charge from our lo-call leaflet line 1890 20 23 25.

One of the initiatives introduced recently is the development of a plain English policy in relation to our information products. The National Adult Literacy Agency, using funding provided by my Department, is reviewing all of our information booklets and application forms so as to meet plain English and literacy friendly guidelines.

My Department is committed, under our customer charter, to informing customers of the reason for the decision on their claim, of their right to appeal the decision and how to make an appeal. Deciding officers who decide entitlement to social welfare payments provide reasons for their decisions to applicants where the decision is an adverse one and they notify them of their rights to a review or to appeal these decisions.

My Department works closely with voluntary and community organisations involved in an information giving role. A number of such organisations receive funding on an annual basis towards the cost of providing welfare rights and information services for their target groups. I refer in particular to the work of Comhairle, the national information agency, which comes under the aegis of my Department. Comhairle has responsibility for supporting the provision of independent information, advice and other supports to all citizens, including those with disabilities. Comhairle supports a network of some 85 citizens information centres whose role is to provide information to members of the public on the full range of social services.

### **Anti-Poverty Strategy.**

149. **Mr. Sherlock** asked the Minister for Social and Family Affairs his views on recent comments from the Combat Poverty Agency which are critical of the growing gap between rich and poor here; if he has received a copy of the agency's

annual report; and if he will make a statement on the matter. [23323/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The Combat Poverty Agency launched its annual report for 2003 on 28 September 2004. The comments made on the numbers at risk of poverty, referred to by the Deputy, were made at the launch by the agency's director.

The "at risk of poverty" indicator is based on the percentage of persons below 60% of median income. This indicator rose from 19.8% in 1998 to 21.9% in 2001. This was mainly due to the significant rise in average incomes which occurred during a period of rapid and high economic growth in Ireland when the median income threshold almost doubled from €83 in 1994 to €164 in 2001.

The significant real increases in social welfare payments during this period — 27% above the increase in the cost of living between 1997 and 2004 — did not fully keep pace with these almost unprecedented increases in average income during the period.

However, they did meet a key priority aim of our national anti-poverty strategy which is to reduce, and if possible, eliminate consistent poverty. The "consistent poverty" indicator, developed by the ESRI, measures the percentage of persons below 60% of average income and experiencing basic deprivation. Over the period 1994 to 2001, the numbers experiencing basic deprivation reduced by almost two thirds from 15.1% in 1994 to 5.2% in 2001. The aim is to reduce consistent poverty below 2% or, if possible, eliminate it by 2007.

The reduction in unemployment, especially long-term unemployment, and increasing employment participation, especially among married women, has been the key to the remarkable increase in the standard of living of a majority of our people. It is essential that we continue to ensure that the economic success that has brought these improvements in living standards is maintained. The one reality in common which those who have lagged behind share is the fact that they are not in employment or are in low income employment.

These groups include certain families with children, especially lone parent families, larger families, where the second parent may have to care for the children full-time, and the families of people with disabilities. A key policy aim is to progressively remove obstacles to such people getting more and better jobs and benefiting directly from our economic success.

Another group at risk are pensioners, although the "at risk of poverty" indicator may understate their income. No account is taken of home ownership and the benefits this provides to older people, a high proportion of whom own their own homes. Neither is account taken of the value of the package of free schemes made available to certain pensioners and other groups such as carers and people with disabilities. However, the indicator does underline the importance of the

priority this Government is giving to significantly increasing pensions in real terms and, in particular, the target to increase pensions to €200 per week by 2007. Consideration will also be given in this context to improving the position of pensioners living alone, especially women.

Income indicators can result in the focus being placed entirely on income. It is also important to ensure that access to and the quality of services such as health and care services, housing and accommodation are also improved given their importance for overall quality of life, especially for pensioners.

The national anti-poverty strategy, NAPS, together with the National Action Plan against Poverty and Social Exclusion, provide the framework for the strategic response by Government to one of its most important challenges of reducing and, if possible, eliminating poverty and social exclusion. This strategy will be further developed in the years ahead.

*Question No. 150 answered with Question No. 129.*

#### **Services for People with Disabilities.**

151. **Ms Lynch** asked the Minister for Social and Family Affairs the proposals he has for the development of an advocacy service for persons with disabilities; and if he will make a statement on the matter. [23305/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The introduction of a personal advocacy service aimed specifically at people with disabilities is a key element of the Government's national disability strategy designed to underpin the participation of people with disabilities in society. The new service is provided for in the Comhairle (Amendment) Bill 2004 which was published on 29 September last in conjunction with the Disability Bill 2004 and the outline sectoral plans for six Departments.

Under the Comhairle (Amendment) Bill 2004, the new personal advocacy service for people with disabilities, which will be administered by the national information agency, Comhairle, will provide for the assignment of a personal advocate to a person with a disability who is unable or who has difficulty in obtaining a social service without the assistance or support of the personal advocate. The main function of the personal advocate will be to assist, support and represent the person with a disability in applying for and obtaining a social service and also in pursuing any right of review or appeal in connection with that service.

The Bill also provides for the appointment of personal advocates and a director of the new service who will be responsible for the management and control of the service and report to the chief executive of Comhairle.

Comhairle already has a statutory remit in supporting the provision of independent information, advice and advocacy services in relation to the broad range of social services and for that reason

I am pleased that this new personal advocacy service will be administered by Comhairle.

I believe that the position of people with disabilities will be improved significantly through the introduction of this new service and I look forward to the speedy passage of the Comhairle (Amendment) Bill through the Oireachtas.

*Question No. 152 answered with Question No. 137.*

#### **Departmental Staff.**

153. **Mr. Hogan** asked the Minister for Social and Family Affairs the number of medical referees employed by his Department; the medical qualifications of each of the referees; if psychologists and psychiatrists are employed from the point of view of determining the medical disability of persons who claim disability benefit, disability allowance or invalidity pension on the basis of their mental incapacity; if he has satisfied himself that there is a sufficient number of persons with expertise in his Department to deal with this issue; and if he will make a statement on the matter. [23363/04]

**Minister for Social and Family Affairs (Mr. Brennan):** Where a person claims a payment from my Department in respect of illness, an opinion regarding the person's medical condition is given in the first instance by his or her own doctor. Where required, a second opinion is provided by medical assessors employed by my Department for the guidance of the Department's deciding officers who ultimately determine entitlement.

Currently, there are 17 medical assessors, as well as the chief medical adviser and the deputy chief medical adviser. They are recruited via the Civil Service Commission and a condition of their appointment is that they must have at least six years experience in general medical practice. They are fully qualified and experienced medical practitioners who have full registration in accordance with Medical Council criteria. Prior to qualification as doctors, each undergoes psychiatric training to the appropriate level.

Among the medical assessor cadre are individual doctors with postgraduate and higher qualifications in various fields of occupational medicine including psychology and psychotherapy.

All have considerable expertise in the area of disability assessment which covers both mental health/incapacity and all other health related problems.

Ongoing medical education is provided by national and international experts in the evaluation of disability, including distinguished psychiatrists. The chief medical adviser holds regular meetings and seminars at which a range of medical issues and developments in the occupational medicine field are discussed.

When a claimant is called for a medical examination, the medical assessor will have available to him or her the initial medical diagnosis, supplemented, where appropriate, by relevant

[Mr. Brennan.] specialist and other reports. The claimant's doctor is informed and may attend the medical examination if she or he so desires.

Where considered necessary, there is provision for the chief medical adviser or the chief appeals officer to seek specialist consultant advice in a particular case.

In the course of medical examinations of claimants all relevant and available medical information is taken into account. Any information provided by the claimant is also taken into account. Where further specialist advice is considered necessary, it is obtained.

I am satisfied that claimants are treated in a fair and equitable manner having regard to the need to ensure that the conditions for entitlement to disability payments are upheld.

### Legislative Programme.

154. **Mr. Quinn** asked the Minister for Social and Family Affairs his legislative priorities for the next 12 months; and if he will make a statement on the matter. [23317/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The legislative priorities for my Department in the coming 12 months encompass four major initiatives. These are the Comhairle (Amendment) Bill 2004, the Social Welfare Bill 2004, the Social Welfare (Miscellaneous Provisions) Bill 2005 and a Social Welfare (Consolidation) Bill 2005.

The Comhairle (Amendment) Bill 2004 was published on 21 September last. This Bill is a key element of the Government's legislative programme for improving services for people with disabilities. The primary purpose of the Bill is to facilitate the introduction of a new personal advocacy service for people with disabilities which will be administered by the national information agency, Comhairle. The Bill will be progressed in conjunction with the Disability Bill 2004.

Immediately following the Budget Statement by the Minister for Finance in early December, I will introduce the Social Welfare Bill 2004 to the House. This Bill will provide for the implementation of budget increases in social welfare payments and any other changes which would normally be scheduled to take effect from January 2005.

The Social Welfare (Miscellaneous Provisions) Bill 2005 will provide for any amendments to the social welfare schemes consequent on the budget 2005 which are not provided for in the Social Welfare Bill 2004 and any additional measures requiring a basis in legislation. This Bill is provisionally scheduled for publication early in 2005.

In addition, to improve accessibility to the existing body of Social Welfare legislation, it is intended to bring forward a Social Welfare (Consolidation) Bill. This Bill will bring together, in a single document, the Social Welfare (Consolidation) Act 1993 and the amending legislation enacted in the intervening years, thereby

facilitating ready access to the social welfare code.

*Question No. 155 answered with Question No. 128.*

### Personal Retirement Savings Accounts.

156. **Mr. Wall** asked the Minister for Social and Family Affairs the number of persons in possession of a personal retirement savings account; his views on the low level of interest in the scheme; and if he will make a statement on the matter. [23301/04]

**Minister for Social and Family Affairs (Mr. Brennan):** Information on the number of Personal Retirement Savings Accounts, PRSAs, opened is received by the Pensions Board from PRSA providers at the end of each quarter. The latest figures available relate to the end of June 2004 and these show that 32,920 accounts have been opened with a total asset value of €83 million. Figures for the period up to the end of September 2004 will not be available for at least another month.

As the Deputy will be aware, it is Government policy to encourage people to participate in occupational and private pension arrangements so that they can, when they retire, maintain their pre-retirement standard of living. The national pensions policy initiative suggested that up to 70% of those in employment who are 30 years of age or over, will need to supplement their social welfare pension for this purpose. At present, 59.1% of people in this target group have the necessary pensions cover.

PRSAs were launched in 2003 and are one of the main policy instruments being adopted in pursuit of Government targets in this area. The Government is also running a pensions awareness campaign, through the Pensions Board, to encourage take-up of all types of private and occupational pensions, not just PRSAs.

Since the launch of PRSAs, the number opening accounts has grown steadily. In September 2003, the number of people with accounts was 6,707 and, as already indicated, this had grown to almost 33,000 by the end of June this year. This growth in numbers is encouraging and I hope that this upward trend will be seen to continue when the next set of figures is released.

Research has shown that there is a high level of awareness of pensions issues by the general public and the challenge is to translate this into increased actual coverage. The Pensions Board is running a very targeted awareness campaign this year aimed at groups with low pensions coverage. They have also been involved in an extensive control project to identify employers who are not honouring their legal obligations with regard to access to PRSAs for their employees. I hope this effort will manifest itself in improved coverage figures in the future.

The take-up of PRSAs and pensions generally is being monitored closely and the overall

number of people with pensions has increased. A review of the position is required under legislation in 2006 and at that stage progress towards Government targets will be assessed and, if appropriate, other strategies will be considered to increase coverage.

#### Social Welfare Benefits.

157. **Ms Shortall** asked the Minister for Social and Family Affairs the number of applicants since 1 May 2004 for unemployment assistance from citizens of the ten new EU states which joined the EU on 1 May 2004; and if he will make a statement on the matter. [23312/04]

**Minister for Social and Family Affairs (Mr. Brennan):** Some 618 applications for unemployment assistance were received from citizens of the ten new member states of the EU since 1 May 2004. The majority of these claims were made by 178 citizens of Poland, 173 citizens of Lithuania, 100 citizens of the Czech Republic and 100 citizens of Latvia.

All applicants for unemployment assistance since 1 May 2004 must satisfy the habitual residence condition. Some 445 unemployment assistance claims made by citizens of the new member states have been examined to date of which 232 or 52% were disallowed on the grounds that they did not satisfy the condition.

Applicants who meet the habitual residence condition must also undergo a means test and must satisfy a deciding officer that they are available for, capable of and genuinely seeking work.

The total number of people from the ten new member states who are currently on the live register is 700. This is an increase of 265 since 1 May 2004 but represents less than half of 1% of the live register.

A total of 32,405 personal public service numbers or PPSNs have been allocated to citizens of the new member states since 1 May 2004. Some of these may have been in Ireland since before 1 May 2004. Some 15,486 citizens of Poland, 6,865 of Lithuania and 3,340 of Latvia account for 25,691 or 72% of these PPSN allocations.

Age analysis of 30,000 PPSNs allocated between 1 May 2004 and 31 August 2004 reveals that the majority — some 20,389 or 68% — were in the 18 to 30 age range while 7,247 or 24% were taken up by persons aged 30 to 45. This would suggest that the majority of citizens coming here from the new member states do so for the purposes of seeking employment. The number who succeed in finding employment is not known but data held by the Revenue Commissioners suggest it is significantly less than 30,000. Given the very small numbers who went on the live register, it would appear that those who did not find employment subsequently left the state.

#### Social Welfare Fraud.

158. **Ms Lynch** asked the Minister for Social and Family Affairs the provisions in place to prevent social welfare fraud; his views on the

increased rate in the number of cases of social welfare fraud which resulted in prosecutions; and if he will make a statement on the matter. [23306/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The prevention of fraud and abuse of the social welfare system is an integral part of the day to day work of my Department. In this regard all staff engaged in claims processing are concerned with preventing and detecting fraud and abuse.

Over 600 staff at local, regional and national level are engaged on a full-time or part-time basis on work related to the control of fraud and abuse of the social welfare system.

A special investigation unit, comprising about 80 staff spread throughout the country, is involved in work which is specifically related to the investigation of employers and employees where fraud and abuse is suspected. These officers, some of whom work jointly with inspectors from the Revenue Commissioners, carry out inspections of employers in relation to their PRSI obligations as well as investigating cases where fraud or abuses of the schemes are suspected.

Controls are exercised at both the initial claim stage and at subsequent stages during the claim life cycle. Claims are reviewed on a regular and targeted basis. Means tested payments are reviewed at certain intervals or when there are indications that changes in circumstances have not been reported to the Department. Those in receipt of illness payments are called for a medical examination by the Department's medical assessors.

During 2003, some 320,000 reviews of entitlements were carried out by staff in my Department. The records of some 7,600 employers were inspected to ensure compliance with the Department's regulations and in particular to prevent and detect abuses of the system. These activities resulted in savings of €306 million in 2003.

A key objective of my Department's control strategy is to ensure that we pay the right person the right amount of money at the right time. A four pronged approach has been adopted by the Department to meet this objective, namely, prevention of fraud and error at the initial claim stage, early detection through effective review of claims in payment, measures to deter fraud and the pursuit and recovery of overpayments.

Systematic risk analysis is a key element of the control strategy. This entails the identification, by scheme managers, of areas of high risk of fraud and abuse in the schemes for which they are responsible and putting in place appropriate measures to address them in a systematic way. The benefit of this approach is that review activity is targeted in the most effective manner.

The Department is at present undertaking a number of specific control initiatives in its ten regions throughout the country, the outcomes of which will be evaluated with a view to expanding successful initiatives to other areas. These initiatives will feed into the process of re-focusing con-

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control activity to those areas and types of cases which present the highest risk of fraud and error.

The Department also intends to include surveys of the levels of fraud and error as an integral part of its control strategy with a view to identifying the types of claims which should be prioritised for review purposes. To date during 2004, one such survey has been undertaken, with two more planned for later in the year.

Prosecution of offenders is a key element in the Department's overall control approach. My Department's policy is to consider all cases of fraud for prosecution and revised prosecution guidelines were issued to staff in February 2003. The issue of these guidelines and an increased focus on the prosecution of offenders has had a significant impact on the number of cases submitted to the Chief State Solicitor's office to initiate criminal proceedings, with a total of 405 cases being referred in 2003 compared with 245 cases for the previous year. Current indications are that there will be in excess of 500 such cases in 2004.

*Question No. 159 answered with Question No. 131.*

### Social Welfare Appeals.

160. **Mr. Timmins** asked the Minister for Social and Family Affairs the measures which are in place to reduce the number of appeals on hand and to shorten the average time taken to process appeals. [23389/04]

180. **Mr. J. O'Keefe** asked the Minister for Social and Family Affairs the number of appeals which are on hand in respect of each category of social welfare payment; the average time it is taking to process and complete the appeals; and if he will make a statement on the matter. [23388/04]

191. **Mr. Howlin** asked the Minister for Social and Family Affairs the number of social welfare appeals in 2003; the rate of success for those who appealed; and if he will make a statement on the matter. [23307/04]

**Minister for Social and Family Affairs (Mr. Brennan):** I propose to take Questions Nos. 160, 180 and 191 together.

The number of appeals received during 2003 was 15,224 and the total disposed of in that year was 16,049. Of these, the number of appellants who received favourable outcomes was 7,034 or 44%. This total includes cases where the deciding officer revised the original decision in the light of new information furnished in the statement of appeal. A total of 56% of appeals lodged were unsuccessful and were either disallowed by an appeals officer or withdrawn. The number of appeals on which work was in progress at 31 August 2004 was 5,031. Over the past three years the number of appeals on hand has been reduced by a third. A breakdown of these cases, by appeal category, is set out below:

	Cases
Old Age and Retirement	272
Sickness and Disability	2,123
Occupational Injuries Benefits	313
Unemployment	978
Widows and One-Parent Family Payment.	782
Child Benefit	84
Carer's Benefit and Allowances	238
Farm Assist	45
Supplementary Welfare Allowances	58
Insurability of Employment	105
Miscellaneous	33

Of the 15,224 new appeals registered in the Social Welfare Appeals Office during 2003 only 360 or 3% remained to be finalised at 31 August 2004

The average processing time for appeals closed in 2004 is 20 weeks. If the slowest 10% of appeals are excluded the average falls to 15 weeks. This covers all phases of appeals, including, where appropriate, examination by medical assessors of the Department, and oral hearings which are now afforded in approximately 70% of the cases determined by appeals officers.

There will always be some appeals which take a particularly long time to process, generally for reasons which are outside the control of the appeals office. For example, delays can occur if the appellant furnishes new evidence which requires investigation at a late stage in the proceedings or where adjournments are sought by the appellant and his/her representative.

The social welfare appeals system is judicial in nature and the procedures involved are designed to ensure that every appellant's case gets full and satisfactory consideration. While the achievement of further improvement in processing times is a major objective of the office, at all times it is necessary to ensure that progress in this regard is achieved in a manner that is not in conflict with or at a cost to the demands of justice and the requirement that every appeal be fully investigated and examined on all its merits.

### Pension Provisions.

161. **Mr. Penrose** asked the Minister for Social and Family Affairs the action he has taken to exempt missionaries and others from the habitual residence condition in place since 1 May 2004; and if he will make a statement on the matter. [23298/04]

167. **Mr. Cuffe** asked the Minister for Social and Family Affairs the changes being proposed to afford State pension rights to Irish citizens who have been involved in long term overseas development work. [23399/04]

**Minister for Social and Family Affairs (Mr. Brennan):** I propose to take Questions Nos. 161 and 167 together.

With effect from 1 May 2004 the requirement to be habitually resident in Ireland was introduced as a qualifying condition for a range of social assistance and child benefit schemes operated by my Department. The old age non-contributory pension scheme is included among these schemes.

The basis for the restriction contained in the new rules is the applicant's habitual residence. The restriction is not based on citizenship, nationality, immigration status or any other factor. The effect of the restriction is that a person whose habitual residence is in the United States, Europe, Africa or elsewhere is not paid certain social welfare payments including non-contributory old age pension on arrival in Ireland.

The question of what is a person's habitual residence is decided in accordance with European Court of Justice case law, which sets out the grounds for assessing individual claims.

The habitual residence condition is being operated in a very careful manner to ensure that Ireland's social welfare system is no longer open to everyone who is newly arrived in Ireland, while at the same time ensuring that people whose cases are appropriate to the Irish social welfare system get access to social assistance when they need it.

Every effort is made to find grounds for making a positive decision when cases are being considered. These grounds, however, have to be compatible with EU law and other international and national legal obligations and it is not possible to discriminate in favour of any particular group or nationality. Specifically, it is not possible to discriminate in favour of missionaries or in favour of Irish citizens in general, including those who have been involved in long-term overseas development work.

The changes do not affect missionaries or development workers returning to Ireland on a permanent basis, for example to retire. They still qualify for an old age pension on the same basis as heretofore.

Each case received for a determination on the habitual residence condition is dealt with in its own right and a decision is based on application of the guidelines to the particular individual circumstances of each case.

Any applicant who disagrees with the decision of a deciding officer has the right to appeal to the Social Welfare Appeals Office.

Should a person find themselves in an exceptional situation without funds, the community welfare officers may provide a once off exceptional needs payment under the supplementary welfare allowance scheme.

The habitual residence condition is a major new development in the Irish social welfare system. Now that it has been in place for almost five months my officials are carrying out a review of its efficiency and effectiveness. This will include an examination of the implications for various

groups, whose cases have come up for decision, including elderly missionaries and development workers returning to Ireland on a temporary basis on holiday.

In addition, my officials would be happy to meet with representatives of missionary orders and other groups to discuss their concerns in relation to pensions and any other social welfare payments.

### Social Welfare Code.

162. **Mr. Gogarty** asked the Minister for Social and Family Affairs his views on the opinion of the Irish National Organisation of the Unemployed that welfare rules continue to hinder the transition from unemployment to work for many. [23401/04]

166. **Mr. M. Higgins** asked the Minister for Social and Family Affairs if he has plans to raise the weekly household income limit for the retention of secondary benefits; and if he will make a statement on the matter. [23320/04]

**Minister for Social and Family Affairs (Mr. Brennan):** I propose to take Questions Nos. 162 and 166 together.

It is important that social welfare programmes are responsive to the needs of those who depend on them while simultaneously providing opportunities to assist people to become more independent. A number of measures have been introduced in recent years to removing disincentives to taking up employment and to helping ease the transition from welfare to work.

These measures include: the introduction of means disregards and tapered withdrawal of benefits as earnings increase; the introduction of employment support schemes such as the back to work programme; and the assignment of job facilitators from my Department's staff to assist with the transition to employment.

The INOU statement of 12 July 2004 referred in particular to the household income limit of €317.43 for retention of secondary benefits for unemployed persons taking up employment on the jobs initiative and other employment support schemes. This income limit applies to people who take up employment under approved employment schemes. Such people are entitled to retain certain social welfare and other benefits, known as secondary benefits, for the duration of the scheme. For most people the most significant secondary benefit is rent or mortgage interest supplement which is paid under the supplementary welfare allowance scheme.

While the absolute level €317.43 income limit has not changed since its introduction, significant changes have been made to the means test. Back to work allowance and family income supplement, in cases where one or both of these are in payment, are now disregarded in the assessment of the €317.43 weekly income limit. PRSI and reasonable travelling expenses are also disregarded in the means test.

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In effect, this means that people who had been unemployed and who commence employment through the back to work scheme can have a weekly household income significantly in excess of the €317.43 limit in question and still qualify to retain 75% of their rent or mortgage interest supplement. For example, in the first year of their participation in the back to work scheme, a single person can have combined income from the back to work allowance and wages of €418.50, while a couple with two children can have an income of €510.75.

A participant in the back to work scheme can opt to be assessed under either standard rules or under retention rules and will be entitled to receive payment under the more favourable option.

Any further changes to the above initiatives would have to be considered in the light of competing priorities and available resources.

*Question No. 163 answered with Question No. 147.*

#### **Social Welfare Schemes.**

164. **Mr. Sargent** asked the Minister for Social and Family Affairs the progress which has been made in extending free travel for qualifying recipients on an all-Ireland all-island basis. [23416/04]

189. **Ms Shortall** asked the Minister for Social and Family Affairs his proposals for the introduction of a smartcard for rail and bus travel which could lead to the extension of the social welfare free travel scheme throughout the Thirty-two Counties; the content of his discussions with the Minister of State for Northern Ireland recently on this matter; and if he will make a statement on the matter. [23311/04]

**Minister for Social and Family Affairs (Mr. Brennan):** I propose to take Questions Nos. 164 and 189 together.

Under the existing free travel scheme, pass holders who reside in the Republic of Ireland can travel free within the South. Similarly, people who live in Northern Ireland who hold a concessionary travel pass can travel free within the North. Under special cross-Border arrangements that have been in place since 1995, both southern and northern pass holders can undertake cross-Border journeys free of charge. The introduction of free travel on an all-Ireland basis would enhance these existing arrangements by enabling southern pass holders to make free onward journeys within the North. Similarly, Northern Ireland pass holders would be able to make internal journeys within the South free of charge to them. There is considerable take-up by passholders — North and South — of the existing cross-Border free travel service. Some 200,000 passenger journeys are made by pass holders each year under the scheme, about half and half from

each jurisdiction. The proposed enhanced all-Ireland free travel service will bring a useful additional flexibility to the service and should help encourage even more extensive take-up by pass holders on both sides of the Border.

There is a number of technical and financial issues to be resolved in order to implement this enhanced all-Ireland free travel system. These issues will require co-operation between my Department and the Northern Ireland Department with responsibility for transport policy, as well as the relevant northern and southern transport operator companies. My Department has had some discussions over the past year with its counterpart Department in the North on the general proposals. In September 2004, my predecessor met with the Minister of State at the Department for Regional Development in Northern Ireland to explore the potential for further co-operation between the two Departments in relation to the proposal. They discussed the options and scope for co-funding the scheme and considered various technical issues that will arise.

One of these issues relates to the different types of free travel passes that are used in each jurisdiction. It was agreed by both Ministers that it would be useful to ensure that smartcards used for public transport and concession travel purposes are as compatible as possible to facilitate cross-Border journeys.

At present the Rail Procurement Agency is working towards introducing a smartcard for integrated ticketing on public transport services in the greater Dublin area. My Department is co-operating on this project to explore the possibilities for extending the use of this card to free travel pass holders in the greater Dublin area and ultimately to pass holders countrywide.

#### **Social Welfare Benefits.**

165. **Mr. Rabbitte** asked the Minister for Social and Family Affairs if he plans to reverse any or all of the remaining social welfare cutbacks announced in November 2003; and if he will make a statement on the matter. [23316/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The Estimates for the Department of Social and Family Affairs announced last November included a number of provisions to better target resources within the social welfare code. These measures produced significant savings which, in turn, freed up resources towards a substantial budget 2004 package of €630 million. This enabled the provision of increases well ahead of inflation for all social welfare recipients of weekly payments as well as significant general improvements in social welfare provisions generally.

As my predecessor has already indicated to the House, the implementation of all of the Estimates measures has been kept under review and there are no plans to change any of the measures currently in place.

*Question No. 166 answered with Question No. 162.*

*Question No. 167 answered with Question No. 161.*

*Question No. 168 answered with Question No. 128.*

### **Child Care Services.**

169. **Mr. Neville** asked the Minister for Social and Family Affairs the number of child care or crèche facilities which exist within local or national offices under the control of his Department; the number of places he has provided since the last election; and if he will make a statement on the matter. [23365/04]

**Minister for Social and Family Affairs (Mr. Brennan):** While there are no child care or crèche facilities situated in my Department's offices, I would point out to the Deputy that the provision of child care and crèche facilities in Government offices is a matter for the Department of Finance.

### **Tax and Social Welfare Codes.**

170. **Mr. Boyle** asked the Minister for Social and Family Affairs if representations have been made by her and her Department to the Department of Finance regarding the taxation of maintenance payments, in view of the extent to which single parent families often rely on such payments. [23397/04]

**Minister for Social and Family Affairs (Mr. Brennan):** Matters of taxation policy and implementation are the responsibility of my colleague the Minister for Finance. Similarly, maintenance provisions — particularly where they involve court resolution under family law — are primarily the responsibility of my colleague the Minister for Justice, Equality and Law Reform.

My Department provides income support where necessary to unmarried and separated parents through one-parent family payment, on a means-tested basis. The need for this income support arises mainly where lone parents have been unable to obtain adequate — or perhaps any — maintenance for themselves and their children from their spouses or partners. One of the conditions for eligibility for one-parent family payment places an obligation on applicants to make appropriate efforts to obtain maintenance from their spouse or partner by a mediation process or through the family law courts.

My Department also has powers under the liability to maintain family provisions of the Social Welfare Acts to pursue the liable relatives of one-parent family payment clients to obtain a contribution towards the cost of the social welfare income support provided to the families concerned.

Representations were made to my predecessor in September last on the question of the general tax treatment of maintenance income for separ-

ated people. The issue raised in these representations was that maintenance received by a separated person should be exempted from income tax, or at least taxed at the standard rate. The representations were based on the situation of a named individual separated person who is not a social welfare client and there was no particular social welfare context.

In responding to these representations, the then Minister for Finance confirmed the position that maintenance payments received under a legally binding agreement are taxable in the same way as any other income. Tax relief is provided for the person making the payment if it is made under a formal maintenance agreement or court order. Informal or non-legally binding maintenance payments made between a separated couple are neither taxable for the recipient nor tax-exempt for the donor.

Also, if the separated couple jointly elect to be taxed as if the separation had not taken place, maintenance payments are not subject to tax or to tax relief.

In relation to social welfare, maintenance payments received by clients on one-parent family payment are assessable as means. However, there are disregards where lone parents have mortgage repayment or rent commitments on their principal residence. Half of the balance of maintenance received is exempted for means purposes. These measures were introduced in the social welfare code to provide a financial incentive to lone parents to seek maintenance support themselves. There are no plans to change the current arrangements in this regard.

### **Social Welfare Benefits.**

171. **Mr. M. Higgins** asked the Minister for Social and Family Affairs if he will review the decision to terminate the payment of the crèche supplement; and if he will make a statement on the matter. [23319/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The objective of the supplementary welfare allowance scheme is to meet immediate, short-term income maintenance needs. The scheme is not intended to be a long-term solution in any individual case.

Crèche supplements were intended to provide short-term emergency support to enable parents to avail of services such as counselling or addiction treatment programmes. It was never intended to be an ongoing source of funding for crèches.

It is estimated there are currently over 3,000 crèches and pre-schools in the country, the vast majority of which are privately operated. The remainder are community based and operate on a not for profit basis. Some are grant aided by health boards while others receive funding through the equal opportunities childcare programme of the Department of Justice, Equality and Law Reform.

[Mr. Brennan.]

This programme provides capital funding to both private and community based groups as well as funding for the staffing costs of certain community based childcare facilities. The programme aims to allow parents to avail of educational, training or employment opportunities.

In addition, the early start pre-school programme, operated by the Department of Education and Science, targets children in the three to four age bracket in areas of disadvantage. The programme operates in some 40 schools.

Responsibility for the provision of child care supports rests with the health boards. The child care facilities which are grant aided by the boards generally cater for children who are referred by a public health nurse or other health professional where the child's needs or those of the parent, are of a medical or personal social services nature.

The practice of paying crèche supplements, as they came to be known, grew up in certain areas only and in an unplanned and unco-ordinated way. In a situation where there are specific programmes for the provision of child care support, it does not make sense that support of this kind be provided on a routine basis through the supplementary welfare allowance scheme.

There needs to be consistency in the way the supplementary welfare allowance scheme operates and the changes introduced relating to crèche supplements were designed in order to refocus that scheme on its original objective of providing short-term income support.

The change to the scheme also served to highlight the need for adequate funding arrangements to be put in place for those crèches which are grant aided by the health boards. This issue was raised by my predecessor with the Minister for Health and Children and is a matter for consideration in the context of health service provision generally.

#### **National Children's Office.**

172. **Mr. Sargent** asked the Minister for Social and Family Affairs the progress made on the report being carried out on behalf of his Department and the National Children's Office. [23417/04]

**Minister for Social and Family Affairs (Mr. Brennan):** I believe the report the Deputy is referring to is the National Longitudinal Study of Children, which will be jointly funded by the National Children's Office and by the Department of Social and Family Affairs. The study is the most significant of its kind to be undertaken in the Republic of Ireland, particularly in terms of the cost, scope and length of study period.

The aim of the study is to study the factors which contribute to, or undermine the well being of children in contemporary Irish families, and, through this, contribute to the setting of effective and responsive policies relating to children and

to the design of services and their families. It is anticipated that 10,000 children from birth and 8,000 children aged nine will be recruited to participate in the study.

A steering group has been established, chaired by the director of the National Children's Office, and including senior officials from the Department of Social and Family Affairs, policymakers, people with expertise in research and statistics as well as child health, to make the necessary preparations for the commissioning of the study.

The study was put out to tender at the end of April 2004. The closing date for receipt of tenders was 27 August 2004. Tenders are currently being evaluated and it is hoped to award the contract by the end of 2004.

#### **Health Board Allowances.**

173. **Mr. P. Breen** asked the Minister for Social and Family Affairs the number of exceptional needs payments made by health board officials in each year from 1997 to 2003; and the average payment made in each area. [23391/04]

187. **Mr. Hayes** asked the Minister for Social and Family Affairs the number of cases of supplementary welfare allowance rent subsidy handled in each year from 1997 to 2003; and the average weekly payment made. [23390/04]

**Minister for Social and Family Affairs (Mr. Brennan):** I propose to take Questions Nos. 173 and 187 together.

The objective of the supplementary welfare allowance scheme, which is administered on behalf of my Department by the health boards, is to provide assistance to eligible people in the State whose means are insufficient to meet their basic needs and those of their adult or child dependants.

Subject to certain conditions the scheme provides for the payment of a weekly or monthly supplement in respect of rent to eligible people whose means are insufficient to meet their accommodation needs and who do not have accommodation available from any other source.

The legislation also allows a health board to make a single payment to help meet essential, once-off, exceptional expenditure, which a person could not reasonably be expected to meet out of their weekly income. These payments are known as exceptional needs payments.

The number of recipients of rent supplement at the end of the years 1997 to 2003, inclusive, and the annual expenditure are set out in the following tabular statement. Details of the average weekly payment in the years 1997 to 2000 are not available. It should be noted that some 75% to 80% of supplements are paid weekly with the remainder paid monthly.

It is not possible to provide a breakdown of expenditure or recipient numbers in respect of exceptional needs payments for the years 1997 to

2000. Details of the number of exceptional needs payments and the average payment made at the end of 2001, 2002 and 2003 are set out in the following tabular statement.

Number of Recipients of Rent Supplement, annual expenditure, average annual value and average weekly and monthly rent supplements at end 1997, 1998, 1999, 2000, 2001, 2002 and 2003.

Year	Recipients	Annual Expend	Average Weekly Supplement
		€	€
1997	40,000*	95.23m	not available
1998	40,000*	111.74m	not available
1999	41,873	127.74m	not available
2000	42,683	150.72m	not available
2001	45,028	179.43m	80.30
2002	54,213	252.34m	94.88
2003	59,976	331.47m	97.07

\* = estimated

Number of Exceptional Needs Payments by Health Board and average payment made at end 2000, 2001, 2002 and 2003.

Health Board	2001 No. of Payments	2001 Average Payment	2002 No. of Payments	2002 Average Payment	2003 No. of Payments	2003 Average Payment
		€		€		€
ERHA	102,364	171.38	114,349	206.60	117,485	211.91
MHB	6,280	156.53	7,788	193.50	7,035	234.83
MWHB	20,427	186.81	20,248	206.14	20,269	229.27
NEHB	8,511	169.19	8,686	195.26	8,201	230.34
NWHB	5,976	271.75	6,709	327.17	7,128	361.11
SEHB	23,822	209.05	26,174	232.02	26,351	255.44
SHB	28,193	234.95	32,578	251.43	33,009	251.57
WHB	22,917	177.16	24,874	190.16	24,316	194.77

### Social Welfare Code.

174. **Mr. Kehoe** asked the Minister for Social and Family Affairs if he will remove the requirement whereby a person reaching the age of 65 must first retire for a period before being able to work and retain a portion of their pension; when he will remove the financial disincentives for persons of pension age who may want to continue some form of employment; and if he will make a statement on the matter. [23372/04]

**Minister for Social and Family Affairs (Mr. Brennan):** In addition to satisfying the relevant contribution conditions, those applying for retirement pension at age 65 must be retired from employment or self employment. Retirement is defined as not having earnings from employment of more than €38 per week or earnings from self-employment of more than €3,174 per annum. There is no retirement condition associated with old age contributory or non-contributory pensions which are both payable at 66 years of age.

The retirement pension was first introduced in 1970 and was intended to bridge the gap between retirement at 65 and the pension age for social welfare purposes, which at the time was 70 years of age. The qualifying age for old age pension was subsequently reduced over time to 66 years of age which means that the requirement to retire

before receiving a retirement pension now only has effect for one year.

Given the improvements in life expectancy which have occurred in recent decades and the demographic changes our society will face in the years ahead, it is important that we should encourage and facilitate people who wish to extend their working lives to remain active.

In the circumstances, the Government is committed, as part of the programme for Government, to removing the requirement to retire at 65 in order to receive a retirement pension. The implementation of this commitment will be considered in a budgetary context having regard to the availability of resources and other priorities.

### Decentralisation Programme.

175. **Mr. Cuffe** asked the Minister for Social and Family Affairs the plans which exist in relation to decentralisation within his Department. [23398/04]

**Minister for Social and Family Affairs (Mr. Brennan):** Under the programme of decentralisation announced by the Minister for Finance in budget 2003, all headquarters sections of my Department currently located in Dublin, some 1,200 posts, are to relocate to the following towns:

[Mr. Brennan.]

Drogheda, Buncrana, Donegal, Carrick-on-Shannon, Carrickmacross and Sligo.

In addition, the Combat Poverty Agency and Comhairle, agencies under the aegis of my Department, will relocate to Monaghan and Drogheda respectively.

A detailed implementation plan covering all aspects of the decentralisation process was submitted to the decentralisation implementation group in June. This plan sets out the proposed sequence of each relocation, staff placement and training plans, the estimated resources required to complete the project, the risks associated with the project and the contingency plans to deal with those risks.

The Office of Public Works is in the process of securing suitable accommodation for the programme.

Staff applications to relocate under the programme are being handled centrally through the Central Applications Facility. The facility closed for priority application on 7 September but will remain open for further applications for the duration of the programme.

The departmental implementation plan will be monitored closely and further developed when more information on accommodation and Central Applications Facility applicants is available.

Progress on the plan will continue to be reported on a regular basis to the implementation committee, which reports in turn to the special Cabinet sub-committee which is overseeing the decentralisation programme as a whole.

### Social Welfare Benefits.

176. **Mr. Gilmore** asked the Minister for Social and Family Affairs if he intends to continue the Government's three-year programme of increases in child benefit; and if he will make a statement on the matter. [23300/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The policy direction followed by successive Governments has been to concentrate resources for child income support on the child benefit scheme. Child benefit is neutral *vis-à-vis* the employment status of parents and therefore does not contribute to unemployment or poverty traps.

Over the period since 1997, monthly rates of child benefit has increased by between €93.51, at the lower rate of payment, and €115.78, at the higher rate. These are very substantial increases of 246% and 234% respectively, compared with inflation of 26.9% over the period.

In budget 2001, the Minister for Finance announced a multi-annual programme of increases in child benefit to the value of €1.27 billion over three years. This was subsequently extended to five years, to be completed in budget 2005. The implementation of this commitment is a matter to be dealt with in a budgetary context.

### Expenditure Review Initiative.

177. **Ms McManus** asked the Minister for Social and Family Affairs the purpose and terms of the review of the income maintenance payments provided by his Department as part of the Government's expenditure review initiative; and if he will make a statement on the matter. [23314/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The expenditure review initiative was launched in 1997 and forms part of the strategic management initiative.

The objectives of the initiative are to analyse in a systematic manner what is actually being achieved by expenditure on each programme and to provide a basis on which more informed decisions can be made on priorities within and between expenditure programmes.

My Department has engaged with the process since its launch in 1997. An expenditure review steering group is in place in the Department to provide support and direction, while the process overall is overseen by the expenditure review central steering committee, chaired by the Secretary-General of the Department of Finance.

Expenditure reviews are carried out by working groups comprising staff from the relevant areas within the Department, with representation from the Department of Finance and other departments and agencies, as appropriate. All of the reviews involve consultations with interested organisations and lobby groups and surveys of customers are carried out as required.

The guidelines issued by the central steering committee require that the terms of reference of a review should: identify programme objectives; examine the current validity of those objectives and their compatibility with the overall strategy of the Department; define the outputs associated with the programme activity and identify the level and trend of those outputs; examine the extent to which the programme's objectives have been achieved and comment on the effectiveness with which they have been achieved; identify the level and trend of costs and staffing resources associated with an expenditure programme and thus comment on the efficiency with which it has achieved its objectives; evaluate the degree to which the objectives warrant the allocation of public funding on a current and ongoing basis and examine the scope for alternative policy or organisational approaches to achieving these objectives on a more efficient and-or effective basis; and specify potential future performance indicators that might be used to monitor better the performance of a programme.

All reviews commenced since 2003 are subject to external review. The Department has published 17 completed reviews. These reviews have contributed positively to policy evaluation within the Department and form a component of the budgetary process. They have also led to improvement in the administrative efficiencies of the schemes reviewed.

### Disability Bill.

178. **Mr. Howlin** asked the Minister for Social and Family Affairs the proposals and objectives in his Department's sectoral plan under the Disability Bill 2004; and if he will make a statement on the matter. [23308/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The sectoral plans under the provisions of the Disability Bill 2004 form an integral part of the Government's national disability strategy which was launched on 21 September 2004. These plans will set out service provision for people with disabilities, the measures to facilitate access to these services and the planned improvements.

In common with the other Departments involved, my Department's sectoral plan was published in outline form in order to allow a period of consultation and discussion with relevant interests before the plan is finalised and laid before the Dáil for approval.

The objective of the outline sectoral plan prepared by my Department is to ensure that, as far as is practicable, the schemes and services we provide to people with disabilities operate in a manner which facilitates their full participation in society and meets the mainstreaming principle of the equality agenda.

The outline plan draws on the Department's statement of strategy 2003-05, which provides the framework for progressing and developing its services to customers. It gives a brief description of the range of schemes and services designed to meet the income support needs of people with disabilities and covers a range of issues including performance standards for claim processing, supports for people with disabilities to return to work or education, consultative processes designed to pro-actively seek the views of people with disabilities, physical access to departmental premises, specific measures for visually or hearing impaired customers and the role of Comhairle in meeting the needs of people with disabilities, including the new personal advocacy service to be provided under the Comhairle (Amendment) Bill 2004.

The sectoral plan will provide a focus for the future development of services for people with disabilities coming within my Department's remit and regular reporting on activities and improvements planned for the future.

*Question No. 179 answered with Question No. 144.*

*Question No. 180 answered with Question No. 160.*

### Social Welfare Benefits.

181. **Mr. Crowe** asked the Minister for Social and Family Affairs if he has proposals for increasing the grant for hearing aids to allow persons to purchase the digital models which are more

efficient, though more expensive than the outdated analogue models. [23366/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The treatment benefit scheme provides a range of benefits in the areas of dental, optical and aural treatment for qualified PRSI contributors and their dependent spouses. My Department pays up to half the cost of a hearing aid subject to a maximum grant of €700. This grant was last increased from 1 January 2002 when it was doubled from €350 to its present level. This substantial increase was granted in cognisance of the availability of digital hearing aids.

There are no plans, at present, to change the current level of grant for hearing aids. Any changes to the level of grant would have financial implications and would have to be considered in a budgetary context.

*Question No. 182 answered with Question No. 131.*

### Farm Household Incomes.

183. **Mr. Crawford** asked the Minister for Social and Family Affairs the number of farm families which are benefiting from farm assist; the average allowance they receive; the number which have been transferred to the new farm employment scheme; if he has satisfied himself that the means test for this scheme is a fair and accurate assessment; and if he will make a statement on the matter. [23184/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The farm assist scheme, which introduced special arrangements for farmers on low incomes, came into operation with effect from 7 April 1999.

At the end of September 2004, there were 8,607 people in receipt of a farm assist payment. Of this number, 5,258 were families and they received an average weekly payment of €171.04 which includes a fuel payment.

The amount paid to each farmer depends on a number of factors, for example, family size, whether the spouse-partner is working and any means assessed from all sources.

In calculating means for the purposes of farm assist, account is taken of the gross yearly income which the farmer and his or her spouse-partner may reasonably expect to receive from farming or any other self-employment, less any expenses necessarily incurred in carrying on the business.

This means that the assessment of the expected annual income is based on normal output and costs appropriate to normal stock levels, capacity and market trends. While the legislation does not stipulate that the assessment should be based on the income received in the previous year, income and expenditure figures for the preceding year are generally used as an indicator of the expected position in the following year. However, account is taken of any exceptional circumstances so as to

[Mr. Brennan.] ensure that the assessment accurately reflects the current situation.

Where a farmer disagrees with a means assessment, he or she may appeal the decision to the social welfare appeals office. In addition, where a farmer feels that his or her circumstances have changed since the most recent assessment, he or she may request a means review.

The scheme has brought about a worthwhile improvement for low income farmers and particularly for those with children and makes a valuable contribution to supporting those who are at the lower end of the farm income spectrum. I am satisfied that the current assessment of means is fair and reasonable.

A new scheme, the rural social scheme was introduced by the Minister for Community, Rural and Gaeltacht Affairs with effect from May 2004. This scheme is designed specifically for rural people and is a community work programme, with a focus on the provision of direct services in the community.

At the end of September 2004, 45 farmers had transferred from farm assist to the rural social scheme.

#### Social Welfare Expenditure.

184. **Mr. Timmins** asked the Minister for Social and Family Affairs the expenditure on social protection as a percentage of GDP for each year since 1995; and the EU average for each of those years. [23385/04]

**Minister for Social and Family Affairs (Mr. Brennan):** Comparisons of social protection expenditure as a percentage of GDP across the European Union are published by EUROSTAT, the Statistical Office of the EU. These comparisons encompass not only social welfare expenditure but also expenditure in areas such as health care, social housing, employment support and other social inclusion programmes.

The latest such statistics were released in April of this year and deal with developments up to and including 2001. They do not take into account developments in social expenditure since then as no figures are yet available for those years. In terms of expenditure on social protection as a percentage of GDP the comparable figures for Ireland and the EU average between 1994 and 2001 are as follows:

Year	Ireland	EU15
	%	%
1994	19.7	28.5
1996	17.8	28.4
1998	15.4	27.5
2000	14.2	27.3
2001	14.6	27.5

When examining such data it is important to remember that gross expenditure measures can

distort the real picture, as they do not take account of social charges or taxes which may be levied on benefits, nor do they include transfers made by means of tax concessions, as opposed to direct cash payments. In fact the EUROSTAT release itself states: "The European average masks major national differences in the structure of social protection funding."

The level of expenditure is also significantly influenced by the age profile of the population. Currently Ireland, with one of the youngest populations in the EU, needs to spend less on pensions and healthcare-care of the elderly than most other member states. The extent to which the State directly provides supplementary pensions and childcare are also important factors.

In addition, social protection expenditure as a percentage of GDP is significantly influenced by the pace of economic growth and the level of unemployment. The statistics show that at EU level between 1993 and 1996 social protection expenditure relative to GDP stabilised at a level below the peak of 28.8% in 1993. This was due to renewed GDP growth and slower growth in social protection expenditure, particularly related to unemployment benefits.

Over the period 1996 to 2000 the EU average dropped from 28.4% to 27.3% but there was a slight increase to 27.5% in 2001. For Ireland in 1990, expenditure on social protection as a percentage of GDP was 18.4%. This rose to 20.2% in 1993, and then declined to 14.2% in 2000. These changes mirrored the developments just described in other EU countries, except that the level of economic growth and the decline in unemployment were much greater in Ireland than in most other EU countries. In 2001 there was an increase to 14.6%.

Under this Government there have been sustained and substantial increases in social protection expenditure. The EUROSTAT report on social protection states that the increase in real-terms expenditure on social protection in four EU countries, including Ireland, at 4.7% per annum, over the period 1992 to 2001 was "particularly marked." The EU average was 1.9%.

The EUROSTAT figures show a 40% increase in the *per capita* expenditure on social protection in Ireland in the period 1994 to 2001, compared with an EU average of 13.9%.

This Government will continue to address the scope for further improvements in Ireland's social protection infrastructure, guided by the national anti poverty strategy, while at the same time continuing to take the measures necessary to maintain economic growth and competitiveness.

#### Social Welfare Benefits.

185. **Mr. McGinley** asked the Minister for Social and Family Affairs if there will be development of the homemakers scheme in view of recommendations of the review which was undertaken; and the details of all the recommendations of this review. [23376/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The homemaker's scheme was introduced in 1994 and is intended to protect the pension entitlements of those who take time out of the paid workforce for caring duties. The scheme allows up to 20 years to be disregarded when a person's insurance record is being averaged to assess entitlement for contributory pension purposes. The scheme will not of itself qualify a person for a pension as the standard qualifying conditions relating to the type and number of contributions paid or credited must also be satisfied.

In August 2000, my Department published a review of the qualifying conditions for old age contributory and retirement pensions. This review also included a general examination of the homemaker's scheme and the report suggested a number of reforms for further consideration.

These included the possibility of changing the operative date of the scheme and replacing the disregard system with one based on actual credited contributions. These suggestions are being examined in more detail in the second part of the review. This phase of the review is also looking at changes to the qualifying conditions for contributory and retirement pensions suggested in the phase one report together with a range of other issues.

I expect the review will be ready for publication in the next few months and developments in relation to the homemaker's scheme will be considered in the light of the conclusions of that report.

#### **One Parent Families.**

186. **Ms McManus** asked the Minister for Social and Family Affairs if his attention has been drawn to a report from OPEN, in relation to one parent families; his views on the criticisms contained therein; if he will increase the one parent family payment; and if he will make a statement on the matter. [23313/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The one parent family payment, introduced in 1997, was designed to help in overcoming the particular obstacles lone parents may face in taking up employment or training opportunities, and to encourage them to return to employment, instead of remaining dependent on social welfare payments.

Ireland has among the highest percentage of lone parent families within the EU at over 11% of households. Many lone parents care full time or part-time for children.

However, a high proportion of lone parents and their children in Ireland, some 42.9% in 2001, had a level of income which put them in the category of "at risk of poverty". This can be mainly explained by the relatively low participation in employment among lone parents, especially relative to the position in this regard among many other EU member states. Lone parents are not only at risk of poverty while out of the workforce

when caring for their children, but these prolonged absences can also have an adverse effect on their future earning capacity, which can lead to longer term social exclusion.

It is, therefore, necessary to build on what the present one parent family payment scheme provides, with a view to enabling lone parents achieve a position where they can more effectively reconcile their priority commitment to care for their children and the need for greater employment participation, the main route to an improved standard of living for them and their children, both in the short term and long term.

Under my Department's statement of strategy there is a commitment to review the operation of income support arrangements for lone parents.

This review is taking account of recent reports and emerging analysis in this area, such as OPEN's "One Size Fits All?" report and my own Department's review of the one parent family payment. Account will also be taken of volume II of the OECD study, entitled "Babies and Bosses, Reconciling Work and Family Life", published at the end of 2003 which contains an analysis, in a comparative context, of the situation in Ireland, especially with regard to lone parents, and of the proceedings of the Irish EU Presidency Conference in May last on "Families, Change and European Social Policy."

I am happy to confirm that work on this initiative has already commenced with preliminary discussions with lone parent NGOs, including OPEN, having already taken place.

The theme of parenting alone will be one of the issues addressed in the proposed strategy on supports for families currently in preparation. An interdepartmental committee has been established and is already analysing current cross-departmental policies for families, with a view to coming up with recommendations for future policy development.

Submissions on the proposed family strategy have also been received from a number of NGOs, including those representing one parent families, and these will be taken into account in the deliberations of the committee. The issue of increases in the one parent family payment is one for determination in a budgetary context.

*Question No. 187 answered with Question No. 173.*

#### **UN Report.**

188. **Mr. S. Ryan** asked the Minister for Social and Family Affairs his views on the United Nations Human Development Report published in July 2004 which shows that Ireland has the second highest level of poverty in the western world; and if he will make a statement on the matter. [23310/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The United Nations Human Development Report to which the Deputy refers contains a range of indices which measure the achieve-

[Mr. Brennan.]  
ments of countries in three basic dimensions — life expectancy, knowledge and standards of living.

The human poverty index, HPI-2, is a multi-dimensional measure of poverty for selected high income OECD countries. It measures how well countries have distributed the overall human development they have achieved, using a range of indicators concerning life expectancy, population below income poverty line, people lacking functional literacy skills and long-term unemployment.

Ireland was ranked 16th out of 17 high income OECD countries with a HPI-2 value of 15.3%, compared to the best performer Sweden, 6.5%, and the worst performer, the United States, 15.8%.

The indicator for the “population below the income poverty line” is a relative income poverty line based on GDP *per capita*. Ireland’s rank was below the majority of EU countries listed, but better than the UK and Italy. There was no listing for Greece and Portugal. It was also better than developed countries such as Canada, United States and Australia.

GDP is not a good indicator for Ireland of the income available to the country given our exceptional reliance on foreign investment and the consequent scale of profit repatriation abroad. GNP would be a more appropriate indicator.

This indicator also does not show the exceptional progress made in reducing consistent poverty, which is the basis, designed by the ESRI, for the poverty targets in the national anti-poverty strategy. This measures the proportion of our people with incomes below 60% of average disposable income and who are also experiencing deprivation. The numbers of people experiencing consistent poverty in Ireland has fallen by two thirds — from 15.1% in 1994 to 5.2% in 2001 and our target is to reduce consistent poverty to below 2%, or eliminate it altogether, by 2007.

The relative position of certain categories of people has disimproved despite significant increases in real terms in their incomes, because of the unprecedented increases in average household incomes during the period of exceptional economic growth. This has been the result of major increases in employment, better paid jobs, more two income households and lower tax levels.

The Government is committed through the framework of the national anti-poverty strategy and the employment action plans and their further development to progressively improve the position of those who can work, mainly by removing obstacles to employment, and by increasing income support and improving services to those who cannot work.

In relation to the report’s long-term unemployment indicator, Ireland ranked joint 11th with the UK on this index and joint 5th in the EU15. The reduction in long-term unemployment from 8.9%

in 1993 to 1.2% in 2002 is one of the most welcome and significant outcomes of Ireland’s recent economic success. Under the national anti-poverty strategy, the target is to eliminate long-term unemployment by 2007. Continuing progress in reducing unemployment and in increasing access to more and better jobs will make a significant contribution to reducing poverty levels generally.

The national anti-poverty strategy also contains specific commitments in relation to improving literacy skills and life expectancy, responsibility for which come within the remit of the Ministers for Education and Science and Health and Children respectively. These are priority areas for action but, like reducing poverty generally, take time before increased investment of resources show concrete results.

The core objective which this Government and the social partners signed up to in Sustaining Progress is “to build a fair and inclusive society and ensure that people have the resources and opportunities to live life with dignity and have access to the quality public services that underpin life chances and experiences”. Government policy is geared towards meeting that objective and the policies I will be pursuing as Minister for Social and Family Affairs both in relation to income support and in the context of the national anti-poverty strategy generally will be aimed at making significant progress towards achieving that core objective.

*Question No. 189 answered with Question No. 164.*

*Question No. 190 answered with Question No. 128.*

*Question No. 191 answered with Question No. 160.*

*Question No. 192 answered with Question No. 128.*

#### **Social Welfare Benefits.**

193. **Mr. McGinley** asked the Minister for Social and Family Affairs if he will extend entitlement to the free schemes to all widows and widowers aged 60 to 65, rather than only to those whose late spouse was receiving any of the allowances in the household benefits package; and if he will make a statement on the matter. [23371/04]

194. **Mr. Hogan** asked the Minister for Social and Family Affairs if he will increase the free gas, electricity and telephone allowances; and if he will make a statement on the matter. [23374/04]

**Minister for Social and Family Affairs (Mr. Brennan):** I propose to take Questions Nos. 193 and 194 together.

The household benefits package, which comprises the electricity-gas allowance, telephone allowance and television licence schemes, is generally available to people living permanently in the State, aged 66 years or over, who are in

receipt of a social welfare type payment or who fulfil a means test.

The package is also available to carers and people with disabilities under the age of 66 who are in receipt of certain welfare type payments. People aged over 70 years of age can qualify regardless of their income or household composition.

Widows and widowers aged from 60 to 65 whose late spouses had been in receipt of the household benefit package retain that entitlement to ensure that households do not suffer a loss of entitlements following the death of a spouse.

A range of proposals has been made to extend the free schemes to other groups and to increase their value. These are kept under review in the context of the objectives of the scheme and budgetary resources.

### Trading Partners.

195. **Mr. Durkan** asked the Taoiseach the top

ten EU countries with which Ireland trades in terms of exports and imports; and if he will make a statement on the matter. [23700/04]

196. **Mr. Durkan** asked the Taoiseach the top ten non-EU countries with which Ireland currently trades in terms on exports and imports; and if he will make a statement on the matter. [23701/04]

**Minister of State at the Department of the Taoiseach (Mr. Kitt):** I propose to take Questions Nos. 195 and 196 together.

Tables 1 and 2 below identify Ireland's top ten EU and non-EU trading partners by value in 2003, respectively. The year 2003 is the latest one for which complete annual data are available. For comparative purposes, values for 2002 and 2001 are also included.

In addition, table 3 identifies Ireland's top ten trading partners within a global context.

Table 1 — top ten EU countries involved in merchandise trade with Ireland.

	2003	2002	2001
	€(000)	€(000)	€(000)
<i>Exports</i>			
Great Britain	13,446,568	20,886,658	20,793,808
Belgium	10,314,932	13,549,307	4,446,178
Germany	6,826,042	6,740,417	11,682,508
France	5,020,798	4,693,372	5,541,568
Netherlands	4,268,284	3,511,632	4,263,614
Italy	3,749,160	3,601,523	3,311,898
Spain	2,353,688	2,242,630	2,297,985
Northern Ireland	1,409,424	1,610,716	1,864,521
Sweden	1,161,251	1,203,052	1,355,024
Denmark	501,322	545,302	596,605
<b>Total</b>	<b>49,051,469</b>	<b>58,584,609</b>	<b>56,153,709</b>
<i>Imports</i>			
Great Britain	15,893,393	22,112,667	21,495,813
Germany	3,882,999	3,769,468	3,612,000
Netherlands	1,978,110	2,090,106	2,156,168
France	1,787,947	2,128,100	2,684,811
Northern Ireland	1,281,036	1,215,376	1,489,035
Italy	923,204	908,536	1,199,345
Belgium	965,780	1,002,698	1,048,706
Denmark	840,643	684,954	672,220
Spain	587,980	601,219	612,169
Sweden	401,903	379,968	446,661
<b>Total</b>	<b>28,542,995</b>	<b>34,893,092</b>	<b>35,416,928</b>

[Mr. Kitt.]

Table 2 — top ten non-EU countries involved in merchandise trade with Ireland.

	2003	2002	2001
	€(000)	€(000)	€(000)
<i>Exports</i>			
United States	16,939,245	16,509,438	15,694,396
Switzerland	2,603,265	3,103,770	2,705,698
Japan	2,109,434	2,630,798	3,261,074
Singapore	734,246	739,310	641,308
Hong Kong	688,304	534,074	670,201
Australia	647,646	636,070	834,838
Malaysia	578,068	765,941	1,140,342
South Korea	509,585	640,367	695,906
Norway	530,137	517,204	587,172
Canada	469,383	510,896	592,502
Total	25,809,313	26,587,868	26,823,437
<i>Imports</i>			
United States	6,755,916	8,052,982	8,084,943
Japan	1,550,262	1,446,133	1,617,496
China	1,422,524	878,878	684,330
Norway	1,229,408	860,149	951,972
Singapore	1,027,013	962,080	1,324,296
Switzerland	698,369	636,862	554,420
Taiwan	644,253	881,722	991,909
Hong Kong	500,728	741,403	716,727
South Korea	586,681	677,668	685,443
Canada	463,517	419,554	617,526
Total	14,878,671	15,557,431	16,229,062

Table 3 — top ten countries involved in merchandise trade with Ireland (both EU and non-EU).

	2003	2002	2001
	€(000)	€(000)	€(000)
<i>Exports</i>			
United States	16,939,245	16,509,438	15,694,396
Great Britain	13,446,568	20,886,658	20,793,808
Belgium	10,314,932	13,549,307	4,446,178
Germany	6,826,042	6,740,417	11,682,508
France	5,020,798	4,693,372	5,541,568
Netherlands	4,268,284	3,511,632	4,263,614
Italy	3,749,160	3,601,523	3,311,898
Switzerland	2,603,265	3,103,770	2,705,698
Spain	2,353,688	2,242,630	2,297,985
Japan	2,109,434	2,630,798	3,261,074
Total	67,631,416	77,469,545	73,998,727

	2003	2002	2001
	€(000)	€(000)	€(000)
<i>Imports</i>			
Great Britain	15,893,393	22,112,667	21,495,813
United States	6,755,916	8,052,982	8,084,943
Germany	3,882,999	3,769,468	3,612,000
France	1,787,947	2,128,100	2,684,811
Netherlands	1,978,110	2,090,106	2,156,168
Japan	1,550,262	1,446,133	1,617,496
Northern Ireland	1,281,036	1,215,376	1,489,035
Singapore	1,027,013	962,080	1,324,296
Norway	1,229,408	860,149	951,972
Italy	923,204	908,536	1,199,345
Total	36,309,288	43,545,597	44,615,879

### Freedom of Information.

197. **Mr. Eamon Ryan** asked the Minister for Enterprise, Trade and Employment the number of FOI requests his Department has received in 2003; and the number which have been granted for 2003. [23630/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** My Department received 153 freedom of information requests during 2003. In that year, 45 requests were granted in full, 48 were part granted, 48 were withdrawn or handled outside of FOI, 20 were refused and three were transferred to other public bodies. The total of these categories exceeds the total received in the year because requests initiated at the end of any year will fall to be decided in the following year.

*Questions Nos. 198 to 205, inclusive, resubmitted.*

### Job Losses.

206. **Mr. Healy-Rae** asked the Minister for Enterprise, Trade and Employment if he will come to South Kerry to witness first hand the job losses the people of Killarney and surrounding areas have suffered within the past few weeks with the loss of 87 jobs in the Killarney area alone; and if he will make a statement on the matter. [23740/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** I am very disappointed at the recent job losses in Killarney, including those at Transmould and Scott Tools and I am conscious of the adverse effects on the workers concerned and on their families.

Finding alternative employment for the workers affected is a priority for FÁS and the State development agencies. FÁS has contacted both companies and will make available its full range of support services including skills analysis, jobs placement, guidance and counselling interviews and identification of training needs and courses.

IDA Ireland continues to actively promote the south Kerry region to potential investors from a variety of sectors, including manufacturing and international services, through its network of overseas offices and project divisions, with every effort being made to secure new investments for the area. In addition to targeting potential new projects, IDA Ireland continues to work with the existing base of companies in the region with a view to supporting such companies with potential expansions and diversification of activities.

The agency has also completed site development works on its business and technology park in Killarney and is actively promoting this new investment, including a new building facility in the park. These investments will put the area in a position to compete more strongly for inward investment in the ICT, software and international services sectors.

The major decentralisation programme announced in the budget includes 165 jobs to be relocated to Killarney. This move demonstrates the Government's commitment to balanced regional development and will provide a further boost to enterprise development in Kerry. The designation of Killarney as a hub town under the Government's national spatial strategy adds to the attractiveness of the county for overseas and indigenous investment.

The State development agencies, under the auspices of my Department, will continue to work closely together and with local interests in promoting the Killarney area for additional investment and job creation. I would be happy to discuss the jobs situation in Killarney during my next visit to the area.

### Amnesty International.

207. **Mr. M. Higgins** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to the most recent letter from Amnesty International regarding weapons brokering to Sudan, his views on the matter, and

[Mr. M. Higgins.]  
when legislation on brokering in Ireland is to be put forward. [23741/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. M. Ahern):** I have received two separate letters from Amnesty International in relation to a recent newspaper report linking an Irish-registered company to alleged illegal brokering activities involving the transfer of military equipment to the Sudan.

The newspaper article alleged that a British businessman was involved in illegal brokering activities relating to the sale of arms to Sudan, in breach of EU and UK laws. I understand that the UK Customs are currently carrying out an investigation into the allegations. The article also suggested that an Irish registered company, owned by the British businessman, was involved in the financing of the deal.

My Department has investigated the allegation in relation to the role of the Irish registered company. In this regard, it has been established that: the Irish company is dormant and has never traded since its establishment in 1990; the newspaper article was inaccurate in relation to the British businessman being the owner of the company; and the beneficial owner of the company has confirmed that the British businessman has no relationship with the Irish company.

On the basis of the investigation, there is no evidence of any involvement in illegal brokering activities by an Irish company. The updating of our national export control legislation, to include, *inter alia*, controls on arms brokering, is one of the recommendations of the recent Forfás review. I hope to bring proposals regarding this legislation to Government shortly.

#### Grant Payments.

208. **Mr. Crawford** asked the Minister for Agriculture and Food when a person (details supplied) in County Monaghan will be provided with details of single payment entitlements; and if she will make a statement on the matter. [23730/04]

**Minister for Agriculture and Food (Mary Coughlan):** A statement of provisional entitlements under the single payment scheme was posted to the person named on 6 September 2004. However, as it seems the person named failed to receive his statement to date arrangements have been made to issue a further copy of the statement as soon as possible.

209. **Mr. Connaughton** asked the Minister for Agriculture and Food when payment of a tuberculosis reactor grant will issue to a person (details supplied) in County Galway; and if she will make a statement on the matter. [23732/04]

**Minister for Agriculture and Food (Mary Coughlan):** The local district veterinary office will process the appropriate valuation payment as soon as the necessary factory receipt is received from the person concerned in relation to two reactor animals disclosed in July 2004.

#### Farm Retirement Scheme.

210. **Mr. Neville** asked the Minister for Agriculture and Food the position regarding continuation of payment of a farm retirement pension to a person (details supplied) in County Limerick. [23733/04]

**Minister for Agriculture and Food (Mary Coughlan):** The person named is a participant in the 1994 early retirement scheme introduced under EU Council Regulation 2079/92, which she entered in joint management with her husband. It is a requirement of the Council regulation that any national retirement pension to which a scheme participant — and his or her spouse or partner in a joint management situation — becomes entitled must be deducted from the early retirement pension.

On 25 February 2004 my Department informed the person named that her husband must re-apply for a non-contributory old age pension and provide documentary evidence of the outcome of his application within three months. As this information was not provided to my Department, payment of the early retirement pension was suspended on 4 June 2004. As soon as this information is furnished to the Department, the position will be reviewed.

#### Grant Payments.

211. **Mr. Connaughton** asked the Minister for Agriculture and Food if she will reconsider recouping a substantial amount of money from existing grants from a person (details supplied) in County Galway given that they were very marginally outside the stocking density for extensification in 2002; if she will agree to a lower rate of recoupment over a longer period so as to allow for a reasonable farm income; and if she will make a statement on the matter. [23785/04]

**Minister for Agriculture and Food (Mary Coughlan):** In relation to 2002 extensification premium, on 24 September 2003, two payable orders amounting to a total of €1,000 issued to the person named on 24 September 2003 representing his full entitlement in respect of the 25 animals that had already qualified for payment of 2002 suckler cow premium and special beef premium on his holding.

The person named applied for premium on 17 animals under the 2003 suckler cow scheme on 16 May 2003 and an advance payment of €3048.44 issued to him on the 16 October 2003. Under the stocking density limits for 2003, a producer may

only be paid premium on up to 1.8 reckonable livestock units per hectare of the forage area established from the producer's 2003 area aid application. Based on the forage area of 47.13 hectares declared by him under his 2003 area aid, this meant that he could receive payment on a maximum of 84.83 livestock units across the livestock premia schemes. The person named applied on 22.5 livestock units under the 2003 ewe premium scheme and 67.8 livestock units under the 2003 special beef premium scheme, giving a total of 90.30 livestock units.

While processing for the 2003 suckler cow balance payment, it was established that the person named had exceeded the stocking density limits and was not entitled to any payment of suckler cow premium for 2003. As his suckler cow advance payment was deemed to be overpaid, the Department was obliged to seek recovery of this money at the earliest opportunity. The person named was due €3999.60 under the 2004 area based compensatory allowance scheme from which the overpayment of €3048.44 was recouped, leaving a balance due of €951.16 which issued to him on 17 September 2004.

In relation to 2003 extensification premium, the position is that the premium may only be paid where the stocking density of a holding does not exceed 1.80 livestock units per hectare. Since the stocking density of the holding in this case was 1.8158 livestock units per hectare, the person named cannot be considered for payment. He was advised of the position by letter last July.

212. **Mr. Connaughton** asked the Minister for Agriculture and Food the reason the suckler cow grant and the area based payment together with other livestock payments for 2004 have not been awarded to a person (details supplied) in County Galway; and if she will make a statement on the matter. [23786/04]

**Minister for Agriculture and Food (Mary Coughlan):** The person named included a land parcel on his 2004 area aid application that was also claimed by another herdowner. Both herdowners were written to and the matter has now been resolved in favour of the person named. His application has now been fully processed with an area determined for payment purposes of 35.74 hectares.

Arrangements were made to have the 2004 area based compensatory allowance payment lodged to the bank account of the person named on 4 October last.

The person named has lodged no applications under the 2004 EU special beef premium or suck-

ler cow premium schemes. The person named has one animal deemed eligible for payment under the 2004 EU slaughter premium scheme. In accordance with the EU regulations governing the slaughter premium scheme, advance payments of 60% of estimated entitlement will commence from 16 October 2004.

The person named will receive his full entitlement under the 2004 ewe/supplementary premium scheme when payments commence on 16 October 2004. The person named is not an applicant under the 2004 suckler cow premium scheme.

213. **Mr. Connaughton** asked the Minister for Agriculture and Food the reason the 2004 suckler cow, area based and other payments have not been awarded to a person (details supplied) in County Galway; and if she will make a statement on the matter. [23787/04]

**Minister for Agriculture and Food (Mary Coughlan):** The person named included a land parcel on his 2004 area aid application that is also being claimed by another herdowner. Both herdowners have been written to with a view to establishing entitlement to claim area aid on this parcel. The person named also included a parcel on his 2004 area aid application on which an overclaim has been detected. He has also been written to in this matter. Until these issues are resolved no area related payments can issue to him.

The person named has to date lodged no applications under the 2004 EU special beef premium scheme. The person named has one animal deemed eligible for payment under the 2004 EU slaughter premium scheme. In accordance with the EU regulations governing the slaughter premium scheme, advance payments of 60% of estimated entitlement will commence from 16 October 2004. The advance payments of 60% of entitlement under the 2004 suckler cow scheme due to commence from 16 October 2004 and payment due under the 2004 area based compensatory allowances scheme cannot be made until the area aid issue has been resolved.

#### Decentralisation Programme.

214. **Mr. Neville** asked the Minister for Finance the position with regard to the number of volunteers offering to transfer under the decentralisation initiative to Newcastle West, County Limerick. [23725/04]

**Minister for Finance (Mr. Cowen):** I am advised by the Revenue Commissioners, that the overall number of first preference applications received by the central applications facility as of 7 September 2004 for Newcastle West, County Limerick is 109. The breakdown is contained in the following table:

Public Service		Civil Service		Revenue Staff External	
Dublin	Other	Dublin	Other	Dublin	Other
0	0	3	78	4	24

215. **Ms B. Moynihan-Cronin** asked the Minister for Finance the number of sites that are under consideration by the Office of Public Works for the decentralisation of the Department of Arts, Sports and Tourism to Killarney, County Kerry; the sites that are being considered; when a decision on the matter will be made; and if he will make a statement on the matter. [23726/04]

**Minister of State at the Department of Finance (Mr. Parlon):** A number of sites has been shortlisted as possible property solutions for decentralisation of the Department of Arts, Sports and Tourism to Killarney. The process of evaluating these sites is well advanced and formal negotiations have commenced with the respective owners of the sites. The sourcing of a suitable property solution for the Sports Council is also in hand.

Item No.	Subhead/Department	1998	1999	2000	2001	2002	2003	2004
		Outturn €000	Outturn €000	Outturn €000	Outturn €000	Outturn €000	Outturn €000	Estimate €000
1.	A.1 — Salaries, Wages & Allowances	704	683	761	901	1,012	1,153	1,291
2.	A.2 — Travel & Subsistence	105	154	128	129	70	207	140
3.	A.3 — Incidental Expenses	27	37	33	63	95	99	115
4.	A.4 — Postal & Telecommunications Services	62	68	93	77	116	94	129
5.	A.5 — Office Machinery & Other Office Supplies	64	92	113	126	184	124	136
6.	B. — Centenaries' Bounty	40	36	271	290	281	299	410
7.	Taoiseach	—	43	32	46	85	60	61
8.	OPW	2,130	1,987	2,408	2,810	2,956	2,409	2,495
9.	Garda Síochána	388	397	405	417	498	468	546
10.	Defence	236	241	254	252	286	303	325
11.	Foreign Affairs	297	538	302	426	461	563	650
	Total	4,053	4,276	4,800	5,537	6,044	5,779	6,298

I do not have the other information the Deputy is requesting.

#### Tax Code.

217. **Mr. Durkan** asked the Minister for Finance the position in relation to stamp duty for farmers over 35 who inherit the family farm; if there are plans to amend or change same in the future; and if he will make a statement on the matter. [23728/04]

**Minister for Finance (Mr. Cowen):** No stamp duty is imposed in respect of an inheritance regardless of whether the person inheriting the property would be eligible for stamp duty relief as a young trained farmer.

In respect of all other farm transfers, for example, by way of a gift or a sale, a stamp duty exemption is available to young trained farmers who fulfil certain criteria. For the purposes of the relief, a young trained farmer is one who is under 35 years of age on the date of execution of the transfer and is the holder of one of the specified agricultural qualifications.

#### Office of the President.

216. **Mr. Ring** asked the Minister for Finance the cost to the State of the Office of the President over the past seven years, detailing costs on an annual basis for each category such as staff, travel, security and so on; the trips which have been made abroad during the President's term of office; and the expenditure costs for each trip. [23727/04]

**Minister for Finance (Mr. Cowen):** The table below sets out the voted moneys provided by the Department of Finance for the Office of the President over the last seven years as set out in the Appropriation Accounts for the period up to 2003 and in the Revised Estimates Volume for 2004. Items 1 to 6 are gross funded expenditure and items 7 to 11 are net allied services expenditure.

Any proposals to alter this position would fall to be considered as part of the normal review of existing reliefs in the context of the budget and Finance Bill cycle.

#### US-EU Summit Meeting.

218. **Aengus Ó Snodaigh** asked the Minister for Finance if he will report on the full and final cost to the State in relation to the US-EU Summit in June 2004; and if he will itemise these costs. [23764/04]

**Minister of State at the Department of the Finance (Mr. Parlon):** The information that the Deputy requires will take some time to prepare. I will forward the information directly to the Deputy by Friday, 15 October 2004.

#### US Immigration Controls.

219. **Mr. McGinley** asked the Minister for Foreign Affairs if his attention has been drawn to the difficulties facing young persons who are resident in the United States by the introduction of new immigration procedures and control; if this

matter has been discussed with the United States authorities; and if he will make a statement on the matter. [23631/04]

**Minister for Foreign Affairs (Mr. D. Ahern):** Since the terrorist attacks of 11 September 2001, there has been a progressive tightening of United States immigration controls and procedures. Most recently, on 30 September last, the US extended what are called its US-VISIT procedures to nationals of 27 countries, including Ireland, entitled to enter the US under the visa waiver programme. US-VISIT procedures include the taking of finger print scans and digital photographs. The use of this data is intended to enhance the verification of the identity of travellers entering the United States. Similar procedures are, we understand, going to be put in place at points of exit from the United States to record the departure of nationals of visa waiver countries.

During his recent visit to New York, my predecessor had the opportunity to meet with representatives of immigration centres which offer assistance to Irish citizens and which are recipients of Irish Government funding. He heard from them at first hand of the concerns of the undocumented Irish, including measures which would serve to create a tighter link between official documentation, such as in particular driver's licences, and authorised residency in the United States.

In this general regard, I would like to stress that the situation of the undocumented Irish in the United States is raised regularly in our bilateral contacts with US political leaders, including when the Taoiseach and my predecessor met with President Bush at the EU-US Summit in Dromoland in June 2004.

The Embassy in Washington and our network of consulates work closely with Irish citizens in vulnerable circumstances in the United States and with voluntary Irish organisations there which provide assistance and support to them. We are particularly concerned about the situation of the undocumented and I can assure the Deputy that, through our contacts with political leaders in the US, we will continue to encourage and seek support for measures that would help alleviate their situation.

#### **Schools Building Projects.**

220. **Mr. M. Higgins** asked the Minister for Education and Science if as a result of the multi-annual review in relation to capital projects which is expected to be published in late October 2004, capital provision will be considered for a new school on a site identified and approved for the children attending a school (details supplied) in County Galway in view of the urgency which attends this matter and the concerns that have been stated to him by parents, management and teachers; and if she will make a statement on the matter. [23653/04]

**Minister for Education and Science (Ms Hanafin):** An application for grant aid towards a new school has been received from the manage-

ment authority of the school to which the Deputy refers.

My officials are nearing completion of a review of all projects in line with the revised prioritisation criteria that resulted from consultation with the partners. The purpose of the review is to enable and inform a multi-annual approach to the school building programme. I expect to be providing details of this multi-annual programme before the end of the current year.

#### **Vocational Education Committees.**

221. **Mr. J. Breen** asked the Minister for Education and Science if an investigation will be carried out into the resignation of the chief executive officer of the vocational education committee in Ennis, County Clare. [23658/04]

**Minister for Education and Science (Ms Hanafin):** The chief executive officer of County Clare Vocational Education Committee resigned with effect from the 24 September 2004. I will be consulting my officials in relation to the issues surrounding the decision to resign.

#### **School Staffing.**

222. **Mr. J. Breen** asked the Minister for Education and Science if extra resource hours will be allocated to a school (details supplied) in County Clare. [23659/04]

**Minister for Education and Science (Ms Hanafin):** I can confirm that one application for resource teaching support was received from the school referred to by the Deputy.

A response issued to the school recently indicating that, based on the documentation submitted, the pupil in question did not meet the criteria for resource teaching support.

#### **Schools Building Projects.**

223. **Mr. O'Dowd** asked the Minister for Education and Science, further to Question No. 364 of 29 September 2004, the progress which has been made to date in the provision of a new school for a school (details supplied) in County Louth. [23660/04]

**Minister for Education and Science (Ms Hanafin):** The school planning section of my Department is currently examining all building projects on hands in line with the project prioritisation criteria that were recently revised in consultation with the education partners. The proposed project at the school to which the Deputy refers is included in this review.

I expect to be in a position to provide an update in relation to the progress of individual projects later this year.

#### **Special Educational Needs.**

224. **Mr. P. Breen** asked the Minister for Education and Science if a person (details supplied) in County Clare will be eligible for a tuition; and if she will make a statement on the matter. [23685/04]

**Minister for Education and Science (Ms Hanafin):** My Department has no record of having received an application for additional teaching support for the pupil in question. However, I am pleased to advise the Deputy that my Department has approved special needs assistant support for the pupil. The school was notified of this decision recently.

#### **School Transport.**

225. **Mr. Ring** asked the Minister for Education and Science when a full transport service will be provided to a person (details supplied) in County Mayo. [23686/04]

**Minister for Education and Science (Ms Hanafin):** The pupil referred to in the details supplied lives 1.1 miles from the bus route to her appropriate school, and is considered to have a level of service within guidelines.

When a school closes and amalgamates with another, my Department endeavours to provide transport within guidelines to pupils from the closed school area who are attending the school of amalgamation. Provision of transport is subject to a minimum number of seven eligible pupils from a distinct locality offering for transport.

Under my Department's guidelines, transport routes are planned so that, as far as possible, no eligible child will have more than 1.5 miles to travel to a pick-up point. Pupils living off the main route of a service are generally expected to make their own way, or to be brought to convenient pick-up points along the main route.

#### **Schools Building Projects.**

226. **Mr. Crowe** asked the Minister for Education and Science the position regarding the school build programme with respect to a school (details supplied) in Dublin 8. [23687/04]

**Minister for Education and Science (Ms Hanafin):** The building project for the school referred to by the Deputy is included at section 8 of the 2004 school building programme. It has a band 2 rating. My Department's officials recently wrote to the school authorities requesting additional information on their stage 3 submission, developed sketch scheme, and a response is awaited.

My Department's officials are also currently reviewing all projects that were not authorised to proceed to construction as part of the 2004 school building programme, including the project in question, with a view to including them as part of a multi-annual school building programme from 2005. I expect to make further announcements in this regard before the end of the year.

227. **Mr. J. Breen** asked the Minister for Education and Science when a school (details supplied) in County Clare will receive funding for essential repairs. [23688/04]

**Minister for Education and Science (Ms Hanafin):** An application for grant aid towards refurbishment has been received from the man-

agement authority of the school to which the Deputy refers.

My officials are nearing completion of a review of all projects in line with the revised prioritisation criteria that resulted from consultation with the partners. The purpose of the review is to enable and inform a multi-annual approach to the school building programme. I expect to be providing details of this multi-annual programme before the end of the current year.

#### **Special Educational Needs.**

228. **Mr. J. Breen** asked the Minister for Education and Science the reason her Department has not responded to numerous requests from the mother of a person (details supplied) in County Clare in relation to the assessments they require in order to progress their education. [23689/04]

**Minister for Education and Science (Ms Hanafin):** My Department is awaiting additional information from the Deputy's office concerning the person in question. The matter will be considered further as soon as the information has been provided.

#### **Schools Building Projects.**

229. **Dr. Fitzpatrick** asked the Minister for Education and Science when it is proposed to carry out the much needed refurbishment on a national school (details supplied) in Dublin 7; and if she will make a statement on the matter. [23690/04]

**Minister for Education and Science (Ms Hanafin):** The proposed large-scale building refurbishment project for the school in question is listed in section 8 of the 2004 school building programme. The project has a band 1 rating and the school authorities were recently authorised to proceed to advanced architectural planning, stage 4/5 — detail design/bill of quantities. My Department's officials are currently reviewing all projects that were not authorised to proceed to construction as part of the 2004 school building programme, including the project in question, with a view to including them as part of a multi-annual school building programme from 2005. I expect to make further announcements in this regard before the end of the year.

#### **School Transport.**

230. **Mr. Timmins** asked the Minister for Education and Science the position in relation to an appeal from person (details supplied); if, in view of the circumstances in this case the children can be facilitated on the bus; if this decision can be made as a matter of urgency; and if she will make a statement on the matter. [23691/04]

**Minister for Education and Science (Ms Hanafin):** Under the terms of the post-primary school transport scheme, an eligible pupil may be allowed the concession of transport to a centre other than the post-primary centre which caters for the catchment area in which s/he lives provided there is room for them on the bus serving

that centre. They are, themselves, responsible for getting to the catchment boundary.

The families referred to in the details supplied by the Deputy have submitted an appeal against a decision not to provide the concession of catchment boundary transport this year. The case will be forwarded to the School Transport Appeals Board at its next meeting.

231. **Mr. Timmins** asked the Minister for Education and Science the position in relation to a person (details supplied) in County Wicklow; if, in view of the circumstances, this person can be facilitated on the bus; if this decision can be made as a matter of urgency; and if she will make a statement on the matter. [23692/04]

**Minister for Education and Science (Ms Hanafin):** In order to be eligible for transport under the terms of the post-primary school transport scheme, a pupil must reside three miles or more from, and be attending the post-primary school which caters for the catchment area in which s/he lives.

The pupil referred to in the details supplied by the Deputy is not eligible for school transport as she resides less than three miles from the centre which caters for the catchment area in which she lives.

The transport liaison officer of the relevant VEC, advised the family that the pupil was ineligible for transport under the terms of the scheme and that it was open to them to appeal this decision to the School Transport Appeals Board.

#### School Staffing.

232. **Mr. Wall** asked the Minister for Education and Science if her Department will reassess the application of a person (details supplied) in County Kildare in regard to their resource teacher hours in view of the contents of correspondence; and if she will make a statement on the matter. [23693/04]

**Minister for Education and Science (Ms Hanafin):** I wish to inform the Deputy that my Department has received additional information in support of the application in question. The application will be reviewed and a response will issue to the school authorities as soon as the review has been completed.

#### Special Educational Needs.

233. **Mr. Gregory** asked the Minister for Education and Science when the database system recommended by the task force on dyslexia will be set up in view of the widespread need for this service; when special computers are given to children with dyslexia for classroom use if IT training is available to the teachers concerned to enable them to properly instruct the child; if there are resources and services available for all children with dyslexia and not just those with additional disabilities; and if she will make a statement on the matter. [23743/04]

**Minister for Education and Science (Ms Hanafin):** The report of the task force on dyslexia contains over 60 individual recommendations ranging across a wide variety of issues from identification and assessment, to models of service delivery, specialist training for service providers, to issues relating to structural reforms and the maintenance of a database of pupils with specific learning difficulties, including dyslexia, who are in receipt of special education services in primary and post-primary schools.

Since the task force reported, a number of initiatives have been taken in the area of dyslexia. These include: the introduction of the first ever on-line training course for teachers catering for pupils with dyslexia; the appointment of ten new learning support trainers to the primary curriculum support programme, specifically to provide in-depth support for the implementation of learning support guidelines for children with dyslexia; a reduction from 11:1 to 9:1 in the pupil teacher ratio applicable to special classes catering for pupils with dyslexia; and the development, in association with the Department of Education in Northern Ireland, of an information resource on dyslexia to be made available in CD-Rom, DVD and video format.

In addition to the above measures, a key focus of my Department has been on advancing the fundamental structural and legislative measures, which are necessary to underpin the development and delivery of services for persons with special needs, including children with dyslexia.

A key development on the structural front has been the Government's decision to approve the establishment of the National Council for Special Education. The national council will play a key role in the development and delivery of services for persons with special educational needs, including children with dyslexia. It will have a research and advisory role and will establish expert groups to consider specific areas of special needs provision. It will also establish a consultative forum to facilitate inputs from the education partners and other interested parties. Arrangements for the establishment of the council are now completed and it is expected that the council will become operational shortly. The council will have a local area presence through a network of 70 special educational needs organisers who are undergoing training at present.

On the legislative front, the Oireachtas has approved the Education for Persons with Special Needs Act 2004. This Act sets out the rights and entitlements of persons with special educational needs, including dyslexia, to an appropriate education service and provides the necessary framework for effective service delivery.

My Department also provides funding to schools for the purchase of specialised equipment such as computers to assist children with special educational needs, including children with dyslexia, with their education where such equipment is recommended by relevant professionals. Schools can apply to the special education section of my Department for this support. Supporting

[Ms Hanafin.]

documentation should include reports of psychological and other relevant professional assessments, as appropriate.

Training is available through the 21 teacher education centres nationally for teachers using ICT and assistive technologies to support pupils with special educational needs, including those with dyslexia.

My Department has recently developed a weighted system of allocation of teaching support for special needs pupils, including those with dyslexia. The allocation of an additional 350 teaching posts to facilitate the introduction of the scheme has been approved.

### Third Level Grants.

234. **Mr. Timmins** asked the Minister for Education and Science the position in relation to a mature student in the first year of a two year PLC course at the Carlow Institute of Further Education who attended the first year of a business and administration course at the Dundalk IT in 2000-01, but dropped out after the first year and who had a third level grant for the year; if this person is entitled to a third level grant; and if she will make a statement on the matter. [23769/04]

**Minister for Education and Science (Ms Hanafin):** Under the terms of my Department's maintenance grant scheme for students attending post-leaving certificate, PLC, courses, generally speaking candidates who are entering approved PLC courses for the first time are eligible to be considered for grant assistance on condition that they do not already hold a FETAC level two or level three qualification/award, or equivalent, or a third level qualification at national certificate, diploma, degree or postgraduate level.

Accordingly, provided that the student referred to by the Deputy is entering an approved PLC course for the first time, and s/he does not already hold a qualification/award at any of the prescribed levels, s/he is eligible to be considered for grant assistance subject to the other terms and conditions of funding.

235. **Mr. Timmins** asked the Minister for Education and Science the position in relation to the third level grant application of a mature student who has to give evidence of residence in the previous year; if a rent book is acceptable as proof of residency here; and if she will make a statement on the matter. [23770/04]

**Minister for Education and Science (Ms Hanafin):** The higher education grants scheme operates under the Local Authorities (Higher Education Grants) Acts 1968 to 1992. These Acts define a mature student to mean "a person of not less than 23 years of age, or such other age as may stand specified for the time being in regulations made by the Minister with the consent of the Minister for Finance, who have secured places in approved institutions and have reached that age on the 1st day of January, or such other date as may be prescribed from time to time by the

Minister with the consent of the Minister for Finance, in the year of entry to such institutions".

Mature students are categorised as either independent mature students or mature students dependent on parents. An independent mature student is defined to mean a mature student who was not ordinarily resident at home with his/her parents from the October preceding their entry to an approved course. Independent mature students are assessed without reference to either their parents' income or address.

In order to establish that a candidate is an independent mature student documentary evidence is required as proof of a candidate's ordinary/permanent address from 1 October of the year preceding entry to college. The notes booklet, which accompanies the 2004 grant application form, outlines the documentary evidence required as proof of permanent/ordinary address from 1 October 2003. Examples of documentary evidence required include telephone, gas or ESB bills. A rent book, on its own, would not be considered sufficient proof of independent residence from the required date. The awarding authorities are obliged to satisfy themselves beyond doubt that an acceptable degree of proof is submitted by the grant applicant in establishing eligibility under all aspects of the schemes.

### Home Economics Colleges.

236. **Mr. Connaughton** asked the Minister for Education and Science if she will re-evaluate the decision to close a school (details supplied) in light of the release of documentation by her Department following a ruling by the Information Commissioner that the decision to close the college was contrary to the advice of the consultant and Department officials; and if she will make a statement on the matter. [23779/04]

**Minister for Education and Science (Ms Hanafin):** The issue of the future of the college, which is the subject of the question posed by the Deputy, arose in the context of a decision by the trustees of the college that, due to personnel and financial considerations, they were no longer in a position to fulfil the role of trustees of the college. Following discussions between the trustees and my Department, it was agreed that a consultant would be appointed who would meet with relevant parties and prepare a report on the options for the college's future.

The consultant's report was thoroughly examined in my Department and the options for the future of the college were set out for my predecessor's consideration. Having carefully considered all of them and having taken into account other factors such as the national spatial strategy, relevant costs in a time of financial constraint, a Government decision to restrict public service numbers, the need to secure value for money and a better allocation of resources, the previous Minister for Education and Science, Deputy Dempsey, decided that these considerations are best served by the closure of the college and the designation of St. Angela's College, Sligo as the

sole centre for the training of home economics teachers.

It was agreed that the closure of the college would be phased over three academic years to facilitate students currently enrolled in the college to fully complete their studies without moving location and to ensure that there was an adequate transition period for staff. On that basis there has been no in-take of first year students to the college for the 2004-05 year. Instead these students are now in St Angela's College. Officials from my Department have already met the trustees and management authorities of the college to discuss the necessary practical arrangements, including arrangements in relation to the position of the staff of the college. I have no plans to reconsider the decision to close the college.

#### Literacy Levels.

237. **Mr. R. Bruton** asked the Minister for Education and Science the number of children at primary school level experiencing reading difficulties in mild, moderate or severe form; the number experiencing such difficulty five years ago; and if she will make a statement on the matter. [23780/04]

**Minister for Education and Science (Ms Hanafin):** My Department conducts periodic surveys of reading literacy from which estimates of the number of children at primary level who experience reading difficulties can be derived. A national assessment of English reading at primary level was carried out in March 2004 by the educational research centre on behalf of my Department. This will enable comparisons to be made with the results of the previous survey which was conducted in 1998. The results of this survey will not be available until March 2005.

It is assumed, and national surveys of reading support the assumption, that at any time about 10% of pupils will experience difficulty in reading relative to their peers. It is estimated that approximately 1% to 1.5% have severe reading difficulties. Surveys of reading literacy conducted since 1972 suggest that these levels of reading achievement have remained constant since 1980.

At post-primary level, the reading literacy of 15 year old students was assessed in 2000 as part of the Programme for International Student Assessment, or PISA. This programme was administered in 27 OECD countries. Ireland ranked fifth overall in terms of mean achievement with just one country, Finland, achieving a significantly higher mean score. At the lowest level of proficiency, level one or below, Ireland had a relatively low percentage of students, 11%, as opposed to the OECD average of 17.9%. Ireland participated in the second round of PISA during 2003 and the results of this will be released by the OECD on 7 December 2004.

#### Scéim Tógála Scoileanna.

238. D'fhiafraigh **Mr. M. Higgins** den Aire Oideachais agus Eolaíochta an dtabharfaidh sí le fios, mar chuid den Athbhreithniú Ibhliantúil i dtaca le tionscnaimh chaipitil a bhfuiltear ag súil leis ag deireadh mhí Dheireadh Fómhair, an ndéanfar measúnú ar thacaíocht caipitil le scoil nua a thógáil, ar shuíomh atá aimsithe agus ceadaithe, do na páistí atá ag freastal ar Scoil Náisiúnta na hAirde Móire, Carna, Co. na Gaillimhe, Uimhir Rolla 105911, ós rud é gur cás práinne atá anseo agus go bhfuil a n-imní léirithe, leis, ag na tuismitheoirí, ag an mbainistíocht agus ag na múinteoirí, agus an ndéanfaidh sí ráiteas ina leith. [23859/04]

**Minister for Education and Science (Ms Hanafin):** Fritheadh iarratas i gcomhair deontais do scoil nua ó Bhord Bainistíochta Scoil Náisiúnta na hAirde Móire, Carna, Co. na Gaillimhe. Tá athbhreithniú ar na tionscnaimh uile geall le bheith curtha i gcrích ag m'oifigigh, de réir na geritéar tosaíochta athbhreithnithe atá pléite leis na comhpháirtithe. 'Sé aidhm an mheasúnaithe ná eolas agus cumas cur i láthair ilbhliantúil a chur ar fáil don scéim tógála scoileanna. Tá sé ar intinn agam sonraí maidir leis an gclár ilbhliantúil seo a fhógairt roimh dheireadh na bliana reatha. Tá iarratas Scoil Náisiúnta na hAirde Móire san áireamh maidir leis seo.

#### Natural Gas Grid.

239. **Cecilia Keaveney** asked the Minister for Communications, Marine and Natural Resources the role his Department has in delivering a gas pipeline from Belfast to Letterkenny; when it is planned that the Belfast to Derry section will be complete; the timetable for the section from Derry to Letterkenny; and if he will make a statement on the matter. [23734/04]

240. **Cecilia Keaveney** asked the Minister for Communications, Marine and Natural Resources if his Department or Bord Gáis has delivered a feasibility study in relation to having a spur of the Belfast to Letterkenny gas line taken to Buncrana, County Donegal; and if he will make a statement on the matter. [23735/04]

241. **Cecilia Keaveney** asked the Minister for Communications, Marine and Natural Resources if he will report on the priority given to bringing a gas network into Donegal. [23736/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I propose to take Questions Nos. 239 to 241, inclusive, together.

As the Deputy will understand neither I, nor my Department, engages directly in the natural gas market and the regulation of that market is delegated to the Commission for Energy Regulation under the Gas (Interim) (Regulation) Act 2002.

[Mr. N. Dempsey.]

In the case of Bord Gáis Éireann, section 8 of the Gas Act 1976 requires it to demonstrate that any pipeline investment it proposes will be an economic business operation. By its nature, a sparse population of low energy users is unlikely to achieve the investment profile to justify such an undertaking and uneconomic extensions in fact would increase costs for all gas users. Equally the CER must be satisfied that a proposal to extend the natural gas distribution network, whether that proposal is from a holder or a prospective holder of a distribution licence, is an economic proposition before it will grant consent for it. As part of my objective of creating an all-island energy market, a commitment was made to allocate €12.7 million towards the development of the gas network in the North. The Belfast to Derry pipeline, to which the Deputy refers, is due for completion in October 2004 and the Gormanstown to Antrim pipeline by the end of 2006.

Under the current INTERREG Programme, the CER has commissioned the Derry to Letterkenny gas pipeline feasibility study. The report is not yet finalised. Any second phase of this project, the actual construction of a pipeline, would be dependent on the feasibility study demonstrating economic viability. There is no proposal to examine the possibility of bringing gas to Buncrana.

#### Maritime Safety.

242. **Mr. Ferris** asked the Minister for Communications, Marine and Natural Resources the reason a notice of detention has been placed upon a boat (details supplied). [23763/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The enforcement of all regulations governing the safety of vessels, including fishing vessels, is carried out by the surveying staff attached to the maritime safety directorate of my Department. They inspect vessels to ensure that they are complying with the statutory safety standards laid down. Where a vessel is found to be deficient, it is detained until the necessary repairs have been carried out.

I am advised that the vessel in question is a fishing vessel which was involved in a collision with another vessel in 2003. My Department investigated the incident at that time and the skipper was informed that he should apply for a certificate of compliance and that his crew required certificates of competency. During an inspection last week the same surveyor from my Department attempted to board the vessel to ascertain if the required certificates had been obtained. As the vessel did not have a safe means of access the surveyor was unable to board the vessel.

The skipper, however, advised the surveyor that neither he nor his crew hold the appropriate

certificates. The vessel was consequently detained for non-compliance with the statutory requirements. The skipper was advised accordingly and requested again to apply for the appropriate certification. His application for survey will be processed as quickly as possible, when received.

#### Foilsitheoireacht Éireannach.

243. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Ealaíon, Spóirt agus Turasóireachta an bhfuil a fhios aige nach bhfuil freagracht ar bith ag Bord na Leabhar Gaeilge, Áisínacht Dáiliúcháin Leabhar nó an Leabharlann Náisiúnta as córas International Standard Book Numbering (ISBN) náisiúnta a fhiosrú nó as a leithéid a rith. [23722/04]

244. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Ealaíon, Spóirt agus Turasóireachta an bhfuil aon fhreagracht air nó ar a Roinn nó ar aon cheann de na heagraíochtaí atá á maoiniú ag a Roinn, as foilsitheoireacht Éireannach a chur chun cinn in Éirinn nó go hidirnáisiúnta, agus an greideann sé go mbeidh International Standard Book Numbering (ISBN) Éireannach ina áis luachmhar don tionscal sin chun filíocht, litríocht nó leabhair eile Éireannacha a chur chun cinn amach anseo. [23723/04]

245. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Ealaíon, Spóirt agus Turasóireachta an bhfuil sé i gceist aige treoir a thabhairt dá Roinn chun córas International Standard Book Numbering (ISBN) náisiúnta a chur sa siúl cosúil le córais náisiúnta dá shórt atá i bhformhór thíortha eile an Aontais Eorpaigh. [23724/04]

246. D'fhiafraigh **Aengus Ó Snodaigh** den Aire Ealaíon, Spóirt agus Turasóireachta an eol dó gur ceist achrannach i measc fhoilsitheoirí na hÉireann í nach bhfuil córas International Standard Book Numbering (ISBN) náisiúnta ar fail dóibh agus cad iad na céimeanna atá an tAire ag gabháil a ghlacadh chun cinnte a dhéanamh de go mbeidh córas dá leithéid ar fáil acu sara i bhfad, seachas a bheith ag brath ar chóras Shasana. [23744/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** Tá sé ar intinn agam ceisteanna uimhreacha 243 go 246 a ghlacadh le chéile.

Is tionscnamh de chuid thionscal na foilsitheoireachta é an córas ISBN, Leabharuimhreacha Caighdeánacha Idirnáisiúnta, agus is é an tionscal sin a riarann é. Ba cheart d'fhoilsitheoirí leabhar agus a gcumainn ionadaíochta aon athraithe a bheadh i gceist, a phlé le ISBN. Níl aon fheidhm agam san ábhar.

#### Sports Funding.

247. **Mr. Rabbitte** asked the Minister for Arts, Sport and Tourism the amount in the horse and greyhound racing fund established under section 12 of the Horse and Greyhound Racing Act 2001

in respect of each year since 2001; the amount paid from the fund each year to HRI; the amount paid each year to Bord na gCon; and if he will make a statement on the matter. [23767/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** The Horse and Greyhound Racing Fund was established under the 2001 Horse and Greyhound Racing Act for the purpose of

Year	Amount of Fund	Amount paid from the Fund	Allocation paid to Horse Racing Ireland	Allocation paid to Bord na gCon
	€	€	€	€
2001	58,890,000	58,890,000	47,112,000	11,778,000
2002	68,065,814	68,065,814	54,452,611	13,613,203
2003	64,186,000	64,186,000	51,349,000	12,837,000
2004	66,914,000	59,004,400	45,621,600	13,382,800
Total	258,055,814	250,146,214	198,535,211	51,611,003

The Government has agreed to continue the fund for a further four years and to increase the limit of the fund to €550 million.

#### Nursing Home Subventions.

248. **Mr. G. Mitchell** asked the Tánaiste and Minister for Health and Children if the Eastern Regional Health Board or South West Area Health Board will increase the subvention for nursing home facilities for a person (details supplied) in Dublin 12. [23705/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** As the Deputy will be aware, the provision of health services in the Dublin 12 area is, in the first instance, the responsibility of the Southern Western Area Health Board acting under the aegis of the Eastern Regional Health Authority. My Department has, therefore, asked the chief executive of the authority to investigate the matter raised by the Deputy and reply direct to him as a matter of urgency.

#### General Medical Services Scheme.

249. **Mr. Ring** asked the Tánaiste and Minister for Health and Children if the payments made to doctors in respect of the indicative drugs target scheme are made in addition to amounts they have already received from the GMS scheme. [23745/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** The payments, under the indicative drugs target savings scheme, to participating general practitioners, are made in addition to any other fees and allowances paid to the doctors. Payments under the scheme are for the provision of improvements to GP practices which have the specific approval of the health board.

#### Health Board Services.

250. **Mr. Neville** asked the Tánaiste and Minister for Health and Children when a hip replacement operation will be completed for a person

giving support to both racing industries. In accordance with section 12 (6) of the Act, 80% and 20% of the moneys paid into the fund each year are distributed between Horse Racing Ireland and Bord na gCon respectively. The amounts paid each year, up to and including the end of September 2004, to Horse Racing Ireland and Bord na gCon are set out in the following table.

(details supplied) in County Limerick. [23747/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** The provision of hospital services for people living in County Limerick is a matter for the Mid-Western Health Board. My Department has asked the chief executive officer of the board to investigate the position in relation to this case and to reply directly to the Deputy.

#### Accommodation Centre.

251. **Mr. O'Dowd** asked the Tánaiste and Minister for Health and Children, further to Question No. 837 of 29 September 2004, when it is expected that the needs assessment study on the Mosney accommodation centre will be finalised. [23748/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** This report was commissioned by the North Eastern Health Board. Accordingly, the question has been referred to the chief executive officer for direct reply to the Deputy.

#### Cancer Screening Programme.

252. **Ms B. Moynihan-Cronin** asked the Tánaiste and Minister for Health and Children if she will consider extending the upper age limit for free breast screening under the BreastCheck service to allow women above the age of 64 avail of free screening; and if she will make a statement on the matter. [23749/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** The national breast screening programme commenced in March 2000 and now covers the Eastern Regional Health Authority, Midland Health Board, North Eastern Health Board and parts of the South Eastern Health Board. Screening is being offered every two years, free of charge, to all women in those areas in the target age group 50 to 64 years of age.

The current priority of BreastCheck and my Department is to progress the roll-out of breast

[Ms Harney.] screening to women in the same age group in the rest of the country. Following the national roll-out and when the programme is sufficiently developed and quality assured, consideration will be given to extending the upper age limit. Any woman irrespective of her age or residence who has immediate concerns or symptoms should contact her GP who, where appropriate, will refer her to the designated symptomatic services in her region.

#### Health Board Services.

253. **Mr. Wall** asked the Tánaiste and Minister for Health and Children the options being considered by the ERHA regarding psychiatric treatment costs; and if she will make a statement on the matter. [23750/04]

254. **Mr. Wall** asked the Tánaiste and Minister for Health and Children the reason a person who changes from the ERHA to another health board does not carry their entitlements to give medical psychiatric treatment; and if she will make a statement on the matter. [23751/04]

255. **Mr. Wall** asked the Tánaiste and Minister for Health and Children, further to Question No. 938 of 29 September 2004 (details supplied), if the position is that the ERHA will come in line with other health boards; if his Department will ensure that all health boards, inclusive of the ERHA will be the medical cards of psychiatric treatment as is the case within the ERHA area; and if she will make a statement on the matter. [23752/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** I propose to take Questions Nos. 253 to 255, inclusive, together.

The current situation in relation to the supply of psychiatric drugs to public out-patients in the Eastern Regional Health Authority differs from that in other health board areas. This is an anomaly which has occurred for historical reasons.

A working group was established by the Eastern Regional Health Authority to review the matter and to make recommendations for change in the prescribing and dispensing of medication to psychiatric out-patients. I understand that the working group recommends that existing users of the service should not be disadvantaged and that all existing patients should continue to receive free medication. The working group's recommended approach is broadly equivalent to the system operating for non-psychiatric medicines and brings the general practitioner more fully into the mental health care system. I understand that the working group's recommendations are being considered by the ERHA at present.

#### Hospital Services.

256. **Mr. Crawford** asked the Tánaiste and Minister for Health and Children if she will support and provide the necessary finance for the agreement announced by her predecessor on 29 September 2004 (details supplied); if the finances

will be made available to put these agreements into action immediately; the date on which Monaghan General Hospital will come back on call; and if she will make a statement on the matter. [23753/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** My predecessor, the Minister, Deputy Martin, met officials of the North Eastern Health Board and medical representatives of the Cavan/Monaghan hospital group on 28 September 2004. The Minister was briefed on progress relating to the reconfiguration of hospital services across the group, as follows: the board proposes to recruit five additional non-consultant hospital doctors to facilitate the early restoration of 24 hour/seven day medical cover to Monaghan General Hospital. Work is due to begin shortly on an expanded treatment room at Monaghan General Hospital. My Department has approved capital funding of €750,000 for this purpose. The project will be completed in a timeframe of approximately 16 weeks. The board is to furnish my Department with details of the additional revenue funding required to commission this expanded facility. The board intends to commission ten additional day beds at Monaghan General Hospital to facilitate an increased volume of elective surgery on a day basis at the hospital. My Department has approved revenue funding of €500,000 for this purpose. Applications for three consultant surgical posts to facilitate the development of surgical services across the Cavan/Monaghan hospital group have been submitted to Comhairle na nOspidéal for approval. The board is to submit proposals to my Department regarding the provision of an additional 19 beds at Cavan General Hospital, as part of the reconfiguration of services across the group.

#### Health Board Services.

257. **Ms Shortall** asked the Tánaiste and Minister for Health and Children, further to Question No. 952 of 29 September 2004, regarding the new Ballymun health centre, if she will provide details of the evaluation which her Department is conducting; when this evaluation commenced; when it is due to be completed; the details of its scope; and when she is likely to make a decision on the allocation of funding necessary to commission this much needed facility. [23754/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** The development of Ballymun primary care centre, incorporating area 7 headquarters, was undertaken without the involvement or approval of my Department. It was advanced by the Eastern Health Board and its successors, the Eastern Regional Health Authority and the Northern Area Health Board, in conjunction with Ballymun Regeneration Ltd., a wholly owned subsidiary of Dublin City Council. My Department began an evaluation of this project when the ERHA and the NAHB sought funding for the provision of these facilities and their fit-out last year, as construction work

approached completion on site. My Department's evaluation has concentrated to date on confirming all necessary compliance with relevant obligations in respect of public procurement.

The evaluation also addresses the normal criteria applicable to health capital developments, including the scope, the functional content and the overall funding requirements of the project, particularly the recurrent non-capital element involved in this case. On satisfactory completion of this evaluation my Department will be in a position to make a recommendation in respect of the provision of funding for this project. My Department is making every effort to bring this matter to a conclusion as soon as possible.

#### Health Board Allowances.

258. **Mr. Crawford** asked the Tánaiste and Minister for Health and Children if she has satisfied herself with the fact that home carers get paid only 19 cent per mile travel allowance to cover car costs in 2004 including special insurance; if there are other groups on similar levels of allowance; and if she will make a statement on the matter. [23756/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** Under the home helps agreement a banding system in the form of an annual allowance for travel expenses was introduced specifically for home helps with effect from 1 June, 2000 as follows:

Less than 500 miles per annum	= £240 (€304.74) per annum
500 — 1000 miles per annum	= £480 (€609.47) per annum
1001 — 1500 miles per annum	= £720 (€914.21) per annum
1501 — 2000 miles per annum	= £960 (€1,218.95) per annum
2001 — 2500 miles per annum	= £1,200 (€1,523.69) per annum
Greater than 2500	= Normal mileage rates apply

The Deputy may wish to note that the minimum mileage rate payable is 61 cent per mile, other than in circumstances where standard mileage rates for health service staff apply. Where home helps were claiming travel expenses in line with normal practice, they retained this arrangement on a personal to holder basis. As the Deputy is aware mileage is not payable for travel to the first visit and from the last visit.

#### Mental Health Services.

259. **Ms McManus** asked the Tánaiste and Minister for Health and Children if, in view of the concerns expressed by relatives of patients in the Central Mental Hospital the plans she has regarding their proposal for a replacement facility to be located on the Dundrum site; and if she will make a statement on the matter. [23757/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** Proposals for the development of a new Central Mental Hospital are currently under consideration in my Department. The majority of admissions to the

Central Mental Hospital come from within the prison service. Accordingly, ease of access between the main Dublin prisons and the hospital would be of importance and I understand that the location of the hospital adjacent to a prison would have operational benefits for the prison service. On the other hand, it must be borne in mind that the Central Mental Hospital is a therapeutic, healthcare facility. I fully agree with families and carers who feel that it would not be desirable that the hospital be perceived as, or closely identified with, a prison complex.

I understand that the Minister for Justice, Equality and Law Reform has advanced proposals to develop a new prison complex replacing Mountjoy. I recognise the potential benefits of close co-operation between that project and the re-development of the Central Mental Hospital and I will be asking my officials to consider how the matter might be progressed to the mutual benefit of both services.

#### Accident and Emergency Services.

260. **Mr. Stagg** asked the Tánaiste and Minister for Health and Children if she will indicate the additional accident and emergency facilities to be provided at Naas General Hospital following the previous Minister's announcement on 15 September 2004; the total funds involved and the timeframe for the provision of the additional facilities; the reason for the delay in providing these facilities up to now; and if she will make a statement on the matter. [23758/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** Responsibility for the provision of services at Naas General Hospital rests with the Eastern Regional Health Authority. The Deputy will be aware that my Department recently approved funding for the commissioning of a range of additional facilities in the acute hospital sector. As part of this initiative additional revenue funding of €7.5 million was notified to the ERHA in respect of the commissioning of additional services at Naas General Hospital. With regard to the accident and emergency department at Naas, my Department is advised that the additional funding will be used to provide the following additional facilities: nine observation beds, two treatment rooms, two additional treatment bays, an additional resuscitation bay, a dedicated triage room for operation of 24 hour nurse-led triage and a dedicated plaster room.

#### Organ Retention.

261. **Mr. Timmins** asked the Tánaiste and Minister for Health and Children the position regarding the establishment of a statutory inquiry as a matter of urgency which will investigate the distressing and sensitive issues relating to organ retention in hospitals without parents consent; the reason the non-statutory Dunne inquiry missed five deadlines for producing a report; the reason the inquiry has been allowed to continue in session for over four years without producing

[Mr. Timmins.]

a report; the way in which she can justify the estimated €16 million which has been spent on an inquiry which has furnished no report or findings to date; the way in which she can justify the private nature of this inquiry in view of the fact that the issues under investigation are matters of public interest; if she ascertained the extent of hospital and health board co-operation with the Dunne inquiry; the plans the 29 hospitals which have admitted to selling pituitary glands to companies (details supplied) have put in place to contact the next of kin of the 7,500 deceased persons from whom these glands were obtained without knowledge or consent; and if she will establish a statutory Inquiry as a matter of urgency into these distressing matters. [23759/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** The terms of reference of the post mortem inquiry are very broad and require it to review all post mortem policy, practice and procedure in the State since 1970, with particular reference to organ removal, retention, storage and disposal. The inquiry is also mandated to examine any arrangements with pharmaceutical companies in relation to retained organs. The inquiry team has been examining thousands of documents and witness statements from a range of persons, including the pharmaceutical industry. The chairman had informed my predecessor, the Minister, Deputy Martin, that the inquiry has received considerable co-operation from each of the hospitals with which it is presently dealing and that the inquiry's non-statutory nature has not thus far significantly hampered its substantive work.

The chairman has indicated that she will provide a report on paediatric hospitals in December 2004. At a meeting between the then Minister and the chairman on 8 September 2004 it was agreed that both parties would examine the methodology of the inquiry with the objective of the chairman producing as comprehensive a report as possible on outstanding issues by 31 March next.

#### Health Board Services.

262. **Mr. J. Breen** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Clare who is on the waiting list for the past three years for speech therapy will receive treatment for same. [23760/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The provision of health related services is a matter for the health boards and the Eastern Regional Health Authority in the first instance. Accordingly, a copy of the Deputy's question has been referred to the chief executive officer, Mid-Western Health Board with a request that he examine the case and reply directly to the Deputy as a matter of urgency.

#### National Treatment Purchase Fund.

263. **Mr. Stanton** asked the Tánaiste and Minister for Health and Children if with reference to the national treatment purchase fund, there is a limit to the number of patients that can receive treatment under the fund from individual hospital waiting lists; the number of persons who have received treatment to date under the fund; the number currently awaiting treatment under the fund; the total cost of the fund to date and the projected cost for the next year; if she has plans to expand the scheme; and if she will make a statement on the matter. [23761/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** The national treatment purchase fund reported that as at January of this year there were some 19,500 patients who were waiting more than 3 months for specific, mainly surgical, procedures. The NTPF has the capacity to treat more than 1,000 patients per month or 12,000 in a full year from the funding available to it. Since it began operations the fund has been successful in locating additional capacity and arranging treatments for over 19,000 patients up to the end of September 2004. It is now the case that, in most instances, anyone waiting more than three months will be facilitated by the fund.

The cost of the national treatment purchase fund to date is as follows:

	€m	
2002	5.012	
2003	30.057	Provisional Outturn
2004	44.00	Allocation

The resources to be allocated for NTPF activities in 2005 and any change to the fund's remit will be considered in the context of the Estimates process.

#### Hospital Investigations.

264. **Mr. Neville** asked the Tánaiste and Minister for Health and Children the position regarding completion of the report of the review panel to conduct an independent review of the events surrounding the tragic death of a person (details supplied) on 1 July 2003, having been sent home by Our Lady's Hospital for Sick Children in Crumlin due to a shortage of nurses for the intensive care unit; and if she will make a statement on the matter. [23762/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** On 23 July 2003, my predecessor, Deputy Martin, announced that he had convened a review panel to conduct an independent review of the events surrounding the tragic death of the person concerned. The members of the panel are Mr. David Hanly, management consultant, Ms Kay O'Sullivan, director of nursing at Cork University Hospital and Dr. Shakeel A Qureshi, paediatric cardiologist at Guy's and Thomas's Hospital, London.

The terms of reference of the panel are to consider the report of the ERHA in relation to the events of 30 June 2003 at Our Lady's Hospital for Sick Children, Dublin and to make such further inquiries and conduct such interviews as the panel considers necessary; address the questions raised by the family; examine protocols and procedures relevant to this incident having regard to prevailing standards of best practice, and to examine their application in this case; and report to the Minister and make such recommendations as it sees fit.

Following the review, both reports will be made available. My Department understands that the work of the review panel is at an advanced stage.

### **Citizenship Applications.**

265. **Mr. G. Mitchell** asked the Minister for Justice, Equality and Law Reform, further to Questions Nos. 399 of 18 November 2003 and 1028 of 29 September 2004, if he will make a decision in view of the circumstances (details supplied); and if he will make a statement on the matter. [23633/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by officials in the citizenship section of my Department that the application for naturalisation by the person in question is now in the final stages of processing and that it will be forwarded to me for a decision in the very near future. I will inform the Deputy and the person concerned as soon as I have reached a decision in this case.

266. **Mr. Quinn** asked the Minister for Justice, Equality and Law Reform if he has proposals to regularise the position of non-national families of children born here prior to Supreme Court judgments (details supplied) and the passing of the Twenty-seventh Amendment of the Constitution; and, if so, his proposals in that regard. [23634/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Following the decision of the Supreme Court on 23 January 2003 in the cases of L and O, which held that no automatic residency rights obtain in respect of non-national parents of Irish born children, the Government decided that the separate procedure which had then existed to enable persons to apply to reside in the State on the sole basis of parentage of an Irish born child would not apply to cases which were outstanding on 19 February 2003.

I would like to emphasise that the Government has stated that every outstanding claim to reside in the State on the basis of parentage of an Irish born child will be examined and decided individually in accordance with section 3(6) of the Immigration Act 1999 as amended and section 5 of the Refugee Act 1996. These cases are currently being processed in a unit which was set up for this purpose. In examining these cases, factors such as family and domestic circumstances and humanitarian considerations are taken into account.

### **Legislative Programme.**

267. **Mr. Quinn** asked the Minister for Justice, Equality and Law Reform the reason a Bill has been published providing for amendment to the Irish Nationality and Citizenship Acts 1956 to 2001, thereby extending to five statutes the contents of which could have been accommodated in one text. [23635/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Irish Nationality and Citizenship Bill 2004 aims, as did, for instance, the Irish Nationality and Citizenship Acts of 1986 and 1994, to amend and not repeal the Irish Nationality and Citizenship Act 1956. The current Bill has been developed, like earlier amending Acts, in accordance with the standard norms for such amending legislation.

In April last, as part of the document setting out the Government's proposals in the context of the new proposed constitutional referendum, the Government included an informal restatement of the Irish Nationality and Citizenship Acts 1956 to 2001, incorporating in a single text the proposed legislative amendments, in order to provide clarity and transparency and to inform debate at that time. The Bill at present before this House is substantially the same as the draft published in April.

In accordance with my practice in respect of a number of recent legislative proposals amending existing codes of legislation, for instance, the amendments proposed in the Immigration Bill 2002 — now the Immigration Act 2003 — to the Refugee Act 1996; the amendments to equality legislation to be made by the Bill for the Equality Act 2004, it is my intention to make available shortly to Deputies and on my Department's website a version of the Irish Nationality and Citizenship Acts as the current Bill would amend them.

When this Bill is enacted, I will arrange for an informal restatement of the consolidated texts of the Irish Nationality and Citizenship Acts 1956 to 2004 to be posted on the website of my Department, as a precursor to their formal restatement in accordance with the Statute Law (Restatement) Act 2002. In this way, a single statutory text will be made available for use by the public, legislators and practitioners in the manner envisaged by the Statute Law (Restatement) Act 2002.

### **Garda Deployment.**

268. **Mr. O'Dowd** asked the Minister for Justice, Equality and Law Reform the number of gardaí allocated to each county in 2004 compared to the number of Gardaí in each county in 1997. [23636/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities who are responsible for the detailed allocation of resources including personnel that the personnel strength — all ranks — of each Garda division as at 1 October 1997 and 5 October 2004 is as set out as follows.

[Mr. McDowell.]

Division	1997	2004
Carlow/Kildare	292	325
Cavan/Monaghan	371	375
Clare	218	260
Cork City	543	618
Cork North	214	248
Cork West	227	250
D.M.R. East	491	535
D.M.R. N.C.	521	639
D.M.R. North	533	585
D.M.R. S.C.	748	788
D.M.R. South	455	548
D.M.R. West	488	643
Donegal	438	418
Galway West	311	359
Kerry	230	265
Laois/Offaly	279	277
Limerick	427	479
Longford/Westmeath	235	247
Louth/Meath	492	535
Mayo	260	268
Roscommon/Galway East	231	247
Sligo/Leitrim	256	268
Tipperary	293	314
Waterford/Kilkenny	305	349
Wexford/Wicklow	270	310

County boundaries do not correlate to Garda divisional boundaries. The figure for the DMR south central includes command and control.

### Citizenship Applications.

269. **Mr. Crowe** asked the Minister for Justice, Equality and Law Reform if he will investigate the case of a person (details supplied). [23637/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The person concerned, a Romanian national, entered the State on 6 October 1996 and claimed asylum. He withdrew his application for declaration of refugee status on 24 April 1998 and made an application for residency based on his parentage of an Irish born child. On 21 March 2002 a registered letter issued to the person concerned requesting documentation to support his application. This letter was returned marked “not called for”. On 6 November 2002 my Department again wrote to the person concerned requesting the information and a response was received on 19 November 2002.

Following the decision of the Supreme Court in the cases of L and O, the separate procedure which then existed to enable persons to apply to reside in the State on the sole basis of parentage of an Irish born child ended on 19 February 2003. The Government decided that the separate procedure would not apply to cases which were out-

standing on that date. The application from the person concerned fell into this category.

On 10 November 2003, in accordance with section 3 of the Immigration Act 1999, as amended, the person concerned was informed that it was proposed to make a deportation order in respect of him as he did not have permission to remain in the State. He was given the following options — to make written representations within 15 working days to the Minister for Justice, Equality and Law Reform setting out reasons as to why he should not be deported; to voluntarily leave the State or to consent to deportation. An application for leave to remain in the State was received from his legal representatives on 15 December 2003. The file will be submitted to me for decision in due course and the person concerned will be informed of the outcome accordingly. The issuing of work permits, which is also referred to in the Deputy’s question, is a matter for the Minister of Enterprise, Trade and Employment.

270. **Mr. Noonan** asked the Minister for Justice, Equality and Law Reform when a decision will be made on an application for citizenship for a person (details supplied); the residency status of the person pending this decision; and if he will make a statement on the matter. [23638/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** An application for naturalisation from the person referred to by the Deputy was received in the citizenship section of my Department on 23 June 2004. The average processing time for such applications is currently 24 months, consequently it is anticipated that the application should be finalised around June 2006.

In the meantime, the individual concerned should ensure that he has current permission to remain in the State and in this regard he should make an application in writing to the immigration division of my Department.

### Departmental Correspondence.

271. **Mr. Gormley** asked the Minister for Justice, Equality and Law Reform if he will respond to the points raised by the Coalition Against the Deportation of Irish Children in a letter dated 8 July 2004; and if he will make a statement on the matter. [23640/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** A reply to the letter from the Coalition Against the Deportation of Irish Children referred to by the Deputy has issued. In addition to responding to the points raised, the offer of a meeting with senior officials of my Department dealing with the issue was made. Arrangements have now been made for a meeting in the near future.

### Legislative Programme.

272. **Mr. J. Breen** asked the Minister for

Justice, Equality and Law Reform the reason he is refusing to meet members of the National Association of Regional Game Council to discuss aspects of the Criminal Justice Bill 2004. [23642/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I and officials of my Department have previously met with representatives of holders of firearms certificates in connection with proposed amendments of the provisions of the Firearms Acts.

As the Deputy is aware, section 30 of the Criminal Justice Bill 2004, published in July 2004, amends section 4 of the Firearms Act 1925 to improve security arrangements for the storage of firearms. Additional amendments to the Firearms Acts will be brought forward during the Bill's passage through the Oireachtas to further improve and modernise the firearms code.

When the Bill was published an invitation was issued to the general public inviting views on this provision to be posted via my Department's website. My Department has received a large number of comments in response. These will be taken into account in the drafting of the other amendments which are under consideration at present. In this context, officials of my Department can again meet with representatives of the NARGC to hear their views.

#### **Garda Equipment.**

273. **Mr. J. O'Keefe** asked the Minister for Justice, Equality and Law Reform the arrangements which are in place for the use of bullet-proof vests by members of the Garda Síochána; the cost of each vest; his views on whether an adequate number of bullet-proof vests are available; if their availability is not endangering the lives of members of the force or hindering the pursuit of criminals; and if he will make a statement on the matter. [23645/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities that bullet-proof vests are issued to members of an Garda Síochána as required, based upon risk assessments and operational conditions. These bullet-proof vests are available in every Garda district in the country and are issued whenever members are performing high-risk duties.

Garda management is satisfied that there are an adequate number of vests available to ensure that the lives of members of an Garda Síochána are not placed in danger, or that the pursuit of criminals is not hindered. I have been informed that the approximate cost of a bullet-proof vest, including VAT, is €480.

#### **Citizenship Applications.**

274. **Mr. J. O'Keefe** asked the Minister for Justice, Equality and Law Reform the policy changes which have taken place in relation to the response given by him in answer to Question No.

463 of 17 February 2004; the reason for such changes; and if he will make a statement on the matter. [23646/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I presume the Deputy is referring to section 9 of the Immigration Act 2004 which removed the registration exemption from the female spouses of Irish nationals.

Subject to certain exemptions, article 11 of the Aliens Order 1946 imposed an obligation on non-EEA nationals to register with their local Garda registration office. One of the exempted categories was the female spouse of an Irish citizen — a category of exemption which was first introduced in 1938. No similar exemption existed in respect of the male spouses of Irish nationals or indeed other females who may for example be married to EEA nationals.

Section 9 of the aforementioned Act re-enacted with amendments the provisions of article 11. The opportunity was taken in the 2004 legislation, as indicated in the explanatory memorandum which accompanied the Bill, to remedy this inequality of treatment — an inequality which reflected the social mores of 1938 and which was not justifiable within a modern statutory framework.

It should be noted in this context that even though the spouses in question were exempt from the registration requirement they were nonetheless required by law to have permission to remain stamped in their passports. Since, save in very exceptional situations, extensions of permission to remain and registration take place at the same time the practical effects of the new requirement are not as onerous as might initially appear to be the case.

#### **Registration of Title.**

275. **Mr. Murphy** asked the Minister for Justice, Equality and Law Reform when the Land Registry Office will be in a position to issue a deed of rectification (details supplied) to exchange the legal ownership of these plots. [23647/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Registrar of Titles that this is an application for a rectification which was lodged on 21 June 2004. Dealing number D2004CK022030R refers. I am further informed that this application is receiving attention in the Land Registry and will be completed as soon as possible.

#### **Garda Stations.**

276. **Ms O. Mitchell** asked the Minister for Justice, Equality and Law Reform if he has made a decision on foot of the recommendations he received in respect of the night closure of certain Garda stations; and if the suggested possible increase in gardaí on the street following such closures refers to night patrols, day patrols or a continuation of both. [23650/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The final report of the Garda Síochána SMI steering group makes recommendations in relation to the use of Garda stations in the Dublin metropolitan region and proposes four different types of station based on public demand. During the course of reviews it was found that between 80% and 90% of customers call to Garda stations during regular office hours. There are very few callers outside these hours, and fewer still during the night time.

The types of station being proposed range from divisional headquarters with offices, custody suites, staff facilities and a public office on a 24-hour basis, to public offices which would open between one and eight hours a day to facilitate the various requirements of the public. The objective of reduced public opening hours is to release gardaí from public counters at times when there is little demand for their services for duty on the streets of the city where they are needed.

The report estimates that these proposals to change the opening hours of public offices in about a dozen stations in the Dublin metropolitan region could release the equivalent of 240 full time gardaí and sergeants onto the streets at times when their visible presence would assist in the prevention of crime. However, I should point out that the detailed allocation of resources, including personnel, is the responsibility of the Garda authorities.

I have made no decision on this or any other proposal in the report, but I intend to bring appropriate proposals to Government in the near future. In this and many other aspects of the report, the Garda Commissioner will under the provisions of the Garda Síochána Bill 2004 have enhanced responsibilities in preparing proposals for organisational reform, and I believe that this report will be of considerable assistance to him in that task.

#### Public Order Offences.

277. **Mr. G. Mitchell** asked the Minister for Justice, Equality and Law Reform if he will take steps to restore order in a housing estate (details supplied) in Dublin 12; if senior Garda management will act in concert with Dublin City Council to restore law and order and to give the vast majority of decent people who live in the estate respite from this continuing ordeal of harassment and intimidation. [23706/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities that Crumlin Garda station and Dublin City Council work closely together in relation to the housing estate in question. They have further informed me that information has been supplied to the council by the Garda authorities under the Housing (Miscellaneous Provisions) Act 1997, and two families are currently before the courts.

I understand that the majority of calls to the estate relate to children or young persons

involved in general disorder. Of the 14 calls to the estate by the Garda Síochána since 1 September 2004, eight have referred to public order offences occurring at the entrance to the estate where these youths congregate. I can inform the Deputy that a community Garda was assigned to the area and patrols the estate on a regular basis. The area is also patrolled by local uniformed and plain clothes personnel. The divisional task force and drugs units are also involved in the area.

There is also a Garda youth diversion project in the area. The project has a full time co-ordinator and works with approximately 35 young persons between the ages of 12 and 17. This project is a community-based, multi-agency crime prevention initiative which seeks to divert young persons from becoming involved — or further involved — in anti-social and-or criminal behaviour by providing suitable activities to facilitate personal development, promote civic responsibility and improve long-term employability prospects. By doing so, the project also contributes to improving the quality of life in communities and enhancing Garda — community relations. I am assured that the estate in question will continue to receive Garda attention.

#### Citizenship Applications.

278. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform when a decision will be made in regard to an habitual residency form application for a person (details supplied) in County Kildare; and if he will make a statement on the matter. [23707/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The applicant in question is a national of one of the ten states which joined the European Union on 1 May 2004.

Prior to that date, a proposal to deport had issued to the person concerned. On 19 July 2004 a notification of the revocation of the proposal to deport was issued to this person at his last known address and to his solicitor. The correspondence to the person was returned, marked “gone away”. If the applicant wishes to forward his current address to my Department the notification will re-issue and his identification card will be returned.

#### Registration of Title.

279. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform if he will instruct the Land Registry Office to expedite a dealing for a person (details supplied) in County Mayo. [23781/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Registrar of Titles that this is an application for a transfer order which was lodged on 24 March 2004. Dealing number D2004SM002645N refers. I am further informed that this dealing was completed on 25 August 2004.

280. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform if he will instruct the Land Registry Office to expedite dealing applications pending on a folio for a person (details supplied) in County Mayo. [23782/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Registrar of Titles that there is no record of an application pending on the folio number quoted by the Deputy at present. If the Deputy can provide me with the date of lodgment of the application and a Land Registry reference number I will make further inquiries on his behalf.

281. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform if he will instruct the Land Registry Office to expedite a section 49 application for a person (details supplied) in County Mayo. [23783/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Registrar of Titles that this is an application under section 49 — acquisition of title by virtue of long possession — of the Registration of Title Act 1964, which was lodged on 22 June 2004. Dealing number D2004SM005209H refers. I am further informed that this application was completed on 28 September 2004.

282. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform if he will instruct the Land Registry Office to expedite a section 49 application lodged for a person (details supplied) in County Mayo. [23784/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Registrar of Titles that this is an application under section

49 — acquisition of title by virtue of long possession — under the Registration of Title Act 1964, which was lodged on 16 June 2004. Dealing number D2004SM005024Y refers. I understand that due to their complicated nature, applications under section 49, which require detailed examination of claims for registration as owners, can take some time to process. Accordingly, it is not possible to estimate a completion date at this stage. I am further informed that the application is receiving attention in the Land Registry and will be completed as soon as possible.

#### EU Directives.

283. **Mr. Allen** asked the Minister for the Environment, Heritage and Local Government, further to Question No. 16 of 30 September 2004, the EU directives and regulations regarding which the Government is still in dispute with the European Union; the status of the dispute in each case; and the level of penalty that may be incurred in each case. [23694/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I refer to the reply to Question No. 16 of 30 September, which set out the range of issues in which my Department is in correspondence with the European Commission in relation to possible breaches of EU environmental legislation, and the status of the sole case in which the Commission has applied to the European Court of Justice for a daily fine.

The table following provides a more detailed breakdown of these cases in terms of the relevant directives or regulations and the current stage of the process. However, as I stated in my answer of 30 September, the vast majority of issues are resolved without recourse to the European Court of Justice.

Directive / Regulation	Number of cases at each stage				Total
	Article 226 (i)	Reasoned Opinion (Article 226) (ii)	ECJ stage and beyond (iii)	ECJ daily fines pending (iv)	
2000/53/EC — End of life vehicles	—	—	1	—	1
2001/80/EC — Limitation of emission from large combustion plants	—	1	—	—	1
2001/81/EC — Emissions ceilings for certain atmospheric pollutants	1	1	—	—	2
2002/3/EC — Ozone in ambient air	1	—	—	—	1
2003/35/EC — Public participation in drawing up certain plans and programmes	—	1	—	—	1
2003/87/EC — Greenhouse gas emissions allowance trading	—	1	—	—	1
75/442/EC — Waste	—	—	1	—	1
76/160/EC — Bathing water quality	—	1	—	—	1
76/464/EC — Dangerous substances	—	—	1	—	1
79/409/EC — Conservation of wild birds	1	1	—	—	2
79/923/EC — Quality of shellfish water	—	1	1	—	2
80/68/EC — Protection of groundwater	—	3	—	—	3
80/778 — Quality of drinking water	—	—	1	—	1

Directive / Regulation	Number of cases at each stage				Total
	Article 226 (i)	Reasoned Opinion (Article 226) (ii)	ECJ stage and beyond (iii)	ECJ daily fines pending (iv)	
85/337/EC — Environment Impact Assessment	1	1	—	—	2
87/101/EC — Disposal of waste oil	1	—	—	—	1
88/540/EC — Protection of ozone layer	1	—	—	—	1
91/156/EC — Waste (amending)	—	1	—	—	1
91/271/EC — Urban waste water treatment	1	1	—	—	2
92/43/EC — Habitats	9	4	2	—	15
93/36/EC — Procedures for awarding public contracts	1	—	—	—	1
94/62/EC — Packaging waste	—	1	—	—	1
96/61/EC — Integrated pollution prevention and control	2	—	—	—	2
96/82/EC — Control of major accident hazards	—	1	—	—	1
97/11/EC — Environment impact assessment (amending)	9	3	1	1	14
97/62/EC — Habitats — adaptation to technical and scientific progress	—	1	—	—	1
98/24/EC — Protection of health of workers from chemical agents	—	1	—	—	1
99/30/EC — limit values in ambient air	1	—	—	—	1
2002/37/EC — Regulations concerning substances depleting ozone layer	1	—	1	—	2
Conformity with Article 10 of the EC Treaty	1	—	—	—	1
	31	24	9	1	65

#### Explanation of above stages

- (i) Where the Commission considers that a Member State has failed to fulfil an obligation in respect of legislation, article 226 of the Treaty establishing the European Union allows them to invite the Member State to submit observations on the case.
- (ii) Where Member States fail to satisfy the Commission under article 226, a reasoned opinion is issued.
- (iii) In cases where the Commission is not satisfied that Member States have met the requirements of the reasoned opinion, the case may then be referred to the European Court of Justice. If the case is proven, the Member State is obliged to implement the findings of the Court.
- (iv) Failure to implement the findings of the Court can result in the Commission returning to the Court to seek imposition of a daily fine for non-compliance.

#### Water and Sewerage Schemes.

284. **Mr. J. Breen** asked the Minister for the Environment, Heritage and Local Government the number of sewerage and water schemes in County Clare which have received funding in 2004. [23711/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Details of 22 major water and sewerage schemes, including bundled schemes, approved for funding in

County Clare are set out in my Department's water services investment programme 2004 to 2006, a copy of which is available in the Oireachtas Library. In addition, a block grant allocation of €6.1 million has been notified to the council in respect of the devolved rural water programme.

285. **Mr. J. Breen** asked the Minister for the Environment, Heritage and Local Government the number of sewerage and water schemes in County Clare awaiting approval in his Department. [23712/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I am forwarding to the Deputy a list of the water and sewerage schemes identified by Clare County Council in response to my Department's request to local authorities in 2003 to produce updated assessments of the needs for capital works in their areas and to prioritise their proposals on the basis of the assessments. This assessment is the council's most up to date and complete statement to my Department of its current water and sewerage infrastructure proposals. Details of approved schemes in County Clare are set out in my Department's water services investment programme 2004 to 2006, a copy of which is available in the Oireachtas Library.

#### Grant Payments.

286. **Mr. Neville** asked the Minister for the

Environment, Heritage and Local Government the position regarding the provision of a grant for a community organisation (details supplied) in County Limerick. [23713/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** My Department has no record of any current grant application or correspondence in relation to the organisation referred to in the question.

#### **Wildlife Conservation.**

287. **Mr. Crowe** asked the Minister for the Environment, Heritage and Local Government if he will report on the way in which the presence of shags and cormorants is having on fish stocks in the Royal and Grand Canals. [23714/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The birds in question would generally be cormorants, as shags are a strictly marine species and would be found only near those parts of the canals that are adjacent to the sea.

I understand that Central Fisheries Board monitors and manages fish stocks in the Grand and Royal Canals on behalf of Waterways Ireland, and that this involves the ongoing release of wild fish in areas where numbers are down.

The Central Fisheries Board acknowledges that cormorants can cause minor local problems where new fish stocks have been released into the canals as they are attracted by the increased fish numbers. However, where natural fish populations occur, as is the case along most of the canal systems including the Grand and Royal Canals, it is considered that cormorant predation does not have any significant adverse impact. Cormorants are natural fish predators and the predation of fish by birds and animals is a part of the natural ecological cycle that supports balance and sustainability in the population of different organisms, including fish.

#### **National Drugs Strategy.**

288. **Mr. Allen** asked the Minister for Community, Rural and Gaeltacht Affairs the reason a consultant forum was not held in Cork despite fora having been held in Galway, Limerick, Waterford, Carrick-on-Shannon and Dublin to hear submissions from the public in relation to the mid-term review of the national drugs strategy 2001-08. [23737/04]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** As the Deputy is aware, a mid-term review of the national drugs strategy is currently under way. As part of the review an extensive consultation process is being carried out, including a series of regional seminars throughout the country to which the Deputy refers.

Given that the review must be completed by late 2004 or early 2005, the consultation process must be carried out within relatively tight time

parameters. This is to allow sufficient time for the steering group — which is overseeing the review — to consider the issues raised in the consultations and also to consider what re-focusing of the strategy, if any, may be necessary, for the remaining period up to 2008.

Given the overall timeframe, the Deputy will appreciate that the number of regional sessions has to be limited. However, I believe that the locations chosen provide for as wide a geographical spread as possible and are readily accessible.

#### **Community Development.**

289. **Mr. J. Breen** asked the Minister for Community, Rural and Gaeltacht Affairs if he will reconsider the decision in relation to the withdrawal of funds and closure of the rural action project at Kilrush, County Clare. [23738/04]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** I refer the Deputy to Question No. 1269 of 29 September 2004 in regard to this matter.

#### **Social Welfare Benefits.**

290. **Mr. Durkan** asked the Minister for Social and Family Affairs if he will improve family income supplement in the coming year; and if he will make a statement on the matter. [23526/04]

**Minister for Social and Family Affairs (Mr. Brennan):** Family income supplement, FIS, is designed to provide cash support for employees on low earnings with families and thereby preserve the incentive to remain in employment in circumstances where the employee might only be marginally better off than if he or she were claiming other social welfare payments.

The range of improvements to the family income supplement scheme instituted in recent years, including the assessment of FIS on the basis of net rather than gross income and the progressive increases in the income limits, have made it easier for lower income households to qualify under the scheme.

Budget 2004 provided for further increases in the FIS income limits with effect from January 2004. These increases raised the weekly income limits by €28 at each point, adding an extra €16.80 to the payments of most existing FIS recipients.

The minimum FIS weekly payment was also increased by €7, from €13 to €20. The average weekly payment now stands at €76.83 per week, with a total of 14,040 families receiving a supplement under the scheme. The question of further improvements to the income thresholds is a matter for consideration in a budgetary context, having regard to available resources and Government commitments.

291. **Mr. Durkan** asked the Minister for Social and Family Affairs the number of rent allowance refusals arising from budgetary cuts in the year to date; and if he will make a statement on the matter. [23527/04]

**Minister for Social and Family Affairs (Mr. Brennan):** It is not possible to quantify the number of applications for rent supplement which have been refused on account of the new measures. However, 27,229 applications for rent supplement were awarded since the end of January when the new measures came into effect. This figure includes first time applicants as well as people who move to new accommodation.

The impact of the measures is being closely monitored. In addition to on-going contacts between my Department and the health boards, a working group was established under the Sustaining Progress agreement, to facilitate engagement with the social partners in relation to monitoring the impact of the changes to the scheme. The working group, which was chaired by the Department of the Taoiseach, included representatives from ICTU and the community and voluntary pillar as well as my Department and the Department of Environment, Heritage and Local Government.

A study of 498 randomly selected rent supplement applications which were refused since the measures came into effect in January 2004 found that only 11% of the refusals were because of the new measures and many of these cases would have been refused in any event.

The group concluded that, based on the examination of the sample cases and discussions with community welfare officers, the new measures were not having any significant, adverse impacts having regard to the design of the measures, including the operation of the appropriate levels of discretion by the community welfare officers.

292. **Mr. Durkan** asked the Minister for Social and Family Affairs if he has satisfied himself that claims for various payments involving national and overseas contributions are processed as expeditiously as possible with particular reference to countries with which Ireland has bilateral agreements; and if he will make a statement on the matter. [23528/04]

**Minister for Social and Family Affairs (Mr. Brennan):** Bilateral social security agreements are in place with seven countries, namely, Austria, Australia, Canada, New Zealand, the United Kingdom, the USA and Switzerland. A bilateral understanding also exists with Quebec since 1994. By far the largest number of cases involving EU and bilateral *pro rata* pension entitlement are those with UK insurance. For all schemes, the time taken to process claims that fall to be examined under EU and bilateral agreements is longer than that for standard Irish entitlements reflecting the added complexity that arises in determining entitlements under these agreements. While every effort is made to minimise processing times, the overriding objective in dealing with these claims is to ensure that people receive their full entitlements.

At the present time, the EU section of my Department dealing with retirement and old age

contributory pensions, which make up the bulk of EU and bilateral pensions, has a backlog of cases which is resulting in delays in processing these claims. The position is being kept under constant review and steps to further improve the situation will be taken as circumstances and other demands permit.

I would like to assure the Deputy that delays in processing applications will not result in any losses to pensioners and those who qualify for payment will have their claims backdated fully in accordance with the normal regulations for backdating pension claims.

293. **Mr. Durkan** asked the Minister for Social and Family Affairs if he will consider improvements to the free schemes with particular reference to extending the payment to younger widows; and if he will make a statement on the matter. [23529/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The household benefits package of schemes, which comprises the electricity, gas allowances, telephone allowance and television licence schemes, is generally available to people living permanently in the State, aged 66 years or over, who are in receipt of a social welfare type payment or who fulfil a means test.

The package is also available to carers and people with disabilities under the age of 66 who are in receipt of certain welfare type payments such as invalidity pension and disability allowance. People aged over 70 years of age can qualify regardless of their income or household composition. Widows and widowers aged from 60 to 65 whose late spouses had been in receipt of the household benefit package retain that entitlement to ensure that households do not suffer a loss of entitlements following the death of a spouse.

A range of proposals has been made to extend the free schemes to other groups. These are kept under review in the context of the objectives of the scheme and budgetary resources.

294. **Mr. Durkan** asked the Minister for Social and Family Affairs his plans to improve child benefit payments in the coming year with particular reference to the need to recognise cost of living requirements; and if he will make a statement on the matter. [23530/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The policy direction followed by successive Governments has been to concentrate resources for child income support on the child benefit scheme. Child benefit is neutral *vis-à-vis* the employment status of parents and therefore does not contribute to unemployment or poverty traps.

Over the period since 1997, monthly rate of child benefit has increased by between €93.51, at the lower rate of payment, and €115.78, at the higher rate. These are very substantial increases of 246% and 234% respectively, compared with inflation of 26.9% over the period.

In budget 2001, the Minister for Finance announced a multi-annual programme of increases in child benefit to the value of €1.27 billion over three years. This was subsequently extended to five years, to be completed in budget 2005. Provision for this will be a matter for consideration in a budgetary context.

#### Social Welfare Code.

295. **Mr. Durkan** asked the Minister for Social and Family Affairs if he will give consideration to making positive improvements to the means test which is urgently in need of revision; and if he will make a statement on the matter. [23531/04]

**Minister for Social and Family Affairs (Mr. Brennan):** Social assistance payments feature a means test which is intended to ensure that available resources are targeted at those most in need.

In recent years, considerable improvements have been made to means tests to allow persons to qualify more easily for payments, to retain more of their income before payments are withdrawn or to withdraw payments more gradually if means exceed a certain level.

The improvements have included the fact that the income disregard for carer's allowance was increased from €191 to €250 — single — and from €382 to €500 — couple — over budgets 2003 and 2004. This amounts to a €59 increase in the disregard for a single person and a €118 increase in the disregard for a couple. The assessment of benefit and privilege for unemployment assistance recipients who are living in the parental home was abolished for those aged 29 years or more, with effect from May 2003. This initiative was further developed in budget 2004 when the maximum age was reduced further to 26 years.

The past two budgets have also allocated an increase in the income disregard for the family income supplement, FIS, payment of €5, for all family sizes. In addition, budget 2004 abolished the assessment of rent supplement from the calculation of assessable income for the payment of family income supplement, thus ensuring that people in receipt of FIS and rent supplement retain the full value of their payments.

In line with the current arrangements for one parent family payment, the treatment of maintenance in the assessment of means for disability allowance, unemployment assistance, farm assist, pre-retirement allowance, old age — non-contributory — pension, widow's and widower's pension and blind person's pension was standardised in budget 2003. Any further changes to the current means assessment arrangements would require the allocation of additional resources and, accordingly, would have to be considered in a budgetary context.

#### Social Welfare Benefits.

296. **Mr. Durkan** asked the Minister for Social and Family Affairs if, in the context of the estimates currently under consideration, he will

make provision to extend the carers allowance to a wider group of persons, in view of the fact that there are vastly many more carers than those currently in receipt of a payment; and if he will make a statement on the matter. [23532/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The carer's allowance is a social assistance payment which provides income support to people who are providing certain elderly or incapacitated persons with full time care and attention and whose incomes fall below a certain limit.

There are currently 22,300 persons in receipt of the allowance, which is some 55% of those stated to be caring full-time in the census of 2003. The cost of the payment in 2004 is estimated to be €208.3 million.

Supporting carers in our society has been a priority of the Government since 1997. Over that period, weekly payment rates to carers have been greatly increased, qualifying conditions for carer's allowance have been significantly eased, coverage of the scheme has been extended and new schemes such as carer's benefit and the respite care grant have been introduced. Any further improvements to the scheme which involve additional expenditure will be considered in a budgetary context.

297. **Mr. Durkan** asked the Minister for Social and Family Affairs the plans he has to restore or reinstate the various social welfare payments withdrawn in budget 2004; and if he will make a statement on the matter. [23533/04]

298. **Mr. Durkan** asked the Minister for Social and Family Affairs if he has evaluated the hardship caused arising from social welfare cuts introduced in budget 2004; and if he will make a statement on the matter. [23534/04]

**Minister for Social and Family Affairs (Mr. Brennan):** I propose to take Questions Nos. 297 and 298 together.

The Estimates for the Department of Social and Family Affairs announced last November, included a number of provisions to better target resources within the social welfare code. As my predecessor previously indicated to the House, the implementation of all of the Estimates measures has been kept under review and there are no plans to change any of the measures currently in place.

These measures produced significant savings which, in turn, freed up resources towards a substantial budget 2004 package of €630 million. This enabled the provision of increases well ahead of inflation for all social welfare recipients of weekly payments as well as significant improvements in social welfare provisions generally.

299. **Mr. Durkan** asked the Minister for Social and Family Affairs the number of carers allowances that have been curtailed, reduced or refused in 2004 arising from budgetary cuts; and if he will make a statement on the matter. [23535/04]

**Minister for Social and Family Affairs (Mr. Brennan):** There are currently 22,300 persons in receipt of carers allowance. There have been no budgetary cuts relating to the scheme. The provision of support to carers has been a priority objective of this Government. The position of carers has been significantly enhanced each year through improvements to the scheme and this will continue to be a priority. For example, budget 2004 increased income disregards for a single person to €250 and for a married couple to €500. Additionally, increases to the respite care grant were made.

Payment has been discontinued in some cases and refused in others for a variety of reasons in the course of the ongoing administration of the scheme. There is a review mechanism in all of my Department's schemes to ensure that entitlement conditions in individual cases continue to be satisfied. This is achieved through a process of selective and periodic review of appropriate cases.

According to departmental records thus far this year 1,523 persons were disallowed carers allowance. This includes cases where appeals or re-applications may currently be in progress. My Department has received 5,655 new applications for the allowance up to 24 September this year; 5,231 have been determined of which 2,021 were refused payment as they did not satisfy the eligibility criteria.

In all such review cases resulting in disallowance or refusal, the persons concerned are informed of the decision and the reasons for it. They were also advised of their right of appeal to the social welfare appeals office. Under social welfare legislation decisions in relation to claims must be made by deciding officers and appeals officers. These officers are statutorily appointed and I have no role in regard to making such decisions.

#### **Departmental Procedures.**

300. **Mr. Crowe** asked the Minister for Social and Family Affairs the average waiting time for new applicants per benefit; the steps he proposes to introduce to reduce this time; and the average timescale particularly for persons who have recently suffered a bereavement and await a survivor's pension. [23467/04]

**Minister for Social and Family Affairs (Mr. Brennan):** My Department aims to provide a prompt, efficient service to all our customers. Applications for social welfare payments are processed and entitlements are issued as quickly as possible having regard to the eligibility conditions which apply to each scheme.

These conditions vary from scheme to scheme. In the case of insurance-based schemes, the person's contribution record must be established. For illness or disability schemes, medical certification by the applicant's own doctor is required and it may be necessary for a medical assessor of my Department to carry out an assessment to

ensure the medical conditions of the scheme are fulfilled.

Assistance schemes require, *inter alia*, an assessment of the person's means to be carried out. This may involve a visit to the person's home by an inspector of my Department.

On average, the length of time taken to award claims for disability benefit, unemployment schemes and child benefit ranges from two to three weeks. Claims for old age, invalidity pensions and family income supplement take an average of six to nine weeks to process and cases where the conditions of entitlement are more complex, such as payments for carers, one parent families and disability allowance cases, currently require between ten and 20 weeks on average to finalise. Bereavement grants and widows pension claims take three to five weeks. Once a claim is decided payment is normally made within one week.

Details of the average clearance times for new claims for the month of August 2004, and year to date including August, on a scheme by scheme basis, are in the table which I will make available to the Deputy. The over-riding consideration in processing claims is to ensure that customers receive their correct entitlement and decisions are not taken until all appropriate information is available.

Improving customer service is a priority of my Department. In regard to clearance times, performance targets have been set for all of the main schemes and these are published and reported on. My Department has also commenced the introduction of the service delivery model, a new IT and business system which will improve customer service using the most up to date technology and business models.

The programme will also facilitate integration of services and will introduce efficiencies which will have beneficial effects on the processing of claims. The first phase of this system is already in place for child benefit. It has enabled a radical re-engineering of the child benefit application process by dovetailing with the computerised birth registration data flowing from the new civil registration system. As a result of these changes, in the case of first born children, partially completed claim forms are issued automatically to the mother for her signature and for payment instructions. For second and subsequent children an increase in child benefit is awarded and put into payment automatically.

This service delivery modernisation programme is being extended to other schemes on a progressive basis. The second phase of this programme, which covers contributory retirement and old age pensions, schemes related household benefit schemes and bereavement grants, was initiated in June 2004. It will be implemented during the second half of 2005.

#### **Services for People with Disabilities.**

301. **Mr. F. McGrath** asked the Minister for

Social and Family Affairs if there are new proposals in his Department to assist families of persons with disabilities; and if the Disability Bill 2004 will lead to improved services for all persons with disabilities. [23469/04]

**Minister for Social and Family Affairs (Mr. Brennan):** My Department operates a number of schemes which provide income support to persons who are unfit to work because of illness or who are substantially handicapped from doing work which would otherwise be suitable for a person of that age, experience and qualifications. These schemes include disability allowance, invalidity pension, disability benefit, blind persons pension and the cost of free schemes provided to persons on illness or disability schemes. My Department also provides supports to carers of persons with disabilities through the carers allowance and benefit schemes as well as through the award of respite care grants.

In line with normal practice, improvements to these schemes will be considered in the context of the annual budget, taking into account Government commitments and the availability of resources. On 21 September, the Government launched a national disability strategy to underpin the participation of people with disabilities in society with a particular emphasis on the provision of public services. The strategy has a number of implications for my Department. These are the assignment of new responsibilities arising from the Disability Bill 2004, the publication of the Comhairle (Amendment) Bill 2004 and the publication of a sectoral plan with details of services for persons with disabilities.

The Disability Bill is designed to support the provision of disability specific services to people with disabilities and to improve access to mainstream public services for people with disabilities, in addition to the requirement to publish a sectoral plan. At the same time of the publication of the strategy, my Department published, in outline form, a sectoral plan which provides information in relation to income and employment support schemes, details in relation to claim processing times, complaints procedures and arrangements for consultation with people with disabilities. The Disability Bill also provides a statutory basis for accessible public buildings and services and positive action for the employment in the public service which will have implications for my Department.

The Comhairle (Amendment) Bill 2004 will allow for the introduction of personal advocacy services specifically for people with disabilities. The new service will be administered by Comhairle, which is an agency under the body of my Department, and envisages the provision of a personal advocate to persons with a disability who have difficulty in obtaining, without assistance or support, a social service.

### Social Welfare Benefits.

302. **Mr. Haughey** asked the Minister for Social

and Family Affairs if he will outline the guidelines issued by his Department in relation to the payment of a supplementary welfare rent allowance to a participant in a community employment scheme, having regard to the case of a person (details supplied) in Dublin 5; and if he will make a statement on the matter. [23716/04]

**Minister for Social and Family Affairs (Mr. Brennan):** Subject to certain conditions the supplementary welfare allowance scheme provides for the payment of rent supplement to eligible people whose means are insufficient to meet their accommodation costs. Supplementary welfare allowance is not normally payable to people who are engaged in full-time employment. However, arrangements have been in place for a number of years which allow people to retain a portion of their rent supplement where they take up employment through approved schemes, such as community employment, subject to a weekly household income limit of €317.43.

A number of improvements in the rules governing the retention of rent supplement have been made in recent years. The period for which rent supplement may be retained has been extended to four years on a tapered basis i.e. 75% in year one, 50% in year two and 25% in years three and four. In addition, the upper limit of €317.43 per month on the amount of supplement payable was abolished for people on the approved schemes.

Furthermore, back to work allowance and family income supplement, in cases where one or both of these are in payment, are now disregarded in the assessment of the €317.43 weekly income limit. PRSI and reasonable travelling expenses are also disregarded in the means test.

A participant in community employment may opt to be assessed in accordance with the tapered withdrawal system or standard supplementary welfare allowance rules and will be entitled to whichever option is more beneficial.

Under standard assessment rules, rent supplements are calculated to ensure that an eligible person, after the payment of rent, has an income equal to the rate of supplementary welfare allowance appropriate to his or her family circumstances, less a minimum contribution of €13, which each recipient is required to pay from his or her own resources. Up to €50 in respect of additional income from part-time employment is disregarded in the means test thus ensuring that a person is better off as a result of taking up such an opportunity. Community employment is regarded as part-time employment for these purposes.

The Northern Area Health Board was contacted regarding this particular case and has advised that, following her commencement on the community employment scheme, the level of the person's household income exceeded the €317.43 limit applicable to the tapered withdrawal system and accordingly the amount of rent supplement

[Mr. Brennan.] payable was calculated in accordance with standard supplementary welfare allowance rules.

The board has confirmed that the person concerned is in receipt of the appropriate rate of rent supplement for her circumstances. She has €65.00 per week more disposable income as a result of participating in the community employment scheme.

303. **Mr. Ring** asked the Minister for Social and Family Affairs the reason incorrect information was given in a reply to Question No. 1305 of 29 September 2004. [23772/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The information given in the reply in question was not incorrect. The person in ques-

tion was disallowed carer's allowance with effect from 12 May 2004. Following numerous requests for details of her husband's gross income so that her means and entitlement to carer's allowance could be determined, the Deputy submitted details of her husband's net earnings which were received by my Department on 2 September 2004. These were not sufficient to determine her entitlement to carer's allowance.

My Department has subsequently been in contact with the person concerned to provide the necessary information. On receipt of this information her entitlement will be further considered. Under social welfare legislation, decisions in relation to claims must be made by deciding officers and appeals officers. These officers are statutorily appointed and I have no role in regard to making such decisions.