



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

TUAIRISC OIFIGIÚIL—*Neamhcheartaithe*  
(OFFICIAL REPORT—*Unrevised*)

Wednesday, 27 October 2004.

Ceisteanna—Questions	
Minister for Education and Science	
Priority Questions ... ..	1
Other Questions ... ..	14
Adjournment Debate Matters ... ..	28
Leaders' Questions ... ..	29
Ceisteanna—Questions ( <i>resumed</i> )	
Taoiseach ... ..	36
Requests to move Adjournment of Dáil under Standing Order 31 ... ..	51
Order of Business ... ..	53
Houses of the Oireachtas Commission: Motion ... ..	57
Irish Nationality and Citizenship Bill 2004:	
Order for Second Stage ... ..	57
Second Stage ... ..	58
Private Members' Business	
Childhood Development Initiative: Motion ... ..	96
Adjournment Debate	
Northern Ireland Issues ... ..	124
Flood Relief ... ..	126
Deportation Orders ... ..	128
Schools Amalgamation ... ..	133
Questions: Written Answers ... ..	137

# DÁIL ÉIREANN

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### TUAIRISC OIFIGIÚIL OFFICIAL REPORT

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*Dé Céadaoin, 27 Deireadh Fómhair 2004.  
Wednesday, 27 October 2004.*

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Chuaigh an Leas-Cheann Comhairle i gceannas ar 2.30 p.m.

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*Paidir.*

*Prayer.*

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#### **Ceisteanna — Questions.**

##### **Priority Questions.**

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##### **Higher Education Review.**

112. **Ms Enright** asked the Minister for Education and Science the OECD recommendations relating to higher education here which will be progressed by her immediately; those which will be implemented before the end of 2005; and if she will make a statement on the matter. [26283/04]

**Minister for Education and Science (Ms Hanafin):** The OECD review on the future of higher education in Ireland makes far-reaching recommendations for reform and development of the sector. The review comes against a background of the crucial role that has been identified for our higher education system which is not only producing well-educated graduates but is also achieving Ireland's broad strategic objective to become a world leading knowledge-based society.

The extensive consultation that the OECD team undertook with all the key stakeholders here, and the expertise of the team itself, lend

considerable weight to these recommendations. Obviously a good deal of consideration and examination of these is necessary on my part. The major importance of the challenge that has been put to Government and to the higher education sector through these recommendations cannot be underestimated. As Minister, I intend to take these seriously and, as a priority, work closely with my Government colleagues and consult widely with the higher education sector in advancing progress on them. In this regard, it is my intention to bring proposals to Government shortly on an implementation approach and priorities.

However, in terms of an immediate response, I welcome certain aspects of the report, including, for example, those relating to the strategic framework within which higher education should develop. The analysis of the review team in respect of the development of a unified strategy for the sector is welcome. As the report outlines, the institute of technology sector has brought great strength to the Irish system and has been successful in meeting the varying needs of students, the economy and society. The emphasis in the report on the institute of technology sector as an equal partner with the universities in a

[Ms Hanafin.]  
dynamic, diversified system is important in that regard.

The report has identified a continuing need for an independent policy advisory and funding authority for the sector. I agree that this is the appropriate vehicle for ensuring an integrated policy approach to the entire sector, including the institutes of technology and other non-designated bodies. If we are to maximise available strengths and resources within a unified Irish higher education system, stronger inter-institutional collaboration needs to be encouraged. A single oversight body is well-placed to incentivise and promote that.

As the Deputy is aware, it has been a long-standing policy objective to designate the institutes of technology under the Higher Education Authority. The OECD report endorses this and, with the agreement of my Government colleagues, I propose to move on this now on a transitional basis in advance of full legislation for a new authority.

The report makes important recommendations on governance and leadership for higher education institutions and presents a detailed analysis of required changes to the funding allocation model for the sector. These are very welcome. I am glad to say the HEA is already advancing work on a revised funding mechanism in consultation with the relevant stakeholders. The emphasis laid by the OECD report on particular aspects of what is required is a valuable input in this regard.

**Ms Enright:** I share the Minister's views on the IT sector. At the outset she said she welcomed the number of well educated graduates, but does she accept that we have insufficient postgraduates? What steps will she take to ensure we reach 10,000 postgraduates qualifying per year by 2010? Given that she is aware of the OECD's figures on this matter, how will the Minister address the issue of under funding? If more private sector money is made available to the third level sector can the Government give a commitment that it will not be used as a substitute for public funds? The fear of this is currently deterring such investment.

Does the Minister have plans to address the low intake of mature students in the third level sector? I welcome her comments on the tertiary education authority. She mentioned the long-standing policy objective to designate the institutes of technology under the HEA; my concern is that it is of long standing. Will she consider also having a tertiary authority or is this only from a HEA perspective? Has the Minister given any consideration to changing the governing structures of both universities and the ITs?

**Ms Hanafin:** In my three weeks in office I have not made decisions on all those aspects each of which is important. I share the Deputy's opinion on postgraduates. The postgraduate sector con-

tinues to make a very valuable contribution not just to education but also to the economy. Increasing the number of undergraduates and improving the facilities available particularly in the science and technology sector would encourage postgraduates as would funding for that sector, which I intend to promote.

As part of the current Estimates process we are addressing the funding of third-level education. Representatives of every sector will make the case to have their sector treated as a priority, which is true. Each sector needs to be a priority for different reasons: primary education to get at the roots; post primary because of the academic and other issues dealt with at that level; and third level. It would not be fair for me to identify any area as a priority over another. A case has been made for third level as part of the Estimates process.

The report makes some interesting suggestions on private funding. A number of colleges and universities have been very successful in attracting private investment including foreign investment, which has helped their capital infrastructure in particular. Equally other colleges and institutes feel they have not been able to benefit from such funding. For example, representatives of the DIT feel that when it moves to the Grangegorman site, because it will be a single entity, it will then be able to attract investment. The balancing of private investment against resources to be provided by the State will have to be considered in any one year having regard to the resources available. However, they could be considered in a different context depending on whether it is for research, capital or ongoing spending. I envisage considering it in different ways depending on the investment achieved.

The low intake of mature students could also be addressed by some of the recommendations of the report, which mentions improving the numbers of part-time students. This would particularly suit many mature students and I would like to see this progressed at third level. A huge discrepancy exists between the number of full-time and part-time students. This clearly raises questions about funding and support for such students. However, in the early years this might be a way to attract more mature students into the third-level sector.

Regarding the tertiary education authority, while they obviously talk about funding, the HEA, whose members I have already met, and the Council of Directors of Institutes of Technology, whose members I have not yet met but will do so this week, are also looking forward to progressing that matter. Following my discussions with them I hope to be able to progress it.

#### **Educational Disadvantage.**

113. **Ms O'Sullivan** asked the Minister for Education and Science when she intends to finalise and publish the draft report on educational disadvantage; her priorities in terms of tackling educational disadvantage; if she proposes to secure

funding in the Estimates and budget for 2005 to begin to implement a strategy in 2005; and if she will make a statement on the matter. [26297/04]

**Ms Hanafin:** My Department has been engaged in an overall review of its educational disadvantage programmes with a view to building on what has been achieved to date, adopting a more systematic, targeted and integrated approach and strengthening the capacity of the system to meet the educational needs of disadvantaged children and young people. Arising from the review, a draft report has been prepared. It builds on earlier work carried out by the statutory educational disadvantage committee and is now subject to consideration by me in consultation with my senior officials. I intend to complete this work as quickly as possible.

My priority for tackling educational disadvantage in the context of the final report will include placing a strong emphasis on early intervention; tackling problems with literacy, numeracy and early school leaving; putting in place a more structured system for identifying and regularly reviewing levels of disadvantage, and targeting supports accordingly; strengthening administrative, planning and professional development supports for schools serving disadvantaged communities; adopting a more integrated approach to the delivery of supports, both within the education sector and on a cross-sectoral basis; increasing partnership between schools, homes and the wider community, including the business community; strengthened arrangements for research and the measurement of progress; and outcomes from educational inclusion measures.

My Department is providing €540 million in 2004 for programmes specifically designed to tackle educational disadvantage in accordance with the strategies outlined in the NAPS and Sustaining Progress. This direct expenditure on educational disadvantage represents an increase of more than €80 million on the 2003 provision and nearly 8.5% of the net education budget for 2004. The Estimates process leading to the determination of the 2005 provisions is still under way but I am seeking to secure additional resources for a number of areas, including educational disadvantage, with a view to building on the substantial investment the Government is making in this area.

**Ms O'Sullivan:** I appreciate that the Minister has only been in the job for three weeks but does she have a sense of urgency about this issue? Does she not consider it important that the report is published before the Estimates and the budget so she can fight for the funding necessary for its implementation? Is she aware of the criticism of Professor Áine Hyland, chairwoman of the educational disadvantage committee in the Department of Education and Science, who said that some of the recommendations made last December could have been implemented without costing extra money? That happened under the Minister's predecessor and we were all sick and

tired of hearing him talking about educational disadvantage while doing absolutely nothing about it.

I understand the report is ready — we even saw a draft of it in *The Irish Times*. It should be published as soon as possible. Will the Minister give us a date for its publication and an indication if it will address literacy, where, according to the leaked report, up to 30% of students in poorer areas suffer from severe literacy problems? The Minister must ensure it receives the proper funding. If the leaks are true, there are severe criticisms in the report of how the money already allocated is being spent.

**Ms Hanafin:** I am always amazed at the power of journalists to get full draft reports before even the Minister. I have not seen the full draft report so I cannot comment on every aspect of it. I know, however, that it deals with the strengths and weaknesses in the schemes that have developed incrementally over the years, looks at how we can identify what works and contains ideas on an integrated approach to dealing with disadvantage and streamlining the existing systems. Questions are always asked within the disadvantage area about priorities and targeted responses to particular areas and these must be addressed.

It is unfair to say that recommendations made earlier in the year were not implemented although they did not cost money. When dealing with schemes, money is not the only issue. We must check they are properly targeted and if there are proper outcomes from them. It is only when we have the overall picture that we can decide which of the schemes we will go forward with and which will be integrated. We must examine if there is an overlap of schemes in some schools while other schools do not get anything and ensure there is a carry-through from first to second level. That was the subject of at least one of the schemes that is working successfully.

The remit of that educational disadvantage committee, which was set up in 2002, runs until March of next year. It has received various submissions from different groups involved. Separate to that committee is the educational disadvantage forum in which all the different partners and bodies interested and involved in the area of disadvantage have participated and made their views known. What is needed is not so much more money for the sake of it and implementing suggestions for the sake of it, although increased investment is important and will be needed, but to see what works, where it works, how we can make it work better and to move forward with an action plan.

114. **Mr. Crowe** asked the Minister for Education and Science the steps she proposes to take to address the serious level of educational underachievement in disadvantaged areas like Tallaght west in which, by 2002, a quarter of those who had ceased education had either no formal education or had completed primary education only

[Mr. Crowe.]

as indicated in a recent report; her views on whether this under-achievement is a direct result of social disadvantage; and if she will be prioritising the education needs for pupils from disadvantaged areas. [26400/04]

**Ms Hanafin:** A key focus of education policy is to prioritise investment in favour of those most at risk and to optimise access, participation and outcomes at every level of the system for disadvantaged groups. The wide variety of measures in place in Tallaght and in other similar areas for tackling educational disadvantage and social exclusion reflect those concerns. These measures range from pre-school interventions, supports for tackling children's literacy problems, reduced pupil teacher ratios, increased capitation grants and measures to tackle early school leaving and strengthen ties between the school, the family and the community. In addition, there are interventions in support of youth and in providing second chance education for young people and adults.

Despite the range of difficulties identified in the report referred to by the Deputy, 68% of the parents surveyed for it reported that their child was achieving his or her potential at school. I welcome the report as a useful contribution to this complex area of policy and I have asked my officials to consider its wider policy implications in the context of finalising work on an overall review of educational disadvantage programmes at national level.

As part of a wider system of structural reform, my Department is establishing a network of ten regional offices, including one in Tallaght. This network of offices will help to identify education issues arising at local level, especially gaps and overlap in social inclusion provision, and provide regular reports to my Department. This local presence will help my Department to continue to target resources at those most at risk of educational disadvantage in Tallaght and other similar areas. My priority as Minister will be to continue targeting resources at those areas and people most in need.

**Mr. Crowe:** The research presented in this document shows that the majority of children in Tallaght west carry a disproportionate burden of the inequality and poverty which exists in society. I listened to what the Minister said about the programmes in place and it is welcome that there are many good programmes, such as the Early Start programme, in the area. The report clearly highlights that not enough is being done. There is a cause and effect, and we know the cause — poverty. The unemployment rate is more than twice the average. Children go to school hungry. What happens in the community affects children in school. Long-term as well as short-term solutions are needed.

The report refers to practices in other countries. I do not know if the Minister has read the

report but it refers to bullying. Will she look examine measures to deal with bullying in other countries and perhaps address it in that context? We all accept education is the key to breaking out of the cycle but few children from that area attend pre-school. Are there plans to increase the number of children attending pre-school? Will parents be able to afford to send their children to pre-school? The OECD report refers to increasing the number of children from disadvantaged backgrounds attending pre-school. Pre-school clearly gives skills to children and, in many cases, they thrive in that environment.

The report is a damning indictment of successive Governments and not only this one. The key point in this report is that there are solutions. It is important we examine the problems and try to address them.

**Ms Hanafin:** Several measures are already in place in Tallaght which are working successfully and I appreciate that the report calls for a number of these to be extended. I am committed to the idea of extending pre-school provision, especially in disadvantaged areas. Such provision bears more than its fruit in later years and can prevent expenditure up to seven times greater when children reach their teenage years. As the Deputy is aware, a number of pre-school places are already available, but they are in a part of west Tallaght in which there are many young children. Under the child care provision in the national development plan, many crèche and pre-school places have been provided through various schemes outside the education sector.

Schools in disadvantaged areas benefit from smaller class numbers in the earlier grades. Various programmes are targeted at such areas to provide reading support and extra teaching resources to ensure a better pupil-teacher ratio. Measures are in place to combat early school leaving with six school completion clusters in Tallaght which involve six post-primary and 19 primary schools. The response to the area is very targeted. A literacy programme is in place and the National Educational Welfare Board has a base in Tallaght to target those young people who drop out of school. School leavers continue to be a priority for the Youthreach programme which addresses those persons school did not suit, as opposed to the other way round, and youth work continues to be a function of the Tallaght youth service.

While I acknowledge the significant investment being made in this area, I realise from my experience of having visited various projects in Tallaght that it is an area which requires a targeted response. This is not due simply to the level of disadvantage identified in the report but, more importantly, to the fact that so many young people and children live there. One should not concentrate solely on the negative aspects of the report. It constitutes a useful survey which demonstrates how proud parents in these areas are of their children's attainment. We should do every-

thing we can to build up the pride of those parents in their children and in their area rather than simply highlight the negative.

**Mr. F. McGrath:** Deputy O'Connor is not doing any work in Tallaght.

**Mr. O'Connor:** My record is there.

**Mr. F. McGrath:** The Deputy has not done anything.

**Mr. O'Connor:** We will deliver.

115. **Ms Enright** asked the Minister for Education and Science the steps she is taking to address educational disadvantage and widen access to and participation in education at all levels; and if she will make a statement on the matter. [26284/04]

**Ms Hanafin:** Tackling educational disadvantage is one of my key priorities as Minister for Education and Science. My approach is dictated by the Government's national action plan against poverty and social exclusion 2003-05 and the latest partnership agreement, Sustaining Progress, which contains a special initiative focused on literacy, numeracy and early school leavers. A sum of €540 million is being provided by my Department in 2004 for programmes specifically designed to tackle educational disadvantage in accordance with the strategies outlined in the national action plan and Sustaining Progress. This direct expenditure on educational disadvantage represents an increase of more than €80 million on the 2003 provision and almost 8.5% of the net education budget for 2004.

My Department's approach to tackling educational disadvantage is based on a continuum of provision from early childhood through adulthood. The focus of provision is on preventative strategies, targeting and integrated community responses which are designed to create an education system which allows each citizen to realise his or her full potential. To achieve this goal, provision is made for programmes at pre-school, primary and post-primary levels and, for the youth sector, for further-education measures and programmes designed to broaden access to third level for students from disadvantaged backgrounds.

Specific provisions which directly target educational disadvantage and social exclusion include almost €8 million for pre-school programmes such as the Early Start pilot project which caters for pupils aged three to four years who are most at risk in areas of social disadvantage. In excess of €70 million is provided for disadvantaged programmes at primary level, including the disadvantaged areas scheme, the home-school-community liaison scheme and the Giving Children an Even Break programme. Approximately €35 million is provided to fund post-primary level disadvantaged schemes such as the disadvantaged areas scheme and the home school-community

liaison scheme while more than €23 million is provided for the school completion programme which operates at primary and post-primary level. The school completion programme is a key component of the Department's strategy to discriminate positively in favour of children and young people who are at risk of leaving school early.

A sum of €20 million is provided for disadvantaged youth schemes and €175 million for further education measures, including the back to education initiative, Youthreach, voluntary training opportunities scheme programmes and the adult literacy programme. A total of €197 million is provided for measures specifically designed to broaden access to third level education for students from disadvantaged backgrounds and €6.5 million has been set aside to fund the National Educational Welfare Board. Funding for programmes at primary and post-primary level has provided more than 1,400 additional teachers and co-ordinators in disadvantaged areas and schools. My Department has been engaged in an overall review of its educational disadvantage programmes and it is my intention to complete this work as soon as possible.

**Ms Enright:** The report referred to earlier by Deputy O'Sullivan, which I have not yet seen, points to a lack of coherence and poor co-ordination in this area and we must accept that. I am sure the Minister will agree it is easy to spend money. However, the reality is, despite the figures outlined, that 800 children per year do not complete primary school and just short of one in five pupils do not complete post-primary school. We must look again at where the money is being spent to see if we are obtaining any real return or value for money. The drop-out rate is the first issue which must be tackled.

I am sure the Minister is aware that the social inclusion unit, a division within her Department, has been in place since 1998. Yet, the report points out there is no real co-ordination between the programmes in existence. I am sure the Minister will say she is awaiting the report but I would like to ask three specific questions. The Early Start pilot project commenced in the early 1990s has not been extended since then. Approximately 40 schools avail of the project. Does the Minister intend to expand that project so more children can avail of it? The Youthreach programme, to which the Minister referred, has operated on a pilot basis for 17 years. Either it works or it does not. If it does, it should be placed on a more definite footing. Does the Minister intend to review that programme?

The Department of Education and Science co-ordinates with approximately six other Departments on redesignation of disadvantaged areas. Given there have been changes in that area, does the Minister intend to put in place better co-ordination between the Departments dealing with that issue? An example is that of area partnerships which have not been reviewed for many

[Ms Enright.]

years. Many places have become more disadvantaged or less disadvantaged over time yet unless a scheme is located within an ADM partnership area it cannot avail of them. Does the Minister intend to review that scheme?

The roll-out of the National Education and Welfare Board is important in tackling disadvantage. However, it has not been rolled out at a pace that people would like. Neither county in my constituency has a dedicated person from the National Education and Welfare Board as is the case in many other counties throughout the country. Does the Minister intend to provide extra funding to deal with that issue?

**Ms Hanafin:** Deputy Enright made the point I made earlier when I said there was no point rushing ahead to implement recommendations earlier in the year when what was needed was a co-ordinated approach and action plan to see what is working.

The Early Start pilot project is available in 40 schools. Teachers and parents involved in the project say the children who have moved on to primary education have acclimatised to their surroundings much earlier, have socialised better and have settled in very well. However, other reports state there is no substantial, cognitive or scholastic improvement in children who attend Early Start projects over those who do not. That is not to suggest that children's socialisation and acclimatisation in their surroundings is not important: it is because it helps them to move forward. These issues have to be considered in the context of deciding whether to develop that particular scheme. The project also encourages parental involvement which is important when assisting children in this sector to feel more comfortable in their school surroundings. Currently 56 child care workers and 40 schools participate in the project and there are 1,680 places available. The project is being seriously considered in the context of the review to see how we can move it forward.

The Deputy also mentioned Youthreach. That programme has been a good option for a number of young people, in particular young people who have not been able to reach their potential within the ordinary second level system, because it targets their skills and talents. Youthreach works particularly well in disadvantaged areas and enables such students to remain within the education sector and ensures they leave school with some sort of qualifications. Also, it provides them with guidance and counselling and, in some cases, it offers child care. That is one of the examples of an integrated approach, about which the Deputy asked earlier. Deputy Crowe, when speaking earlier about Tallaght, also referred to it.

I fully accept that in the classroom one is dealing not only with the education needs of the child but with the family situation, the housing issue and community issues. That is the reason the

home-school community liaison officer can be crucial in an area and should be developed further. Such officers form those links for those young people to ensure we are not dealing with only one specific element of their ability. In that context there will be a close relationship with the Departments of Health and Children and Environment, Heritage and Local Government when dealing with community issues, not to mention the Department of Community, Rural and Gaeltacht Affairs.

The redesignation or the designation of areas of disadvantage is a question that always arises. How does one define disadvantage? For some it might be a shortage of money, for others it might be housing and for others it might be family or social background. What is important is that we can identify targeted responses to the areas of most need, taking on board a whole range of factors. To come up with a scheme to designate, whether under a partnership, urban disadvantage or rural disadvantage is difficult but we can all identify areas of need.

The National Education Welfare Board is being extended. It now employs 64 education welfare officers who are working throughout the country and, hopefully, will employ more shortly.

#### Higher Education Grants.

116. **Ms O'Sullivan** asked the Minister for Education and Science the content of the proposed Third-Level Student Support Bill; when it will be brought forward; if she proposes to alter the way in which students are means-tested for maintenance grants; and if she will make a statement on the matter. [26298/04]

324. **Ms Burton** asked the Minister for Education and Science the assistance she has sought from the Department of Social and Family Affairs in respect of assessment of income and means for the purpose of awarding higher education grants. [26157/04]

**Ms Hanafin:** I propose to take Questions Nos. 116 and 324 together.

My Department funds three means-tested maintenance grant schemes for third level students. The higher education grants scheme operates on a statutory basis, while the vocational educational committees' scholarship scheme and the third level maintenance grants scheme for trainees operate on an administrative basis. The statutory framework for maintenance grants under the higher education grants scheme is set out in the Local Authorities (Higher Education Grants) Acts 1968 to 1992.

The report, Supporting Equity in Higher Education, published in 2003 identified the fairness of the means assessment on which student support is based as being a vitally important issue in promoting equity. It noted that the current system is widely regarded as being inequitable and, in line with earlier reports, concluded that the introduction of a capital test would remove a significant perceived inequity in the system. The report also

concluded, in this context, that the administration of the student support schemes needs to be reformed.

In accordance with the commitment in An Agreed Programme for Government, I propose to introduce a single unified scheme. I also intend to put in place a more coherent administration system to facilitate the introduction of more sophisticated means testing arrangements and ensure consistency of application and client accessibility, which are identified as necessary in the report, Supporting Equity in Higher Education.

My Department is engaged in ongoing consultations with the Department of Social and Family Affairs and the Office of the Revenue Commissioners as well as other stakeholders in relation to the streamlining of the administration of the planned single unified scheme, which I intend to establish on a statutory basis to replace existing arrangements. These discussions relate to their possible contribution to the future shape and administration of the student support schemes.

I intend to provide a new statutory basis through a new student support Bill. This Bill will have as its objective the promotion of equality of access by providing a new system for awarding grants to assist qualifying persons to attend courses of further and higher education. It will address arrangements for the future administration of the schemes including an appropriate assessment system. A key objective underpinning legislative proposals in this area will be to ensure that the grants system is fair and equitable, and that the resources are allocated accordingly to achieve the Government's objective of supporting and facilitating greater participation in further and higher education from hitherto under-represented socio-economic groups.

There are major implications in any proposals to change the administration of the maintenance grants schemes, and it is for that reason there is ongoing consultation with the key stakeholders. When these are concluded, I will be in a position to make a final determination as to the most efficient, effective and equitable arrangements for the future administration of the schemes.

**Ms O'Sullivan:** Will the Minister give an indication of the timescale as to when she expects to implement these proposals? Is it her intention to have a Department, for example the Department of Social and Family Affairs, do this work or does she intend to set up, as stated in the proposed legislation, an appropriate awarding authority, and if so, is it likely to be a separate body or a Department? Is the Minister concerned that, according to the most recent figures from 2000-01 released to my colleague Deputy Burton, twice as many students from professional, management, self-employed and farming backgrounds received grants as those from the lower socio-economic groups such as skilled manual, semi-skilled manual and unskilled manual workers? The figure is quite shocking.

Why has the Department not gathered the information in order to publish figures for 2001-02 or 2002-03? Does the Minister intend to introduce a capital or asset test as part of this proposal?

**Ms Hanafin:** The Deputy will be aware that a number of reports have been undertaken on the third level grants sector. We will spend €184.9 million this year, which represents substantial expenditure and, although we do not yet have the figures for this year, I understand that between 2003 and 2004, some 56,000 students benefited from the scheme. It is of concern that people do not have confidence in the assessment system and feel it is unfair. It is not for me to state which sectors are gaining more than others but it is true to state that people feel believe are not getting a fair share. The issue must be addressed which is why it is being examined in consultation with the Revenue Commissioners, the Department of Social and Family Affairs and others.

It is crucial that the assessment system is seen to be fair and commands public confidence, which important message is set out by the de Butléir and Supporting Equity in Higher Education reports. We must also have an amalgamation of all the schemes, which we have worked towards. After maintenance grants were made available for post-leaving certificate course students in 1999 a more aligned system was put in place with one common application form. It has also been proposed that there should be one group of agencies or one body to implement it but I am more concerned that we have a unified scheme rather than an authority to implement it. We are not yet far enough along the road to decide which should be the implementing body and I am not sure of the value of proceeding with a separate central authority in any event. However, I see the value of one body comprised of groups of people being responsible for it such as, for example, local authorities or the Irish Vocational Education Association.

There has been convergence of the schemes but there is a lack of public confidence in the assessment. We will continue to invest in the system and ensure that people can qualify for the grant or other schemes such as top-up grants, which have been of huge benefit to the 11,500 students who received them last year as a result of the movement of thresholds in recent years. It is important that no student suffers as a result of any changes in this regard. Rather, our aim will be to ensure that the system is equitable and fair.

#### Other Questions.

#### Early Childhood Education.

117. **Mr. Costello** asked the Minister for Education and Science her reaction to the OECD report, Thematic Review of Early Childhood and



[Mr. Costello.]

Care Policy, in particular the proposal to continue and improve the Early Start programme on a full-day basis for disadvantaged children.  
[26120/04]

**Ms Hanafin:** I recognise that high quality early education prior to entry into formal schooling can lead to lasting social benefits that persist throughout life, both for the individual and for society. Research also indicates that early childhood education is especially beneficial for children who are disadvantaged or who have special needs. Parents too can benefit significantly from involvement in early education through improved self-confidence and better relationships with their children.

For this reason, I welcome the OECD's report both as an assessment of the current situation and as a stimulus to debate and reflection on the future of early childhood education and care provision. I agree with the OECD's conclusion that in disadvantaged areas, early childhood services need to be intensive, multi-functional and co-ordinated across services and agencies.

Early childhood education and care is a horizontal policy issue involving several Departments and agencies. The policy implications of the recommendations arising from the OECD review are under active consideration within my own Department and by the interdepartmental high level group on child care and early education, which is chaired by the National Children's Office.

The future development of early childhood education provision for disadvantaged children, including the Early Start scheme, is being considered as part of an overall review of my Department's educational disadvantage programmes. I consider it important that strategy in this regard should be set out in an integrated context rather than being addressed as a stand-alone measure. This recommendation will be considered in the context of the review.

I want to ensure that any future actions by my Department in the area of early childhood education are based on a collaborative approach with other Departments involved in the overall early childhood care and education sector. Meeting the overall objective of providing the best possible service to the communities and children involved requires that any educational provision by my Department take account of child care measures under the remit of other Departments.

**Ms O'Sullivan:** We have ample evidence from this report, a report on the Tallaght area to which Deputy Crowe referred and many other reports, of the importance of early intervention. Does the Minister intend to consider giving a free pre-school place to all children, as suggested, and to give more intensive support to children in disadvantaged areas, in line with a further suggestion?

In that context, Deputy Enright's question about the Early Start project is significant. Has the Minister plans to extend the number of

schools that qualify under that project? That process has been static, as has that of designating schools as disadvantaged. Has the Minister plans to designate more schools as disadvantaged, given that many schools that were not designated as disadvantaged in the early stages are still not benefiting from opportunities in this regard?

**Ms Hanafin:** I do not envisage I will be in a position to offer a free pre-school place to every child in the country. I do not believe Government resources would allow that. However, I will target three special areas in this regard. The first is the area of disadvantage, which has a particular benefit, as mentioned in regard to the Tallaght approach. The second area is children with special needs. That will fit in neatly with the Disability Bill and not only the education for persons with special educational needs legislation. These are children who, when their needs have been assessed and identified, can benefit greatly from early intervention. I envisage the pre-school provision fitting in with that. The third area on which I will focus is quality. It is not sufficient simply to provide funds for providers, be they in the education sector or in the child care sector, unless we can be sure quality control measures are in place. They will be my priorities rather than simply ensuring there will be a pre-school place for every child in the country.

I have already addressed the issue of the Early Start project, which will be dealt with in the context of the review. As soon as it is finalised and comes on my desk, and not that of *The Irish Times*, I will be able to move forward on it fairly quickly. I hope programmes such as the Early Start project can be developed, although that may not be the one that will be developed. I have already addressed the question of disadvantage. There is no golden rule as to what qualifies for disadvantaged status. We need to have targeted responses in various areas.

**Ms Enright:** The Minister answered the question on the Early Start project. The programme for Government gave a commitment in respect of this area. I appreciate she was not the Minister responsible for this area at the time. Two and a half years have almost passed since a commitment was given to expand State funded early education places. Other countries have different practices in this area. In some countries children do not start school until the age of five. The Minister mentioned such provision in the context of social integration. If such a measure can help to keep children in school, surely, from that perspective, it is a good place to start rather than merely from the education perspective in terms of developing reading and writing skills. I am aware the report is not on the Minister's desk yet but can she indicate a timeframe as to when its recommendations will be implemented? The programme for Government has a limited life span and it will end in 2007. Is the Minister satisfied

the report's recommendations will be in place by then?

**Ms Hanafin:** The commitment of Government to increase the number of pre-school places still exists, but such provision will not be widespread throughout the country nor would that represent the best use of resources. My predecessor, the Minister Deputy Noel Dempsey, initiated the report currently being drafted. He did a great deal of work in the area of disadvantage and in trying to bring together the various schemes. The report is very far advanced. I aim to immediately start implementing its recommendations. I hope to have the report this month or certainly before Christmas. Some of its recommendations might be difficult for people to accept. Some of them might state that there are schemes in operation that are not having the required and desired effects. Some of the recommendations might state that a scheme should not be advanced but rather that another one should be implemented. That can be difficult for schools and communities to take on board. Therefore, we must find a balance to make sure that if we stop operating a scheme we will not leave people who need a service without it. Equally, if we can identify areas that need resources more than others, we can target them. Therefore, there is no point in asking whether I will implement the schemes that work because I will do so. However, one should not expect to come back here in a few months to ask why a scheme is being removed. If we are to accept the advances that need to be made in disadvantaged areas through targeted programmes that will enable the children to reach their potential, there may well be hard decisions to be made. I will make them on the basis of the report.

### Schools Building Projects.

118. **Aengus Ó Snodaigh** asked the Minister for Education and Science the number of proposals that exist to have canteens built in schools in view of RAPID's offer to supply ovens and other relevant facilities at locations at which such canteens will be put in place. [26152/04]

**Ms Hanafin:** My Department and the Department of Community, Rural and Gaeltacht Affairs have had discussions on providing kitchen facilities in schools with RAPID designation that have a spare room that could be converted for this purpose.

The initiative is very worthy of support and I am anxious to make some provision for such projects in the context of the 2005 building programme. Further discussion is required between Departments in the coming weeks to fully tease out all the issues involved. Once the Estimates and budgetary process are complete we will finalise a date for publication of the 2005 programme, at which time we should be able to provide further detail on the matter.

**Mr. Crowe:** The main question concerned when the canteens will be established. The Minister mentioned the 2005 building programme. If projects enter the planning process in 2005, will work proceed in 2006 or 2007? The latest report on child poverty states that 66,000 children experience basic deprivation, which means they went to school without a substantial meal on one day in the previous two weeks and did not have a meal with meat, fish or chicken every second day. One sixth of girls between ten and 11 from the lower social classes reported they never had a breakfast during the week.

A child who goes to school with no food in his or her stomach cannot concentrate. The breakfast clubs are working and the proposals to have canteens built in schools represent the next step. Is there any way of speeding up the process given that it works and is necessary?

**Ms Hanafin:** I firmly believe that breakfast clubs work. I saw them work very successfully when I was Minister of State with responsibility for children, at which time we were able to fund a number of them. They work extremely well in attracting the children to school even in my constituency. It is a sad indictment of our society that children go to school for the breakfast but at least this has the desired effect in that it nurtures the whole child and not just the child's educational needs.

Issues always arise concerning providing food and cooking facilities regardless of the location, but particularly in a school setting. Obviously, a number of issues have to be teased out, the first of which concerns health and safety, particularly if one is to provide hot food using facilities in close proximity to children. The level of funding to be provided by my Department and that of the Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív, must also be considered given that we are talking about RAPID areas. Management must be borne in mind. Will the school, teachers or parents be involved in running the clubs? I know some schools involve both the teachers and parents. What current funding issues would arise if others had to be paid to provide the service for the children?

On the schools building programme, about which the Deputy asked, school canteens are not generally included under a special subheading given that the programme deals with everything from asbestos to halls. Some schools include what is called a servery, wherein crockery, cutlery, a hot water boiler and maybe some food can be stored. In post-primary schools a fridge and cooker would also be included.

Recently, canteens have been included, particularly in the PPP schools in Dunmanway, Ballincollig, Tubbercurry, Shannon and Clones. I see value in the proposals to build canteens but a number of issues must be considered first.

### State Examinations.

119. **Mr. Sherlock** asked the Minister for Edu-

[Mr. Sherlock.]

cation and Science the number of leaving certificate students who appealed their examination results in 2004; the results of those appeals; if she has satisfied herself with the appeals process in terms of speed and efficiency; and if she will make a statement on the matter. [26123/04]

**Ms Hanafin:** Operational responsibility for the State examinations is a matter for the State Examinations Commission. I have been advised by the commission that of almost 380,000 grades overall in the leaving certificate, appeals were made in respect of 10,305, or 2.7% of grades. Of these, 2,082 candidates were upgraded and seven were downgraded. These results are consistent with the trends in previous years.

I am satisfied the appeals process operates with speed and efficiency. Since 1998, all candidates in the leaving certificate examination have been afforded an opportunity to view their own marked scripts to satisfy themselves that the marking scheme has been applied correctly.

Ireland is one of the first countries to introduce this measure in the national examination system, placing the system at the international forefront in terms of openness and transparency. Of the 250,000 marking scripts returned for viewing in 2004, there were appeals in respect of 10,305, which is 4%. The dates for viewing scripts were 3 and 4 September and the deadline for appeals was 8 September. The results of the appeals were posted to arrive in schools on 12 October 2004, which allowed a very short time scale for the appeals process to operate. I am satisfied the task was processed as quickly as possible.

**Ms O'Sullivan:** It is an advantage that students can now look at their papers. Following 10,000 appeals, 2,000 papers were upgraded, which appears a high number. Is the Minister concerned that the figure suggests many other children may not have received the marks they should have in particular subjects?

**Ms Hanafin:** While the numbers upgraded might appear large in relation to the number of appeals, the number of upgrades granted were small in the context of the number of students who sat examinations. When taken in the context of previous years, it indicates that when students look at their papers in the company of the teacher, they can see for themselves exactly where a mistake might have been made. They would appeal only on the basis that they had not been given the grade they deserved. Most of the appeals are at higher level. It is also significant that if an irregularity comes to light indicating a number of students whose grade should have been higher, even if the students did not appeal their grade, they will benefit from the upgrade, which happened in the case of 16 students. This process does not discriminate against students who did not appeal because they will benefit from the upgrade.

**Ms O'Sullivan:** Is this due to an irregularity when adding up the marks?

**Ms Hanafin:** It is due to a complete remarking of the paper. An appeal results in a full remarking of the paper, not a recheck of the marks. An examiner does this and then passes the matter on to an appeals adviser if the paper is to be upgraded. The chief examiner then signs it. It is quite a structured process.

**Mr. McGinley:** I congratulate the Minister on her appointment. Déanaim comhgairdeas léi. My question is directly related to the subject matter of the question. Has she considered students who for one reason or another, perhaps a serious illness or family bereavement, do not have an opportunity to sit a particular examination in one of the main subjects and who must postpone decisions for a year until they sit the examination the following year? Has the Minister considered allowing such students to sit the examination in July, August or September—

**An Leas-Cheann Comhairle:** The Deputy is widening the scope of the question.

**Mr. McGinley:** —so they can avail of whatever opportunity arises in that academic year? Having been a secondary teacher, I am sure the Minister will be aware of the distress this causes.

**An Leas-Cheann Comhairle:** It is a separate matter to the subject matter in the question.

**Mr. McGinley:** It is an important question.

**An Leas-Cheann Comhairle:** It is very important, therefore, it probably deserves a separate question.

**Mr. McGinley:** The Minister has indicated that she wants to reply.

**An Leas-Cheann Comhairle:** If she agrees to do so.

**Ms Hanafin:** When I was a secondary school teacher in Sion Hill, I considered all these issues. As Minister for Education and Science I have not yet had time to consider them.

**Ms Enright:** What is the proportion of papers automatically rechecked by the second examiner who is working on a tight timeframe? Does she consider that students' worries could be alleviated if another examiner automatically rechecked a greater percentage of papers?

**Ms Hanafin:** I am not sure whether the Deputy is referring to the initial correcting stage.

**Ms Enright:** The initial stage.

**Ms Hanafin:** I do not have the figures. At the appeals stage, 20% of an examiner's work goes

on to the appeals examiner. I will check the figures for the Deputy.

### **Educational Disadvantage.**

120. **Dr. Upton** asked the Minister for Education and Science her proposals in the immediate term to address educational disadvantage, particularly on foot of a recent report from her Department which finds that 30% of children in disadvantaged schools have severe literacy problems; and if she will make a statement on the matter. [26104/04]

**Ms Hanafin:** The latest partnership agreement, Sustaining Progress, contains a special initiative on tackling educational disadvantage — literacy, numeracy and early school leavers. This special initiative recognises the importance of literacy and numeracy skills as prerequisites for learning and for social well-being and economic participation. As part of the initiative, the Government is committed to paying critical attention to literacy and numeracy both in school and for adults of all ages.

My Department has a range of measures in place to prevent and ameliorate literacy difficulties at primary and second level. More than 1,500 teachers provide learning support to all primary schools by giving intensive support to children with literacy difficulties. At second level, more than 530 learning support teachers are employed. In addition, the junior certificate school programme literacy strategy promotes a whole school approach to literacy development at junior cycle in second level. Continuing assistance is being given to disadvantaged primary schools in implementing my Department's learning support guidelines, including adoption of a whole school approach to supporting children with literacy difficulties, and development and implementation of a literacy plan by each school.

My Department provides additional supports for schools serving disadvantaged communities. These supports include the reading recovery programme in primary schools, reduced class sizes, home school liaison schemes and additional grants, all of which assist in improving literacy levels. The reading recovery programme first piloted in the Louth, Monaghan and Cavan area has been extended to a number of schools in the Dublin area. There are currently 66 primary schools participating in

the programme. My Department has recently recruited three teachers to train as reading recovery tutors, increasing the total number of tutors to five. Following completion of training, these new tutors will train teachers and facilitate the extension of the reading recovery programme for the first time to disadvantaged schools in Cork and Limerick. The first steps programme offers primary teachers an accurate means of assessing and monitoring children's competencies and progress in reading, writing, spelling and oral language. Training of teachers in selected disadvantaged schools in first steps is ongoing.

In addition, baseline data on literacy attainment levels is being strengthened through work by the Educational Research Centre and the OECD Programme for International Student Assessment. Early interventions, such as those I outlined, are crucial in addressing literacy problems among children and have a lasting impact on tackling educational disadvantage and social exclusion.

**Ms O'Sullivan:** The Minister referred to a number of schemes and we spoke earlier about the number of schemes in place. What qualitative information is available in the Department as to what does or does not work and what works well?

The fact that 30% of children in disadvantaged schools have literacy problems is startling. It relates directly to the children with learning needs Bill and the Minister's announcement last week that she would review the weighted system.

**Ms Hanafin:** Which the Deputy welcomes.

**Ms O'Sullivan:** Which I welcome. A study in Leitrim and Dundalk indicated that one cannot just have a quota system because there are widespread differences in terms of the numbers of children with special needs in particular schools, therefore, one needs a school-based focus. How will the review of the weighted system be carried out? Will it take into account the differences involved and the fact that one cannot take a broad brush approach and decide that, just because a school is a particular size, it needs a particular number of teachers, particularly in view of the problems in disadvantaged areas where there can be a high level of needs? Is this contributing to the high levels of illiteracy?

**Ms Hanafin:** In May 2003, the Education Research Centre carried out a survey of reading and literacy levels in first, third and sixth classes in 94 primary schools. These results are currently being evaluated. The benefit of the survey is that we will have baseline data of reading and literacy levels among that age group. The initial reports appear to be quite stark, particularly in regard to disadvantaged areas, which brings us back to the previous discussions on targeted responses and targeted programmes which work. The baseline data is something on which we can work.

The PISA report dealt with maths, literacy and science levels among 15 year old second level students. As the Deputy acknowledged correctly, each of the various schemes are valuable. Anything that targets young people on a one to one basis by getting them to read and write is very valuable. Identifying the programmes that work is part of the overall strategy. It is valuable that resource teachers should be in a school in advance of a child's admission as it ensures an immediate response and that the needs of children with mild learning difficulties conducive to speedy intervention can be addressed quickly. I have spoken with the INTO and will be working

[Ms Hanafin.]

with the various partners to come up with a scheme which ensures a targeted response and that schools in disadvantaged areas, particularly small, rural schools, will not lose out on a service which they already enjoy. More particularly, it will ensure that those children whose identifiable needs are being addressed will not lose out by virtue of the weighted system.

**Ms Enright:** Perhaps the Minister of State, Miss de Valera, who has expertise in this area, can clarify a point. Is there any intention to expand the adult literacy service? This service has improved significantly in recent years but illiteracy cannot be tackled at primary level and in disadvantaged areas unless we also tackle the issue of family literacy.

**Ms Hanafin:** My colleague, the Minister of State, Miss de Valera, who has done Trojan work in this area, advises me that there has been a 19-fold increase in funding for adult literacy since 1997. This is a target of value in itself but also in the context of the Sustaining Programme agreement, one of the targets of which was to encourage adults to take the plunge. The most difficult decision to make with regard to adult literacy is the initial decision to do something about it. The services and the system are in place to assist people and we should all encourage their use.

#### Clár Tógála le haghaidh Scoileanna.

121. **D'fhiafraigh Mr. McGinley** den Aire Oideachais agus Eolaíochta an bhfuil iarratas ina Roinn do halla spóirt do Phobalscoil Ghaoth Dobhair i nDún na nGall; cén chéim ag a bhfuil sé faoi láthair agus an ndéanfaidh sí ráiteas ina thaobh. [25983/04]

**Ms Hanafin:** Tá mo Roinn sásta soláthar halla spóirt a mhaoiniú do Phobalscoil Ghaoth Dobhair. Tá foireann deartha ceaptha chun an tionscadal a dhearadh agus a chur i gcrích. Tá an tionscadal liostaithe i mír 9 den chlár tógála le haghaidh scoileanna do 2004, agus tá céim 2 den phleanáil ailtireachta sroichte faoin am seo. Fuarthas an scéim sceitse fhorbartha ón bhfoireann deartha agus glacadh léi.

Thug mo Roinnse ratú banda 4 don tionscadal de réir chritéir na Roinne a foilsíodh maidir le tosaíocht a thabhairt do mhórhionscadail. Rinneadh a leithéid a athbhreithniú níos luaithe sa bhliain tar éis dul i gcomhairle leis na páirtithe oideachais.

Tá an dul chun cinn i gcás an halla corpoideachais do Phobalscoil Ghaoth Dobhair, mar aon le comhthionscadail eile, á scrúdú faoi láthair i gcomhthéacs an chlár ilbhliantúil ón bhliain 2005 ar aghaidh. Tá sé i gceist agam eolas breise a sholáthar ar an gclár ilbhliantúil tráth na Meastachán agus i ndiaidh phróiseas an bhuiséid.

**Mr. McGinley:** Ba mhaith liom buíochas a ghabháil leis an Aire as an fhreagra a thug sí

domh. An bhfuil a fhios ag an Aire go bhfuil Pobalscoil Ghaoth Dobhair bunaithe le 25 bliain? Is scoil í a dhéanann gach ábhar ó A go Z trí mheán na Gaeilge. Is rud eisceachtúil é sin na laetha seo. Is í Pobalscoil Ghaoth Dobhair an t-aon scoil i nDún na nGall nach bhfuil halla spóirt aici. Tá thart ar 300 dalta ag freastal uirthi, agus tá deacrachtaí uafásacha acu i láthair na huair. Tá míshásamh mór ar an bhord bainistíochta, ar an fhoireann teagaisc, agus ar na tuismitheoirí go bhfuil 25 bliain imithe agus gur beag an dul chun cinn atá déanta.

Luaigh an tAire go bhfuil muid ag mír 2. Is é an t-eolas atá agamsa ná go bhfuil muid ag mír 2 le tamall fada agus nach bhfuil aon dul chun cinn déanta le bliain. Thóg mé é seo sa Dáil ar an Athló leis an Aire Stáit, an Teachta de Valera, agus ba é a seanathair féin a d'oscail Ardscoil Mhuire a bhí ann roimh Phobalscoil Ghaoth Dobhair. Dúirt an tAire Stáit go dtabharfadh sí aird speisialta air sin, agus tá mé cinnte go bhfuil an-mheas ag an Aire ar Éamon de Valera, mar atá ag gach duine thall ansin — agus roinnt daoine ar an taobh seo chomh maith. Mar sin de, ba mhaith liom go mbeimis ábalta dóchas éigin a thabhairt do dhaoine dá dtarlódh rud éigin gan mhoill. Tá botúin ann ansin, agus beidh na daltaí le tabhairt go dtí ionad pobail agus mar sin de. Níl aon halla spóirt ansin. Ní amháin go mbeadh sé mar halla spóirt ag an phobalscoil; bheadh sé mar halla agus ionad pobail don pharóiste Gaeltachta ar fad. Ba mhaith liom go mbeadh an tAire ábalta a rá go dtabharfadh sí tosaíocht, nó priority, don t-aon phobalscoil i nDún na nGall, don t-aon scoil chuimsitheach i nDún na nGall agus don t-aon mheánscoil ar chóimhéid i nDún na nGall agus sa Ghaeltacht nach bhfuil halla spóirt aici.

Tá an aimsir go hól anseo i mBaile Átha Cliath, agus tá muid ag súil le stoirm. Dá mbeimis thuas san áit a bhfuil Pobalscoil Ghaoth Dobhair suite, bheadh an stoirm i bhfad níos measa. Tá mé ag iarraidh ar an Aire cuidiú agus gníomhú in ionad é a chur ar an mhéar fhada.

**Ms Hanafin:** Nuair a bhíonn Teachtaí sa Teach seo ag lorg foirgnimh nua, déanann siad gach aon rud chun an foirgneamh sin a fháil, agus tá an Teachta tar éis ainm Éamon de Valera agus gach duine eile a lua díreach chun foirgneamh a fháil. Molaim é as é sin a dhéanamh. Nuair a bheidh an halla aici, beidh áis den scoth i nGaoth Dobhair, agus aithníonn an Teachta é sin — ní amháin an halla a bheidh ann ach seomraí gléasta agus áis don pharóiste. Tá muid ag féachaint faoi láthair ar an sceideal mar atá sé, agus, dár ndóigh, beidh mé ag súil níos mó airgid a fháil le caitheamh ar hallaí mar seo. Aithním an tábhacht a bhaineann le spóirt, le hallaí spóirt i scoileanna, agus leis an Ghaeltacht, ach ní féidir liom a rá go díreach inniu conas a bheidh an halla seo. Dár ndóigh, beidh mé ag féachaint air, agus b'fhéidir go mbeimis in ann cuairt a thabhairt ar an scoil chun feiscint.

**Mr McGinley:** Beidh céad míle fáilte roimh an Aire cuairt a thabhairt ar an scoil aon uair. Tá an bord bainistíochta ag iarraidh go mbuailfeadh an tAire le toscaireacht. An bhfuil sí sásta é sin a dhéanamh am éigin gan mhoill?

**Ms Hanafin:** An chéad uair dá mbeidh mé i nGaoth Dobhair, beidh mé sásta bualadh leo.

**Mr. McGinley:** Cén uair?

**Ms Hanafin:** Chomh luath agus is féidir.

### State Examinations.

122. **Mr. Gilmore** asked the Minister for Education and Science if she is concerned by the high failure rate in maths at junior certificate, which mirrors that at leaving certificate, in the results for 2004; if she is considering a response to this issue; and if she will make a statement on the matter. [26117/04]

127. **Ms Shortall** asked the Minister for Education and Science her views on the leaving certificate examination results in 2004; her further views on the high failure rates in the maths and science subjects; if she has proposals to deal with this phenomenon; and if she will make a statement on the matter. [26122/04]

**Ms Hanafin:** I propose to take Questions Nos. 122 and 127 together.

I am broadly satisfied the leaving certificate results obtained in most subjects this year followed a generally similar pattern to those of previous years. The results patterns and variations will be the subject of further comment in the 2004 annual report of the State Examinations Commission. In addition, the SEC will publish chief examiners' reports in selected leaving certificate subjects.

The leaving certificate maths exams at ordinary and higher level have both seen improvements this year in the proportion of students scoring at grade A, while the ordinary level failure rate is the same as in 2003. The failure rate at higher level is marginally higher than in 2003. In leaving certificate physics at higher level, a greater proportion of students scored at grade A this year, combined with a reduction in the proportions scoring at grades E, F and NG. In chemistry at higher level, there was an increase in the proportion scoring at grades E, F and NG from 5.8% in 2003 to 7.9% in 2004. In junior certificate mathematics at higher level, the A rate is slightly down, and the E, F and NG rate is 6.4% compared with 3.6% in 2003. Overall, these variations are modest and are broadly consistent with the patterns in previous years.

The National Council for Curriculum and Assessment carried out the first phase of a review of mathematics in October 2002. Its initial advice recommended that while no changes should be made in the leaving certificate mathematics syllabus, the revisions already made in the junior certificate syllabus would have a knock-on effect for

leaving certificate. My Department issued a detailed circular to schools in May 2004 advising teachers of the implications. The NCCA is currently preparing a discussion paper on maths education in general which will look, for example, at the appropriateness of levels, entry requirements for third level, basic numeracy and the notion of embedded maths skills.

With regard to science, revised syllabi have been introduced in leaving certificate biology, physics and chemistry and a revised syllabus was introduced on an optional basis in junior certificate science in the academic year 2003-04 for first examination in 2006. This provides for a more investigative approach to science education with some 30 experiments and investigations which must be carried out over the period of the programme. This hands-on approach is seen as critically important to enhance the attractiveness of the subject and encourage more students to choose the physical sciences at senior cycle.

All these developments are or have been supported by national in-service programmes for teachers. In addition, some €10.2 million has been issued to schools in 2004 to provide resource grants to support the implementation of the revised junior certificate science syllabus.

**Ms O'Sullivan:** I thank the Minister for her detailed answer. She does not seem too concerned at the exam results. What are her views on the comment by IBEC that the maths and science results in the leaving certificate represent a hammer blow? The fact that more than 7% of students failed ordinary level maths in the junior certificate examination indicates that some students are slipping through the net at that basic level. I welcome the action that is being taken in this regard.

There was a problem with regard to the introduction of the new science syllabus because of lack of resources. Will the Minister comment on whether all schools now have the necessary resources for the teaching of science?

**Ms Hanafin:** Contrary to what Deputy O'Sullivan said, I hate to see any student failing a subject, particularly as a teacher. One of the problems with regard to maths is that there are three levels, foundation, ordinary and higher, and some students choose the wrong level. Fewer students than expected chose foundation level this year and this had an effect on the failure rate at ordinary level. Perhaps teachers, parents and students should focus on discovering the level appropriate to the needs of the child. It is better to get a pass at foundation level than to fail at ordinary level. The NCCA is also examining this issue in its current review. It is unfortunate when people fail maths because this can go against them for various courses afterwards.

With regard to science, I am worried not only by the increase in the failure rate in chemistry but by the low number of students taking chemistry. There was a time when more students did chemis-

[Ms Hanafin.]  
try than physics, but that seems to have reversed. The task force on science is being implemented and significant progress has been made across a range of recommendations. The numbers taking science have serious implications, not alone with regard to educational value but also for the economy, particularly with regard to inward investment of major medical and pharmaceutical companies.

Significant extra resources have been provided for the revised programmes. It is also encouraging to see science become part of the primary school curriculum and to see the developments and initiatives in that area. Money has been provided at junior cycle level of second level schools for equipment. Recently some €12 million was provided in this regard. Priority has also been given to the equipping of laboratories in order that they can meet the requirements for experiments set under the curriculum. This is an issue that continues to need further support and investigation.

### Schools Building Projects.

123. **Mr. Timmins** asked the Minister for Education and Science the situation with respect to development proposals for two primary schools (details supplied) in County Wicklow; and if she will make a statement on the matter. [26043/04]

**Ms Hanafin:** The school planning section of my Department has been engaged in an assessment of primary education provision in Blessington. This was necessary to ensure that this rapidly developing town can continue to meet emerging demands.

On foot of the Department's analysis it is proposed to reconfigure Scoil Mhuire into a 16-classroom junior school. It will remain at its current location. Senior primary classes will be catered for through the provision of a brand new 16-classroom school. The new school will be called St. Mary's senior school and will be located on a greenfield site that my Department acquired recently. Both schools will be co-educational.

The needs of the Blessington No. 1 school have also been examined. A new school on a greenfield site has been determined as the optimum strategy to position this school to meet its needs going forward. Efforts to acquire a site for the new school are ongoing.

I am aware that a developer has submitted proposals to the management authorities of both Blessington No. 1 school and St. Mary's senior school concerning the delivery of the two schools. These proposals are currently being examined by officials in the school planning section of the Department. As soon as decisions are taken regarding these proposals, my officials will be in direct contact with all relevant parties.

**Mr. Timmins:** I thank the Minister for her reply. Will she confirm when the decision will be made on the offer made by the developer willing to build the schools? Do I understand correctly

that if that offer is not accepted, the Department will give sanction to the 16-classroom school for St. Mary's but not the No. 1 school? If memory serves me correctly, sanction was granted for that 16-classroom school approximately two years ago.

**Ms Hanafin:** We encourage all sorts of innovative thinking on the delivery of schools, particularly in fast growing areas like Blessington. However, the Deputy is aware that it is my responsibility to comply with all public procurement procedures. We must ensure that any proposals put forward do not offend these procedures, that there is good value for money and that we can stand over any decisions made. I know the Deputy will accept that these matters are commercially sensitive. However, we are committed to ensuring we meet the needs of the children in the Blessington area.

### 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 Healy — the urgent need to commence the Clonmel flood alleviation scheme as announced by Minister of State at the Department of Finance, Deputy Parlon, earlier this year; (2) Deputy Gregory — the crisis in the accident and emergency department in the Mater Hospital, Dublin 7; (3) Deputies Pat Breen and James Breen — the need to ask the Minister why a CAT scanner has not been installed at Ennis General Hospital when the funding has been provided for same; (4) Deputy O'Dowd — the need to discuss issues arising with regard to electronic voting and recent public announcements on possible alterations to technology purchased by the State for this purpose; (5) Deputy Costello — the need for the Minister to provide paid legal representation for a family (details supplied) at the Morris tribunal; (6) Deputy Crawford — the need to ask the Minister the steps she is prepared to take to deal with the serious and unacceptable situation with the Cavan-Monaghan hospital group; (7) Deputy Connaughton — the matter of the slow progress of the amalgamation of St. Jarlath's College and St. Patrick's College, Tuam, County Galway, to seek direction where both colleges stand in so far as necessary expensive structural and maintenance matters that need immediate attention and to ascertain when the Minister will give the go ahead to this project; (8) Deputy Howlin — the policy of the Government and the Minister for Justice, Equality and Law Reform in deporting families with Irish born children who have established long-term residence and deep ties in Ireland; (9) Deputy Perry — the need to call on the Minister to clarify the illegal charge of over 8,000 persons over the age of 70 in respect of charges for long-term care in community and/or district hospitals, community nursing units and

also those private nursing homes where the State contracts beds for the provision of long-term care; what immediate and decisive action will the Minister take to initiate a thorough inquiry as to how her Department allowed this unacceptable situation to arise and continue for over three years; and if hundreds of millions have to be repaid, will extra resources be made available by Government or will these costs have to be found from within already stretched budgets of health boards and hospitals thereby penalising older persons further; (10) Deputy Eamon Ryan — the need for the Minister to outline what is the maximum level of central Government funding that could be made available for the rebuilding of a swimming pool (details supplied) which closed on 15 July last; (11) Deputy Upton — the need for the Minister to provide a voucher system to allow public clients of the health service obtain speech therapy, occupational therapy and physiotherapy services; (12) Deputy Burton — the need for the Minister to make a statement on the future of the digital hub and on whether the Government continues to support the project, and whether or not the Government is willing to supply additional capital funding to the project, and to state the total capital committed to, and expended on, the project to date; (13) Deputy Kirk — that the Minister give serious and immediate consideration to the report on the Seamus Ludlow case and that he advise the House on his subsequent intentions on the matter; and (14) Deputy Boyle — the need for the Minister to make a statement regarding the leaking of a decision by the Environment Protection Agency on the granting of a draft waste licence for a toxic waste incinerator at Ringaskiddy, County Cork; the need to account for the undermining of public confidence in how decisions of this type are made and are communicated and to justify the representativeness of the directors of the Environmental Protection Agency given that the most recent appointments as directors include a recent employee of a company that is being given this draft waste licence.

The matters raised by Deputies Kirk, Healy, Howlin and Connaughton have been selected for discussion.

### Leaders' Questions.

**Mr. Kenny:** Research carried out by my colleague, Deputy Perry, has revealed that thousands of elderly patients in public nursing homes have been illegally charged by this Government since 2001. The situation is that prior to 2001, health boards were legally entitled to seek a contribution from medical card holders in long-term care. In other words, their full eligibility to free inpatient services was reduced and the health board could legally seek a contribution from them. However, for anybody of 70 years or over, the Health (Miscellaneous Provisions) Act 2001 confers full eligibility to free inpatient services.

That Act does not allow for eligibility to be diminished or for charges to be levied.

Arising from this information, published today, does the Taoiseach accept that all persons aged 70 years or over in public nursing homes have been illegally charged since 2001? Will he quantify the number of persons affected and the amount of money they have paid over the past three years? For how long have the Department of Health and Children, and successive Ministers, been aware of this illegal charging? Will the Taoiseach arrange that those patients who have been overcharged will be reimbursed from the central Exchequer, rather than from the already seriously overstressed health budget?

**The Taoiseach:** I will make three points on this issue. The health strategy points out that it is fair that all those in receipt of publicly funded residential long-term care should make some contribution towards accommodation and daily living costs if they can afford to do so, just as they would if they were living in the community. The current position reflects this. For people availing of public long-stay care, charges can be made under two sets of regulations with regard to inpatient services and institutional assistance, where the patient receives shelter and maintenance rather than treatment. Shelter and maintenance is the term used in the regulation. In deciding the amount to be contributed, health boards have regard to the person's individual circumstances. Charges may be waived if, in the opinion of the CEO of the health board, payment would cause undue hardship. Under the Health (Nursing Homes) Act 1990, health boards may pay a subvention to assist a person in meeting the costs of private nursing care. The Department of Health and Children has established a working group to review the operation and administration of the nursing home subvention legislation.

My second point relates to what has been stated by Deputies Kenny, Perry and others and arises from what the Ombudsman said in his final report of 2003. In his view, once people over the age of 70 were given a medical card they were also entitled to nursing home care. In line with the health strategy, the Department of Health and Children is committed to the preparation of new legislation to update and clarify the whole legal framework for eligibility and entitlement in the health services. That arose out of the Ombudsman's report of last year.

The third point is regarding legality and the issues which arise from that, which Deputy Kenny has raised. The Department is in consultation with the Attorney General on that matter and these issues will be addressed in light of the advice given by the Attorney General.

**Mr. Kenny:** I bring the Taoiseach back to the central point. I did not raise the issue of the principle of payment of a contribution by pensioners in public nursing homes. I raised the question of whether or not, arising from the Act introduced



[Mr. Kenny.]  
 in 2001, this payment is now illegal. It is an illegal payment. The Government, therefore, cannot operate to a different set of rules. When AIB overcharged, the bank was obliged to pay back its customers. There are a number of precedents for repayments in the drugs repayment scheme and the scheme for nursing home payments to families. Does the Taoiseach accept that the phraseology used in the 2001 Act, over which his Government has presided, means that pensioners over the age of 70, to whom medical cards were issued, have been making illegal payments? Between 8,000 and 12,000 such people could be involved and the amount of money involved could be of the order of €100 million.

Does the Taoiseach accept the payment is illegal? If he does, will he make arrangements for the money to be repaid? On 1 June last the Taoiseach said that customers of AIB must be recompensed in respect of payments. Does he accept that these payments are illegal, will he make arrangements for compensation to be paid to the patients and will he report to the Dáil on his analysis and decision in the matter?

**The Taoiseach:** Deputy Kenny wishes me to deal with the kernel of the issue, and I will do so. That determination will be clear and will be reported to the House by the Minister for Health and Children when the Attorney General gives his advice. That is a legal point which must be clarified and when the clarification is given it will be reported to the House.

In line with the health strategy, since the Ombudsman's report of last year the Department of Health and Children is committed to new legislation to update and clarify the whole legal framework and eligibility for entitlements in the health services.

When I saw the reports of the last few days I asked when we are likely to receive the Attorney General's advice. I have not yet received an answer to that question but we will try to get it as soon as possible.

**Mr. Rabbitte:** I am sure the Taoiseach's attention has been drawn to the figures released to my colleague, Deputy Burton, in respect of the liability of different categories of taxpayers. They show that 242 persons with incomes between €100,000 and €1 million per year pay no tax at all and that 41 people with incomes in excess of €500,000 per year pay no tax. Is the Taoiseach satisfied that people on the national minimum wage are subject to taxation and are taxed while the super wealthy who earn in excess of €500,000 per year can arrange their affairs so that they are liable for no tax at all?

Does the Taoiseach agree that the response of the tax advice industry is not very compelling? They ask why we should bother when all these schemes will finish in 2006. The Taoiseach will know that we have had announcements like that down the years but that the schemes have never

finished. For example, Deputy McCreevy, when presenting the 2003 budget, said, "A series of tax incentives, many of them involving capital allowances have been extended in the past for a number of years and several are due to expire on 31 December 2004". He went on to say what they were and then he said, "All of these schemes, without exception, are to end on 31 December 2004". He came in the following year with his budget for 2004 and extended them to 31 July 2006.

Does the Taoiseach think the existence of these schemes is justified in all circumstances? Does he intend to extend them again? Does he think it fair, irrespective of the merit of the schemes, that an individual in such a super earning bracket should be capable of reducing his or her tax to zero? Does he think an effective minimum rate of tax, as was proposed yesterday by Deputy Burton, would be fair in a society where persons on the national minimum wage must pay some tax while super high rollers can organise their affairs so that they have, legitimately, no tax liability?

**The Taoiseach:** I have seen the figures. I saw the contents of Deputy Cowen's reply which said that of 10,828 PAYE income earners of €100,000 or more per annum, 10,741 were liable for tax at a rate of 42%, 40 were liable at a rate of 20% and 47 had a nil net income tax liability. Of 9,240 self-employed people with incomes of more than €100,000, 8,936 were liable for tax at a rate of 42%, 109 were liable at a rate of 20% and 195 had a nil net income tax liability.

My answer to Deputy Rabbitte's question as to whether I think it fair that people play the system to that extent is that I do not. Tax incentives and reliefs are not tax loopholes or avoidance mechanisms in the strict sense. They are introduced by successive Governments to stimulate investment. All Governments have generally introduced or continued various tax reliefs with the aim of stimulating investment and helping employment, particularly in designated regions. From that point of view they serve a useful purpose. They are not intended to be used so cleverly that people pay no tax.

What is the best way of dealing with such avoidance? Deputy Rabbitte and I have read reports of the Revenue Commissioners which state that when there is a minimum tax rate the tax compliance industry will play to that figure and one will find more people at it. I am not in the business so I do not know, but that is what they continually say. It is my view that it is better to take the alternative approach and to limit the tax schemes, shelters and allowances which allow the present position.

There are several reasons why some persons have a nil liability. Tax relief for pension contributions is quite legal. Losses due to capital allowances and business investment is the main reason for tax relief. I have not seen a survey of the people referred to in the Minister's reply but I

would bet my bottom dollar that their reliefs arise from capital allowances. That has been the case since the first of these allowances were introduced in 1978. There are also tax breaks such as the business expansion scheme, film and urban renewal reliefs. Such schemes play a big part in stimulating the economy. Still, if people on €100,000 can have a nil liability, I do not believe that is the aim.

The former and current Ministers for Finance have referred to changing or eliminating perhaps not all but as many of these allowances as possible. The Revenue has shown in some of its own figures that the most attractive tax relief measure is the one concerning film production. We remember the furore and lobbying last year about the film production tax relief. Everybody in the country became a supporter of that measure for three weeks before the budget.

**Mr. Rabbitte:** It is not that somebody earning €100,000 can have a zero tax liability but that somebody on €1 million can. If the Taoiseach agrees with me that it is inequitable, will he take the opportunity in the budget and the finance Bill to do something about it? In answer to a parliamentary question, the former Minister for Finance, Deputy McCreevy, was unable to say what 30 of those schemes would cost the taxpayer. Therefore, we do not know what tax is being forgone or the cost to the taxpayer. He said he could not tell us.

At the same time, however, in response to another parliamentary question tabled by my colleague, Deputy Lynch, it transpired that a pensioner who managed to squirrel together the wherewithal to open a special savings investment account, SSIA, is now being advised by the new Minister for Social and Family Affairs that it will be taken into account for means assessment purposes. Pensioners who worked all their lives on relatively modest salaries and who open SSIA's, which is Government policy, will now find those accounts being taken into account for the purpose of assessing means. On the other hand, somebody earning €1 million can arrange their affairs so that they pay no tax.

I agree with the Taoiseach. I do not say that all the schemes are wrong in all respects. The point I ask the Taoiseach to address is that nobody who invests in or avails of these schemes ought to escape with a zero tax contribution to the Exchequer. Has the Taoiseach a view on the minimum effective tax rate question?

**The Taoiseach:** Deputy Rabbitte has asked me what will happen concerning this question. The 2003 budget announced the termination of various property investment reliefs which are now being strictly adhered to. The termination date was extended in the Finance Act to provide for an ordinary wind-down of existing schemes to which people were tied contractually, or where

they had planning difficulties, and in all the other cases that have been made.

The top 400 earners study carried out by the Revenue Commissioners in 2002, which are the only figures we have, indicates that there was an increasingly effective tax rate of high earners compared with the last year Revenue examined, which was the 1999-2000 period. I am informed that trend has continued. That is because as reliefs, shelters and allowances are being closing off, they cannot be used. It is clear that some high earners continue to achieve substantial reductions in their tax liabilities as a result of these reliefs. As I have already said, the most generous one, which involves the least risk, is the film relief that, rightly or wrongly, we included last year.

The Revenue Commissioners' study indicated that property-based capital allowances continued to be the chief instrument used by high income earners. That has been the case for many years. Most of these allowances will die out at the end of 2006. The issue is being examined by the tax strategy group and will also be examined in the context both of the budget and the finance Bill.

**Mr. J. Higgins:** An Post employs up to 8,000 workers and is a crucial service reaching every corner of this State. Not only is it crucial for business, it also involves the delivery of millions of items of personal mail, as will be demonstrated in the forthcoming Christmas season. In addition, by common consent, An Post has other crucial dimensions involving both the postal service and a social service in many regional towns, villages and remote parts of the country. The importance of this service is underlined by the fact that when these services are threatened, public representatives, including many Government Deputies, raise a ferocious clamour. Happily, in the past, they have had some success in preserving these services. The problem is, however, that the Government will not fund this crucial service.

In 2002, the Flynn report spoke of considerable financial pressures if the proper level of investment was not forthcoming for the postal service, yet An Post was awarded a paltry €12 million to facilitate some post offices transferring services to an agency basis. One of the worst aspects is that An Post's staff and pensioners are now being called upon to subsidise the service in which the Government will not invest. They have not received increases under Sustaining Progress, including workers earning less than €18,000 per annum and SDS workers who face 274 job losses following a unilateral decision.

It has been revealed in the House today that the Government allows millionaires get away without paying a penny of tax. Since 2001, the Government has robbed the elderly in their nursing home beds, yet now the Taoiseach wants to leave low-paid workers in An Post to pay for the crucial services it provides. All in all, the Taoiseach looks like a neo-liberal embodiment of that harsh warlord in the Christian gospel whose motto was, "To those who have, more will be

[Mr. J. Higgins.] given and from those who have little, even that will be taken away". I am not posing an industrial relations question to the Taoiseach. I am asking him about his overall investment policy for An Post.

**Mr. F. McGrath:** Hear, hear.

**The Taoiseach:** A few years ago, the Flynn report listed several recommendations that are being implemented. If I recall correctly, they were also paid for in terms of staff remuneration and allowances so that the report's recommendations could be undertaken. Over the years, we have taken significant steps to modernise the postal service, including updating its technological automation.

Over the past 18 months, talks have continued between An Post management and trade unions to agree on the full implementation of the Flynn report. I acknowledge that An Post's staff did not receive the payments that were given to everybody else. They did not receive the benchmarking awards as the talks went on because of the company's financial position.

The changes concerning post offices, which involved moving uneconomic entities onto an agency basis, have continued. These discussions are continuing. We all want to see the postal network being maintained but it must be done on an efficient and modern basis. That was the subject of the Flynn report's recommendations, whose implementation is a matter for the management and workers to resolve by agreement.

**Mr. J. Higgins:** Is An Post and its workers now to be treated in the same way as Aer Lingus which is another publicly-owned company that was milked for advantage when it suited the State and successive Governments and then starved of investment at the same time, with workers obliged to carry the burden through sackings and a deteriorating service and the tax-paying public to suffer the effects of cutbacks? What are the principles under which the Government approaches the postal service? Does the Taoiseach agree there is an important social element in An Post's service and that, therefore, it is not simply a question of the profitability of every single unit or area? If he accepts that, how does he propose to fund it and invest in the service? Does the Taoiseach therefore agree with me that it is scandalous that the workers and pensioners have had to carry the can up to now rather than the Government making necessary fiscal decisions to invest in this crucial service?

**The Taoiseach:** The answer to the first question is "Yes". If it was not so and that the Government did not see it as a good social service, we would not have continued over the years against considerable competition and opposition, including challenges in Europe over giving An Post large amounts of the social welfare business and any

other business we could find, to keep the social element of it and to try to get some kind of economic viability into the service.

I believe the Deputy will acknowledge, as I do, that it is not the fault of An Post workers but that technology has changed the situation for them. They have been losing in excess of 6% on letter post alone based on the last figures I remember when talking to social partners some time ago about the matter. They have also been losing quite substantial parts of their core business in other ways because of texting, e-mailing and other technology. That has undermined to a great degree the viability of the postal service. However, in spite of that in recent years we have invested approximately €100 million in technology infrastructure. Admittedly a large part of that went on the sale of PostGem, its dotcom company, which was re-invested to provide the services. An Post is trading in a difficult position and the Government, board and trade unions need to help it through what is a fundamental change in how people do business in the modern world.

#### Ceisteanna — Questions (Resumed).

##### Programmes for Government.

1. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on the publication on 1 August 2004 of the Government's progress report on the implementation of An Agreed Programme for Government, especially in regard to those areas for which his Department has direct responsibility; and if he will make a statement on the matter. [21324/04]

2. **Caoimhghín Ó Caoláin** asked the Taoiseach the full cost of the production, publication and media launch of the Government's progress report on the implementation of An Agreed Programme for Government on 1 August 2004; and if he will make a statement on the matter. [21569/04]

3. **Mr. J. Higgins** asked the Taoiseach if he will report on the progress to date in implementing An Agreed Programme for Government. [22397/04]

4. **Mr. Sargent** asked the Taoiseach his views on the progress report published in August 2004 on the implementation of An Agreed Programme for Government; and if he will make a statement on the matter. [22479/04]

5. **Mr. Kenny** asked the Taoiseach the cost which accrued to his Department in respect of the publication of the Government's progress report on the implementation of An Agreed Programme for Government on 1 August 2004; and if he will make a statement on the matter. [24028/04]

6. **Mr. Kenny** asked the Taoiseach if he will report on progress on the implementation of the

Government's agreed programme; and if he will make a statement on the matter. [24029/04]

**The Taoiseach:** I propose to take Questions Nos. 1 to 6, inclusive, together.

Progress on the Government programme is kept constantly under review. Deputies will be aware that for every full year of the previous Government's term of office, we published an annual progress report. Deputies will also be aware that last year we published the first annual progress report of the current Administration. The second annual progress report of this Administration was published on 1 August. The report sets out the progress to date in implementing every commitment contained within the programme for Government.

As in previous years, the report was put together to a large extent by my advisory staff. In most instances, they sought material from other Departments, largely through ministerial advisers. They would have edited and redrafted this material to fit the chosen format for the progress report. Accordingly, no additional staff costs accrued to my Department, in terms of staff costs or other matters. The Government press office and Government information service were not involved in the preparation of the content of the Government progress report. As has been the practice in previous years, the Government press office received the material and liaised with printers and designers regarding proofreading, production and delivery.

The total cost of printing and publication was €1,933. This relates to the design of the cover and layout. The document was printed in-house in the Department of Finance. Some 1,000 copies of the document were printed in English and a further 250 copies were made available in Irish. Translation costs amounted to €15,277.46. The Government press office distributed the document to the national and local media in the same way all reports are disseminated to the press. Copies were also issued to Deputies, Senators, Departments as well as members of the public on request. A full copy of the report, in Irish and English, can also be accessed on the Department of the Taoiseach website. There was no media launch.

**Mr. Rabbitte:** I refer specifically to the promise in An Agreed Programme for Government: "We will expand public hospital beds in line with a programme to increase total capacity by 3,000 during the period of the Strategy." The Taoiseach will recall that on 19 October he told me that he had put 900 beds in place. He said that with a straight face with the Minister who tells no fibs, Deputy Harney, sitting beside him. Contrary to the correction he subsequently issued stating that approximately 590 beds had been put in place, it turns out that only 299 inpatient beds have been put in place.

**An Ceann Comhairle:** A question, please.

**Mr. Rabbitte:** Is it not the case that only 299 inpatient beds have been provided and not 900 as the Taoiseach told me in the House in answer to a question? A further 284 exist in the form of couches, chairs and reclining beds. This is the total contribution. Will the Taoiseach take the opportunity to correct the record and tender appropriate regrets for misleading the House? What is the intention of his new-look Government in respect of the pledge in the programme for Government for 3,000 public hospital beds?

**The Taoiseach:** I refer back to what I stated. I saw what the newspapers reported on the issue. I said that bed capacity funding was in place for an additional 900 acute beds. I was told afterwards that 600 of these beds are now in use and 300 will come on stream in the coming months, mainly in the first half of 2005. I do not have any precise information as to where those beds are located. However, they were the figures I gave. There is funding for 900 beds. As Deputy Rabbitte will appreciate, I tend to look at what we have funded and what we are doing rather than check whether they are all in place. Once we provide the funding, I accept it takes a period to roll them out.

If Deputy Rabbitte wants to query what types of beds these are, I do not have that information. I have a note from the Department of Health and Children stating there is funding for 900. Some 600 of these beds are in use and 300 will come on stream in the coming months. That is the information I have been given and I have a list of locations for some of these. However, they are different issues and may not all be beds. That is the information I have. I believe the Deputy will accept that 900 additional beds have been provided for.

On the figure, the commitment in the health strategy is that we will provide 3,000 beds by 2011. The 900 represent part of those 3,000, whatever kinds of beds they may be. The location of those beds is a matter for the Department of Health and Children.

**Mr. Rabbitte:** I am trying to work out the mathematics of this extraordinary situation. Apart from discussing when a bed is not a bed, would the Taoiseach like to elaborate on that matter? He gave the wrong information to the House. There are only 299 inpatient beds. If the Taoiseach has the locations, it would be helpful if he would be prepared to advise them to the House.

**An Ceann Comhairle:** While general questions to the Taoiseach are in order, specific detailed questions should be addressed to the line Minister. I believe the Deputy would accept that.

**Mr. Crawford:** She will not answer either.

**Mr. Rabbitte:** As it happens, I am pursuing a point on which the Taoiseach gave information to the House. I am trying to get to the bottom of it

[Mr. Rabbitte.]  
because, as I am sure the Taoiseach will agree, many people are not interested in considering this from the funding point of view. They are interested in whether they can get access to a hospital bed. What does the Taoiseach mean when he says that the funding is in place for 900 beds? Is he saying that hospital managements cannot put the beds in place? Does he accept that 299 inpatient beds are in place? What are the locations for the numbers he has? What does he mean by not being able to determine what is a bed? I presume he is referring to the other provisions to which I have referred — trolleys, chairs, reclining beds and couches — which accommodate people in accident and emergency departments and elsewhere. Without being particular in any way, on the commitment to expand bed capacity by 3,000, where does the Taoiseach anticipate we will be by the end of this year?

**The Taoiseach:** On the figure, the information I had last week and the information I have this week are precisely the same. They are talking about the issue of bed capacity as against the figure in the health strategy, which was 3,000 by 2011. They are referring to 900 additional beds. I do not think they are talking about wheelchairs or trolleys. The Government has approved funding for 900 additional beds.

**Mr. Rabbitte:** They are not talking about wheelchairs and I did not mention the word.

**The Taoiseach:** Or trolleys.

**Ms McManus:** We are not talking about trolleys.

**An Ceann Comhairle:** Please allow the Taoiseach to continue.

**The Taoiseach:** Deputy Rabbitte said “trolleys”.

**Ms McManus:** We are not talking about any trolleys.

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

**The Taoiseach:** I am talking about beds.

**Mr. Rabbitte:** How many?

**The Taoiseach:** There are 600 of these beds in use now.

**Ms McManus:** No. That is not true.

**An Ceann Comhairle:** I ask Deputy McManus to be silent and to allow the Taoiseach to continue without interruption.

**Ms McManus:** The Taoiseach is misleading the House inadvertently.

**Mr. Rabbitte:** There is nothing inadvertent about it.

**An Ceann Comhairle:** Deputy McManus must allow the Taoiseach to continue without interruption. He is entitled to the same courtesy as the Members submitting questions.

**Ms McManus:** And we are entitled to accuracy.

**An Ceann Comhairle:** I ask the Deputy to resume her seat.

**Ms McManus:** We are entitled to accuracy.

**An Ceann Comhairle:** Deputies are not entitled to interrupt any Member of the House called by the Chair to speak.

**Ms McManus:** I am entitled to accuracy like everyone else in this House.

**An Ceann Comhairle:** The Deputy is not entitled to interrupt and if she continues the Chair will have to deal with her.

**Mr. Kenny:** For accuracy's sake.

**Mr. S. Ryan:** For accuracy's sake.

**The Taoiseach:** For the sake of accuracy, I am referring to a note that was given to me today, dated 27 October 2004, a note for the Taoiseach on the Order of Business on bed capacity. It states that I referred to 900 additional beds and the Government has approved funding for 900 additional beds. Last week I did not say, because I did not know, how many of those beds were commissioned. I am saying 900 beds have been funded.

Deputy Rabbitte asked me when the remaining beds will be put in place. I am told they will all be put in place in the months ahead. The note says most of those will be in place in the first half of 2005. They are not in place, even though the funding has been provided to open the beds, because hospitals need to recruit the additional staff and in some cases they need to purchase additional equipment. In most cases there is a period between the Government decision to fund the beds and the beds being ready for patients. People across the health service, including the management and staff, are doing all they can to shorten the period as much as possible. They are conscious of the requirement to make sure these beds are in place as soon as possible.

**Mr. Rabbitte:** Will the 900 beds be in place by mid-2005? That is what we were told last week.

**The Taoiseach:** Yes.

**Mr. Rabbitte:** How many are in place now?

**An Ceann Comhairle:** I will call the Deputy again, I am calling Deputy Joe Higgins. A

number of Members have submitted questions and in fairness to them, they are entitled to be heard. The Deputy has already asked two supplementary questions and it is the turn of Deputy Joe Higgins.

**The Taoiseach:** Six hundred of them are in place.

**Ms McManus:** How many of them are beds?

**An Ceann Comhairle:** I have called Deputy Joe Higgins.

**Mr. J. Higgins:** On the updated programme for Government and the five year plan for State investment of €7 billion in national roads, with up to €1 billion from private sources in public private partnership, will there be a replication under this heading around the state of the monstrous rip-off of the taxpaying public at the Westlink toll bridge over the River Liffey? For a private sector input of €57 million, it is reckoned that by 2020, an incredible €1.3 billion net will have been taken in by National Toll Roads. Is the Taoiseach aware that for that staggering level of exploitation we have the largest obstacle to free traffic flow in the entire country and daily agony for tens of thousands of taxpayers trying to get to and from work who spend an obscene length of time parked on the M50?

Does the Taoiseach agree that the general principle of road tolling is feudal? It was all right over London Bridge when someone went up with a donkey and cart and paid a ha'penny or farthing to get over but in today's world, automated and under pressure as workers already are, it is completely anachronistic and should be cast aside as an element of Government policy and replaced with the State investment in proper transport infrastructure for which we are paying.

**The Taoiseach:** There has been good progress in the implementation of the national roads development programme under the national development plan. Exchequer investment in the programme over the period amounts to €5.05 billion and, under the agreed five year rolling budget, State investment of almost €7 billion is guaranteed, with up to €1 billion from private sources in public private partnerships. A number of projects have been listed for public private partnerships, such as the western roadway, the Waterford roadway and others. We have prioritised completion of the motorways to the south and west. The Deputy knows we have not used PPPs to the extent originally envisaged and that has led to a consequential increase in the capital programme.

**Mr. S. Ryan:** Why is that?

**The Taoiseach:** As a result of issues of value, precisely the point the Deputy is making. The Minister has debated this with Deputy Sargent on many occasions. The Department of Finance has

the view that in many of these cases better value will be achieved by using the capital programme instead of public private partnership. That is not always the case.

Deputies Joe Higgins and Seán Ryan would remember that it would have been unlikely that the Westlink would have ever got off the ground because——

**Mr. J. Higgins:** Why?

**The Taoiseach:** ——when it opened and in its early months, there were major questions about the viability of the project. People look back now and wonder how anyone could have thought that but it was the view at the time.

**Mr. J. Higgins:** Did they think that about Ard-nacrusha?

**The Taoiseach:** It was the view at the time and it was not considered that the Westlink toll would be a windfall. Subsequently, it proved to be so and that is why a number of the other projects are being undertaken by the State.

In other projects, such as the road from Kinne-gad to Athlone, it is considered that the involvement of the private sector is the best way forward. Out of a roads programme of €7 billion, less than €1 billion will come from private sources under the national development plan.

**Mr. Sargent:** Listening to the Taoiseach say that he is keeping the programme for Government under review, does he accept there is a need to bring forward an additional review to deal with the hardship being caused in the accident and emergency departments? Cases such as that of an 80 year old man from Swords with two bleeding stomach ulcers who was left to wait, and many other cases, with people spending days in wheelchairs or on trolleys, set new records.

We are still seeking clarification of the statement that the Government will complete a major expansion of the overseas development aid programme, achieving the UN target of 0.7% of GNP by 2007. Will the Taoiseach confirm that is still the Government position? We have been treading water at 0.41% of GNP for the past couple of years. Will he give the sizeable increase in the 2005 budget to indicate that we are still on course to meet the target in 2007?

The programme for Government indicated that the metro for Dublin should be developed by PPP and that there would be a link to Dublin Airport by 2007. Is that definite? The Taoiseach, in a reply to Deputy Gormley, said we must wait to decide on such a project. Which of those statements is true? One contradicts the other. The year 2007 is written in black and white there. Is that still the case?

The Taoiseach also mentioned fully implementing the national climate strategy. Today there was a decision to have two extra incinerators. An incredible amount of CO2 will arise

[Mr. Sargent.]  
from them. Does the Taoiseach believe additional measures will be needed — it certainly will from our point of view — to achieve the national climate change strategy? Is it another broken promise, in effect?

**The Taoiseach:** In regard to accident and emergency, as I stated last week, there has been additional consultant staff and targeted funding for accident and emergency initiatives in Dublin hospitals, in particular, where most of the problems are, although not exclusively. There have been improved security measures because of difficulties in some accident and emergency departments, of which Deputy Sargent is aware. The health boards have issued best practice in admission and discharge guidelines. There are new units at accident and emergency in Cork University Hospital, Naas General Hospital and Roscommon County Hospital. There are new surgery blocks, intensive care units, operating theatres and accident and emergency units in James Connolly Memorial Hospital. These were sanctioned some weeks ago. There are the facilities at Our Lady's Hospital for Sick Children, Limerick Regional Hospital and in south Tipperary in Clonmel. There has been increased capacity in intensive care, coronary care and high dependency units in Portiuncula and University College Hospital in Galway. There are new wards and surgical wards in St. James's Hospital and orthopaedic services and trauma and elective services in Galway and Mayo. There are also assessment units at the midland hospital in Mullingar and there are the major developments, including the one under construction in St. Vincent's Hospital in south Dublin, which will be finished next year, and the preliminary works being undertaken in the Mater Hospital plus a host of smaller projects. All of these are important. I read a report in recent days on all the issues being dealt with by the high level group on health and about all the other things it is trying to do, some short term, some medium term and some long term.

On the transport side, as I stated before, the preliminary figures for the next phase of a metro are enormous. The Minister for Transport could give the details on this. It is a matter for the Minister to bring forward proposals on whether it should be phased, on the scale and in what order. Even if that project is cleared, it will take several years. The CIE plan, which is perhaps cheaper and more viable, is also being looked at in the Department of Transport but some people are for one and against the other. The Department will have to decide on the long-term strategy, but it is certainly not a three year programme.

**Mr. Sargent:** It is written down.

**The Taoiseach:** There are all kinds of preliminary works going on in regard to rail but as far as a direct link to the airport by 2007 is concerned, it will not happen. From a financial cost point of

view, the resources required for such a capital programme for the remainder of the decade would swallow nearly all the resources of the State even if we stayed at 5% or 6% of GDP, which is higher than anywhere else.

**Mr. Sargent:** The Taoiseach did not think it out.

**The Taoiseach:** The type of figures required for a metro of the scale put forward, either on a public private partnership basis or otherwise, would soak up all the financial resources. We would not be able to do anything else within the precincts of Dublin city and that would not be right. In Dublin, huge work has been done on the DART, on the rail lines and on the buses. It cannot take up the whole capital programme for the State for the next ten years. That will not happen. The Minister will bring forward his proposals, but we will not get a souped-up metro that will solve all the problems. It just will not happen.

**Mr. Sargent:** The Taoiseach said it would.

**The Taoiseach:** I did not say it would happen.

**Mr. Broughan:** Is that the reason the Taoiseach shafted the former Minister, Deputy Brennan?

**The Taoiseach:** We cannot develop a metro system that will take up the whole capital programme. As Deputy Sargent correctly said, I pointed that out to Deputy Gormley some months ago.

The Government is committed to the climate change strategy. The Minister recently spelled out the initiatives we are undertaking. I gave the House my response to the question of overseas development aid last week. We will continue to endeavour to move in line with the target. It is enormously costly. People should realise what this country is doing in terms of overseas development aid. We are seventh out of 193 countries that excludes all the initiatives taking place in research, the voluntary effort and so many other good works. The top three or four countries have oil wells in their front and back gardens. This country is doing extraordinarily well and we should continue to make strides. We will soon pay €0.5 billion in overseas development aid, which is an enormous amount of money. We must make sure we get best value for it and that it is directed well and appropriately. I continue to be a huge supporter of overseas development aid and of the structures around it.

**Mr. Kenny:** Deputy O'Donnell put the Taoiseach on the right path as far as overseas development aid is concerned.

What the Taoiseach said to Deputy Sargent and others amounts to a gross misrepresentation of what is in the programme for Government and a complete fabrication in so far as telling the people the truth about what the Government was going to do. The programme for Government

promised a metro from the city centre to Dublin Airport by 2007. That will not be achieved. It was a false promise. The programme for Government promised the break-up of CIE into three separate companies but we do not have any timescale for the implementation of this. It was a false promise. The programme for Government promised the establishment of an independent, dedicated traffic corps but there is no sign of it. It was a false promise. The Taoiseach should say there are elements of this programme that the Government knew it could never implement and that it will bring forward an amended programme or a new draft of what it can achieve rather than have this charade over the next 18 months of Deputies asking questions about elements of the programme for Government that the Taoiseach knew in his heart and soul could never be achieved within the time frame allowed.

The absent Minister for Justice, Equality and Law Reform announced with regard to the extra gardaí, that the recruitment would lead to a combined organisational strength of both attested gardaí and recruits making it in training of 14,000. Trainee recruits are not trained gardaí. If one looks at the record of the Minister in this regard, 81 has been the average yearly increase in the number of gardaí during his tenure in office. That means that with retirements running at more than 400 per year, one would want to recruit approximately 2,200 gardaí in 2005 to achieve the Minister's stated target. Why is it that Minister after Minister stands up in this House, although mostly outside it, and makes these claims that cannot stand up in fact? It breeds cynicism and apathy in people.

Arising from all these promises, that are clearly false, will the Taoiseach bring forward an amended programme for Government that is capable of being realised and about which Members from all sides can ask legitimate questions?

**The Taoiseach:** If Deputies examined the reply to the question, it sets out in each area, progress on 500 commitments and the current position. I have already mentioned that we are spending more than €7 billion on roads, which is far more than we thought. Deputy Kenny and others in the House will remember when they protested that we would never see the Luas, the railways, the bus stock and the train stock upgraded. This work has all been done, much of it ahead of schedule. It has all been completed successfully.

*(Interruptions).*

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

**The Taoiseach:** Railways, aviation, traffic, taxis and bus and cycle lanes were worked on every day.

**Mr. Cuffe:** The Government has not even joined the dots.

**Mr. Gormley:** The Government is way behind schedule.

**The Taoiseach:** All these things are completed.

**Mr. Kenny:** The Taoiseach was never on the road outside Strokestown on a bad night.

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

**Mary Coughlan:** Deputy Kenny wants a metro instead of a road to Strokestown. He will be waiting.

**The Taoiseach:** While Deputy Kenny would like to see the road to Mayo improved, my point is that if all the resources are invested in one scheme, he will never see it. Currently, we are involved in 67 projects which are at one phase or another.

**Mr. Cuffe:** It took 13 years to build the Luas but the lines are not even joined up.

**The Taoiseach:** In the last few years, 37 projects have been completed while 34 are at construction or tender stage and eight will open this year to traffic. Among these eight are some of the largest projects including the Monasterevan bypass which has been the subject of many questions in the House over the years and which will open six months early. The Dundalk bypass is powering ahead, as are many other projects.

In those areas in which we will not achieve, we have spelt out the up-to-date position in the programme. We have announced the next stage of Garda recruitment.

**Mr. S. Ryan:** Again.

**The Taoiseach:** No, for the first time. We announced the recruitment in the context of the Estimates of another 2,000 gardaí in addition to the large numbers already serving which represent a higher number of officers per 100,000 of population than in most countries.

**Mr. Kenny:** They are all needed obviously given what is going on around the country.

**The Taoiseach:** We are honouring our commitment to go ahead with recruitment. The Minister for Justice, Equality and Law Reform has outlined the programme he has put in place to ensure recruits come through the training college to increase Garda strength to the promised level as quickly as possible.

**Mr. Crowe:** A commitment in the programme for Government under the "working for peace" heading is to put in place an all-Ireland travel scheme for pensioners resident in all parts of the island. What is the status of the scheme? Given that it is a relatively straightforward provision, why is it taking so long to implement it?



[Mr. Crowe.]

The national development plan features important commitments in the area of child care which have significant implications for society and the economy. Does the Taoiseach realise the programme for Government and the national development plan are being undermined by the lack of child care provision for working parents? People in disadvantaged areas especially are suffering as a result. Will the child care elements of the programme and the national development plan be reviewed and extra funding provided as a priority? While we speak often about skills shortages in the economy, there are clearly people who want to work but cannot in the absence of child care provision.

**The Taoiseach:** The Minister for Social, Community and Family Affairs has had discussions and is progressing the travel scheme. Deputy Crowe is aware that the issue is not necessarily one of costs, it is to design a scheme which is compatible with structures on the whole island and which features an integrated ticketing system. The Government supports the scheme for which support exists in the North also. Work is progressing on an effective all-island system and integrated ticketing. The Minister has met with the relevant organisations.

The National Children's Office has prepared the first comprehensive progress report on child care which outlines all of the actions necessary. I do not need to go through them as the report spells out the various schemes and funding requirements for child care initiatives.

**Mr. Rabbitte:** I confine myself to the point the Taoiseach has dodged in terms of the commitment he gave the House. I am in possession of the relevant text and can inform the Taoiseach that he said three times, though I quote only once, "While there is a longer-term plan to have 3,000 beds, 900 are in place". That is perfectly straightforward English which is only capable of one meaning. I ask the Taoiseach to correct the record, concede he misled the House and, far more importantly, misled people outside who are queuing for beds in virtually every accident and emergency unit in the country. I ask the Taoiseach to state truthfully how many of the beds are in place. Is the Taoiseach saying the target for mid-2005 is now 900 beds?

**The Taoiseach:** To the best of my knowledge, in response to Leader's questions asked without notice, I try to answer as accurately as I possibly can. To be frank, I am good at that. I said there were 900 beds because I knew funding for 900 beds had been provided.

**Ms McManus:** The Taoiseach said they were in place.

**The Taoiseach:** I accept that. If I have to be 100% certain of what is happening every time I give a figure——

**Mr. Rabbitte:** I do not expect that, but accident and emergency units were the issue of the day.

**The Taoiseach:** ——I would not be giving much information to the House.

**Mr. Rabbitte:** The Taoiseach is fairly adept at that.

**The Taoiseach:** According to my note, 900 beds——

**Mr. S. Ryan:** The Taoiseach should clarify it now.

**An Ceann Comhairle:** Deputy Ryan, I ask you to allow the Taoiseach to speak without interruption.

**The Taoiseach:** Deputy Ryan should allow his leader to ask a question and stop interrupting. I said 900 beds were in place when, more correctly, 900 beds have been provided for financially. I do not check when precisely beds are put in place nor do I receive a note with that level of detail. I readily admit that they were not in place last Wednesday when I answered the question. According to my information, 600 beds were in place.

**Ms McManus:** That is not true. He is at it again.

**An Ceann Comhairle:** Deputy McManus, I ask you to resume your seat.

**The Taoiseach:** I can only provide the information in the note I have today.

**Ms McManus:** The Taoiseach knows we are talking about 299 beds.

**An Ceann Comhairle:** Deputies should allow other Members to speak without interruption. I take it that is Deputy McManus's question.

**The Taoiseach:** For the second time and so that I am not accused, according to the note to the Taoiseach from the Department of Health and Children of 27 October 2004 on bed capacity, when I spoke in the House last week I referred to 900 additional beds. The Government has approved funding for 900 additional beds, 600 of which are in use. The remaining 300 will be opened in the coming months, mainly in the first half of 2005. To open the new beds we fund, hospitals must recruit and appoint additional staff and, in some cases, purchase additional equipment. There is always a period between the Government's decision to fund new beds and their availability to patients. People across the health service are working to shorten this period as much as possible. That is the note I have.

**Ms McManus:** I am sorry but——

**An Ceann Comhairle:** I ask Deputy McManus to resume her seat and allow the Taoiseach to speak without interruption.

**Ms McManus:** At issue are 299 inpatient beds. To keep the record straight, we are also talking about trolleys, couches and reclining chairs.

**An Ceann Comhairle:** I suggest you submit a question to the line Minister, Deputy McManus.

**The Taoiseach:** I have given the figure for the record. There is no information to say trolleys, stretchers or anything else make up part of the 600 beds as the Deputy continually tries to portray.

**Mr. Rabbitte:** That is the whole point. There is not. They are spinning.

**Mr. Crawford:** To fully brief himself, will the Taoiseach visit the general hospitals in Cavan and Monaghan? He would then know exactly the bed situation.

**An Ceann Comhairle:** The Deputy should submit a question to the line Minister on detail.

**Mr. Crawford:** That is the real issue I want to come at. What is the point in putting down a question to a line Minister? On 7 July 2004, I put down a question to the Minister for Health and Children which was not answered. I put down another question asking when it would be answered on 29 September but still received no response. I put down another question last week and was told I would receive a reply on 26 October. Putting down a question to a line Minister is not the answer.

**An Ceann Comhairle:** We are dealing with An Agreed Programme for Government. Detailed questions should go to the line Minister.

**Mr. Crawford:** The Taoiseach needs to visit Cavan and Monaghan to see the bed situation on the ground. Will he do that?

**An Ceann Comhairle:** As a number of Deputies are offering, I will hear them before the Taoiseach makes a final reply. Deputy Gormley should be brief.

**Mr. Gormley:** The Taoiseach has told the House he is committed to a climate-change strategy. Does he agree the strategy must be a multi-faceted approach which is not just about the reduction of CO<sub>2</sub>, but is about getting the simple things right? Does the Taoiseach agree that many of the gullies in this town are blocked because of builders who should be penalised as a consequence? Does he agree climate change will result in increased rainfall and a rise in sea levels? If the Taoiseach does not do something about

flood defences and blocked gullies, he will once again be standing in his wellingtons in Drumcondra.

**An Ceann Comhairle:** The Deputy has asked his question and is now making a statement.

**Mr. Gormley:** I do not wish to see another photograph like that. The Taoiseach must try to get the simple things right.

**Mr. Gregory:** In the context of the commitments on climate change, will the Taoiseach say if the special emergency plan is ready to roll this evening if, as has been forecast, there is flooding on the eastern and south coasts?

**An Ceann Comhairle:** That matter does not arise in the context of the six questions before us which relate to the programme for Government.

**Mr. Gregory:** The matter is dealt with in the programme for Government.

**Mr. Gormley:** Ringsend will be flooded again.

**An Ceann Comhairle:** The matter does not arise out of the six questions before us.

**Mary Coughlan:** The Deputy should move to Donegal.

**Mr. Gregory:** The question is relevant in the context of progress on the programme for Government. It is also relevant to the Taoiseach and this House. Will the Taoiseach say if the emergency services and local authorities are properly equipped and resourced to deal effectively on this occasion with any flooding that might occur? We hope there is no flooding. Promised works have not been completed on the River Tolka in the Clonliffe and East Wall areas and at Spencer Dock.

**An Ceann Comhairle:** It would be more appropriate if the Deputy tabled a question to the line Minister.

**Mr. Gregory:** There is serious concern in those areas that if flooding occurs this evening, the same disaster will recur.

**An Ceann Comhairle:** Deputy Gregory has made his point. The matter is more appropriate to the line Minister.

**Mr. Gormley:** The Taoiseach is responsible as the Head of Government.

**Mr. Gregory:** Are the emergency services equipped to deal with the problem?

**Mr. J. Higgins:** Will we be walking on water again on this occasion?

**The Taoiseach:** I will reply first to Deputy Gormley's question on climate change. Obviously, people should not get away with breaches of the law, be they contractors or otherwise.

**Mr. Gormley:** It is already happening.

**The Taoiseach:** There are powers in place to allow local authorities to take action against those who damage or block gullies.

On Deputy Gregory's point, I am aware there is considerable concern in the port area given the warnings of high winds, heavy rain and high tides. The matter was discussed by the Cabinet this morning and I am informed by the Minister for the Environment, Heritage and Local Government, Deputy Roche, that the local authorities have been involved in clearing shores, not only in Dublin but throughout the country. The emergency services are on call and will have many people on call late at night when the high tide is in. Obviously they and we hope no action will be required.

Deputy Gregory will be aware that an enormous amount of, if not all, remedial work has already been done. I am advised that all the necessary services and actions have been put in place. I hope the system works.

*Written Answers follow Adjournment Debate.*

#### **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. Perry:** I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the illegal over-charging of 8,000 elderly people in areas where the State contracts beds for the provision of long-term care and what immediate and decisive action will be taken to initiate an inquiry into how this situation has been allowed to continue for three and a half years.

**Mr. Gregory:** I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the current repeated warnings of a threat of serious flooding along the east and south coasts and the action which all emergency services and local authorities are taking to ensure there is no repeat of the disastrous flooding that occurred in Dublin and other locations in recent years and to detail the resources put in place to prevent this happening.

**Mr. Cuffe:** I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the need in the light of the concerns regarding the proposed routing of the M3 motorway through the Tara-Skryne valley and its

impact on the rich archaeology of that part of Ireland for the House to debate the alternatives to routing the motorway through this internationally recognised heritage site.

**Mr. Boyle:** I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: that the Minister for the Environment, Heritage and Local Government make a statement regarding the leaking of a decision which has by now been made by the Environmental Protection Agency, EPA, on the granting of a draft waste licence for a toxic waste incinerator at Ringaskiddy, County Cork.

**Mr. Hogan:** I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the increase of 63% in oil prices this year and its consequent impact on household finances and national competitiveness, especially in light of profits of €2.2 billion reported by Shell, and the need for the Government to outline its strategy to deal with this issue.

**Mr. Gormley:** I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the state of readiness of the Government, local authorities and emergency services to deal with serious flooding arising from the increasing number of storms and the need for the Government to erect proper flood defences to deal with the challenges presented by climate change.

**Mr. Morgan:** I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the necessity for the Government to intervene to prevent the construction of incinerators until a full review has been carried out of their health effects on communities, and for the decision of the EPA in respect of the Carranstown incinerator to be set aside, given that incineration produces dioxins and flies in the face of any real environmental waste management strategy.

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

**Mr. Morgan:** On a point of order, I appreciate Deputies continually raise issues under Standing Order 31, but never in my two and a half years as a Member of this House has such an item be taken.

**An Ceann Comhairle:** That is not a point of order. I suggest that Deputy Morgan read and study carefully Standing Order 31. I do not wish to take up the time of the House by reading it to him now.

**Mr. Morgan:** Will the Ceann Comhairle advise me on what Members are supposed to do to ensure issues such as the appointment to the

board of the EPA of a person who has a conflict of interest are discussed?

**An Ceann Comhairle:** If the Deputy has a problem, the office of the Ceann Comhairle will be happy to discuss it with him.

**Mr. Morgan:** On a point of order, when are we to be allowed to discuss these issues—

**Mary Coughlan:** When we have a real crisis.

**Mr. McDowell:** The Deputy should raise the matter by way of an Adjournment debate.

**Mr. Morgan:** —on behalf of those we are supposed to represent? When are we to have an opportunity to raise such matters?

**An Ceann Comhairle:** There are ways of raising the matter, as the Deputy well knows.

**The Taoiseach:** Deputy Morgan can raise the matter on the Adjournment.

**Ms Lynch:** The Deputy can raise it when he is in Government.

**An Ceann Comhairle:** I call the Taoiseach on the Order of Business.

**Mr. D. Ahern:** It is called democracy.

### Order of Business.

**The Taoiseach:** It is proposed to take No. 13, motion re statement of expenditure for the Houses of the Oireachtas, and No. 3, the Irish Nationality and Citizenship Bill 2004 — Order for Second Stage and Second Stage. It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 8.30 p.m. and that business shall be interrupted on the adjournment of Private Members' business; No. 13 shall be decided without debate; Private Members' business shall be No. 33, motion re Tallaght west childhood development initiative, to be taken at 7 p.m. or on the conclusion of the opening speeches on No. 3, whichever is the later; and that debate shall also take place tomorrow, 28 October 2004, directly following the Order of Business and shall be brought to a conclusion after 90 minutes.

**An Ceann Comhairle:** There are three proposals before the House. Is the proposal for dealing with the late sitting agreed? Agreed. Is the proposal to deal with No. 13, motion re statement of expenditure for the Houses of the Oireachtas, without debate agreed?

**Mr. Kenny:** Is the Taoiseach happy that the commission established to run the matters of the Houses of the Oireachtas is independent? I understand money was allocated to that commission and that it has made a number of pro-

posals which cannot be adhered to. Is the Taoiseach happy that the commission is independent?

**An Ceann Comhairle:** We are dealing with a proposal.

**The Taoiseach:** Yes, as I understand it.

**Mr. Kenny:** As the Taoiseach understands it.

**The Taoiseach:** Yes.

**An Ceann Comhairle:** Is the proposal for dealing with No. 13 agreed? Agreed. Is the proposal re Private Members' business agreed? Agreed.

**Mr. Kenny:** In light of the situation that has arisen between the European Commission and the European Parliament wherein José Manuel Durão Barroso has delayed matters in so far as the appointment of commissioners is concerned — I do not wish to attach any blame to the Taoiseach for nominating José Manuel Durão Barroso, who is a member of our grouping within the European Parliament—

**Mr. Hogan:** Bring back Charlie. There is no change. All is forgiven.

**An Ceann Comhairle:** Deputy Hogan should allow Deputy Kenny to continue without interruption.

**Mr. Kenny:** —perhaps it might be appropriate, given we normally have a debate after a Heads of Governments meeting, for us to state our views on the matter next week before the Taoiseach and his colleagues meet as Heads of Government. Will the Taoiseach assent?

**Mr. Rabbitte:** I wish to speak on the same matter. Does the Taoiseach want to say anything to the House about this development today? Will he facilitate a debate on the matter? Will he facilitate Mr. McCreevy if he comes back? What is the Taoiseach's understanding?

**Mr. D. Ahern:** He has not gone away, you know.

**Mr. Hogan:** The Government of which he was a member did its best to get rid of him.

**Mr. Rabbitte:** Will the same President of the Commission largely but forward the same commissioners for the same portfolios or what is the Taoiseach's stated knowledge about it? Will he concede a debate next week?

**Mr. Sargent:** Is it the case that if Pádraig Flynn, having been a commissioner, was in this position he would have had even more primitive views than Commissioner Buttiglione, Silvio Berlusconi's

[Mr. Sargent.]  
nominee? Will the Taoiseach offer any advice to Silvio Berlusconi in that context, given that he would have some experience of dealing with former Commissioner Pádraig Flynn?

**The Taoiseach:** With the deferral of the vote on the new Commission today we have entered uncharted territory. The President designate of the Commission has indicated he intends to consult the European Parliament, presumably through the Council of Presidents, and the Council before a vote is held on the new Commission. Needless to say I regret it is not possible to complete the appointment of the new Commission as planned. The Government will support Commission President designate Barossa in his efforts to find a resolution to the impasse. It is not clear how long the consultations will take. The position is that the present Commission under President Prodi will continue in office to allow the consultations take place.

There is an issue only about one nomination, the Italian nomination, the commissioner designated for freedom, justice and security. On the issue raised last week we have to wait and see what can be worked out. It is clear that had the vote taken place today, it would have been lost. We have to wait and see what is the best way of resolving the issue as quickly as possible. Obviously, the former Minister, Mr. McCreevy, will remain the Irish nominee for commissioner.

**Mr. Sherlock:** I wish to ask a question on legislation.

**An Ceann Comhairle:** That is appropriate.

**Mr. Sherlock:** As there is no health authority in existence when will the Health Bill come before the Dáil?

**The Taoiseach:** It will come before the Dáil in this session.

**Mr. Kenny:** For the information of the House, this is the last day in attendance in the House of Deputy John Bruton.

**Mr. O'Dea:** All is forgiven.

**Mr. Kenny:** He has been appointed as EU ambassador to Washington and has given outstanding service over a long period to the people of Meath and to this country. We should note this is his last day in attendance here in the Chamber.

**Mr. J. O'Keeffe:** He should take a bow.

**The Taoiseach:** I know we are slightly out of order but, in fairness, Deputy John Bruton has been a Member for 35 years, having served as Taoiseach, Minister, Leader of the Opposition and in an enormous number of posts. He has served the country and his party extremely well. I thank him for the work he did during all those

years but particularly for the work he did on the EU constitution as vice-president of the European Convention, which was enormously helpful in bringing the work through and also in helping the Irish Presidency.

I have been dealing directly with Deputy Bruton since both of us were Leader of the House, I in Opposition and he in Government, which is a long time ago. His courtesy has always been outstanding and I wish him well in Washington.

**Mr. Rabbitte:** I join in the words of tribute to Deputy John Bruton. I had the pleasure of working under his rule for a short time and I greatly enjoyed it. We normally only say words like this when one is dead. It is dangerous territory to be required to pay such a tribute when the victim can answer back. His record in the House is second to none. Having been elected in 1969, he has always been a cerebral politician who has thought deeply about many of the issues that confront our country and our people. If one does not always agree with him, it does not mean one cannot admire the way in which he discharged his role in the House. I am sorry to see him go and I wish him well in his new post.

**Mr. Sargent:** I too wish Deputy John Bruton every success in his new position in the United States on behalf of the European Union. Deputy Bruton will always be remembered here as "an ideas man", as he has been often characterised. He will certainly need a few of those ideas in bringing together some of the relations between the US and Europe. In terms of global issues that Deputy Bruton has often discussed here, this is his opportunity to influence climate change, given that he will be in a pivotal role. I trust he will be mindful of that in making sure there is a consensus that ensures long time viability and sustainability for the American people, Europeans and everybody else who depends on it.

**Aengus Ó Snodaigh:** Like other Deputies, I wish Deputy John Bruton well and, despite the restrictions on his job I hope he will put Ireland's interests to the fore in Washington in the future.

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I could not let the opportunity pass without wishing my constituency colleague and adversary all the best and *bon voyage*. If he is as assiduous in Washington in looking after the affairs of Europe as he was in Meath in looking after the affairs of his constituents, Europe will be well served. I wish him well in Washington.

**Mr. J. Bruton:** I reassure the Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey, that I have bought a return ticket. How pleased I am to say these few words on the occasion when you, a Cheann Comhairle, are in the chair because you are

somebody whom I greatly admired throughout your political life and mine and I think you know that, Sir. I want also to thank my party leader, Deputy Kenny, for his kind remarks and the kindness he has shown to me since he became leader of the party and long before.

I am grateful to the Taoiseach for the support he has shown me, particularly in recent times and while I was in the European Convention. I think I am the only person who has had the privilege of negotiating with the Taoiseach when he was on the flat of his back in bed. I remember going out to visit him in his house when he was Whip of the main Opposition party to negotiate Dáil reform. He had a problem with his back and he was literally on the flat of it. I had to negotiate with him in a horizontal position as they might say but there was no jogging involved. The negotiation, like all occasions of this kind, was slow but successful.

I thank Deputy Rabbitte. I did not realise he disagreed with me about anything. I now discover that he did but he had a great way of concealing it when it mattered. I should say to Deputy Sargent that I hope the results of the flood relief works in the Tolka basin, which were undertaken with such assiduity by various Deputies will not result in County Meath water flooding Deputy Gregory's and the Taoiseach's constituency because of the rapid off-flow of the water from the Tolka basin. I hope we will be able to solve all of that problem in Washington and that there will be no more climate problems, at least not for the next four years. It can rain as much as it likes after that. As Deputy Rabbitte aptly remarked, it is most unusual for one to read one's own obituary notice. I have not yet decided whether I will speak later tonight or what I will say if I do, but I thank the House.

**Mr. Rabbitte:** *De mortuis nil nisi bonum.*

#### **Houses of the Oireachtas Commission: Motion.**

**Minister of State at the Department of the Taoiseach (Mr. Kitt):** I move:

That Dáil Éireann take note of the statement of Estimates of moneys required in respect of ongoing expenditure for the period beginning on 1 January 2005 and ending on 31 December 2005 prepared and published by the Houses of the Oireachtas Commission in accordance with section 13 of the Houses of the Oireachtas Commission Act 2003, which was laid before both Houses of the Oireachtas on 20 October 2004.

Question put and agreed to.

#### **Irish Nationality and Citizenship Bill 2004: Order for Second Stage.**

Bill entitled an Act to amend the Irish Nationality and Citizenship Act 1956.

#### **Minister for Justice, Equality and Law Reform**

**(Mr. McDowell):** I move: "That Second Stage be taken now."

Question put and agreed to.

#### **Irish Nationality and Citizenship Bill 2004: Second Stage.**

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I move: "That the Bill be now read a Second Time."

The main purpose of this Bill is to give effect to the change in the Constitution enacted in the amendment which was overwhelmingly approved in a referendum held on the June in conjunction with the local and European elections.

Unfortunately, this is the first occasion I have been afforded any real opportunity to contribute to the debate in this House on the issue. During the Second Stage debate on the referendum Bill, I was shouted down in this House in an unprecedented display of undemocratic, anti-parliamentarian misbehaviour. I could hardly be heard when proposing the legislation and was again barracked and shouted down when I attempted to reply to the Second Stage debate. By contrast, it was a pleasure to be allowed make the case for the referendum proposal calmly and reflectively in the other House.

Members of this House will recall that I explained at the time the Government's proposals were announced that it was my view that the matter was of some degree of urgency. In particular, I warned that the Chen case, in which the Judge Advocate of the European Court of Justice was due to deliver his opinion, could seriously affect the standing of our citizenship law within the European Union if we did not take an early opportunity to amend our Constitution to prevent continuing abuse of the *jus soli* entitlement to citizenship for any person born in the island of Ireland.

Members will also recall that I was criticised for not awaiting the final outcome of the Chen case before taking action on the Government commitment in the programme for Government to take constitutional action if necessary. The House will recall that I strongly argued that the appropriate occasion on which to address the issue was in conjunction with the local and European elections. This was on the basis that the matter was urgent, that a single issue referendum held by itself would result in a divisive and potentially unrepresentative referendum campaign and that there was no certainty that there would be a presidential election poll this autumn. I was told I was wrong on all those matters and that the Government was attempting to play the race card with a view to electoral advantage in the June elections.

All those arguments on the timing of the referendum were confounded by the overwhelming decision of the people and by their clearly demonstrated capacity to distinguish easily between

[Mr. McDowell.]

the issues in the June elections and the citizenship referendum, a capacity that I never doubted. Without re-opening the referendum campaign, I could be forgiven for noting the virulent and offensive tone adopted by many of the more vocal opponents of the proposal, a tone which looks so empty, shallow and strident in the cold light of day.

Intellectual honesty and fair play were thrown away as the first victims in a rather frenzied attempt to persuade the people that to have a law in line with European norms was racist, that those who were supported eventually by 80% of the voters in a large turnout were racists and that Ireland was being ungenerous in changing its law of citizenship and untrue to its emigrant past. Gross untruths were peddled to the public, ironically by those who claimed that the Government was manufacturing reasons and facts to support their case. No one on the Government side ever exaggerated or made false claims in the course of the debate nor did anyone level personal or offensive accusations against their opponents. I am glad to say that the public saw through the shabby and disreputable abuse of facts and reason in the strong verdict they delivered at the end of the referendum debate.

Those who now claim, with some degree of strength, that 11,000 people who had Irish-born children were left in limbo by the Supreme Court decision and the referendum outcome and that a further 5,000 or 6,000 cases of Irish-born children since the Supreme Court decision must also be addressed were then loudly proclaiming the converse. They claimed that only a handful of cases each year were occasioned by a desire to obtain Irish citizenship and that I was simply imagining a relationship between the state of our then citizenship laws and the pattern of births to non-national asylum seekers.

I say this to underline one truth which has emerged about the matter in the meantime. The Labour Party, albeit after a tetchy internal debate in which Deputy Rabbitte's advice was narrowly rejected and Deputy Michael D. Higgins's views won out, decided to oppose the referendum.

**Mr. M. Higgins:** That is a blatant untruth and should be withdrawn. The Minister has no basis for his claim.

**Mr. McDowell:** The Green Party also did so, although with no internal dissent in favour of common sense as usual. Fine Gael wisely chose to support, however mutedly, the Government proposal. The party's campaign was masterly and was marked by no speeches, leaflets or posters but rather much anguish and righteous soul-searching about the timing of the referendum.

**Mr. M. Higgins:** The Minister would like to tell everyone how to think.

**Mr. McDowell:** If the country had been governed by a combination of those parties, we would now be in the grip of a paralytic political crisis in which Fine Gael would meekly submit to the ideological posturing of its putative partners.

**Mr. M. Higgins:** The Minister's claim is a dishonest untruth which he should withdraw.

**Mr. McDowell:** The exercise of good authority in which this Government took courageous and decisive action would have been replaced by an ongoing shambles and impasse which would have played straight into the hands of those who would exploit racism and xenophobia for political gain.

**Mr. M. Higgins:** The Minister knows all about that.

**Mr. McDowell:** This Bill is an important legislative step forward in recognising Ireland as a society of inward migration and in redefining the legal relationships between the State and the society and those who come to our shores as migrants. An increasing number of people see Ireland as a place to which they can come, not just for a holiday or a short educational course, but for a more long-term and settled purpose. We are now in a comparatively novel situation in that Ireland needs immigrants to share in our prosperity and make their own contribution to that prosperity.

As a result of our economic improvements, Ireland is now a country of net inward migration and we must adapt our thinking, policies and laws to that important changed state of affairs. I do not underestimate the nature of the challenge this presents in some respects but it is more an opportunity than a challenge or a problem.

In dealing with aspects of citizenship law, this Bill is part of the Government's response. The next step is already under way, which is the development of a comprehensive immigration and residence Bill which will provide a fair and sensible legislative framework for dealing with all aspects of the entry and stay in the State of non-nationals, whether as long-term migrants who wish to establish themselves and their families here in employment or enterprise, or as temporary visitors for work, study or recreational purposes.

The people have a right to expect that there are measures in place to regulate effectively the arrangements which apply to non-nationals seeking to enter or remain on our territory. This is central to achieving the correct balance in ensuring the integrity, security and authority of the State and that its economic and social fabric are protected as well as ensuring that the rights and interests of our immigrant community are upheld and enhanced.

That Bill will provide Government with effective tools for managing inward migration and for developing and implementing policies to meet the evolving needs of Irish society. Preparatory work

for that Bill is advancing in my Department and I expect to launch a discussion document on that legislation soon. Across the spectrum of our dealings with, and our legislative responses to, inward migration and inward migrants, we owe it to our society to ensure that there is a coherent approach so that all aspects contribute to our ability to manage and benefit from migration. This applies also to our nationality and citizenship laws.

When I refer to our responsibilities to society, I am conscious that now more than ever before, it includes people who are not Irish themselves by nationality but who in many cases make as important a contribution to Irish life as the Irish themselves. The changes we make to citizenship law must show that there is a continuing *céad míle fáilte* for those who migrate legitimately to Ireland with a view to establishing a substantial connection with the State by creating new livelihoods for themselves, contributing to the development of society, sharing in our prosperity and founding families and raising children here. Migration may be a phenomenon but migrants are people — flesh and blood — first and foremost, which fact we cannot allow ourselves to forget. We already have a generous, managed way for migrants who have established themselves here to become Irish citizens through naturalisation. Our naturalisation entitlements for people who have remained in the State for five years are among the most liberal in the European Union.

The Bill provides a managed way in which children born here to established migrant parents will acquire an entitlement to Irish citizenship in a way that acknowledges properly the contribution their parents make. The Bill provides a new statutory framework within which the entitlement to Irish citizenship of persons born in the island of Ireland to non-national parents can be determined. In policy terms, it is the same as the draft legislation published last April in the document that set out the Government's proposals in the run-up to the June referendum, the acceptance of which made it possible to put forward this legislation. The electorate knew what the Government had in mind at that time, and this Bill keeps faith with that commitment. The Bill also removes any future possibility for an investment-based naturalisation system and includes some other additional features to which I will return later.

I do not need to spell out for Deputies in any great detail the background against which this Bill has evolved. Suffice to say that it is intended primarily to deal with the abuse of our citizenship code whereby persons with the most tenuous of links to Ireland have been arranging their affairs so as to have their child born in Ireland, even if they have no particular intention of staying here, and thereby securing EU rights of residence deriving from the child's Irish and EU citizenship. In addition, our asylum system has been used by people who do not have a genuine need for protection under the Geneva Convention as a vehicle

to gain entry into the State, in circumvention of normal immigration controls, for the very purpose of giving birth here and availing of what hitherto has been a universal entitlement to Irish citizenship derived from birth in Ireland.

The policy features of the Bill are in line with the earlier draft. Prime among those features is the need to ensure continuing respect for the guarantees of entitlement to Irish citizenship made to the people of Northern Ireland by the two Governments as part of the British-Irish Agreement. The Government has also been at pains to ensure that the proposals in this legislation offer equality of treatment to persons asserting an entitlement to Irish citizenship whether they were born or their parents reside in this State or in Northern Ireland, with some limited differences of a purely procedural nature that take account of differences in the immigration regimes, North and South.

The principal innovation in the Bill, made possible by last June's constitutional change, is the rule for the entitlement to Irish citizenship of a person born in Ireland, North or South, to parents neither of whom is Irish or entitled to be Irish. With this Bill, that entitlement will now depend on the length of time a parent has lived here lawfully, that requirement being at least three out of the four years immediately preceding the birth. That will be the general rule.

If the general rule were to be applied without exception, we would be in breach of our obligations under the British-Irish Agreement because its strict application would exclude from Irish citizenship some of the people of Northern Ireland. The British-Irish Agreement defines the people of Northern Ireland as "all persons born in Northern Ireland and having, at the time of their birth, at least one parent who is a British citizen, an Irish citizen or is otherwise entitled to reside in Northern Ireland without any restriction on their period of residence". To ensure that commitment continues to be honoured, the Bill excludes from the general three-year residence rule those born in Northern Ireland to British parents or non-national parents who have permission to remain without restriction as to time. To mirror the situation so as to apply equally, North and South, this exclusion from the new general rule will apply under the Bill wherever in Ireland the child is born. I will touch later on other aspects of the Bill that qualify the general rule.

Those children born in Ireland to parents at least one of whom is an Irish citizen or entitled to be an Irish citizen will continue to have an entitlement to Irish citizenship, as at present. Anyone born before this new Bill comes into effect will continue to have exactly the same entitlement to Irish citizenship as before. I stress the Bill will not take Irish citizenship or the entitlement to it away from anybody who has it at present.

The Bill will continue to reflect the State's commitments against statelessness. No one born



[Mr. McDowell.]

in Ireland can end up without a nationality at present, and that will continue to be the case in the future. The only children who will be affected by this Bill are those born to short-stay parents who already have citizenship of another country available to them by descent from their parents, or by virtue of what the lawyers call *ius sanguinis*.

Before I go into the detail of how the Bill achieves these policy ends, I wish to turn briefly to the question of investment-based naturalisation, which the Bill also addresses. Deputies will be aware that in October 2003 in the other House, I declared the Government's support for the principle of a Private Members' Bill, tabled by Senator Quinn, which sought to end the possibility of such a scheme being re-introduced, and I undertook then to avail of the first opportunity for amending the statutory citizenship code to bring forward proposals to ensure that outcome. That undertaking has been fulfilled by the provisions of section 10 of the Bill.

The investment-based naturalisation scheme was a product of another time, when the economic climate was quite different and when there were genuinely held concerns in Government and on nearly all sides of the House about the future prospects of companies and enterprises experiencing real difficulties. I do not doubt the sincerity with which the devisers of the scheme put it in place, but my reservations, in principle, about it are long held and a matter of public record. There is widespread agreement that the scheme was abused in some instances.

Citizenship is not only an entitlement to a passport with a particular symbol on its cover, although possession of a passport is undoubtedly an important attribute of entitlement to a particular citizenship, it is a complex of rights and obligations shared by people of a common nationality and a symbol of the sovereign nature of the nation state. Governments have a duty therefore to safeguard the institution of citizenship to ensure that it continues to fulfil the requirements of its role as a manifestation of a nation where membership of that nation has an intrinsic value, not just a price. It is fitting therefore that this proposal to end one undesirable form of acquisition of Irish citizenship should be accommodated in a Bill whose primary purpose is to eliminate another form of potential abuse of Irish citizenship law.

I propose to examine in more detail some of the more significant provisions of the Bill without getting too bogged down in the technicalities at this stage. Some aspects of the Bill are unavoidably expressed in technical language, but I am confident Deputies will find their understanding of the Bill eased by the document which I circulated recently to all Deputies and Senators and which is available on my Department's website. It is an informal consolidation of the Irish Nationality and Citizenship Act 1956, as proposed to be amended by the Bill, and it includes, as footnotes, the material from the explanatory

memorandum. I hope to publish it as a formal restatement under statute law restatement legislation so that it can be used by practitioners and citizens alike as an authoritative statement of the law.

Section 6 of the 1956 Act is the section that reflects in Irish statute the entitlement to Irish citizenship arising out of Article 2 of the Constitution. Since the circumstances in which that constitutional right will arise are now being modified, section 3 of the Bill makes a number of amendments to section 6 of the 1956 Act. A feature of section 3 of the Bill, which did not appear in the earlier draft, relates to children born in Ireland to parents who are foreign diplomats serving here. Until the 2001 changes to citizenship law, which implemented the changes arising out of the new Articles 2 and 3 of the Constitution, the children of foreign diplomats were excluded from citizenship here as they are in many other countries throughout the world. This was and is a matter of international custom and practice. The wording of the new Article 2 was such, however, that such exclusion could not, as a matter of constitutional law, continue in that context, and so the 2001 Act provided a special procedure whereby the children of diplomats could, if they wished, exercise their entitlement to be Irish citizens, but they would not automatically become Irish citizens. With the change made by the most recent amendment last June, we are now able to revert to the former position, and section 3 of the Bill brings about that change. The 2001 version of section 6 also had a special procedure for exercising the entitlement to Irish citizenship by or on behalf of children born to non-national parents in foreign vessels or aircraft in Irish waters or airspace. That does not need to be reproduced here as the new general rule regarding the parents' period of residence in Ireland will apply in those cases as it would to any other birth in the island of Ireland.

Section 4 contains the main changes directly flowing from the amendment to the Constitution in June. It provides for the insertion of two new sections into the 1956 Act which deal with the citizenship of children of non-nationals. These are section 6A, which deals with the entitlement to Irish citizenship of persons born to certain non-nationals, and section 6B, which specifies what periods of residence in Ireland are to be reckoned where that is a factor under the new section 6A.

Section 6A(1) provides that a person born, whether in the North or in the South, to non-national parents, either of whom has been lawfully resident in the island of Ireland for at least three out of the four years immediately preceding the birth, will have an entitlement to Irish citizenship. This is the general rule for the children of non-national parents to which I referred. Deputies should note this provision allows people to have holidays, to come in and out of the country on an intermittent basis and is not mechanically based on a continuous period of residence here.

I have referred to exclusions from this general rule. These are set out in subsection (2) of the new section 6A. Naturally, the first of these exemptions, at paragraphs (a) and (b), covers those children whose continuing entitlement to Irish citizenship remains unaffected by the proposals in the Bill. Paragraph (a) refers to those who were born before the commencement of the Act, irrespective of the nationality or period of residence in the State of their parents, and paragraph (b) refers to those born to an Irish citizen parent. Next, section 6A(2)(c) comes a person born, whether in the North or South, to parents one of whom is a British citizen or has an entitlement to reside in the UK, and thus Northern Ireland, without any restriction on his or her period of residence. This exemption from the general rule is dictated by our commitments in the British-Irish Agreement to the extent that it relates to persons born in the North. By applying it also to persons born in the South to such parents, we are ensuring that the rules that must apply in the North are mirrored in the same circumstances in the South. This is also the reason for the next exemption, in paragraph (d) of the subsection, which applies to a person born anywhere on the island to parents either of whom has an entitlement to reside in the State without any restriction on his or her period of residence.

It must be said that Irish immigration practice differs from UK immigration and citizenship law in that we grant permission without condition as to time after the person has already completed a number of years of satisfactory residence on foot of regularly renewed permissions, whereas the holders of certain nationalities have permission to remain in the UK without restriction as to duration from the moment they arrive in the UK. Persons granted refugee status in the State, however, have an entitlement to reside in the State without restriction as to the period of residence from the date of granting of such status. Thus, parents covered by paragraph (d) of this subsection would almost certainly have completed sufficient years' lawful residence to meet the requirement of the general rule anyway. There are special provisions regarding each of these exemptions safeguarding the entitlement to citizenship where one or both of the parents are deceased at the time of birth.

The last of these exceptions, at paragraph (e) of subsection (2), is a technical requirement arising from the amendment in section 3 regarding children of foreign diplomats born in Ireland. Without this, such a person might otherwise acquire an entitlement to Irish citizenship based on the residence of the non-national parent who is not a diplomat accredited in this country.

The proposed new section 6B sets out what periods of residence are reckonable for the purposes of the new rule at section 6A(1). Section 6B(1) covers another aspect of the question of pre-decease of a parent. Its effect is that if a parent who dies before the child is born was residing in Ireland, North or South, and the period

immediately prior to the death was reckonable for the purposes of section 6A, then the period between the death of the parent and the birth of the child is also reckonable.

Section 6B(2) provides a means whereby the reckonable residence in Ireland, North or South, of parents who are EU, EEA or Swiss nationals can be verified by declaration. Citizens of EU member states are entitled to be present in Ireland in exercise of their treaty rights of free movement and establishment. Nationals of the three other countries of the European Economic Area and of the Swiss Confederation have analogous rights arising from international agreements to which Ireland and the other EU member states are parties.

While we have in place a statutory procedure whereby such nationals can obtain residence permits, European law on the matter is very clear. The residence permit is merely evidence of the exercise of a treaty right, and not a precondition in that exercising treaty rights derives directly from the treaties themselves and not from domestic laws that implement or facilitate those rights. There is no obligation on nationals of these countries to register all of their lawful presence in the State or to seek permission from the State to be here. In those circumstances an attempt to exclude a child from a citizenship entitlement on the basis of an absence of an official record of his or her parents' residence in the State would be incongruous. The declaration process provides a means whereby they can overcome the documentation gap. Deputies will note, however, that this section does not apply to British citizens, since their children born in Ireland will anyway be entitled to be Irish citizens without the question of periods of reckonable residence having to be considered.

Section 6B(3) covers the circumstance in which an EU, EEA or Swiss national parent whose residence is reckonable under subsection (2) is not in a position to make the declaration himself or herself.

Section 6B(4) sets out the circumstances in which a short period spent in the State by a parent is not reckonable. The first of these, at paragraph (a) of the subsection, is the most obvious. A period of residence will not count if it is unlawful, that is, if it is in contravention of section 5(1) of the Immigration Act 2004. Some of the comments I received during the summer on the earlier draft of the Bill expressed concern that this might operate to deny an Irish citizenship entitlement to a person whose parent had, perhaps inadvertently or through oversight, allowed an interval to elapse between the expiry of permission to remain and its renewal. It is precisely to cover this sort of temporary oversight, and to cover short absences from the country on holiday, business or family trips, that the basic period of qualifying residence is set at three out of the four years, rather than three consecutive years, preceding the birth.

[Mr. McDowell.]

Paragraph (b) excludes from the reckoning periods instances where the parent's permission to be in the State was for the purposes of study. Paragraph (c) excludes periods in which the person's only basis for being in the State was on foot of a temporary residence certificate issued to asylum seekers to cover the duration of their claim. Both of these exclusions apply where the parent in question is a non-EEA national at the relevant times. They apply to asylum seekers expressly, and to students by implication since EU, EEA and Swiss nationals need no express permission to be in the State in pursuance of the treaty right to study. These exclusions mirror the provisions in section 16A of the Citizenship Act, inserted in 2001, dealing with reckonable periods towards meeting the residence conditions for naturalisation.

The exclusions at paragraphs (b) and (c) were also the subject of criticisms in commentary on the earlier draft Bill. While I acknowledge the basis on which the criticisms were made, I have no proposals to deviate from this policy in either respect. Permission to reside in Ireland for the purposes of study is purely temporary in nature. It is given for the expected duration of the course of study only and the expectation is that the person will return at the end of the course or, in the case of a multi-year course, at the end of each academic year. As for asylum, any proposal to include in the reckoning a period spent as an asylum seeker would serve to encourage false claims and the protraction of the asylum process.

The reckonability or otherwise of periods of residence in the State by non-EEA or Swiss nationals can be easily ascertained by examining the passports of the persons concerned for stamps affixed by the Irish immigration authorities. What of periods in Northern Ireland? As I said, our aim is to mirror conditions for the entitlement to Irish citizenship North and South. Subsection (5) of the new section 6B does just that as regards this category of parent. However, immigration laws and practice in Northern Ireland are not the same as those in the State. In particular, the immigration stamp in the passport of a non-EEA national legally residing in the North records a permission to remain in the UK, not in a particular part of it, and therefore we must put in place a means whereby the Irish authorities can verify that the period of residence of a non-EEA national parent before the birth of a child was lawful and reckonable, and that it was in the North as against some other part of the UK.

The Bill deals with this in section 11. The section inserts a new section 28A into the 1956 Act, which is an adaptation of the procedure already at section 28 of that Act whereby a person can seek a certificate of Irish nationality. In any case, where the question of the entitlement of a person to Irish citizenship depends on an assertion of reckonable residence of a non-EEA national parent in the North, whether that be for all or part of the three-year period, the first step

will be to apply for a certificate of Irish nationality and to support that application with a statutory declaration together with whatever verifying documents are necessary. It is not possible to set out in the primary statute what those documents might be since some of them will be UK immigration documents or stamps that the UK authorities have the right to change from time to time to suit their own convenience. It would obviously be impractical for me to bring amending legislation before the House every time such a change took place. Instead, there is a power to prescribe documentation by statutory instrument. There is also a power to require further documentation as may be necessary in particular cases.

The category of person regarding whom the Irish citizenship entitlement depends on a period of residence of a non-EEA national parent in the North is the only one in respect of which a form of administrative intervention is required to establish Irish citizenship. In all other cases, the official documentation necessary to show the entitlement is either readily available in the form of birth certificates, immigration documents and the like or else can be generated by way of statutory declaration supported by the appropriate documents. There is no way around this. It is a practical difference dictated by the fact that the North is another jurisdiction, while at the same time implementing the Government's policy of ensuring that an entitlement to Irish citizenship will arise out of similar conditions whether North or South.

I have today received a request from Mark Durkan, the SDLP leader, whose views I sought on the legislation in accordance with a public undertaking given by me regarding the regulatory framework for proof of residence by non-nationals in Northern Ireland. I am glad to confirm that I will be happy to keep in touch with all those in Northern Ireland who wish to be consulted on the detailed out-working of this aspect of the legislation, as requested by Mr. Durkan.

In section 9, I am taking the opportunity to address a potential anomaly that could arise in the operation of the special naturalisation conditions for spouses of Irish citizens in which the non-national spouse is living with his or her Irish-citizen spouse who is resident abroad as an employee of the public service, for instance, in an Irish embassy. The nature of postings abroad is such that, without the change I am proposing to deem time spent abroad in the public service as time spent in the State, the non-national spouse might never build up the periods of residence in Ireland itself that are required under sections 15A or 15.

Section 10 is the provision designed to address investment-based naturalisation. I already addressed the principle. The technique adopted here to achieve the desired result of putting such schemes beyond possibility for the future is to assign a clearly defined meaning to the phrase "Irish associations" in section 16 of the 1956 Act, which was the phrase used as the basis for the

former scheme. I have never been convinced by the line of argument that the phrase, in the context of its use in section 16(a), was wide enough to cover naturalisation based primarily on an investment in an Irish enterprise, but that will not matter now. This provision in the Bill providing for a narrow interpretation of “Irish associations” in terms of blood relationship, affinity, that is, relationship by marriage, or adoption to an Irish citizen, or a person who would if alive have been an Irish citizen, represents the final nail in the coffin of the investment-based naturalisation scheme. A descendent of an Irish person, or a person who if alive would be an Irish citizen, will qualify as having Irish associations among the other categories to which I referred. Simply investing money in Ireland will not suffice. Previous Ministers for Justice, going back to 1956, resisted defining this phrase on the basis that the provision should be made for, and I quote from the Dáil debates on the 1956 Act as follows:

the grant of certificates of naturalisation in special circumstances — some of which, of course, we cannot foresee — where the Minister for Justice considers that the Irish descent or Irish association of the applicant justifies a departure from the normal procedure, relating to residence, set out in paragraphs (c), (d) and (e) of section 15. That is all that is involved under the section.

Unfortunately, we now know there was much more involved. I am satisfied that the approach now being taken provides an appropriate and non-controversial amount of latitude for the issue of a certificate of naturalisation by any future Minister for Justice, Equality and Law Reform in circumstances where any or all of the conditions of naturalisation have not been complied with.

Deputies will be aware that I asked the Irish Human Rights Commission for its comments on the earlier draft of the Bill published last April. I received its comments on the referendum proposal without asking for them. One of the aspects on which it commented was a concern that there was no provision in the 1956 Act for the naturalisation of minors. While this concern is mistaken — section 16 contains specific provisions addressing the naturalisation of minors — one side effect of the new narrow definition of “Irish associations” in section 10 of the Bill would be to limit the power to naturalise some classes of children. While section 16 envisages applications made on behalf of minors who are of Irish descent or Irish associations or who have a parent who has been naturalised, without the change proposed in section 8 of the Bill, other children could not be naturalised. This change permits the possibility of naturalising a child born to non-national parents after the coming into effect of the new rules for entitlement to Irish citizenship in the Bill but whose parents did not at the time of the birth meet the residence requirement for that entitlement. This will ensure that the matter raised by the Human Rights Commission will not give rise

to the concern it voiced. I should mention that section 5 genderproofs section 9 of the 1956 Act, dealing with the citizenship of posthumous children.

The Human Rights Commission raised a number of general points in its observations on the draft legislation, which I would like address. The commission adverts to the principle of the best interests of the child, which is at the core of the UN Convention on the Rights of the Child, a convention to which Ireland wholeheartedly subscribes. I assure the House that this legislation respects that principle, and adherence to the principle does not oblige the State to confer its citizenship or a right to citizenship on every child born in the State. The commission goes on to advert to the non-discrimination principle in the International Covenant on Civil and Political Rights, another instrument to which Ireland is a committed party. The commission quotes in particular article 6 of that covenant as follows:

Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognised in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

I assure the House that this legislation is fully consistent with the State’s commitment to that principle. The principle does not oblige us, or any other State which is an adherent to the convention, to confer Irish citizenship on everyone within the State, or on everyone born within the State. Ireland respects, and will continue to respect, the human rights of everyone within its territory irrespective of nationality.

The Human Rights Commission also reminds us of the provisions of article 8 of the European Convention on Human Rights. The Bill is consistent with our obligations under the European convention. This country, like all the other countries, has many families who are wholly non-national, including many families who contain Irish and non-Irish members and many families consisting exclusively of Irish nationals. Our laws at present operate to guarantee respect for the family life of this kaleidoscope of nationalities, and will continue to do so.

Lastly, the Human Rights Commission drew attention to our commitments under the UN Convention on the Elimination of All Forms of Racial Discrimination. I assure Deputies that the Bill contains not one shred of racial discrimination. It cannot and will not be operated in a way that smacks of racism. It is worth noting that the Human Rights Commission adverts to these international instruments and principles in a general way and it does not attempt to relate these principles to particular aspects of the Bill. That it does not do so confirms that the Bill is wholly consistent with the principles to which the commission adverts.

[Mr. McDowell.]

I am satisfied that the proposals in the Bill will result in a fair and sensible citizenship law, which will acknowledge the stake that non-nationals established here have in Irish society by ensuring that their children born here will have the entitlement to be Irish citizens. We are not concerned with their skin colour, the language they speak or their appearance. What matters is that they have a substantial connection with Irish society and that, accordingly, their children will be part of the Irish nation by operation of law.

These proposals reflect Ireland's high regard for those who have come from abroad to establish themselves in, share in, contribute to Irish society and have families here by entitling their children born here to be Irish citizens by operation of law. At the same, the proposals will ensure that Irish citizenship is not something which can be bought, sold, bartered or acquired on foot of an arranged birth in order to secure a passport to a wider Europe, but means something important to those who hold it, namely, a sense, as the Constitution says, of fidelity to the Irish nation and loyalty to the Irish State. I commend this Bill to the House.

**Mr. J. O'Keefe:** The Irish Nationality and Citizenship Bill is the natural legislative follow-up to the referendum on citizenship held in June. Fine Gael took a responsible and constructive approach to the proposal to amend the Constitution. We will adopt the same approach on the Bill before the House.

The Minister indicated in his opening remarks that he was not re-opening the referendum campaign and, over a couple of pages, proceeded to lecture us all in his typical fashion. I sometimes think he cannot resist an opportunity to try to prove how right he is on every issue. I do not intend to be drawn into a controversy on the issue, except to say that I see citizenship law and the potential for abuse of such law as a very sensitive issue. I am convinced that if the Minister referred the issue to an all-party committee, substantial cross-party support could have been achieved. Unfortunately, he took a different approach. He did not follow-up by having cross-party consultation, as established in the programme for Government, which led to much unnecessary friction. I would have preferred to see the House uniting behind the proposals.

The position of Fine Gael on the referendum was quite clear. I do not accept it was anguished and righteous soul-searching to raise the agreed all-party proposals of the Oireachtas Committee on the Constitution, which laid down and established the best procedure for running a referendum. It established that a referendum to amend the Constitution should be carried out in a deliberative and constructive way, achieving consensus if possible but, above all, allowing proper time for debate, consultation and consideration. The reverse happened in that the Minister attempted to bulldoze through the issue. This brought its natural consequences from the point

of view of friction by those who were either opposed to the issue or were not convinced by the Minister's arguments.

On the future and the next Fine Gael-led Government after the upcoming general election, the Minister for Justice, Equality and Law Reform does not have to worry about Fine Gael meekly submitting to the ideological or other posturing of anybody. As he is aware from his time as a member of Fine Gael, this is a party which always puts the country first. Whether with regard to Fine Gael or its predecessor, Cumann na nGaedheal, when courageous or decisive action was necessary in the interests of the country, it was always forthcoming and will be in the future.

The people have spoken and the constitutional change has been made with substantial support from the people. This support included that of the Fine Gael party which took notice of the considered statements by its leader, Deputy Kenny, and my statements on behalf of the party, urging support for the change. The Bill, which is consequential on the coming into effect of the 27th amendment to the Constitution, also deserves to be supported and Fine Gael will provide that support in principle. There is no equivocation on this issue.

However, Fine Gael has a number of concerns which arise in the context of this Bill and the debate on the Bill. The first springs from the need to have an integrated immigration, residency and citizenship policy. The Minister touched on this issue in his speech but I hope he will take the opportunity to outline his position on it. We are proceeding on a totally *ad hoc* basis in this matter and it is utterly unsatisfactory. The second issue concerns the need to consider an amnesty for the parents of those citizens born in Ireland before the referendum and in particular before the Supreme Court decision of January 2003. This decision effectively changed what was then considered to be the automatic entitlement to residence of the parents of such children. My third concern is not the decision to bury the passports for sale scheme but rather to do so without any proper inquest or post mortem. There is a significant number of questions about the operation of that scheme which have never been answered, particularly with regard to the period 1988 to 1994.

There is no coherent policy on the issue of immigration and this must be addressed urgently. The Immigrant Council of Ireland has produced an excellent document, *Voices of Immigrants: The Challenges of Inclusion*, which unfortunately only landed on my desk this morning, giving me time to no more than glance through it. It raises many questions which must be examined and answered. I am delighted to see it is written by two people who give an address at Allihies in Beara in my constituency of Cork South-West. There have been unprecedented numbers of non-nationals coming to our shores. I accept this is of relatively recent origin and I believe it is only

since 1996 that the number of immigrants outnumbered for the first time the number of Irish citizens emigrating.

We have failed to come to terms with this situation. Apart from various statements, the Government has failed to face up to the issue, despite the influx of non-nationals. There is essentially no policy on immigration. We are stumbling along in the absence of a comprehensive, integrated policy covering immigration, residency and citizenship. That so many diverse aspects of immigration are being dealt with by different Departments leads to confusion. Refugees and asylum seekers are dealt with by the Department of Justice, Equality and Law Reform, work permits are the responsibility of the Department of Enterprise, Trade and Employment, visas are in many instances handled initially by the Department of Foreign Affairs, residency and citizenship issues comes under the aegis of the Department of Justice, Equality and Law Reform, registration is dealt with by the Garda Síochána and social welfare aspects relating to amendments made by the Department of Justice, Equality and Law Reform are handled by the Department of Social and Family Affairs.

We have a mish-mash of a system which gives rise to total confusion. There is no transparency and in many instances there are no criteria. For example, in the case of an application for naturalisation, one looks for the criteria but cannot obtain them. They are not there, apparently. There is no appeals system. These issues must be addressed and tackled. On top of all this, there have been endless delays and a situation where a person inquiring as to his or her position and the criteria which may not have been met cannot get an answer. In many ways, the situation is Kafkaesque and the Minister can take no pride from presiding over such a system. I am not blaming the civil servants, who are only doing what they are told to do by the Minister, or not told to do.

**Mr. McDowell:** That is a handy thought.

**Mr. J. O'Keeffe:** The situation is ridiculous. It is a bureaucratic nightmare for anybody trying to cope with the system and deal with the different Departments.

Some three months ago, I made a reasonable proposal which I directed in particular to the two Ministers involved, the Minister for Justice, Equality and Law Reform and his colleague, Deputy Harney, the then Minister for Enterprise, Trade and Employment, both from the same small party in Government. This was to establish an Oireachtas helpline so that Members who are continually approached by people with problems of this type could have somebody with whom to talk. This has not happened and it is a further indication of the helplessness of the Government. An Oireachtas colleague told me that on facing an important issue about which he was under significant pressure, he spent two or three hours making 11 telephone calls over a period of time to the Department of Justice, Equality and Law

Reform in an attempt to find a simple answer to his query. When he eventually got through to the Department, nobody knew to whom the query should be addressed. This is a helpless, hopeless situation. My colleague eventually resorted to tabling a parliamentary question, which had to be dealt with. It is a ridiculous waste of time, money and resources that parliamentary questions must be tabled to deal with individual applications.

The Minister should immediately establish an Oireachtas helpline. It is like the United States trying to ring Europe about an issue of war and peace. A person should be appointed whom Oireachtas Members can telephone, pass on queries to and obtain a response without wasting time and money on parliamentary questions or otherwise. This will save time for the Minister as I am sure he receives heaps of letter on this issue. Once this hotline is established, the Minister might consider establishing a citizens' hotline so this service could be extended generally. This would allow individuals to discover their own situation by making a simple request. Finally, there must be a comprehensive policy that is open, transparent and accountable. Because so many Departments are involved, the Minister might also consider our suggestion to the Taoiseach that some Minister of State might have a dedicated position or a cross-departmental role in bringing all the threads together. I suggest that immediate action should be taken on these various points. All decisions should be related to bringing forward a comprehensive immigration policy after appropriate discussion with the relevant people. Let us debate this in the House at the earliest opportunity. Commitments were made in regard to a coherent policy, but they have not been met.

I will move on to the issue of the Irish children and their parents who are now in limbo. When the Minister first raised this issue and the rushed referendum, I understood from his 6 o'clock remarks that a sympathetic approach would be taken to those who, as it were, were caught on the wrong side of the line because of the Supreme Court decision in the L&O case. However, I understand that a number of these parents of Irish children have been deported in the meantime. What is the position on the parents of Irish citizens born before the referendum, in particular those about whom I feel strongly — those born before the L&O case which, effectively, changed the law?

The Minister might say these people came to this country to exploit a loophole. They came to this country knowing, and in many instances having been advised, that if their children were born here, they would have the right to residence here. There is a moral right on their side and there is a strong case for a general amnesty for those families. I will not give the impression of being in favour of an open door policy because we should control our immigration policy. However, this affects a finite number of people.

I do not know the exact numbers. The Minister made a passing reference to them, during his criti-

[Mr. J. O’Keeffe.]

cism of the anti-referendum people, but I am unsure whether he accepts the figures he mentioned. We are talking about 9,000 or 10,000 Irish citizens and their parents, but I am not certain. The Minister should let us know the exact position. I would particularly like to know the numbers from before January 2003 and the L&O case and those since then up to the referendum.

The Minister should also inform us in his response whether he is open to a humanitarian approach. These children are Irish citizens and this legislation will not change that. The number is limited and finite. The parents of those children came here on the basis that it was accepted practice that parents of children born in the State would be granted residency. In fact, the Department had established a separate procedure for dealing with such applications. Statutory agencies and lawyers in the area had advised non-national parents on that basis and a number of asylum seekers had abandoned their applications for asylum and were relying only on their status as parents of Irish citizen children. Let us not leave those parents and their children in limbo. The children are Irish citizens and there is a compelling case for a humanitarian approach and for treating them and their families sympathetically. The Minister will have the full support of Fine Gael if he adopts that humanitarian approach with regard to those children.

The Minister referred to the Chen decision. That decision is irrelevant. It appears that Mrs. Chen and her Irish born child will have a right of residency in any EU country except Ireland. It is only relevant to the extent that it shows an absurdity. The Minister may give an outline in his response as to how the position in Ireland will be affected following the ruling of the European Court of Justice. The situation was dealt with at length and analytically by Carol Coulter in *The Irish Times* last week. I cannot disagree with her view. The Chen decision is not hugely relevant. It must be remembered that the Chen decision was based on ability to fund the rearing of the child. This would probably not apply to the tiny fraction of children, the 9,000 or so Irish children, about whom I am talking.

Another major issue is the decision to bury the passports for sale scheme without a post mortem. I am concerned by the significant number of unanswered questions in this regard.

**Mr. McDowell:** There is a post mortem going on in Dublin Castle on it.

**Mr. J. O’Keeffe:** Perhaps the Minister will clarify this issue. There is a general approach towards seeking a termination date for tribunals. At some stage all the documentation on this matter was transferred to the Moriarty tribunal. However, I am not aware of any investigation by the Moriarty tribunal into the issue of passports for sale. As a person interested in this issue, I found that I was not getting replies to my questions, in

particular from the Minister’s predecessor who was highly annoyed when I tabled detailed questions on various aspects of the matter. I was convinced that from the end of 1988 and early 1989 when the scheme was introduced to 1994 there was a freebooter style to the issue.

In case the Minister wants to be political on this — the normal reaction — and refer to the rainbow coalition, the change did not occur with the rainbow. It occurred when the former Minister for Justice, Equality and Law Reform, Máire Geoghegan-Quinn, took over as Minister. She was appalled by what she found and in mid-1994 she put in place the necessary changes to ensure proper procedures were followed. Clearly, up to then proper procedures were not followed.

The Minister referred to the debate on the Irish Nationality and Citizenship Act 1956, in particular to the reference to “Irish association”. At the time, Deputy Stephen Barrett, another Corkman, referred to the fact that the reference to Irish association without definition could give cause for great mischiefs in the future. He was right. Deputy Ó Móráin, from Mayo, suggested at the time that an Arab drinking a glass of Irish whiskey in Cairo could claim Irish associations. How true that was because it was much the same with regard to passports when the then Fianna Fáil Minister for Justice rode freestyle through every law and regulation when taking some decisions.

In the debate on citizenship in the Seanad, this Minister fully accepted that. This may not have been with regard to the pirate of Prague but there was a case where 11 passports were applied for one day and issued the following day, before the naturalisation process was completed, and handed over at lunch in the Shelbourne hotel. Significant questions on the issue remain unanswered.

In the context of the time one could point to the economic benefits of the scheme. It was not the theory of the scheme that was wrong but the way it was run. We are now in a different age and of a different generation and I am glad to see the scheme interred. However, there is need for a post mortem. We need to know what happened under the scheme. There are too many unanswered questions. Will the Moriarty tribunal answer those issues? If so, well and good. Let us have the answers and the sooner the better. If not, the Minister must ensure that we establish an independent examination of the issues and that we come to some independent conclusions as to the outcome. Such a process may lead to the revocation of some passports.

**Mr. McDowell:** That would be very difficult.

**Mr. J. O’Keeffe:** I know there are restrictions on revocation. I also know there are people who were naturalised, received passports and honestly made investments as arranged. Revocation would not stand up in law but I would like to know the full facts. Did the pirate of Prague, for example,

make the investment he promised? If he did not, I question the granting of his passport.

**Mr. McDowell:** The pirate of Prague was closer to Deputy O'Keefe's side of the House than mine.

**Mr. J. O'Keefe:** It does not matter. I am merely concerned to have the right thing done.

**Mr. McDowell:** I cannot have another tribunal of inquiry.

**Mr. J. O'Keefe:** I am not talking about a tribunal. Is the matter to be dealt with? If it is not, I am thinking of a more simple process to get the full facts. Let us have a wake for the system and give it a decent burial. The Minister is pushing it into the tomb along with all these unanswered questions. That is not a proper or satisfactory way to deal with an issue that was of huge concern to many people over several years.

**Mr. McDowell:** The scheme is dead. I am just putting a stake through its heart.

**Mr. J. O'Keefe:** I do not see any sign of a stake. That is the problem. I have been raising these issues for a long time and I do not have answers. We are now following up on the Private Member's Bill introduced in the Seanad by Senator Fergal Quinn. We must make sure that we cannot have a repeat of what was a fair old scandal. Let us not bury the scandal.

As always, Fine Gael will be positive and constructive. The Bill meets our demands. Some issues will need to be teased out on Committee Stage and I may propose some minor amendments. However, we are implementing the will of the people in putting this legislation in place. On that basis I am happy to say, on behalf of Fine Gael, that the Bill deserves to be supported and that Fine Gael will provide that support.

**Mr. Costello:** I suppose, in due course, the Minister will make an abject apology to Deputy Michael D. Higgins for his scurrilous remarks about his view prevailing over that of the party leader in what he described as a tetchy internal debate. I do not know how the Minister acquired such information.

**Mr. J. O'Keefe:** Intelligence.

**Mr. Costello:** I hope the parliamentary Labour Party rooms are not bugged.

**Aengus Ó Snodaigh:** One never knows what is bugged.

**Mr. Costello:** It was neither Deputy Higgins nor Deputy Rabbitte but Deputy McDowell who was responsible for the position taken by the Labour Party on the referendum. We had urged the Minister to appoint an all-party Oireachtas committee to look at the matter, as recommended by

the committee which had considered how we should approach amendments to the Constitution, and that there would be proper consultation in the run-up to the referendum. The Minister did not listen to us. It is nice to see he is now prepared to listen to Mr. Mark Durkan and to the Human Rights Commission. Retrospectively, the Minister is a great listener but prior to the referendum he was not prepared to listen to any of us.

**Mr. McDowell:** I had heard them all.

**Mr. Costello:** Yes, but he did not pay attention to the wonderful words of wisdom being expressed.

I welcome the abolition of the investment based naturalisation scheme. However, there is no mechanism for the revocation of passports that have been granted. There is need for such a mechanism. Deputy Jim O'Keefe spoke about the pirate of Prague. A number of people have besmirched the passport they obtained from this country. As well as stopping the scheme from operating in the future, this legislation should include a provision to allow for a passport to be revoked from a person who had abused it and brought the name of Ireland into disrepute.

The thrust of the legislation is towards limiting citizenship to those people who have a substantial connection with Irish society. This connection is interpreted exclusively in terms of residence for a period of three years during the four years prior to the birth of the child. Any subsequent period of residence is not covered. To what extent will this measure impact on the thousands of nurses from the Philippines who work in Ireland as guests of the nation on limited contracts, and who may be pregnant? Their children can never be Irish citizens unless they have been here for at least three years. What impact will that have on our ailing health service, which is run almost exclusively by nurses from the Philippines? We have been obliged to allow the spouses of nurses into the country.

The most ludicrous element of the Minister's contribution was his statement that he intends to introduce a comprehensive immigration and residency Bill and that preparatory work for the Bill is advancing in his Department. The Minister stated that he expects to launch a discussion document on that legislation in the near future. The Minister's predecessor made that statement in 2001 when the Department of Justice, Equality and Law Reform published a strategy statement for the years 2001 to 2004.

**Mr. McDowell:** In fairness to my predecessor, he launched a discussion document.

**Mr. Costello:** He promised a comprehensive Bill, which the Minister has just promised. The Bill was promised in 2001 but there is no sign of it. That Bill was to have developed our immigration policy and put it in a structured framework. We are now approaching the end of 2004



[Mr. Costello.]

but there is no framework, legislation or policy development. None of the things promised in 2001 for delivery by 2004 has been delivered. The principal legislation governing the entry and residence of non-nationals in the State continues to be the Aliens Act 1935 and the orders made under it, as amended or re-enacted. The only substantive amendment to our laws since the 1930s is the Refugee Act 1996, which was at first ignored by the present Government and then gutted. Such legislation as has been passed since that date has been driven by the anxiety to tighten our procedures for removing non-nationals from the State and has had nothing to say about who should be entitled to come here in the first place.

The Minister and his predecessor have been driven by the need to be seen to react immediately to whipped-up crises. There has been no period for reflection and no setting out of first principles. There was one measure called an Immigration Act and while one might expect that it concerned immigration, it was about deportation.

We are still promised a “real” immigration and residence Bill, without even the general scheme for a Bill having been drawn up to be sent to Government for consideration. I do not believe we will see anything of significance within the lifetime of this Dáil, despite the Minister’s reiteration of his previous promise.

In the atmosphere of crisis in which he revels, asking the Minister for Justice, Equality and Law Reform to outline an immigration policy is as realistic as expecting the little Dutch boy with his finger in the dyke to draw up a coastal protection plan for the Netherlands.

Citizenship, immigration and asylum are interlinked. Our policies, or the lack of them in one area, impact on the others. Today we are debating a citizenship Bill the perceived need for which derives from recent immigration by asylum seekers and from our failure to address the issues that arise in that context.

The Minister will recall that since the former Progressive Democrats Minister of State, Deputy O’Donnell, described the Fianna Fáil-PD coalition’s policy on asylum seekers as “a shambles”, little has been done by the Government to tackle the issue of how we treat our asylum seekers, refugees and new immigrants. Instead of facing up to the issue, this Government has concentrated on various ways to make it go away. The Government has consistently failed to introduce any rational, fair or effective policy for people who wish to come to our country to work.

Most people recognise that many of those who travel here and seek asylum are not in reality seeking sanctuary but are fleeing from poverty and deprivation in search of a new and better life for themselves and their families. They are seeking the same opportunities that countless Irish people sought abroad for generations.

It is clear that the current system favours neither the genuine asylum seeker looking for

safety, nor the economic migrant seeking employment. The failure of the Government to tackle this problem is also costing the taxpayer. Those who wait for their cases to be dealt with are often waiting more than a year, during which time they cannot work and must be supported by the State. The delays in the system are not caused by the time limits, which are relatively short, but by the sheer number of cases that need to be heard or processed, and by the delay in the delivery of decisions.

Equally, it is clear that the current work permit system is not working because it is controlled and managed by employers. There is considerable administration involved, the system is not flexible and it leaves immigrant workers open to exploitation. At a time when our society is challenged by this issue, the Government’s response has been to cut back on spending programmes designed to tackle racism and to provide for the integration of immigrants into the community. This is regrettable and shortsighted but is all too typical of the lack of joined-up thinking demonstrated by the Government.

The current approach has left us with an expensive, ineffective and unfair mismatch. There is no speedy, fair or effective system for processing economic migrants, many of whom are prepared to work hard and to make a valuable contribution to our society. On the other hand, the procedures for claiming asylum are clogged up with many economic migrants.

Real problems have been identified with the asylum process. According to the Irish Refugee Council, there is a huge disparity between the numbers granted refugee status at the initial stage and the numbers who are successful on appeal. Inconsistencies and flaws in the decision-making process lead to expensive court actions and delays. The process requires urgent overhaul to bring it into line with best European and international practice.

Some of the people awaiting decisions on their refugee status have been in this country for many years. They have now put down roots here, learned the language, sent their children to school and, in a limited number of cases, have begun to work here. There is a compelling case for regularising the positions of those persons whose applications have essentially been buried in the backlog.

All this is by way of background to our citizenship “crisis”, which demanded such urgent action from the Minister, Deputy McDowell. The Minister had already sought and received clarification from the courts as to his power to deport non-nationals with no right of residence in the State, even if they were also parents of Irish-born children. He insisted on going further, however, and commitments given in the Good Friday Agreement would not stand in his way.

The opportunistic decision to run a constitutional amendment on Irish citizenship was calculated to increase turnout and support for the Government parties in the local and European

elections. It also risked encouraging the racist tendencies that are already active in the undergrowth in Ireland. In the event, there was an increase in voter turnout but, in the biggest setback in electoral strategy since the infamous "Tullymander" of 1977, extra voters simply meant more votes against the Government.

Before the referendum on the Good Friday Agreement of 1998, Deputy Quinn was assured by the Taoiseach that:

In the event of Articles 2 and 3 taking effect, no legislation will be proposed by this Government to the Oireachtas which imposes restrictions on the entitlement to Irish nationality and citizenship of persons born in Ireland ... One effect of the new Article will undoubtedly be to confer an entitlement to Irish citizenship on persons born in Northern Ireland irrespective of their family background or the circumstances of their birth in Northern Ireland. We do not contemplate any change in the *jus soli* rule. Considerations of peace in Northern Ireland would outweigh any concerns related to immigration.

If one examines the explanatory memorandum accompanying this Bill, however, one will notice that the direct opposite is stated.

Given that the present Articles 2 and 3 derive directly from the Good Friday Agreement, which the Government is still striving to resuscitate, a strong argument was required to justify unilateral action that involved overriding the terms of that agreement, without consulting the parties to it and securing their consent. No such argument was provided and the views of the SDLP, Bruce Morrison and the Human Rights Commission, amongst others, were ignored.

Notwithstanding the subsequent token consultations, which amounted to going through the motions, the Minister told me on 7 April that that he had not consulted the SDLP and had no intention of doing so, as this was not a matter for the political parties in Northern Ireland and that they had no veto on the agreement. He added for good measure that he had no plans to consult with the Human Rights Commission.

**Mr. McDowell:** On the referendum.

**Mr. Costello:** The Minister had no intention of consulting the Human Rights Commission.

**Mr. McDowell:** On the referendum.

**Mr. Costello:** But this was prior to the referendum. This was in the consultative process leading to the referendum.

**Mr. McDowell:** I said I would consult them on the Bill and I did so.

**Mr. Costello:** That was *post facto* as the Minister well knows. It was the referendum we were talking about, not the subsequent Bill.

The fact that Articles 2 and 3 are being overridden is evident from the opening words of the new Article 9.2: "Notwithstanding any other provision of this Constitution...". In fact, the Minister's explanatory memorandum for this Bill makes it clear that:

The effect of this amendment is to qualify Article 2 of the Constitution, which provides that "It is the entitlement and birthright of every person born in the island of Ireland, which includes its islands and seas, to be part of the Irish nation".

That speaks for itself. As a result, there is now no credibility to Government protestations that the Good Friday Agreement can only be "reviewed" during the current talks process and that it cannot be amended in any substantial way. The Minister has just done it.

The Minister claimed he was bringing forward his initiative as a reaction to concerns raised by the masters of two Dublin maternity hospitals. He cited figures relating to a major rise in the number of non-nationals giving birth in those hospitals and the concerns of hospital management about the health and safety problems raised by this. The Minister said he had met the masters in his office to discuss the issue and added that the masters "pleaded with me to do something to change the law in relation to this. They didn't ask for additional resources, they were asking me to change the law".

However, the two masters said that they did not ask the Minister to change the law or hold a referendum. Dr. Seán Daly and Dr. Michael Geary said they had given no opinion as to what the Government should do about legislative or constitutional changes to the status of non-nationals. It turned out that the two masters had not sought the meeting with the Minister in the first place. Instead, they had been invited by his officials to attend a meeting.

**Mr. McDowell:** Rubbish.

**Mr. Costello:** This is what they said.

**Mr. McDowell:** Rubbish.

**Mr. Costello:** Is the Minister calling them liars?

**Mr. McDowell:** The record shows it very differently.

**Mr. Costello:** Is the Minister calling Dr. Daly and Dr. Geary liars?

Then the Minister changed tack — I hope he does not say this is rubbish. This was no longer about protecting over-worked and under-resourced maternity hospitals, it was about protecting the integrity not just of Irish but of European Union citizenship.

**Mr. McDowell:** Some 80% of the people have spoken on this issue.

**Mr. Costello:** We then discovered from a reply given by the then Minister for Foreign Affairs, Deputy Cowen, to a parliamentary question, that no such concern had been raised with the Government by any other member state of the European Union. Much information was put into the public domain under false pretences. That is the point I am making.

The All-Party Committee on the Constitution had, unfortunately from the Government's point of view, reported on the referendum process and had set out clear and agreed procedures for holding referenda on constitutional amendments, which were not complied with in order to meet the artificial and suddenly-imposed deadline for this referendum. There was no Green Paper on citizenship and no consultation with Opposition parties, the All-Party Oireachtas Committee on the Constitution or the Human Rights Commissions, North or South. There were no public hearings on the factual issues that were said to give rise to the need for the referendum campaign.

Ultimately, in Irish constitutional terms, a person is, on the one hand, by virtue of birth in Ireland, entitled to be part of the Irish nation. On the other hand, "notwithstanding any other provision of this Constitution", a person can be denied entitlement to Irish nationality and citizenship. Is such a person, in some grandiloquent but meaningless gesture, part of the Irish nation while at the same time not entitled to Irish nationality and citizenship?

According to Mr. Justice Hardiman in the L&O case, the second sentence of the new Article 2 is not easy to understand unless by "part of the Irish Nation" of itself entitles one to citizenship. This is a key point. He was confirming the Government's own understanding of the wording as presented to the parties at Castle Buildings and confirmed to the voters in both jurisdictions who approved the Good Friday Agreement. However, the insertion of a simple "notwithstanding any other provision" clause turned the Supreme Court's interpretation on its head and rendered the Taoiseach's guarantees worthless and meaningless. This sort of underhandedness, confusion and uncertainty was no way to launch a major constitutional proposal to rewrite our citizenship laws, nor is it any way to treat the Northern Ireland peace process.

The net effect of the Bill is simple enough. The Minister already had the power to deport the non-national parents of Irish born children notwithstanding that those children are Irish citizens. In one of the most cynical submissions ever made to a court on behalf of this State, he argued that the parents could be deported without breaching the constitutional rights of the children and that the reason the constitutional rights of the children would not be interfered with was that the parents, in compliance with their constitutional obligations towards their families, would be expected to take those Irish children with them.

**Mr. McDowell:** That would happen with an Irish person with a child in America.

**Mr. Costello:** The *de facto* deportation of those children was, on this argument, a vindication of their constitutional right to the company and care of their parents. That is the constitutional vindication.

**Mr. McDowell:** An Irish person who had a child in America would be sent home.

**Mr. Costello:** We have a Constitution, to which the Minister is paying little attention in terms of the integrity of the family — the child and parents. This outcome, in the view of the Minister, did not go far enough. Irish citizenship for their children was still a sufficient magnet to attract pregnant women to this State to give birth here, even though they were liable to immediate deportation and would be then expected to bring their children out of the country with them. The only way to stop this was to change the citizenship rules.

Ireland was, admittedly, unusual in its offer of citizenship to anyone born on its soil. Only a few European countries still grant automatic citizenship on the basis of birth in a country's territory. The United Kingdom and Australia repealed laws providing for citizenship on the basis of birth in the country during the 1980s. The best known provision for citizenship on the same basis is that contained in the 14th amendment to the Constitution of the United States——

**Mr. McDowell:** As I just told the Deputy.

**Mr. Costello:** ——which provides that: "All persons born or naturalised in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside."

**Mr. McDowell:** A parent cannot stay with his or her child if the child was born in America.

**Mr. Costello:** I am coming to that point. In the United States, the courts use more robust language. The postponement of the residence rights of a US citizen child who was born to non-nationals who have no right of residence there is called what it is — the *de facto* deportation of the child. The Department of Justice, Equality and Law Reform officials, who advised the Minister on the deportation orders for the Lobe family and Mr. Osayande, referred to the "constructive deportation" of the citizen children of those families. However, once a *de facto* deported US citizen child reaches the age of majority, he or she can exercise citizenship rights and return to live in the United States. Put at its simplest, the change we made to our Constitution and are about to make in our laws is so as to rule out that possibility for the future.

**Mr. McDowell:** Yes.

**Mr. Costello:** So there is a big difference.

**Mr. McDowell:** The people voted for it.

**Mr. Costello:** The Minister cited the example of the United States and I am pointing out the difference. The referendum was held and passed and we now have to legislate for the outcome, which I accept. However, there remains an historical legacy, a relatively small and coherently defined group of people who, while waiting for their status to be determined, have had that status bypassed by changes in the law which have since taken place. They deserve special attention. The Minister can and should address this matter. Deputy Jim O'Keeffe has now indicated the position of Fine Gael as the largest Opposition party and the Labour Party position is essentially the same.

The non-national parents of Irish born children were previously ushered by Department of Justice, Equality and Law Reform officials into a separate, non-statutory, scheme for the consideration of their residence applications. After the Supreme Court judgment in the L&O case, the Government suspended the separate application procedure on 19 February 2003. These applicants must now wait for a deportation proposal to be served on them before getting a chance to put forward reasons why they should be given permission to remain in Ireland with their Irish citizen children. In a decision of breathtaking insensitivity and unfairness, the Government will not even permit parents who applied before February 2003 to continue under the procedure that was in place at the time the application was made. As a result some 11,000 applicants are in a legal limbo.

The Labour Party considers that the delay suffered by these people and their children is indefensible. Those applications received before February 2003 should be fast-tracked and the families affected should, as an exceptional humanitarian measure, be granted residency, subject to security verification. It is beyond argument that we should have clear and fair criteria on which residency applications are adjudicated before any deportations can be ordered. The rights of Irish children must be vindicated by the Government and individual consideration given to their needs and rights.

Precedents exist abroad for the granting of amnesties in certain circumstances. Most recently the British Government adopted such an approach in order to clear the backlog in both asylum and residency applications involving approximately 19,000 people. This was based on recognition that the overall system would benefit from such a move, and that the people involved now have formed new associations and roots. Such an approach also recognises that asylum seekers are not responsible for the inadequacies of the decision-making process.

We must also bear in mind the requirements of the European Convention on Human Rights including, in particular, its provisions on respect

for family life. As summarised by the British Court of Appeal in *Mahmood v. Secretary of State for the Home Department* in 2001, Article 8 of the Convention is likely to be violated by the expulsion of a member of a family who has been long established in a state if the circumstances are such that it is not reasonable to expect the other members of the family to follow the member expelled.

According to the European Commission of Human Rights, with which the Minister will no doubt be consulting in the near future, one should look at individual criteria, such as whether children have become well settled into the educational system, as well as considering the general question:

Whether removal or exclusion of a family member from a Contracting State is incompatible with the requirements of Article 8 (Art. 8) will depend on a number of factors: the extent to which family life is effectively ruptured, whether there are insurmountable obstacles in the way of the family living in the country of origin of one or more of them, whether there are factors of immigration control (e.g. history of breaches of immigration law) or considerations of public order (e.g. serious or persistent offences) weighing in favour of exclusion.

In addition these parents of Irish born children have now, as a result of divergences in the approach adopted by the Supreme Court and the European Court of Justice, fallen into a peculiar and anomalous situation. The *Chen* ruling of the ECJ can be summarised in two sentences. First, a young child who is a national of one EU member state is entitled to reside in any other member state if he or she is covered by sickness insurance and has sufficient resources not to become a burden on the social security system of that state. Second, to reject a residence application submitted by the non-national mother of such a child would, in the court's view, render the child's right of residence entirely ineffective. Therefore, the mother must have a derivative right of residence also. This is an important principle that would seem more pertinent to a Supreme Court decision in the context of the Constitution than another principle.

The ECJ has gone further than the Supreme Court was willing to go in this respect, where rights under the Constitution are concerned. The ECJ has held that to deport non-entitled parents of a child with a right of residence would render the rights of the child ineffective. Accordingly, such parents must have derivative rights of residence as a matter of EU law. The Supreme Court, on the other hand, has permitted the deportation of non-national parents of Irish citizen children. I recognise that the ECJ judgment only binds the State so far as EU law is concerned. An Irish citizen child's rights of residence in Ireland do not derive from EU treaties or directives but from the Irish Constitution. A peculiar state of affairs now results, however, where

[Mr. Costello.]  
the non-national parents of an Irish citizen child can move to other member states of the Union, provided they have insurance and sufficient other resources, relying on the right of residence in other member states of their child. Those parents are, however, still liable to be deported from this State. Effectively, a category of people has been created who, while not being nationals of any member state, have a right to reside anywhere in the EU except in Ireland. This anomaly is unfair and unsustainable.

There is a limited number of affected families.

**Mr. McDowell:** I said all of this on 19 May and the Deputy told me I was bluffing.

**Mr. Costello:** About the Chen case.

**Mr. McDowell:** If the Deputy looks at his statement of 25 May, he said I was bluffing and exaggerating but I said exactly what he is saying now.

**Mr. Costello:** The Minister agrees with me. That is great.

**Mr. McDowell:** It is great that the Deputy has accepted my position when he said then I was exaggerating.

**Mr. Costello:** So we will regularise the situation?

**Mr. McDowell:** All has changed, changed utterly.

**Mr. Costello:** I thank the Minister. If he had told me he would regularise the situation, I might have devoted less of my speech to trying to persuade him to do that.

**Mr. McDowell:** The Deputy should look at his statement of 25 May. He told me I was bluffing and exaggerating because I said what he is now saying.

**Mr. Costello:** That description is true of some of the Minister's remarks.

**Mr. McDowell:** It was not true then.

**Mr. Costello:** These people have been living in the community for a substantial period of time and, in many cases, their children are assimilated into school and community life. In the interests of these families and their children, they should be permitted to remain here. The breaking up of the families of young children is too high a price to pay simply to safeguard the orderly administration of our immigration system. We should take this opportunity to regularise the status of the relatively small number of people who are living here at present in a legal limbo. The anomaly highlighted in the Chen judgment is an additional argument for doing so.

We respect the decision taken by the people in the referendum but there is a pressing need to regularise the situation prior to the introduction of this legislation. Many people do not realise that there is still a constitutional entitlement to Irish citizenship by virtue of birth even though the referendum was passed. That right does not end until the legislation is passed. Now that it is going through these Houses, it is time to look generously at the intolerable situation for Irish born children who are citizens, and their parents. We must also look at the situation whereby the Supreme Court judgment in February 2003 defended the integrity of the immigration process. The integrity of the family is also strongly vindicated in the Constitution.

I ask the Minister to take this opportunity to do what he suggested previously and regularise the position. I welcome the indication he gave tonight that he will do that. It will address the backlog of people who have been waiting for years. There are people visiting our clinics whose cases have not been resolved in seven years and in many cases Irish born children are involved.

**Mr. Connolly:** I welcome the opportunity to speak on this Bill. It arises from the coming into effect of the 27th amendment of the Constitution, which adds a new section to Article 9 stating that children born in Ireland do not automatically acquire Irish citizenship.

Legislative panic in this area was precipitated by the challenges posed by the accession of the additional EU states in May 2004 and the predicted east-west flow that would follow. Prior to January 2004, Ireland was the only EU member state to retain a system of unrestricted access to its labour and social welfare systems for all European workers. With the subsequent amendments to the Social Welfare Act, our policies were closer to those of other European member states. These amendments blocked immediate access to social welfare benefits for non-nationals. In 2003, the European Court of Justice approved British social welfare benefit restrictions concerning non-nationals from the accession states. These restrictions required migrant workers from the ten new states to demonstrate their integration with the economy of their new domicile before becoming eligible for benefits.

The need for a referendum in June, and its timing, were the subject of intense public discussion. There was considerable controversy about its timing, in particular its coincidence with the local and European elections. Nevertheless, 80% of those who voted supported the provision that one must have at least one parent who is an Irish citizen to be entitled to Irish citizenship.

This Bill provides that in the case of a child born to non-nationals, at least one of the parents must have been in lawful residence in Ireland for three or four years before the birth of the child to entitle that child to Irish citizenship. In 20 years some of these children born to non-nationals might be leading goal scorers for Real

Madrid or AC Milan. What would happen in such circumstances if we wanted them to play for the international team in the World Cup in 2026?

**Mr. Costello:** We might get some of them to play for Dublin.

**Mr. Connolly:** Would the question of those players' citizenship assume major importance? We might be able to assemble a squad of world ranking players born to parents of non-nationals. We should remember the scramble by players to trace Irish roots and secure an Irish passport before Italia 90.

We are not slow either when it comes to claiming US Presidents. We welcome them back to all parts of the country and they are all proud of their Irish ancestry. Senator John Kerry, however, is a different kettle of fish. Likewise, the future Irish-born Presidents of Nigeria, Russia, Latvia, Romania, Georgia and the Ukraine, to name but a few, will in all probability be accorded civic receptions and receive the freedom of major cities.

This may not be as unlikely as it first appears. Numerous foreign students who studied at Irish universities in the past have returned to play leading roles in their countries' political and social lives. I recall our links with the former President of Israel, the late Chaim Herzog, born in Dublin, whose father was Chief Rabbi of Ireland. He was accorded recognition in Ireland and he presented a beautiful memorial to the late Cearbhall Ó Dálaigh in Sneem, County Kerry, his retirement residence.

I am not sure if this Bill will alter the double think that pervades the Irish psyche about the Irishness of people born in Ireland. On the one hand, under this Bill, we are happy to exclude children born to non-nationals from the privileges of Irish citizenship. On the other hand, we rush to claim them as our own if they become what we consider a success or make good in the fields of arts, sports or even politics.

In 1998 the Good Friday Agreement was approved in two referenda North and South of the Border granting every child born on the island of Ireland the right to be considered an Irish citizen. The scenario of major immigration to Ireland from eastern European, African or Asian countries was not envisaged by those who framed the Good Friday Agreement. In the interpretative statement by the two Governments last April, it was stated that it was not their intention that the Agreement should impose any obligation on either of the two Governments to confer nationality or citizenship on persons born in any part of the island of Ireland whose parents did not have a sufficient connection with the island of Ireland. The real intention of the Good Friday Agreement was to woo the Unionist population of Northern Ireland into a joint arrangement with their Nationalist counterparts. However, the full ramifications of the Agreement's reference to Irish citizenship were not suf-

ficiently considered at the time which has provided dissident Unionists with a veritable arsenal of ammunition against the Agreement.

There is a category of children born to non-national parents who are already Irish citizens and who, along with their parents, are being deported in their droves. Such cases should be red circled and account should be taken of the devastating affects on their families. In such cases, the non-national elements of families are being deported, sometimes accompanied by the children who are Irish citizens. In some cases, the child, who is a citizen of Ireland, is left behind in the care of friends or neighbours. That certainly must have an effect on local community life. These children are placed in a type of semi-stateless or legal limbo when they are left in the care of neighbours or friends. They are the bearers of Irish passports, which guarantees them such protection as befits a citizen of Ireland, yet the pillars of their families are snatched away from them at their most vulnerable stage in life with our State apparently indifferent to their plight, perhaps even hoping the problem will go away and become somebody else's.

Our Constitution purports to protect the family as the basic unit of Irish society. We must ask whether the deportation of the non-national members of the family thus causing the break-up of the family or the departure of the entire family from the State serve the common good. No provision appears to have been made for the regularisation of non-national families of children born here prior to the passing of the 27th amendment of the Constitution. Therefore, I call for the red circling of this group. In fact, it is not unknown for persons in possession of Irish passports to have been summarily deported despite their protestations. This has resulted in the State being placed in the position of having to readmit them subsequently, which is their entitlement as citizens of Ireland.

Those families whose domicile in Ireland predates the 27th amendment of the Constitution should become special cases and should be permitted to remain in the country. Their children have grown up in local communities, have gone to school and have participated in local sporting and culture events and, in many cases, speak Irish with the fluency of our native speakers. Many of their parents play a full role in their communities and have made a major contribution to society in general and to their local communities, in particular. The passing of this Bill presents us with the opportunity to tidy up the issue of citizenship and nationality for the children of non-nationals. In the interests of humanity, it should not apply strictly to the persons to whom I have referred.

One loophole the Bill will eliminate is the controversial passports for sale scheme which prevailed during the 1980s and 1990s. There was the ludicrous situation where wealthy individuals could receive Irish passports in return for the investment of large sums of money in Irish projects. Their backgrounds may not have been sub-

[Mr. Connolly.]

ject to very intense scrutiny given that Sheikh Khalid bin Mahfouz, a brother-in-law of Osama bin Laden, was enabled to receive Irish citizenship in return for inward investment. Similarly, another Bahamas-based financier, Viktor Kozeny, the bouncing Czech, known as the pirate of Prague, also secured an Irish passport for a similar consideration. This type of wheeling and dealing in Irish passports brought the entire concept of the Irish nationality and citizenship into disrepute and ridicule and its demise is welcome. As the Minister pointed out, the Bill provides a fair and equitable set of arrangements for entitlement to Irish citizenship.

The Minister also acknowledged the contribution to Irish society longer-term émigrés make. The links between these émigrés and their home countries can become a powerful force for economic development. Trade liberalisation and export promotion means that more goods from the old countries are available in the new ones. Telephone calls home are a fraction of their cost a decade ago, fuelling a five-fold boom in the number of minutes billed to prepaid phone cards since 1997. The contribution of these people to Irish society has been very significant and our Government, through the IDA, has been to the fore in enticing multinational corporations to invest in Ireland. The Government should also make the seduction of the new diaspora of the various non-national groups already in Ireland a key part of its strategy for development.

**Mr. Cuffe:** I was surprised by the tone of the Minister's speech. I would have thought such a tone was not appropriate for someone holding ministerial office. The concerns he raised are not a fitting reflection on the tenor of the campaign held on the citizenship referendum a few months ago. The referendum was rushed and there was not time for sufficient debate. It was very difficult, particularly for those of us in smaller parties, to actively support our candidates who were running for office and also to express concerns about the citizenship referendum. Doorstep after doorstep, it was very difficult to ask people to support a candidate on local issues and then to ask to have a chat about the referendum. It was inappropriate to put both issues to the people on the same day. The slogan of one of the bodies dealing with immigration, "Keep our elections free from racism", implied within it that one should not put forward the significant issue of immigration and an election process on the same day. I stand by that and by the concerns my party raised at the time and continues to raise. The issue should have gone to the All-Party Committee on the Constitution. I do not believe the level of detail which could have come into the debate was raised and it is unfortunate that opportunity was lost.

As regards the views of Opposition parties, I actively campaigned with a relatively prominent member of the Fine Gael party. There were concerns among every party represented in this

Chamber about the referendum and many of those concerns still stand. Some of the most vulnerable in our society are feeling the brunt of the referendum held.

I would like to see a radical and careful change in our immigration policy. In simple terms, I would like to see a policy defined with a little bit of detail to it, as happens in the US and Australia. We could debate what that policy could consist of but we are spending more time keeping people out rather than allowing people into this country. I do not believe that is a good thing for the Ireland of which I am proud to be a citizen.

Those who enter Ireland on the basis of a working visa are the lucky few. They are the skilled workers needed in certain sectors of Irish society. However, those with a work permit do not have the same rights as those with a working visa. The characterisation of them as being, in many ways, not much more than indentured servants still holds. They are here at the whim of an employer and this causes problems for them. I have heard anecdotally that sometimes employees are forced to fork out the €500 for the renewal of the work permit. That is not good.

It is not acceptable that these people cannot be promoted. On promotion, a person's job description changes and the reasons the visa was issued are no longer valid. That is a significant subjugation of a group in Irish society that reduces its members to an underclass. It is a negative thing to say to someone in a field of endeavour that he or she has no prospect of promotion. The Minister should reflect on the difficulties inherent in the work permit process as it currently operates.

The habitual residence condition also raises difficulties. While people who come to Ireland contribute to the growth of the economy and must pay tax, they are not entitled for two years to any benefits. I accept this measure was introduced as a means of preventing a flood of people coming from the EU accession states, but the consequences affect us all. I would like to see this provision reviewed. While people who have been granted residency are permitted to stay in the country and enjoy the same entitlements as Irish citizens, they are disadvantaged as their rights are not guaranteed by law. There is no legislation to protect them and their entitlements can be changed at any time to suit the political climate.

According to the current reckoning, more than 11,000 people exist in a kind of limbo in Ireland not knowing if they and their children born here will be deported or granted residency by the Minister for Justice, Equality and Law Reform. If any good comes of this debate, I hope it will be an end to the limbo in which these people find themselves. Without the right to work, they are doubly subject to the kinds of prejudice many hold against immigrants to these shores in the first place. Some people say immigrants are taking up our social welfare entitlements without realising that they do not have the right to work. The prejudice directed at the colour of someone's

skin is doubled by the inability of the group in question to work and the consequent requirement to seek social welfare benefits. This is what gives rise to headlines about free cars for refugees. I hope the Minister will take it upon himself to counteract misleading headlines of this type. While I know he would like to see the establishment of a press council, in its absence I hope he will take an active interest as the Minister with responsibility for equality in dealing with the editors of newspapers that have produced such headlines.

Female genital mutilation is recognised in other EU member states as a sufficient ground for an application for asylum. Yet, on a routine basis, it is not being recognised in Ireland as a ground for concern or fear at being deported. In several of the cases about which I have written to the Minister in recent months there were such legitimate concerns. The Minister should look more favourably on applications for asylum on this ground. It is a significant issue on which the State should demonstrate leadership and compassion for the difficulties women and their families experience in their countries of origin.

I would like the Minister to introduce policies that actively promote integration, inclusion, protection, the provision of services, participation in society, recognition and respect for cultural diversity. I look forward to a change of heart, though I am not too optimistic. From the tone of his words this evening, I see the Minister has lowered himself to bickering about past events. I hope Deputy McDowell will promote equality, a function which appears in his ministerial title, to provide benefits for the least well off in society.

**Aengus Ó Snodaigh:** As democrats, we in Sinn Féin recognise the referendum result that has allowed this legislation to come forward. However, consistent with our opposition to the antecedent constitutional change to remove the equal right to citizenship by birth and replace it with an institutional inequality on the basis of the nationality of one's parents, we cannot support this Bill. If the Minister is worried, I am the last speaker and the best has been kept until last.

Equality at birth is a core republican and democratic principle. The equal right of every child to full citizenship on the basis of birth alone rather than wealth, race, ethnicity, gender or any other factor is the *jus soli* principle fundamental to republicanism and democracy. I cannot consent to the abandonment of this principle for the *jus sanguinis* regime, which has its origin in the racist doctrines of colonial Europe. This Bill demands that we narrow the right to citizenship from that of a right conferred by birth on this island to a right based on what the Bill refers to as a sufficient connection, a concept that it fails to define.

Who are we kidding when we set an arbitrary threshold? Approximately 1.8 million Irish passport holders were born and currently reside abroad. They are citizens only by virtue of hereditary descent under section 7 of the current Act.

**Mr. McDowell:** A racist colonial ideal.

**Aengus Ó Snodaigh:** I am simply describing what currently exists.

**Mr. McDowell:** The Deputy has just described it as racist.

**Aengus Ó Snodaigh:** So far, I have not. How are these people more connected to Ireland than those who are born here? How do we prove an infant does not have sufficient connection to a place? How do we prove an infant born overseas has a greater connection to the island and its people by virtue of parents who have chosen to leave than one born in Belfast, Dublin or Galway whose parents chose to come here and make it their home? It cannot be done. How deep is our hypocrisy in this presumption when untold thousands of our ancestors and even immediate relatives have claimed the right to remain in the United States of America or Canada on the basis of the birth of child citizens of those countries?

Irish republicans do not want Irish nationalism to be exclusive or insular but rather inclusive, internationalist and rooted in full equality. This ethos has never been more important than now as we contemplate a united Ireland in the near future. A united Ireland must treat all people born on this island with equal esteem regardless of affinity, ethnicity, religious or political belief or the origins of one's ancestors. We must be absolutely consistent. I appeal to Deputies on all sides of the House who support this Bill to think hard about its implications for the future. Members must take the opportunity to reflect on what really defines Irish nationality and the way in which we built our nation.

I admit to deep disappointment with the referendum result and the Bill as these take Irish nationalism backwards and fail to advance us to an inclusive and proudly multi-cultural Ireland. I am disappointed that the majority of voters of all political persuasions failed to learn compassion from the legacy of Irish immigration and instead swallowed the bait when encouraged by the Minister for Justice, Equality and Law Reform to scapegoat others for the unequal distribution of wealth and access to resources that the Government has presided over and aggravated. This is a mistake we will have to pay for down the road.

I recognise and appreciate that greater efforts have been made since the Government's original proposal to proof the legislation in line with the Good Friday Agreement in keeping with its responsibility to ensure that violation or dilution of the Agreement is not a by-product of current policy and this Bill. There is, however, an anomaly that results from the formulation of this Bill or, to use the Minister's language, a loophole that violates the stated principle underlining the Bill, that of citizenship on the basis of sufficient connection.

In accordance with provisions in the proposed new section 4, 6A(2)(c) and 6B(2) and (7), all



[Aengus Ó Snodaigh.]

British citizens regardless of whether they have any connection, much less a demonstrably sufficient connection, with Ireland have a privileged position equal to that of Irish citizens when it comes to the automatic right of their children to citizenship. Under this legislation, a couple who have no Irish connection, who, for instance, have lived all their lives in Manchester, could come to Ireland, give birth to a child and have Irish citizenship rights conferred on their baby. However, the same cannot be said for a couple who come to Ireland from Cape Town, Hanoi or Santiago.

With regret I note that while the Human Rights Commission raised sufficient concerns prior to the final drafting and publication of this Bill again, most of them have not been addressed. I note that the Immigrant Council of Ireland shares many of those concerns which I will take up with the Minister for Justice, Equality and Law Reform on Committee and Report Stages. However, he has not been amenable to amendments from my party or from those who oppose his trend on this issue.

I also note the Minister said he would engage in a wide-ranging consultation process. I have not so far seen any evidence that that is the case. I repeat Sinn Féin's call on the Minister to keep the promise he made to the Opposition spokespersons in April, as mentioned earlier by other speakers, to immediately move to regularise the status of the non-national parents of Irish citizen children facing deportation, in particular those whose applications were made before the Government changed its policy and made it retrospective in the wake of the Lobe and Osayande decision. It is not acceptable that the Government changed the rules and forced these people back to square one. It is not acceptable that the Government's acceleration of the deportation of these parents of Irish children amounted to the effective exile of 32 citizens to date. We do not know what will happen to them in the future because the Minister has admitted to me that the Government has washed his hands of them. They were, in effect, told to get out and not come back.

The Government has forced parents to surrender their children's Irish passports while in other cases it has facilitated the obtaining of Irish passports to get such people out of the country quicker. The only alternative, as happened in one case, is for the parents to leave the child behind in the country of origin and of its citizenship. We do not know how often this has happened or the fate of such children because the Minister has also admitted to me that he does not keep track of them. This is a scandal and a stain on our nation. I urge the Minister to regularise these families now as there is no logical reason not to grant them an amnesty on a humanitarian basis, in the name of fairness given this Bill will no doubt pass Second Stage, in the light of the possible success of the pending High Court challenge and also in view of the potential implications of

the European Court of Justice decision in the Chen case which has reaffirmed the right of EU child citizens to the care and company of their parents within the EU.

Debate adjourned.

### Private Members' Business.

#### Childhood Development Initiative: Motion.

**Mr. Rabbitte:** I wish to share time with Deputies Burton, O'Sullivan and Upton. I move:

That Dáil Éireann,

- welcomes the report of the Tallaght West Childhood Development Initiative;
- expresses its concern at the serious picture of inequality and social deprivation in some areas of west Tallaght depicted in the report, especially in view of the unprecedented economic growth experienced by the country over the past decade;
- acknowledges the successes of the broader community in west Tallaght and commends, in particular, the efforts of many individuals and community and voluntary organisations to improve the opportunities and living conditions of the communities; and
- believes that the conditions depicted in the report are replicated in other disadvantaged communities throughout the country and, in this regard, notes the finding of the recent report published by the Children's Research Centre, Trinity College, that the number of children living in housing that is overcrowded, damp, in disrepair and in poor neighbourhoods had more than doubled in the years between 1991 and 2002;

calls on the Government to use the Budget to respond positively to the recommendations in the Child Development Initiative Report and, in particular, to:

- (a) address the factors that leave 90% of children in fear of the effects of anti-social behaviour;
- (b) implement divisional status for the Tallaght Garda region which has been stalled since 1997;
- (c) expand programmes designed to improve early school provision and specifically to expand the number of childcare places;
- (d) enable the local authorities to accelerate a comprehensive programme of refur-

bishment of public housing stock and, in particular, to commit to the installation of central heating within a reasonable time frame;

(e) resource the local authorities to improve the environment in the estates surveyed;

(f) restore the RAPID programme in order to fund in 2005 the plans submitted by this and other areas targeted in the original announcement in 2001.

On the face of it this may appear to be a specific motion about one particular area of Dublin which I am privileged to represent. The Government, it would appear, considers it is a motion that falls to be answered by a particular Minister, the Minister for Community, Rural and Gaeltacht Affairs. Neither conclusion is correct. Fundamentally, this is a motion about inequality in post-Celtic tiger Ireland which requires to be addressed by several Ministers, in particular the Ministers for Justice, Equality and Law Reform, Health and Children, Education and Science and the Environment, Heritage and Local Government. The motion is based on research, the first of its kind, the findings of which also need to be comprehensively addressed by the Minister with responsibility for children.

Whereas the immediate peg on which this motion is hung is the innovative research conducted on behalf of an amalgam of community organisations in west Tallaght called the Childhood Development Initiative nobody would suggest that its findings are unique to that part of Tallaght. The conclusions of the separate study by the Children's Research Centre at Trinity College dramatically bears out that point. The central finding in that report, that the number of children living in housing that is overcrowded, damp, in disrepair and in poor neighbourhoods had more than doubled in the years between 1991 and 2002, is shocking. The report, *Housing Problems and Irish Children*, found that 50,000 children were living in such housing in 2002, an increase of more than 100% since 1991.

These results almost perfectly coincide with the best economic years we have experienced since the State was founded. In so far as the motion refers to specific findings in respect of the community comprising over 21,000 people in west Tallaght who were the subject of this survey, the very existence of the Childhood Development Initiative is a testament to the vitality of that community. The CDI is a consortium comprising no less than 20 community and professional groups, statutory and voluntary, indigenous to the area and committed to the objective of delivering change in the areas of education, care for children and families in the area. There is a great sense of justifiable pride in this flowering of community participation and in what has been achieved to date often in the face of adversity.

According to the Government's own yardstick of measurement at the time the RAPID pro-

gramme was thought up, there are at a minimum 25 areas of urban Ireland where disadvantage has been similarly clustered and where similar under-provision has been made in terms of services, amenities and facilities. Having outlined the vitality and progress made by these communities in west Tallaght, everyone concerned has to confront some of the stark findings in the CDI report. This is also a community under stress, a community that has had to cope with neglect and disadvantage since the day the first batch of houses was built, a community to which officialdom has since the beginning turned a blind eye. The roots of the disadvantage from which west Tallaght, like so many other urban communities, suffers lie in bad planning, and that disadvantage is now very deep rooted.

The report of the Tallaght west childhood development initiative, and therefore this motion, is about three issues above all. First and foremost, it is about children. If we take the report as representing a microcosm of disadvantage, there are children who, in the midst of the greatest prosperity this country has ever known, face a lifetime of hopelessness and despair if we do not act. One in three households is headed up by a lone parent, one in three children is bullied at school, 90% of children live in fear of anti-social behaviour perpetrated by organised gangs of young thugs, and almost 60% of households live in rented local authority housing, compared with a national average of 10%.

A quarter of all these families live with damp and heating problems, and every second child lives in a home in need of improvement. Almost half, or 10,431 people, in the estates surveyed had ceased education. Of that number 27% had at best completed primary education, 34% had completed lower secondary education and only 11% had any form of third level education.

Too many of the children are condemned to repeat the vicious cycle of disadvantage in their own lives. One in seven is in chronically poor health. One child in every six has special educational needs, which in most cases are not being met. The majority of the children surveyed live with parents who were early school leavers, and too many of them have no incentive to stay on in school.

Figures like these would be shocking if they were confined to one small disadvantaged area of this city. We all know other areas of Dublin, Cork, Galway, Limerick, Waterford and many of our smaller towns, where similar studies would produce directly comparable results. What makes these figures truly shameful is what they say to us. They say clearly that, at a time when the economy has grown faster than ever before and at a time when we are wealthier than we have ever been, we have failed many of our children and are doing that by choice.

That brings me to the second issue raised by the report. It is a graphic, crystal clear and devastating picture of inequality in modern Ireland. There is a cruel irony in putting the words

[Mr. Rabbitte.]  
 “children” and “inequality” into one sentence in any debate in this House. Visitors watching this debate could well have passed through the main lobby of this building where they would have seen a framed copy of the original proclamation of independence. Since the day that document was written and long before it was hung in the hall of this building, there has been an historical, almost romantic resonance to the notion of children and equality in a republic such as ours. I do not need to repeat the phrase from the proclamation since everyone knows it.

It rings hollow in a time when so many of our children live in conditions that are, if anything, more unequal than at any time in our history. This is an affluent country, and an affluent capital city. People come to Dublin from other parts of Europe to shop for high fashion. We have gourmet restaurants throughout the city. Road building and public transport struggles to catch up with the number of new cars we buy each year. In the midst of that, children and communities struggle. In the heart of this affluence, we are unable to deal with anti-social behaviour, to give children a warm and dry place to sleep, to ensure every child goes to school with a decent breakfast and to prevent teenagers from dropping out of school and spending their lives on street corners. It is not true to say we are unable to do any of these. The real truth is that the Government has made a deliberate choice not to do them. It has chosen to ignore the problem of disadvantage.

That brings me to the third and central point of the report. Without ever saying so and without offering any overt criticism, the report makes it abundantly clear that the core of the Government's response to disadvantage has been deceit. I have spoken many times in the House about the RAPID programme and I have done my best to explain to members of the media what it means. The programme was designed to engender hope and optimism in disadvantaged communities. It was launched with maximum publicity. Communities were encouraged to pour hours of effort into devising plans on how to best use the millions that would come with RAPID. We were talking about significant moneys being fast-tracked to these areas — €1.9 billion to be precise. The revitalising areas by planning, investment and development, RAPID, programme, the acronym for which was carefully chosen, was to communicate speed in tackling these problems before the last election. As soon as the election was over, we were casually informed that whereas there might be a RAPID programme, there would be no money. RAPID has been reduced to the status of a logo, being hawked around Departments and applied to any piece of Government spending that can possibly be made to carry it. The eminent Minister does that so eloquently in both languages that it fools some people but not many.

There is an annual ritual that takes place here around Christmas when we debate the social wel-

fare Bill. Successive Government backbenchers laud the Government on its many achievements in increasing social welfare. Ministers are congratulated on their generosity, as though the money came out of their own hip pockets. Percentages are thrown around which make no mention of how much the economy has grown in recent years. Wherever possible, issue is taken with the definition of poverty used in various studies so that we are expected to believe there is no such thing as poverty any more. It is a deliberate farce intended to drown out the voice of the poor in a barrage of twisted facts and statistical definitions.

Those tactics will not work tonight, however hard the Government may try. This is a report that, to a large degree, mirrors in its methodology the seminal study of poverty in York carried out by Seebom Rowntree. Writing in the introduction to that work, Rowntree pointed out that rather than use what he called the extensive method of pulling together statistics on poverty for the United Kingdom as a whole, he would study poverty using the intensive method — a detailed investigation into the social and economic conditions in his town of York.

The power of the childhood development initiative report is that it is concrete, specific and down to earth. One cannot argue with the picture of disadvantage and poverty which the report paints. It should shock any decent society to its core, but we were not shocked. I doubt that there is a Deputy in the House who does not have some acquaintance with the realities of west Tallaght or of similar communities in their constituencies. We all know these problems exist but as a society we have failed to respond. They do not constitute the sum total of disadvantage in society. Poverty and disadvantage exist in every part of our country, but communities such as west Tallaght, where disadvantage is so concentrated, pose particular problems and challenges and place the failings of our society, and of this Government in sharp perspective.

There was a time when Fianna Fáil would have found such a report a source of concern, having historically built its electoral success on a social agenda as well as on republican rhetoric. That Fianna Fáil is long dead, and the report on west Tallaght might as well be its obituary. As has been abundantly clear for some time, Fianna Fáil has calculated that it can succeed electorally without the voters of communities, such as west Tallaght. Provided it can fuel its political machine with enough donations from wealthy interests, it does not need to do the hard graft that is required to deliver for these communities.

We know too that the people of west Tallaght can expect nothing from the Progressive Democrats when the Minister for Justice, Equality and Law Reform believes that for our society to be successful, a large dollop of inequality is essential. On the issue of equality of opportunity the Tánaiste said:

But people who can help themselves should have the opportunity for improvement and advancement, and they should be rewarded on the basis of what they have achieved. This principle is an integral part of what I would call a fair society.

Perhaps the Tánaiste would care to tell the rest of us, on whom she poured such contempt in that article, how equality of opportunity works in any community like the one surveyed. How does a child experience equality of opportunity, when he or she does not have a warm, dry place in which to do his or her homework? How does a child experience equality of opportunity, when he or she goes to school hungry? How does a child experience equality of opportunity when the conditions in which he or she lives makes him or her too ill to attend school regularly?

The mythology peddled by the Tánaiste is allied to two other myths which may not be publicly stated but which will bubble beneath the surface of this debate. The first of those is that poverty is not the fault of society, but rather that of those who are poor. As Rowntree put it: "How much of poverty was due to insufficiency of income and how much to improvidence?" If anyone wants an answer to that question, he or she could do worse than to consult the studies undertaken by the Vincentian Partnership for Justice into what constitutes an acceptable budget for people on low incomes.

These reports have the merit of including the voices of people who are on low incomes. I will quote some of them so that their voices can for once be heard in this House. Speaking of how she manages on a social welfare income, one lone parent with two children stated:

I hate myself for being a bad mother. No matter how hard I try, I cannot give the kids things they see other kids with. It is hard not to let the kids go to the fridge when they want something.

The mother of a family with two parents and two incomes made the comment:

Child care? You must be joking. I could not afford it. I just hope that the day will come when I can work for a few hours.

Are these the voices of improvidence or people who lack an economic incentive and should simply get on their bikes? There is not much point in telling these people to get on their bikes because there are no police around to stop them being stolen.

The second myth is that there is nothing we can do because the problems are too deep, too endemic and too systemic. That too is nonsense. There are no quick fix solutions but there are measures we can take. As far as the Labour Party is concerned, no Government can be allowed to ignore the challenge posed by some of the findings of the CDI report. The mission statement of the childhood development initiative is to deliver a solutions-based ten-year strategy to remove

barriers to the well being and educational achievement of the children in the area. However, if measurable improvement in the healthy development and educational achievement of children is to be recorded, it needs Government support.

We need an integrated approach to tackling educational disadvantage. We need integration between child care and education and we need to expand early intervention programmes. We need to build on the success of programmes such as Early Start and Breaking the Cycle, piloted by the last Labour Party Minister for Education, Ms Niamh Bhreathnach. Whereas at last we have some education welfare officers and there are some home school liaison officers or teachers and some minimal provision of funding for family support workers, there is no integration between the different roles.

We need to tackle the phenomenon of anti-social activity. There seems little appreciation of the corrosive effect on communities besieged by anti-social behaviour. There seems to be little concern that where a policing vacuum is allowed develop it facilitates the machinations of those who take it on themselves to provide policing without accountability. Since 1997, the political and administrative authorities have contrived to stall the decision to accord full divisional status to Tallaght gardaí with manpower, vehicles and resources that such implementation would bring.

The meanest cut and the most foul deception visited on disadvantaged communities was the effective killing off of the RAPID programme — a programme deliberately created to lead communities to believe that if they came up with the plans, the government would fund them.

There is absolutely no excuse in this modern wealthy country for local authority houses to lack decent central heating and insulation, something which my colleague Deputy Stagg succeeded in ensuring would be a feature of all new local authority houses. In doing so, he has at least provided the potential for tens of thousands of children to ensure better health and better educational opportunities. Those simple things should not be seen as luxuries in modern Ireland.

These recommendations will not be implemented in a vacuum. There already exists in Tallaght a strong community with the determination to carry out the hard slog that is required to make progress.

That a report such as this should come from a local voluntary organisation speaks volumes about the strength in depth and the honesty of the community I have the privilege to represent. I call on Members on all sides of this House to respect that honesty by supporting this motion.

**Ms Burton:** When I heard that Fr. Seán Healy was visiting the Fianna Fáil parliamentary party in Inchydoney, one part of me was glad that someone would perhaps tell the party how it was, while another felt it was an extremely cynical exercise.

[Ms Burton.]

Last week, I had an opportunity to attend the launch of the study of children in Tallaght and thought it a pity that more Cabinet Ministers could not have been present to hear its outcome. This is a community which has struggled valiantly and overcome many challenges such as bad planning and the provision of facilities ten or 20 years after the many thousands of houses were built. However, they have come out of the process standing, smiling and offering messages of hope for the future. Even they must recognise that hope for the future can only come if some provision of resources is allocated on a fair basis.

Children who were interviewed with their families for the survey talked about the good things in their lives, including the care and love they got from their families, but they also talked about the things that made their lives sick. Some 90% of them said they are afraid because of the prevalence of bullying, harassment and anti-social behaviour. This is a fact that should cause even this Government to stop in its tracks. It means that 90% of the children surveyed, who want to get on in school and whose families are ambitious for their future, are afraid to go outside their own door to play or go to the shops. Their parents are worried when they are away from their home place because the thugs, gangs and bullies are in charge on the streets.

They are in charge because communities such as Tallaght, along with the 26 other areas of urban disadvantage in towns and cities throughout the country, do not have the policing they should. We have a Minister for Justice, Equality and Law Reform who is an expert on everything except the job he is supposed to do, which is to make children feel safe in their own communities.

I had an opportunity to sit with some of the groups after the launch of this detailed and elaborate survey during which people talked about their experience of the work as it was carried out. In the privacy of the group discussions, local people stressed that, as one woman put it, "the scum-bags are in control". That anyone need refer to another human being in those terms is quite depressing. However, people feel that their children's entire capacity to enjoy life and participate as future adult citizens of this Republic is prevented by the fact that we do not have community policing. One of the means by which the Government won the last election was to promise the people the recruitment of 2,000 extra gardaí, but they are not present on our streets. The Minister will now introduce emergency measures to train gardaí, but he and people at the top of the Garda Síochána do not believe in community-based policing. Police forces around the world, whether in New York, Boston or Baltimore, once the crime capital of the United States, or in various cities in the United Kingdom, have said that the remedy to tackling the enormous fear of petty harassment, mindless violence and anti-social behaviour perpetrated by a small number of people who make life hell for everybody else is

to deploy police in the community. Despite the growth in the populations of our cities, in the seven years the parties in Government have been in power, the number of community police has fallen. That is an indictment on the Government. The children in this community, through this study, are saying that they want the right to be able to go to and from their schools and to the shops in peace, and they deserve that support.

Another shameful and disgraceful finding that emerges from this study is that while statistics on money and wealth have increased, with the Department of Finance having acknowledged that 41 semi-millionaires — those with incomes in excess of €500,000 — did not pay any income tax, the numbers completing primary school and secondary school at junior certificate level and leaving certificate level are falling. This is particularly true among boys.

The Early Start intervention programmes which were created as projects ten years ago when the Labour Party was in Government are still pilot projects. This is one of the problems that bedevils Tallaght and other similar communities. A great deal of the time of people involved in these projects is spent making reapplication after reapplication for funding. The Minister has taken no decisions to make permanent the projects that have worked well in disadvantaged communities. He has done a good deal for certain rural areas, on which I compliment him, but he has done nothing for the 26 areas of serious urban deprivation in this country.

A study similar to this one is to be published shortly about part of my constituency in Quarryvale. I do not have to be able to read tea leaves to forecast what the study will indicate. Despite all the money during the years of the Celtic tiger, the position of poor families and of children of families on low incomes is unfortunately getting worse rather than better.

**Ms O'Sullivan:** I compliment the authors of this report and the people of west Tallaght for giving us this level of information. The most disappointing aspect of what happens in these communities, of which there are many in my constituency with which I am familiar, is that people are given hope and an indication that they will be given power, but then that is taken away from them. The RAPID programme debacle is a good example of that. Under that programme, people were brought together in their communities and asked to draw up plans and to prioritise. They got together with their neighbours and drew up plans, in respect of which they believed they would be get the necessary funding to implement them, but that did not happen. That was a most devastating experience for them.

I attended a meeting last week of representatives of the five designated disadvantaged areas in Limerick, which probably has some of the most disadvantaged areas in the country. The experiences of those representatives is similar to what has emerged from this report on west Tallaght.

One of the features of these communities is the efforts of local people to try to make a difference in their communities. That is why they need support, which obviously is not available. Whatever about people being cocooned in upper middle class areas of our cities and countryside, public representatives cannot pretend they do not know what is happening.

At the meeting I attended last week, representatives of the five communities spoke about the positive work they do in their communities. They said that if the jobs initiative programmes do not continue they will not be able to do this work and that we will be leaving those communities vulnerable to the law breakers in Limerick, the names of whom we hear bandied about in the media. I am glad the Minister is present. I urge him to develop an urban jobs programme similar to the rural jobs programme he developed. That is what is needed to replace the short-term nature of jobs initiative and community employment schemes. I feel strongly about that because in my community jobs initiative workers are engaged in running crèches, providing meals for the elderly, operating security cameras in certain estates and maintaining the environment. Their involvement in the community is an example of the type of work that is also being done in west Tallaght.

I want to refer specifically to the educational aspects of this report, particularly to the fact that there are only 300 pre-school places for 3,000 children in the area covered by this study. It is shameful that the Government has not paid any attention to the area of pre-school education, the most important area in terms of addressing educational disadvantage. An OECD report published last week judged Ireland to be extremely negative in the provision of pre-school education. Only 4% of three year olds have received publicly funded pre-school education in Ireland compared to over 90% in many other European countries. My colleagues referred to the Early Start and Breaking the Cycle programmes in respect of which there has been no development.

When Deputy Noel Dempsey was Minister for Education and Science he talked about educational disadvantage almost non-stop for two years or more, but nothing has been done to address it. A report on this matter is ready to be published, but when we questioned the new Minister on it earlier we could not get an indication of the timescale as to when the educational disadvantage programme will be implemented. There are not enough education welfare officers to address the issue of children dropping out of school. These issues can be easily addressed if the will exists to do so. Professor Aine Hyland, the chair of the Department of Education and Science's committee on educational disadvantage, last week criticised the fact that the recommendations it made were not implemented. We still do not know when anything will be done to address educational disadvantage.

Therefore, this motion is tremendously important. There is a need for the subject of this

motion to be addressed as a matter of urgency. I hope that by raising this matter the Labour Party will have moved the Government to take some action not only in regard to west Tallaght but in regard to all the other communities, the members of which have similar experiences to those of the people of west Tallaght.

**Dr. Upton:** As a country, we have listened to ourselves congratulating ourselves on our great economic prosperity, particularly in the past ten years, with some justice. This happens to be true for some of the community but, as always, the weakest have been sidelined and the levels of inequality and injustice have been particularly highlighted by the great economic development that has been very good for some but, unfortunately, has ignored many who need it most.

I welcome the Tallaght West Childhood Development Initiative because it particularly highlights the inequality that exists. As Deputy Rabbitte said, this debate is about inequality. It relates to a report that has been well researched and presented, which I welcome, but inequality does not exist only in Tallaght, unfortunately. I represent a constituency where there are many pockets of serious disadvantage. The contents of this report could just as well apply to many of those areas as it does to Tallaght.

Recently, I attended a meeting organised by Combat Poverty on the issue of food poverty. It is amazing that in the current climate of great economic success there are so many marginalised and so many who suffer from what is known as food poverty, defined as the inability to have an adequate and nutritious diet due to issues of affordability and access. It is even more ironic that in a country that is so proud of the quality and availability of its food supply that food poverty should affect in the order of 200,000 people.

Living in poverty and social disadvantage imposes constraints on food consumption in a number of ways, but food affordability is affected in the choice and quantity of food that can be bought. It impacts on the access to retail options available and the capacity to shop in terms of transport and physical ability. Those who are exposed to food poverty in their youth are the adults who are likely to suffer from other diseases arising from that deprivation. They eat less well by comparison with socially advantaged groups. They have difficulty in gaining access to a variety of nutritionally balanced and affordable foods. They spend relatively more of their income on food but do not necessarily purchase healthy options. This reflects the difficulty in obtaining affordable healthy foods. It is not that they do not know what is healthy, but that they are restricted physically and mentally by a lack of financial resources.

There has been no co-ordinated approach to addressing food poverty. Addressing food poverty should be based on the widespread availability of nutritional foods. The point made by Combat Poverty, Cross Care and the Society of

[Dr. Upton.]

St. Vincent de Paul is that a ministry should be dedicated to food and nutrition to have joined-up thinking involving all the relevant Departments, including the Departments of Social and Family Affairs, Education and Science, Health and Children, and Agriculture and Food.

One of the most distressing aspects of food poverty is the endless stream of stories of children turning up for school without their having had a breakfast. Some schools in my constituency have very good breakfast clubs, which have been a resounding success. Many of them are voluntarily run. To be fair, it is true to say that there are some good State-funded initiatives. However, many of these operate on an *ad hoc* basis, which has implications for funding, and are outside any broad strategic thinking. The Programme for Prosperity and Fairness recommended a reform scheme called the school food programme, intended to replace all the school meals provisions that are currently in place. This initiative should be activated to place the right to decent food provision for all schoolchildren on a formal basis. It is not good enough to be dependent on goodwill and voluntary effort when a recommendation has been made and agreed that every child should be entitled to a decent diet.

It is also true that the poorest areas have the worst public transport, causing further isolation and deprivation. This is true of Fettercairn and Brookfield in Tallaght but also true of areas in my constituency, such as Cherry Orchard and Ballyfermot. There is no train station in Ballyfermot, for instance. There is an increasing population and much improved housing in the area and therefore a greatly increased need for better transport. However, better transport is totally absent in many parts of the constituency.

Affordable child care provision has been highlighted for me recently in the Dublin 12 area. The availability of affordable child care for the residents seems to be on a stop-start basis. There is no continuity in the provision of the service because of the uncertainty of funding. An application is currently with the Department of Justice, Equality and Law Reform for the Dublin 12 child care consortium and I hope sincerely that it will be considered favourably. The need for affordable child care in Ballyfermot is acute. There is a very young population and therefore the demand for it will increase in the near future.

I have addressed food poverty particularly regarding children but it should be noted that the elderly have also been marginalised. It is absolutely appalling that in this day and age occupational therapy services are just not available to old people. They elderly state that if they are on the waiting list for another two years they will be dead. My colleagues and I have raised this issue a number of times but circumstances have not improved.

It is great to see that parts of my constituency have become a developers' paradise. Endless blocks of new apartments are being built, in

Inchicore, Drimnagh, the inner city, Rialto and everywhere else one cares to name. This indicates planning without any thinking. It seems that the plans are being designed for the developers and certainly not for the community. Is it reasonable to have a 28-storey or 17-storey block of apartments with no retail outlets or community facilities? It is all very fine for the developers, but have we learned nothing from our having had in the past such concentrated housing without the necessary facilities? I urge the planners and developers to consider what they are doing to the population once again.

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** I move amendment No. 1:

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

- welcomes the report of the Tallaght West Childhood Development Initiative;
- notes the Government's commitment to social inclusion and the record spend under the national development plan towards this end;
- acknowledges the success of the broader community in Tallaght and commends, in particular, the efforts of many individuals, community and voluntary organisations to improve the opportunities and living conditions of the communities;
- acknowledges the achievement of the Government in:
  - putting in place a strong social and affordable housing programme involving the investment of €1.8 billion in 2004;
  - directing public expenditure towards meeting the needs of low income households and those with special needs through a broad range of measures;
  - the significant investment being made in west Tallaght through the various social housing measures including the local authority housing programme, the voluntary housing programme, the remedial works scheme, the traveller accommodation programme and the accelerated gas central heating programme;
- supporting the preparation of five year action plans for the period 2004 to 2008 to deliver across the full range of social and affordable housing programmes and supporting measures to achieve the effect in the long term by tackling real need and breaking cycles of disadvantage and dependency.

notes:

- the major investment in urban public housing renewal during the national development plan; and
- the Government's commitment to respond positively to the recommendations in the report of the Tallaght West Childhood Development Initiative and, in particular, to:
  - continue to address the challenge of anti-social behaviour;
  - note the ongoing Garda youth diversion projects and juvenile diversion programme which operate in communities nationwide, including Tallaght;
  - note that the current and future accommodation requirements of the gardaí at Tallaght is currently under consideration by Garda management and a number of different options are being considered with a view to finalising proposals in the near future;
  - welcome the ongoing commitment of very significant Government funding for the support and creation of child care places in the Tallaght area. To date more than €4.4 million has been allocated to the area for this purpose;
  - acknowledge the improvement in early school provision initiatives including:
    - the provision of Early Start pre-school places for children at risk of social disadvantage;
    - reading support programmes;
    - extra teaching resources to decrease pupil-teacher ratios, and additional support through the disadvantaged areas scheme;
    - measures to reduce early school leaving, through the school completion programme.
  - further improve the environment in the estates surveyed and continue with the housing estate enhancement scheme initiated this year under RAPID;
  - welcome the prioritisation of €7 million investment in RAPID areas under Phase II of the equality for women measure which is earmarked for projects benefiting women in these areas and notes that a number of applications have been received from groups in the west Tallaght area and that the Minister for Justice, Equality and Law Reform expects to be in a position to allocate funding by the end of the year;
  - develop mechanisms leading to better delivery by RAPID, including:

- better local co-ordination;
- the leverage fund for small works; and
- the ring-fencing of funds under the Dormant Accounts Fund towards RAPID areas; and
- continue to develop the RAPID initiative in all its strands beyond 2006, including an ongoing commitment to the further prioritisation of RAPID areas in decision-making by Departments.

I thank the Labour Party for tabling this motion because this timely report raises very serious issues. Many of the issues raised by the Labour Party are totally valid. One must ask why areas such as west Tallaght are in their current position. I have my own well-articulated view on this, which I have repeated time and again, but I will repeat it this evening for the record.

The greatest source of social disadvantage probably derives from social segregation in housing and from the over-rapid growth of housing preceding the provision of services. I have spoken time and again in favour of balanced spatial development and against the unnecessary movement of people from one area to another. This denudes one half of the country of its population such that it has services and no people, while the other half has the people but no services. If there is a lesson to be learned it is that the east and west do not have separate problems but linked problems such that one area is suffering from decline while the other is suffering from over-accelerated growth.

I am probably considered unusual in that I have never believed that growth is good in itself. Unless it leads to a better quality of life, it just becomes meaningless. Population growth in itself, if provided for improperly, certainly does not lead to good living standards. We must first try to ensure that as we build in the future we avoid, where possible, both the provision of housing without services, which is difficult in a country that is growing very rapidly and still experiencing population shifts, and social segregation in housing.

**Mr. Rabbitte:** When does the Minister believe that will be achieved? The communities in question have already been built.

**Éamon Ó Cuív:** Obviously we must consider what we should do about those communities that have been built and which have, for the reasons I have outlined, suffered the type of deprivation and disadvantage highlighted in the report.

It was inevitable that there would be problems such as these because of the way the communities grew. Let us all be honest about the fact that they have grown through every Government's term of office. As the Deputy pointed out, communities such as those to which the report refers suffer from low employment, low standards of edu-



[Éamon Ó Cuív.]

cation, a high percentage of people living in public rented housing and much anti-social behaviour. It is fair to say that these factors are linked. One seems to feed on the other.

It is very significant that when we identified the 45 most deprived communities, we discovered that all of them were urban. When we picked out the initial 25, we noted that most of them were in major prosperous urban areas, given that one takes Dublin as a prosperous area in its totality. I am delighted that the Labour Party has highlighted this issue because I have said time and again that there is a part of the country which I believe is represented neither by the Labour Party nor by us. It is a part of Ireland about which many people do not want to know, and even within this city it is treated as if it were 1,000 miles away.

Maybe we are spending a great deal of money and making mistakes that were made in the past, but I do not accept that money is not being spent in the areas in question. New houses are being built. Some €105 million is being spent on new housing in west Tallaght and €2.8 million is being spent on refurbishing 100 houses. Some 1,000 houses, many of them in the west Tallaght region, are getting central heating, which is highlighted in the report. Recently, my colleague, the Minister of State in my Department, announced a major initiative to provide heating in housing, with which I concur. One of the proudest things I did when Minister of State with responsibility for the Gaeltacht was to extend the essential repairs grant to central heating in these areas. The cold was a major factor in many houses I visited belonging to old people. They would show me dampness, much of which was caused not by water coming in but by condensation and cold. It was a major contributory factor to poor health. We must ensure there is not a house, particularly in the public housing sector, which does not have adequate heating.

I welcome the initiative taken by Deputy Stagg and the Labour Party. I recognise that we must install central heating in all new local authority houses. I equally recognise the steps being taken by the Government and the Minister of State in my Department to ensure the existing housing stock gets an accelerated programme of heating. It is interesting that a large number of houses in the area involved are getting central heating, which is important.

I welcome what Deputy O'Sullivan said about the rural social scheme, jobs initiative scheme and CE schemes. She was probably one of the first Deputies to recognise the subtle difference between CE schemes, social economy schemes and the rural social scheme. I have had interesting discussions with people in Moyross in the Deputy's constituency who put to me interesting proposals. They were up-front about matters. They recognise there is a cohort of people who are unlikely, no matter what their

training, to get employment in the commercial economy but who continue to do significant work in the social economy. This is something we must examine and I listened to what the Deputy said. We should be up-front in saying that this is not about training, but about giving people the dignity of an income and a place they can call work.

Reference was made to divisional status for the Tallaght Garda region. That matter has not been finalised, but the number of gardaí in Tallaght has increased from 133 to 170, which is more than 27% since 1998. One of the valid points made is that the provision of community gardaí is of crucial importance. One could double the number of gardaí who operate out of barracks on patrols and so on, but there is a special value placed by people in these communities on community gardaí. I discussed the issue at the national monitoring committee of RAPID with the Department of Justice, Equality and Law Reform. We are collecting data on the issue which I intend to pursue. RAPID communities have come to me on numerous occasions in regard to these issues. Even though such issues were not a matter for the RAPID programme in the beginning, community policing is a priority for people living in these areas. I have taken on board that point which I intend to pursue. My objectives will be modest, but I hope they can be delivered on, because it is probably the most effective answer to anti-social behaviour.

It is a frightening statistic that 90% of children are threatened by anti-social behaviour. I do not know if people involved in anti-social behaviour come from within these areas or outside. I suspect that a large number of them come from areas of high social deprivation within these communities. This comes back to a concentration of people who for one reason or another have a high level of social problems. I hope the provision of extra gardaí, child care facilities and education will help to deal with the problem. My colleague, the Minister of State, Deputy Noel Ahern, is doing considerable work on the drugs issue. I do not think this serious problem will be solved in one or two years.

I note what was said about child care facilities. I fully accept that the provision of child care places is of crucial importance in giving an early start to children. I accept also the argument which is frequently made that the earlier the intervention the greater the chance of success. Some 334 new child care places have been provided at a cost of €4.4 million, as well as the 379 existing places. I agree, however, that this is still a drop in the ocean. I have discussed these issues with the Department of Justice, Equality and Law Reform. The child care programme is an equality programme, not a disadvantage programme, to enable women to return to the workforce. It is important to examine the issue not just in the context of equality for women, which is important, but in the context of the advantages it provides, particularly in areas such as west Tallaght, in giving children a better start in life.

8 o'clock

When we began our research for this motion and examined such issues as the youth diversion projects, we found that 449 people were involved in 31 community employment schemes, 33 in social economy schemes, 116 in jobs initiative schemes, 43 in jobs clubs, 82 in community-based training, 81 in special training and 72 in wider horizon. The expenditure of FÁS in Tallaght in 2004 will amount to approximately €12.6 million. Considerable funds are being spent on special educational programmes and so on. My colleague has spent €3.6 million in providing youth services. There are drugs task forces. My Department funds the social inclusion programme, with more than €1 million being provided to the Tallaght Partnership each year, as well as funding to the CDPs.

There are many schemes and a significant amount of money being spent, but it is still not sufficient to deal with the problem. The question is what more can we do. Much more needs to be done in these areas. The RAPID programme provides one of the keys to how we might solve the problem. Deputy Rabbitte was slightly disingenuous about the RAPID programme. He keeps quoting a figure of €1.9 billion. I am not saying that such a figure was not mentioned and I will deal with this presently. I have checked the speeches and they indicate that the objective of the RAPID programme from the outset was the fast-tracking towards these areas of the money in the national development plan, which comes to a total of €15 billion and is being spent. I do not doubt that somebody stated at some stage that the allocation to these areas under the RAPID programme should amount to €1.9 billion. I point out that €1 billion has spent on urban renewal, that is, the demolition of the Ballymun flats and the consequent rehousing of residents. I have no doubt that if one were to analyse the figures under the national development plan, we could wipe the slate clean today and say that everything can be completed by 2006. I contend, however, that the spending of €1.9 billion out of the €15 billion under the national development plan would not solve the problems of west Tallaght.

For this reason, I decided, upon becoming Minister, to develop the RAPID programme in line with the plans received by the Department. These plans were full of minor matters such as human resources and other issues not covered specifically in the national development plan. The Department could have stuck to its guns and insisted the programme was about the national development plan, fast-tracking and physical infrastructure. However, it was far more rational to look at the plans people sent in. If one considers the Tallaght plan, there is a myriad of every kind of action, some major, some minor, some specific and others general. The task was to pick these actions off one by one in a multi-tasked manner.

I shall tell the House the current status of the RAPID programme. There is no question about the spending of significant moneys but, as

observed in this report, much of this is concerned with the spending of minor sums of money and the focus on social integration.

**Mr. Rabbitte:** The Minister was going to tell us the status of the RAPID programme.

**Éamon Ó Cuív:** I will do so.

**Mr. Rabbitte:** I have been searching for the programme since the previous general election but cannot find it.

**Éamon Ó Cuív:** What counts is that people involved can find it.

**Mr. Rabbitte:** If The Minister can show me anybody involved who can find the programme, he is a better man than me.

**Mr. O'Dowd:** The Minister needs to find such people rapidly.

**Éamon Ó Cuív:** I will find them. The RAPID programme operates on a number of levels. The area implementation teams have brought together the various service providers and community representatives in these areas because one of the keystones of the RAPID programme is integrated service delivery at local level.

**Mr. Rabbitte:** Is the Minister delivering a history lesson?

**Éamon Ó Cuív:** Will Deputy Rabbitte allow me to continue? The RAPID programme is delivering on this objective, even by Deputy Rabbitte's admission.

When one considers the RAPID plans as opposed to the rather simpler notion the Government has put together about the spending of the major money, there is a significant number of actions, major and minor. These have been broken down into a number of specific modules. The first one, which is continuing, is the prioritisation within Departments of actions with regard to major projects. This has been successful at a global level, but some major projects identified in RAPID areas have not proceeded and this issue continues to be dealt with. The second issue is that there were recurring themes, some of which are highlighted in this report, with regard to every RAPID area. Rather than getting the Government to deal with them centrally, it was decided to set up a leverage fund to allow them to be dealt with locally.

There is mention in the report of inadequate heating and I have stated that the Minister of State is already dealing with this. Another issue highlighted in the report is attention to the environment, particularly play spaces. As the Deputies are aware, under a rolling fund to be rolled out year after year, this year the RAPID fund focused on this issue of the enhancement of estates, including play areas. I have explained to the AITs that what was done this year will be

[Éamon Ó Cuív.]

repeated yearly well after 2006 because, as the Government amendment indicates, there is no intention to finish this methodology in that year. Work is ongoing in Jobstown, Fettercairn and Killinarden. Money has also been provided under the playground schemes in RAPID areas and we made certain that if a local authority, out of the money given centrally, chose a playground in a RAPID area, this could not be used as an excuse not to take the funding under this element of the programme.

**Mr. Rabbitte:** The Minister will tell us next that the bus service has been provided under the RAPID programme.

**Éamon Ó Cuív:** No, these are facts. The matching leverage system was put together specifically to deliver on these issues. If this funding were provided for only one year, it would be quite modest. It is to continue each year, however, which over an accumulation of time will make a considerable difference according to the people affected. One of the key decisions in this regard is that the funding cannot be spent unless the location and detail of the work is agreed by the local AIT. The AITs have the power to decide on the specification and location of playgrounds and other urban enhancements.

Another issue raised in the report was the provision of culture, sports and other extra-curricular opportunities for children. Apart from the youth facilities fund, any AIT-approved facility which received aid under the sports capital grant was given a 30% top-up from the RAPID fund. The gap between the amount of money given by the State and the cost of a project was narrowed considerably in this way, down to 20% in some cases. This initiative came about because it was felt that RAPID areas often lost out traditionally under the sports capital programme because they could not produce the matching funding. Rather than asking the Department of Arts, Sport and Tourism to afford priority to RAPID areas, we established an arrangement whereby it would allocate money in the normal manner. After the Department completes its decision-making, which is RAPID-friendly and CLÁR-friendly, a cash top-up is then administered by my Department. This addresses the recommendation in the report in this area.

It is interesting that some of the recommendations in the report are quite modest and focus directly on the issue about which we have spoken. One of the projects we are examining under the RAPID programme, in conjunction with the Department of Social and Family Affairs and the Department of Education and Science, is the issue of food poverty. I accept that this is an important issue in these areas for a variety of reasons and must be tackled.

We are working systematically with Departments — it is slow work — to assist them in creating criteria for schemes. There is model

practice in the Department of Arts, Sport and Tourism with regard to the operation of the sports capital grant. It prioritises in the criteria it uses for assessing applications under these schemes. It gives extra points to applications from a RAPID or CLÁR area which are quite easily assessed. Therefore, we are absolutely sure that projects from RAPID areas are given priority in the scoring of projects.

I have spoken to the various Departments and have made it clear that we do not want a front screen that says a Department gives priority to RAPID projects, but that I want them to pin down exactly how they will give that priority in assessing schemes and how they will ensure the RAPID areas get priority.

The Department of Justice, Equality and Law Reform recently announced the ring fencing of €7 million out of the €11 million available under the equality for women measure for RAPID areas. That is real and tangible. There was no ring fencing of RAPID funding under the dormant accounts funds when we got the plan. However, my Department ring fenced funds for RAPID under both the spend for social and economic disadvantage and for educational disadvantage. As a consequence, many applications in the RAPID area, particularly within Tallaght, were successful in obtaining dormant accounts funding. The dormant accounts board continues to spend this money. I hope that in the coming months, when it has finished the analysis of the applications in hand, it will announce considerably expanded expenditure.

The initial allocation given for this round was €30 million, but the Government doubled that amount to €60 million. Of the money allocated under economic and social inclusion, 100% of it is ring fenced for RAPID and CLÁR areas. A large percentage of the money is ring fenced for educational disadvantage in RAPID areas, because I recognise that education attainment in the CLÁR areas is, on average, high compared to the rest of the country. This may seem paradoxical but is a statistical fact on analysis.

This structured approach which is based on RAPID plans and on dissecting and working towards dealing with large and small issues means we are more likely to pick up all of the different strands and issues. This approach is different from the much simpler original RAPID scheme envisaged which just related to the national development plan. It is more complex to operate also. However, it will give better results.

Those of us who have worked with public bodies over the years recognise their strength. However, we also recognise that change is incremental and that it sometimes takes time to achieve results. I am willing to put in the time. Results are already evident. Next year there will be a further incremental step, building on what we have done this year. The schemes under the leverage fund this year will be added to next year and will run again. We are discussing many new ideas with the social partners and I am consider-

ing schemes never done before. However, I do not intend to initiate them as pilot schemes, like the Early Start programme. I avoid pilot schemes where possible because most of them lead to an inevitable and rational demand for permanence. I have no difficulty with that demand. However, it should be faced at the start because there is nothing worse than building people up and providing a pilot scheme that will not be continued one year down the road. I would rather start more slowly, but be there for the long haul and know that what I start will, more than likely, be kept going.

I compliment the Labour Party on putting down this motion. I do not agree with all of its analysis and no doubt it would not agree with all of mine. However, there is a genuine concern to try and focus the resources available on bringing about change. Money is needed, but we also need to ensure that when it is spent, it brings about change.

Third level access is quite a good measure of deprivation which is now much lower in the Tallaght area than it was. As a result of the work that has been going on, young people from Tallaght are now 50% more likely to continue in third level education than they were eight years ago. Therefore, progress can be made, although it is difficult and slow. Nobody in this House, no matter what the rhetoric, has a magic wand. However, I and my colleagues are committed to doing the slow hard work that will give results.

**Mr. Stanton:** I wish to share my time with Deputy O'Dowd.

**An Leas-Cheann Comhairle:** Is that agreed? Agreed.

**Mr. Stanton:** I congratulate the Labour Party on raising this timely and important motion. While the Labour Party study was done in west Tallaght, it could easily have been done in many other parts of the country. I cannot understand why the Minister does not agree with many of the calls made in the motion.

The Labour Party calls on the Government to address the factors that leave 90% of children in fear of the effects of anti-social behaviour. I cannot see why the Government cannot agree with that. One of the fundamental responsibilities of any Government is to ensure that people live in safety and without fear. For them to do that we must provide security and gardaí on the streets. I do not know whether any gardaí have their origins in west Tallaght or whether gardaí are recruited there. Perhaps the Minister or his colleague should consider this. Policing is the first area that should be considered.

People or children who live in fear are afraid to go out or play. Security is basic. Many reports are issued at this time of year as we approach the budget and the social welfare Bill. One of those, Child Poverty in Ireland, reports a child as saying that the worst thing about being poor is being

bullied and being frightened of being beaten up. We must start to address this fear and I agree with the motion in that regard.

This issue leads on to the status of the Garda station. I cannot see why an area the size of Tallaght cannot have a divisional Garda station on account of the huge area and population. The Minister for Justice, Equality and Law Reform could probably provide that, working with the Garda Commissioner, at the stroke of a pen. The Minister tonight has said we will do this and that. However, a divisional Garda station could be provided immediately.

We talk about expanding programmes which will improve early school provision and the number of child care places. This significant issue must be managed. The Minister spoke about his deep concern about food poverty. Many children go to school hungry. One of the recent reports states a mother will not send her children to school unless she can give them breakfast. The implication is that they cannot go to school because she cannot give them a breakfast.

Today I got a response to a parliamentary question on the issue of the schools meals community programme which is run by the Department of Social and Family Affairs. I was told that in 2003, €3.25 million was provided, which is commendable. However, the total expenditure amounted to €1.76 million. The issue, therefore, is not just the provision of funding. Minister after Minister comes in here and says that millions have been provided for this or that. In this case €1.49 million was returned to the Department unspent. That is not good enough.

**Éamon Ó Cuív:** That is the issue.

**Mr. Stanton:** This is the problem and the Government is responsible for it. The need of at least €3.25 million was recognised and it was not used. Someone somewhere is responsible for this breakdown. This is just one example. I could quote many more where money is provided but is not used properly. Ministers tell the House how wonderful the Government is. They rattle off what Deputy Rabbitte calls the litany of the millions. However, there is no follow through. There appears to be no accountability as to whether the money is spent properly or whether people are helped to spend it. I would like the Minister to deal with this issue.

We must ensure that houses have central heating. That is basic. The Minister says the Government will do this and that. I lay down a challenge to the Minister. The budget and the social welfare Bill will soon be presented to the House. The Government will have an opportunity to show what it intends to do about poverty. We hear about poverty from the various groups. The Children's Rights Alliance has produced document entitled, Child Poverty in Ireland — An Overview. If people are poor, they cannot benefit from education and their health and employment prospects suffer. We must address poverty. The Mini-

[Mr. Stanton.]  
ster for Community, Rural and Gaeltacht Affairs is responsible for this and I am glad to see him in the House this evening and that he appears to have a serious attitude to this issue. However, he needs back-up from his Cabinet colleagues.

The Government is known by its actions. Last year's 16 social welfare cuts hit the weakest, the poorest and the people we are talking about in Tallaght and in other rural and urban areas. A person in crisis who must leave his or her house will not get private rent allowance for six months. I cannot understand the rationale for this measure. What is a woman to do if she has a crisis pregnancy, has a row with her family and is kicked out? People come to Deputies every day with this simple but serious problem. The Government created this problem last year with one stroke of a pen. The Minister can recite platitudes and talk about the good work being done but the Government will be known by its actions and by results.

At least 66,000 people live in consistent poverty in Ireland and 237,000 live in households with incomes below the poverty line. These figures are quoted in the pre-budget submission of the Child Poverty Coalition. More than 50% of households headed by someone who is unemployed live below the income poverty line and more than 22% live in consistent poverty. People who live in workless households make up to 70% of the consistently poor population.

Huge advances have been made in getting people into employment but the new sociological grouping of the working poor is emerging. These are people who are in employment but are unable to make ends meet. A man recently told me he pays €800 per month to rent a house. He has three small children and he simply does not have enough money to feed them at the end of the week. This problem must be addressed. I wait to see what measures will be included in the social welfare Bill and in the budget to address those issues.

**Mr. N. Ahern:** I thought the Deputy said affordable houses could not be sold in Youghal.

**Mr. Stanton:** I am not talking about Youghal. Many such cases exist. The Minister of State can make glib comments about this issue. It shows his insensitivity towards these issues.

**Mr. O'Dowd:** Hear, hear.

**Mr. Stanton:** The Minister of State's comments are very smart and clever. He lives in his ivory tower and does not realise what poverty is like. He does not know what it is like to live in poverty.

In the budget and the social welfare Bill, the Government will have an opportunity to make a

difference. We will wait to see if the cuts of last year be reversed.

**Mr. O'Dowd:** This is an important debate and I welcome the Labour Party motion. As Deputy Stanton has said, many of the issues raised relate to communities throughout the country. Tallaght is identified as the area where this report has brought these issues into focus.

Some years ago, an article in the *Journal for Health Gain* dealt with urban deprivation and addressed health issues in the city of Dublin. The article identified six district electoral divisions where the greatest ill-health existed. A person living in one of these district electoral divisions was likely to die younger and was more likely to go to jail, leave school early, live in poor housing and be disadvantaged in every possible way than a person anywhere else in the country. I took that report to heart and I have been particularly concerned about that issue. I regret very much that the *Journal for Health Gain* has been abolished. I believe the health board put an end to it.

One must take a holistic approach to areas like Tallaght where a significant number of people live in poverty. The policies of the health board, local authority and the Department of Education and Science must be knitted and brought together. I welcome the significance of the RAPID programme and the work that is being done. Like other Deputies, I have submitted dozens of parliamentary questions to the Minister for Community, Rural and Gaeltacht Affairs on this issue. Apart from €4 million in the Minister's budget for this year, it is impossible to identify money which is specifically dedicated to RAPID. It is left to other Departments to provide funding for the RAPID programme and the money gets lost on the way.

**Éamon Ó Cuív:** I have dedicated funding.

**Mr. O'Dowd:** The Minister had dedicated funding this year for the first time. However, other Departments may be doing work on RAPID programmes but we do not know where that money is coming from. There is no transparency on the issue. When the Minister discusses this issue with his Cabinet colleagues, he should get them to identify spending on RAPID programmes in sub-headings in their departmental budgets. This would give total transparency on the issue and would end the doubt in many people's minds that the money is not in place.

**Éamon Ó Cuív:** That is the weakness. I keep repeating this. The funding is given under existing budget headlines in the RAPID areas.

**Mr. O'Dowd:** I do not doubt the Minister's intention or the commitment of the people who work on the RAPID programme. Nevertheless, one cannot point out in each Department where

the money goes and where it comes from. There are nice words and speeches but no beef at the end of them.

The dormant accounts fund contains hundreds of millions of euro. The Government has allowed the dormant accounts fund disbursement board to allocate €60 million. This is very welcome. There is no political involvement in this spending. Area Development Management helps the board of the fund to decide how the money might be dispersed, the board meets and Departments apply for funding. Some of the dormant accounts fund has been used for the national drugs strategy. I welcome that. There is nothing wrong with the present system. However, the Minister is removing the power of the final allocation of those resources from ADM and from the dormant accounts board and taking it back to himself and the Cabinet. The Cabinet will decide how the money will be spent. The Minister's press release talks about transparency but it is transparency after the event. If an election is called next year, the Minister will tell us six months after the election what he did and how he did it.

**Éamon Ó Cuív:** That is unworthy of the Deputy.

**Mr. O'Dowd:** That is a fact. I do not agree with the Minister. He is using this as a political slush fund. In support of my view, I have only to quote the former Minister for Finance, Deputy McCreevy, who said that to avoid the interpretation of it being a slush fund it should be removed totally from the political process. The Minister, Deputy Ó Cuív, is putting the allocation of all that money back into the political system, which is wrong, unacceptable and was not intended. It is unnecessary and nobody wants it except the Minister and the Government.

**Éamon Ó Cuív:** And every AIT.

**Mr. O'Dowd:** People do not want it. I submitted a Freedom of Information request to the Department of Community, Rural and Gaeltacht Affairs and there was not one letter of complaint from the Minister or any Government politician about how it has operated up to now. So it is a slush fund and the Minister is in charge of it. When this Bill comes in, the full truth will come out. Whether the Minister likes it or not, that is a fact.

**Éamon Ó Cuív:** When the Deputy was Fine Gael's spokesperson on Gaeltacht affairs, the islands, CLÁR and rural development, he was never able to make an allegation that any money dispersed from my Department was dispersed on a political basis.

**Mr. O'Dowd:** I never would have, until now. This is why the Minister is changing everything

and I am disappointed because I thought he was different but clearly he is not. The Minister spoke about the need for sport in places such as Tallaght. He also spoke of playgrounds and assessing young people's needs. Last night, I watched television and saw that money from the national lottery's sports fund, over and above what anybody else ever received, was being allocated by two Ministers in two constituencies. There was an extra allocation of €9 million to organisations in the Ministers' own constituencies, thus disregarding their responsibility to the whole country and particularly places like Tallaght. The Minister needs to take the politics out of poverty. He is politicising money that is supposed to be for sports facilities for poor people in disadvantaged communities. That is not good enough.

**Mr. N. Ahern:** We will send the Deputy a list of the allocations from our Department for young people in Tallaght.

**Mr. O'Dowd:** I have no problem with that. I am saying, however, that the Government is acting improperly and disgracefully in this area.

**Mr. N. Ahern:** The Deputy should talk about the issue.

**Mr. O'Dowd:** The Minister's party has been in Government for 18 of the past 20 years and it is no wonder that Tallaght is in a desperate situation. It is no wonder there is so much poverty.

**Mr. Rabbitte:** Butter would not melt in either of the Ministers' mouths.

**Mr. O'Dowd:** It certainly would not. The voters need to be alerted to what is going on here. The Government's treatment of poor people is disgraceful and shameful.

**Éamon Ó Cuív:** The Deputy sat opposite me and has examined—

**Mr. O'Dowd:** That is history. We can play that tune but I would ask the Minister to sing a different tune. What about the Gaeltacht grants? Will he make available to disadvantaged RAPID areas the excellent scheme he has for the repair of housing in Gaeltacht areas? Every nine or ten years a person living in the Gaeltacht—

**Éamon Ó Cuív:** A great scheme, is it not?

**Mr. O'Dowd:** Let me finish my point, please. Under that scheme they can rightly and properly improve their housing because they need to. They get a very good grant. Will the Minister make that available to the rest of the people who are under his responsibility?

**Mr. N. Ahern:** He is against it now. If he was against it why did he not say so when he was spokesperson? He has the freedom to oppose it now.

**Mr. O'Dowd:** Would the Minister give it to places like Tallaght so people there could avail of an excellent house improvement scheme, such as the one the Minister's Department manages? What is the answer to that question? Is the Minister saying "Yes" or "No"?

**Éamon Ó Cuív:** It is a fair question and I would not like to leave the Deputy without an answer.

**Mr. O'Dowd:** I know what the answer is.

**Éamon Ó Cuív:** May I explain? The total annual cost of that scheme is just under €3 million.

**Mr. O'Dowd:** It is an excellent scheme.

**Éamon Ó Cuív:** The refurbishment of houses in Tallaght this year will cost €2.8 million. Add to that €250,000 which is more than €3 million, so what is being spent on house refurbishment in Tallaght this year exceeds the total expenditure nationally for the refurbishment of houses in the Gaeltacht.

**Mr. O'Dowd:** The Minister is economical with the facts.

**Éamon Ó Cuív:** No. That is a fact.

**Mr. O'Dowd:** The facts are that it is a grant scheme for the individual in the Gaeltacht. It is the individual who applies, not the local authority that does the work. That is the difference. I am asking the Minister to extend that scheme to the rest of the country.

**Éamon Ó Cuív:** If it is a local authority house it would have to be the local authority that does the work. The vast majority of people in bad houses are in local authority developments.

**Mr. O'Dowd:** Perhaps the Minister could extend the scheme to Tallaght. That would make a great deal of sense. Many people would welcome it. It is a very good scheme.

**Mr. McDowell:** The Deputy should keep going, he is digging well.

**Mr. O'Dowd:** When Deputy McDowell was appointed Minister for Justice, Equality and Law Reform, I read his speech about the number of people he would put in prison.

**Mr. McDowell:** That is right.

**Mr. O'Dowd:** He was going to treble convictions for possession of drugs. One of the problems is that Tallaght has a serious drugs problem. The Minister can adopt his "Put them all in jail" attitude if he wants but he should put more into fighting crime in Tallaght and supporting the community. The Government is doing very little to look after Tallaght or places like it. The smirking faces on the Government benches do not surprise me. We expect nothing else after that lot has been in office for 18 of the past 20 years. It is time for a change and the change is coming. When we get into power we will make sure that people living in Tallaght will be properly looked after. That is for sure.

Debate adjourned.

### Adjournment Debate.

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### Northern Ireland Issues.

**Mr. Kirk:** The murder of the late Mr. Séamus Ludlow in May 1976 was a brutal slaying of a decent law-abiding citizen. His family and relatives have long sought the truth about his murder. His nephew, Mr. Jimmy Sharkey, Mr. Ed Moloney, a journalist based in Belfast and a number of others have undertaken painstaking research. They have relentlessly pursued this case to build up a picture of what happened on that fateful May night at Thistle Cross North, Dundalk.

It is vitally important that the truth should be established as quickly as possible in this case. The report by Judge Henry Barron is clearly a major step forward. What happens to the report and whether we should have a public inquiry is the issue that now arises. Those issues must be considered. The extended Ludlow family is more than anxious that the truth should be established in this case. I thank the Minister of State for taking this matter and I await his response.

**Minister of State at the Department of the Taoiseach (Mr. Kitt):** In May 1998, following the signing of the Good Friday Agreement, the Government asked the former Tánaiste, Mr. John Wilson, to conduct a review of the services and arrangements in place in this jurisdiction to meet the needs of those who suffered as a result of violent action associated with the conflict in Northern Ireland.

As part of that review, Mr. Wilson was asked to include consideration of the needs and concerns of people who sustained serious injuries and family members of those who died or sustained serious injuries as a consequence of violent acts ensuing from the conflict.

Mr. Séamus Ludlow was an unassuming, ordinary working man who on the night of 1 May 1976 was murdered on his way home from a pub in Dundalk. Séamus Ludlow's life revolved around his work and home. He was known in Dundalk for his charitable work and he had no political affiliations.

The case of Séamus Ludlow and the concerns of the Ludlow family were specifically referred to by Mr. Wilson in the report of the Victims' Commission, entitled "A Place and a Name", which was published in August 1999. Mr. Wilson found the allegations about the conduct of certain gardaí and about the conduct of the investigation of the crime itself, very disturbing.

Arising from the recommendations of the Victims' Commission, in September 1999 the Government established an independent commission of inquiry, initially with the former Chief Justice, Mr. Liam Hamilton, as the sole member. Subsequently, on his resignation due to ill health, the former Supreme Court Judge, Mr. Henry Barron, succeeded him. The independent commission of inquiry was asked to undertake a thorough examination, involving fact finding and assessment, of all aspects of the killing of Seamus Ludlow, including the facts, circumstances, causes and perpetrators of the killing; the nature, extent and adequacy of Garda investigations, including co-operation with and from relevant authorities in Northern Ireland; the reasons no prosecutions took place including whether, and if so by whom and to what extent, the possibility of the initiation of criminal proceedings was impeded; and the material information and evidence presented at the inquest into Mr. Ludlow's death and the circumstances relating to the non-attendance of relatives of Mr. Ludlow at the inquest.

Mr. Justice Barron presented his report on the murder of Seamus Ludlow to the Taoiseach on Wednesday of last week. The Taoiseach would again like to thank the judge and his team for all their work in preparing the report and for their commitment and dedication to this difficult task. While Mr. Justice Barron's report into the murder of Seamus Ludlow is receiving the necessary consideration by relevant Departments and the Attorney General, it is clear that he has in his comprehensive report given thorough and meticulous consideration to all aspects of the terms of reference given to the inquiry.

The report will be brought to the Government as soon as possible. It would be the Taoiseach's intention to have the report referred to the Oireachtas for consideration by the Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights when it is intended the report would be published and considered in public session, in a process similar to that which was put in place for consideration of the independent commission's report into the Dublin and Monaghan bombings of 1974. The Taoiseach also

hopes that it would be possible to refer the complete report to the committee only with necessary protections in the interest of the preservation of life and the constitutional right to one's good name.

This is Mr. Justice Barron's third report. Previously he reported on the Dublin and Monaghan bombings of 1974. The Government has considered the report of the Joint Committee on Justice, Equality, Defence and Women's Rights into the bombings and its recommendations are being implemented. The Taoiseach received Mr. Justice Barron's report into the Dublin bombings of 1972 and 1973 at the end of June and it is expected that it will be considered by the Government shortly. The Taoiseach expects to receive Mr. Justice Barron's fourth and final report into the Dundalk bombing and other incidents before the end of the year.

As I said, the establishment of the independent commission of inquiry followed on from the recommendations of the report of the Victims Commissioner, Mr. John Wilson. The report also made recommendations regarding payments to victims of the conflict in Northern Ireland in this jurisdiction. The commission to administer the remembrance fund has now been established and is in the process of disbursing funding of €9 million to victims over the next two to three years.

### **Flood Relief.**

**Mr. Healy:** This matter relates to the Clonmel flood alleviation scheme. As I left Clonmel today it was pouring with rain and it is still pouring down there. I am not sure whether tonight is an appropriate night to discuss this matter. While I appreciate a senior Minister is present, I am disappointed that the Minister of State, Deputy Parlon, is not here to respond to the debate. The Minister of State came to Clonmel last April and dealt with this question.

The problem of flooding in Clonmel goes back over many years. In February 1995 when I was mayor of the town, we had serious flooding and this has been repeated on numerous occasions since then, with the most serious flooding in November 2001 when homes and businesses were flooded for a number of days and hundreds of thousands of euro damage was done to stock in business premises and to homes. People had to leave their homes.

We have been waiting for the flood alleviation scheme to start for many years. The public consultation was carried out, the drawings, etc, were with the Office of Public Works, numerous deputations took place and it was apparently ready to start. Last April, just before the local elections, the Minister of State, Deputy Parlon, came to Clonmel to tell us that while the scheme was to be somewhat different, it was about to start. We were happy that the scheme was to start and that we had a definite timetable for it. On that



[Mr. Healy.]

occasion the Minister of State told us that a new type of scheme with demountable defences to bring the level of protection against flooding to one in 100 years would commence this year.

The first phase this year was to cover a flood warning scheme and a clearing of various streams which contributed to the most recent devastating flooding in the area. None of that has happened and in a reply to a parliamentary question last week the Minister of State advised it would not happen this year but that he hoped it would happen next year. Last April he also promised that the scheme would be completed in four years, starting this year, with a major part next year and two further parts of the scheme in the two following years. Now I am told it will take place over a period of four to six years, depending on availability of funding, which could mean anything. We have already been waiting ten years for the scheme and we are disappointed that the Minister of State has placed the scheme on the long finger and that the consultation procedure which had been promised to be completed by September 2004 will now not take place until the spring of 2005. With various processes to follow that, it is most likely that this scheme will not start until 2006 at the earliest.

The town has experienced serious flooding over many years and we have been waiting for this scheme. I hope the Minister will be able to tell me tonight that the schedule set out by the Minister of State last April will be adhered to, that the scheme will start this year, that the €1 million, which is a small amount, will be spent on the scheme this year and that the scheme will start properly next year and will be completed within a four year period.

**Minister for Justice, Equality and Law Reform**

**(Mr. McDowell):** I am very grateful to the Deputy for raising the issue. Like him, I am concerned about this matter. My constituency of Dublin South-East has serious flood implications, especially with the high tides and meteorological circumstances in which we find ourselves this evening. I made it my business today to visit two areas in my constituency that are vulnerable to flooding and noticed special works which had been carried out by OPW in one of them and which look as if they will be very effective, and in another area Dublin City Council was deploying temporary structures to prevent flooding in these circumstances. I know what it is like to represent an area subject to flooding. I know that Clonmel has had a long-standing chronic problem with flooding and I fully appreciate the Deputy's concerns.

The House will be aware that following severe flooding in the late 1990s in Clonmel a flood alleviation scheme was developed by the OPW and was publicly exhibited, as required under the Arterial Drainage Acts, in December 2001 and January 2002. Concerns were raised by Waterford and South Tipperary County Councils that there

might be contaminated material in the riverbed, which was due to be dredged as part of the alleviation measures and which would therefore have major environmental implications.

As a result of these concerns, the proposed scheme was re-examined and a revised scheme was proposed earlier this year, which included the use of demountable defences, to which the Deputy referred. That technology had developed greatly in recent years. This revised scheme has the advantage of not requiring dredging of the river, along with increasing the level of protection against flooding from a level of one in 50 years to a level of one in 100 years.

In April of this year the Minister of State, Deputy Parlon, attended a meeting with the elected members of Clonmel Borough Council where he outlined the revised scheme and the way in which it was to be implemented. He explained to the members that it was hoped to implement the scheme in a phased manner over a period of four to six years depending on available funding.

**Mr. Healy:** Four years.

**Mr. McDowell:** The first phase included the development of a flood warning system and the clearing of debris from streams and culverts in the town. This had been estimated to cost in the region of €1 million by the consultants, as it had been anticipated that the flood warning system would be developed outside of the OPW. The next step in the process would be the formal public exhibition of the scheme, which it is hoped to have in the spring of 2005.

The development of the flood warning system has already begun and is now being carried out in-house by the OPW rather than by consultants as originally envisaged. It is hoped that the installation of data-gathering equipment will commence in the next two months, with a report due in January 2005 containing the recommended system.

Alongside this work, additional river modelling is being carried out by the OPW's consultants arising out of the proposed changes in this scheme and it is therefore felt that the clearing of the various streams and culverts might be best carried out when this is completed. It is now anticipated that this work will take place shortly before or during the major construction works.

Subject to a successful public exhibition next spring, the scheme will be submitted to the Minister for Finance for confirmation in accordance with the Arterial Drainage Acts. Detailed design and construction would follow, subject to availability of funding.

**Deportation Orders.**

**Mr. Howlin:** I thank the Leas-Cheann Comhairle and the Ceann Comhairle for allowing me to raise this important issue and I am grateful to the Minister for making himself available to the

House at this late hour. It underscores the importance of this matter.

Earlier today, the Minister introduced the Irish Nationality and Citizenship Bill, on which I will comment in due course. I do not intend to re-run the arguments on the referendum. They were well aired at the time.

There are, however, outstanding issues and I wish to bring to the Minister's attention one compelling issue where a clear answer will give comfort to people in the most dire circumstances. These are families who have been resident in this State for up to five or more years and have established themselves as members of Irish communities. They have roots here and their children are entirely assimilated. There was an expectation that once the referendum was dealt with by the people and legislation introduced, their circumstances would be regularised. Will the Minister use this opportunity to give comfort to those families?

I will raise three cases from my constituency. The first concerns the family of Ivalina and Kamen Kaltchev. A constituent wrote to me about this, only one letter of many, stating that Kamen has become a provider for the family and that Ivalina has used her artistic ability to have works shown in exhibitions at the Wexford Opera Festival, showing more initiative in becoming involved in community affairs than many people who have lived their whole lives in the area. Their oldest son Stefan is a remarkably bright young man who speaks fluent English and receives top grades in his school subjects. He is a member of Wexford soccer team, is taking computer classes, enrolling for other classes and has a wide circle of Irish friends, including the writer's son. The letter describes their friendships and their roots in the town. That family is, unfortunately, the subject of a deportation order.

I tabled a parliamentary question on this. This family has been in Ireland for five years and the youngest son has received all of his primary education here. They have deep roots in Wexford and are welcome members of the community. In light of the parliamentary question, the Minister has undertaken to review the situation. I invite him to do so with compassion.

The second case is that of a Nigerian woman in my constituency, Oluwadolapo Adebisi. This is a worrying situation. When this woman presented herself to the national immigration bureau, she was arrested and brought to Mountjoy Prison, where she spent some weeks, and her child was put in foster care in the midlands. We would not like Irish nationals to be treated like that in any country. Will the Minister re-examine this? The answer to my parliamentary question about this case stated that the Minister is satisfied this person is being treated in a fair and humane manner in all respects. I do not agree. The Minister did not have time to reflect on all the factors of that

case where a woman has been separated from her child and incarcerated in the Dóchas centre in Mountjoy Jail while her child has been put into care. It is inhumane.

The final example is the Lishenko family who are originally from the Ukraine and who now live in my constituency. They are immersed in the community, having been there for five years. They came here with two children and a third daughter was born here. The children have no recollection of any other life. The oldest daughter has a relationship with a young Wexford man and has a daughter by him. They are all subject to deportation notices.

I will happily discuss the individual cases with the Minister and I understand the difficulty he faces and the tough job he has making these decisions. Can we make the decision as a people that we will put clear and swift immigration procedures in place to process all new asylum cases? It would be unforgivable that those who have built up relationships over time, who have been here for many years and who are immersed in society would be uprooted and sent back to a place that the children of the families would regard as an alien land.

**Mr. McDowell:** I am grateful to Deputy Howlin for raising these particular cases. I did not know that he proposed to raise these three cases and I would have been able to study them more carefully if I had been aware. I was told that he would raise the policy of the Government in deporting families with Irish-born children who have established long-term residence and deep ties in Ireland. Whatever the case, I do not comment on individual cases in public because I do not know the facts off the top of my head and I ask people to bear in mind that not everything asserted on behalf of people in Ireland is true. I must look at both sides of the equation privately and decide where justice lies.

The category of cases to which the Deputy refers comprises approximately 11,000 persons who made applications prior to 19 February 2003 for permission to remain on the basis of Irish-born children.

**Mr. Howlin:** I am talking about families that have been here long term.

**Mr. McDowell:** I do not know what the Deputy means by long term.

**Mr. Howlin:** I mean people who have been here for five years.

**Mr. McDowell:** The Deputy says five years now but I came into this House to look at a different case where people have long-term ties to Ireland. To put the response to this debate in context, it is necessary to refer back to the Government's decision to hold a referendum on the citizenship

[Mr. McDowell.]  
rights of Irish-born children, a decision that was pilloried in some quarters.

One reason advanced by those who opposed the referendum was that the numbers involved were exaggerated. I was told that I was talking about a handful of people and that I was imagining a great number, that there were not such numbers involved. It is ironic that the focus of the debate at present is the situation of approximately 11,000 non-nationals who wish to be allowed to reside in the State on the basis of an Irish citizen child. I was told I was imagining this, that there was a handful of people and I was exaggerating figures. Now I am told there are 11,000 pre-Supreme Court cases in Ireland. I always knew there were significant numbers.

**Mr. Howlin:** No one said there was only a handful.

**Mr. McDowell:** There are probably an additional 5,000 since the Supreme Court judgment, which gives a figure of 16,000 people. I was faced with arrant hypocrisy by the people who opposed the referendum, who said I was talking about a handful of people and who now ask me about the 16,000 affected by my decision. It is hard to take.

**Mr. Howlin:** Is that a huge number?

**Mr. McDowell:** It is more than a handful by anyone's standards.

**Mr. Howlin:** Out of 4 million.

**Mr. McDowell:** When I suggested changing the law, I was told that I was talking about a handful of people.

**Mr. Howlin:** Who said a handful? Not me.

**Mr. McDowell:** Labour Party Members said day in, day out, that I was inventing numbers.

**Mr. Howlin:** I did not say that.

**Mr. McDowell:** The Deputy's colleagues said I was inventing numbers and when it comes to the crunch, they are now talking about 16,000 people.

**Mr. Howlin:** Can the Minister not show some compassion?

**Mr. McDowell:** The Deputy is talking about 11,000 people.

**Mr. Howlin:** No, the Minister's figure was 11,000.

**Mr. McDowell:** The Deputy has no figure. When I said it was a substantial number, I was told I was imagining it.

**Mr. Howlin:** Some 11,000 is not exactly a crippling number.

**Mr. McDowell:** It is not a handful.

Mr. Justice Hardiman in the Supreme Court in the L&O case aptly set out the position of people born in Ireland before that case. He stated: "it seems to me that the existence of an Irish born child does not fundamentally transform the rights of the parents, though [these are the important questions] it requires the specific consideration of the Minister who must reasonably be satisfied of the existence of a grave and substantial reason favouring deportation". Therefore, it is clear that each of these cases demands a rigorous and labour intensive scrutiny with a view to ensuring that the principles set out in the Supreme Court's decision are complied with. As a consequence, this is necessarily more time consuming than if the child was not a citizen.

The constitutional rights of the child within the family unit must be taken into account. The issue of *refoulement*, as set out in section 5 of the Refugee Act 1996, must be taken into account and 11 separate grounds, which are set out in statutory form in section 3(6) of the Immigration Act 1999, must also be taken into account. These grounds include duration of residence in the State and humanitarian considerations. They also require consideration of the common good.

A file on every case is brought to my office and I make a decision in respect of each case on the basis of the material available to me, including the recommendations of my officers.

We are now faced with the outcome of the Chen judgment. The European Court of Justice has determined the Chen case and ruled in favour of Mrs. Chen. The European Court of Justice upheld the right of Mrs. Chen to deliberately create a situation in which her child would acquire Irish citizenship through birth in Northern Ireland in order to secure long-term residence for both herself and her child in the United Kingdom. My officials in consultation with the Office of the Attorney General are studying its implications. A period of time will be necessary in order to facilitate adequate consideration. Those who have accused me of rushing to judgment on the referendum issue would do well to heed their own advice in this instance and give me some time to consider a decision given eight days ago. It is clear that at this stage the prior existing policy of a constitutional entitlement to citizenship for every child born in the island of Ireland had major implications for the State. The Irish Nationality and Citizenship Bill 2004, which we debated today, will give effect to a change in the law following the enactment of the constitutional amendment in June. The type of circumstances contemplated by the Deputy's Adjournment matter will no longer arise once that Bill is enacted.

### Schools Amalgamation.

**Mr. Connaughton:** More than eight years ago in 1996 talks got under way between the two boys' secondary schools in Tuam, County Galway — St. Patrick's secondary school, formerly the CBS, and St. Jarlath's College, the famous football nursery, with a view to amalgamation.

After years of negotiations, all the stakeholders came to the unanimous view that amalgamation was in everybody's best interests. The students, teachers, parents and the locality itself would gain substantially by having in their midst a modern post primary school of sufficient size to lay on the optimum number of subject courses in keeping with the requirements of modern day Ireland.

The proposal is to base the new school on the St. Jarlath's College campus with additional accommodation to be built to cater for the St. Patrick's students and to have designed and built a modern purpose built educational establishment that will cater for the needs of that area for the next 100 years or more.

However, the wheels are beginning to fall off the wagon at this stage as the Department of Education and Science seems to have developed a deaf and dumb approach to the project. Eight years later both schools are encountering different kinds of problems in this limbo. St. Jarlath's decided, after more than 150 years, to discontinue its boarding facilities and after another year or two the college will have only day pupils. This decision was taken, in part, because of the impending proposed amalgamation and because like most other schools in similar circumstances, the numbers are dropping.

However, the problems in St. Patrick's are much more acute. Despite the school being maintained to a very high level, structural difficulties are now emerging which will make it almost impossible for the school authorities to continue to provide a proper school environment for its pupils unless a major job is done on the roof. Despite only being in place since 1990, the roof is not suited to this building and large quantities of water are either leaking into the classrooms or condensation is creating havoc by way of dampness all over the place. This school needs a new roof and it is estimated that it will cost almost €1 million.

The Department of Education and Science has little choice but to accelerate the amalgamation process as spending almost €1 million on a roof for a school that is earmarked for amalgamation would not seem to be good value for money. I call on the new Minister to give a commitment that the necessary funding will be available in the Estimates to start the ball rolling on this exciting project.

**Mr. McDowell:** I thank Deputy Connaughton for raising the matter as it affords me the opportunity to outline, on behalf of the Minister for

Education and Science, the strategy of the Department of Education and Science for capital investment in education projects and the current position regarding the development of post primary education provision in Tuam.

There are five post primary schools in Tuam — two voluntary secondary boys' schools, two voluntary secondary girls' schools and the vocational school, which is co-educational. Rationalisation of provision, involving the four voluntary second level schools in Tuam, was agreed in late 2000. Agreement has been reached with the relevant trustees to form a single boys' and a single girls' school, each to cater for a long-term projected enrolment of 700 pupils. The vocational school is not part of either of the amalgamation processes.

The school planning section of the Department of Education and Science has agreed with the management authorities of both schools involved in the amalgamation of the boys' schools that the optimum plan to address the accommodation needs of the single school which will result from the amalgamation is to extend facilities at St. Jarlath's College campus and to refurbish the existing facilities there. The objective is to ensure that facilities at the new school will serve the needs of the school community well into the future.

I appreciate that the key concern of the school community is when this plan will be implemented. While the Department cannot be specific in the matter, I assure the House that following conclusion of the current Estimates and budgetary process, it intends to publish the 2005 building programme which will operate in a multi-annual framework. This will provide clarity concerning all projects that are awaiting delivery, including the planned project at St. Jarlath's College campus.

In addition, I assure the Deputy that the project carries a high priority rating in line with agreed criteria for prioritising large-scale projects. The assigned priority rating is band 1.4 which I am told is a very high rating in the pecking order in the Department. This ranking will heavily and positively influence the time scale for delivery of the project.

Officials at the Department of Education and Science have been in contact with the school authorities to progress the detailed preliminary work necessary to facilitate this large-scale building project. If necessary works are required at either school, it is open to the school authorities to apply for consideration for funding under the 2005 summer works scheme. I heard what the Deputy said about the roof in St. Patrick's secondary school. My late sister and my brother-in-law were involved in efforts to get a school built in Killorglin in County Kerry and they had huge difficulty in persuading the Department that a pitched roof, as opposed to a flat one, was acceptable. There were people in the Department of

[Mr. McDowell.]

Education and Science who, apparently, thought flat roofs were the way forward. I will not comment any further except to say that if what the Deputy said is correct, it is not the first time it has happened. The closing date for receipt of completed applications is 5 November 2004. A dedicated freephone service is in operation to assist schools with the application process, which in this case, relates to the flat roof. The number for this service is 1800 200 955. This service is currently available and will continue to operate until the closing date for applications.

Again, I thank Deputy Connaughton for giving me the opportunity to outline on behalf of the Department of Education and Science the method used by it in determining in an open and transparent way, and not on the basis of pull or otherwise, how projects are included for funding in the school buildings programme. I assure the House that this school and all others will be treated in a fair and equitable manner.

The Dáil adjourned at 9.20 p.m. until 10.30 a.m. on Thursday, 28 October 2004.

## Written Answers.

**The following are questions tabled by Members for written response and the ministerial replies received from the Departments [unrevised].**

*Questions Nos. 1 to 6 answered orally.*

*Questions Nos. 7 to 111 re-submitted.*

*Questions Nos. 112 to 123 answered orally.*

### Schools Building Projects.

124. **Dr. Cowley** asked the Minister for Education and Science the reason insufficient funds have been allocated to a school (details supplied) in County Mayo to carry out all the necessary works at same; and if she will make a statement on the matter. [25987/04]

**Minister for Education and Science (Ms Hanafin):** As part of an expansion of the devolved scheme for primary school building works a grant of €100,000 was sanctioned in May 2004 to enable the management authorities of the school in question provide ancillary accommodation at the school. The grant was sanctioned on condition that the works commence on site and 70% of the funding be drawn down within six months.

My Department's school building section has received no communication from the management authorities of the school in question indicating that they are unable to meet the deadline of 20 November 2004. I have requested an official of the school building section to contact the school to establish the current position.

On a general point, my Department does not intend increasing the amount of the grant offered to the school. This is because a central tenet of the devolved scheme is that any school authority granted discretion and guaranteed funding to enable immediate progress on its accommodation needs must equally accept responsibility for prioritisation, control of costs and ensuring value for money.

If, as the Deputy's question seems to suggest, there is a concern regarding the adequacy of the grant the options open to the board of management are to: reduce the scale of the works to stay within the limit of the grant; use funds allocated by the Department under the terms of the grant scheme for minor works to supplement the grant provided such funds are not required for more urgent and immediate works; and fund the balance of the works from their own resources.

### School Staffing.

125. **Mr. Quinn** asked the Minister for Education and Science if her attention has been drawn to a recent decision by the Office of the Director of Equality Investigations in relation to gender discrimination against three female appli-

cants for a teaching post in a secondary school; her views on the findings in the case; and if she will make a statement on the matter. [26136/04]

**Minister for Education and Science (Ms Hanafin):** I am aware of the decision to which the Deputy refers and I understand it is currently being appealed. I am therefore precluded from commenting on the details of the case.

The filling of promotion posts in schools is primarily a matter for the management of each school in accordance with appointment procedures agreed between the respective management bodies, the teacher unions and my Department.

In regard to the appointment to assistant principal posts in community and comprehensive schools, the agreed procedures provide for the appointment of a selection board. The object of the selection board is to select the most suitable candidate for the post. The selection board is required to adopt the agreed criteria and marking scheme when determining the order of merit of applicants.

Once this case is concluded, my Department will study its findings with a view to establishing the implications, if any, for the wider system.

### Schools Building Projects.

126. **Mr. Durkan** asked the Minister for Education and Science the number of primary and second level schools throughout the country in respect of which she has received requests for the provision of extra facilities including refurbishment, extension and replacement of existing buildings or the provision of new schools on green field sites; the extent to which she expects to be in a position to respond to such requests in the near future in view of the fact that that a number of Departments have underspent in 2004; and if she will make a statement on the matter. [26099/04]

**Minister for Education and Science (Ms Hanafin):** This year, €388 million was allocated in the school building programme which will deliver in excess of 260 significant school building projects at primary and post-primary level. Furthermore, over 570 additional schools will benefit in some way from the capital programme directly by means of temporary accommodation, permanent accommodation and-or improvements works. All primary schools benefit directly from the devolved grant scheme for minor works.

While all funding is committed and therefore not available for reallocation, the rate of draw-down on approved projects may by year end run somewhat slower than expected. However, I plan to use the carryover provision of the multi-annual capital envelope to carryover any such funds so that they can be applied to projects payments that fall due for payment early next year rather than late this year.

Apart from the schools where projects are at construction or are proceeding to tender and construction there are in excess of 1,000 other pro-

[Ms Hanafin.]

jects on hand for capital funding, either at various stages of architectural planning or at the initial application stage. Officials of the planning and building unit are reviewing all of these projects and applications, with a view to including them in a multi-annual building programme from 2005.

All projects are being assessed against the published prioritisation criteria, revised earlier this year in consultation with the Education partners.

I expect to publish the multi-annual programme following conclusion of the current Estimates and budgetary process.

*Question No. 127 answered with Question No. 122.*

### Schools Refurbishment.

128. **Mr. Gogarty** asked the Minister for Education and Science the position regarding the much needed provision of a new roof for a school (details supplied); the reason funding was not made available under the summer works scheme; and if she will make a statement on the matter. [26053/04]

**Minister for Education and Science (Ms Hanafin):** My Department is fully aware of the condition of the roof in each of the schools referred to by the Deputy. A member of my Department's technical team recently investigate and provided an updated report on the roof conditions.

Each of the four schools in question applied for funding under the 2004 summer works scheme for roof works. The applications were unsuccessful because my Department intends to replace the roof on all four schools as one composite large scale project in the interest of achieving the optimum solution and the overall project has been re-prioritised within band 1 which is the highest priority.

I look forward to being in a position to announce more details on the progress of this project when I publish the multi-annual programme following the conclusion of the current Estimates and budgetary process.

### Higher Education Report.

129. **Mr. M. Higgins** asked the Minister for Education and Science her opinion of the recommendation from the OECD for a new third level authority; and if she will make a statement on the matter. [26116/04]

163. **Dr. Upton** asked the Minister for Education and Science if she has considered the conclusions of the OECD report on third level education published in August 2004; the steps she proposes to take on foot of those conclusions; and if she will make a statement on the matter. [26103/04]

172. **Mr. J. Higgins** asked the Minister for Education and Science if she has read the OECD report which proposes that she chair a new

national council for tertiary education research and innovation; and if she will make a statement on the matter. [22395/04]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 129, 163 and 172 together.

The OECD review on the future of higher education in Ireland makes far reaching recommendations for reform and development of the sector. The review comes against a background of the crucial role that has been identified for our higher education system which is not only producing well educated graduates but also achieving Ireland's broad strategic objective to become a world leading knowledge-based society.

The extensive consultation that the OECD team undertook with all of the key stakeholders here, and the expertise of the team itself, lends considerable weight to these recommendations. Obviously, on my part, a good deal of consideration and examination of these is necessary. The major importance of the challenge that has been put to Government and to the higher education sector itself through these recommendations cannot be underestimated. As Minister, I intend to take these seriously and, as a priority, work closely with my Government colleagues and consult widely with the higher education sector in advancing progress on them. In this regard, it is my intention to bring proposals to Government shortly on an implementation approach and priorities.

In terms of an immediate response, however, I particularly welcome certain aspects of the report, including, for example, those relating to the strategic framework within which higher education should develop. The analysis of the review team in respect of the development of a unified strategy for the sector is very welcome. As the report outlines, the institute of technology sector has brought great strength to the Irish system and has been successful for Ireland in meeting the varying needs of students, the economy and society. The emphasis in the report on the institute of technology sector as an equal partner with the universities in a dynamic, diversified, system is important in that regard.

The report has identified a continuing need for an independent policy advisory and funding authority for the sector. I would agree that this is the appropriate vehicle for ensuring an integrated policy approach to the entire sector, including the institutes of technology and other currently non-designated bodies. If we are to maximise available strengths and resources within a unified Irish higher education system, stronger inter-institutional collaboration needs to be encouraged. A single oversight body is well placed to incentivise and promote that. As the Deputy is aware, it has been a long-standing policy objective to designate the institutes of technology under the Higher Education Authority. The OECD report endorses this and, with the agreement of my Government colleagues, I would propose to now

move on this on a transitional basis in advance of full legislation for a new authority.

The report makes important recommendations on governance and leadership for higher education institutions and presents a detailed analysis of required changes to the funding allocation model for the sector. These are very welcome. I am glad to say that the HEA is already advancing work on a revised funding mechanism in consultation with the relevant stakeholders. The emphasis laid by the OECD report on particular aspects of what is required is a valuable input in this regard.

The report contains a whole range of further recommendations, including those relating the research and innovation system, that require careful attention and consideration. At a broader level, the case made in the report for significantly enhanced investment in higher education over the longer term, if we are to meet our strategic aspirations, is one that we cannot afford to ignore.

A strong consensus has now built around the critical role of higher education in achieving our future national objectives. The Government is prepared to give leadership in advancing progress on the way forward. I am looking forward to now actively engaging with the Higher Education Authority, leadership in the university and institute of technology sectors, as well as the various other agencies and interests both within and outside the sector, in considering and taking forward the agenda that the OECD has presented. I know from my initial discussions as Minister that the sector is ready to take on the challenges. The outcome available is certainly worth pursuing. If we can effectively channel the efforts of all those with a stake in that outcome, in now mapping the way forward for higher education in Ireland, I am confident that we can make important strides for future generations.

### Third Level Fees.

130. **Mr. Penrose** asked the Minister for Education and Science her views on the recent comments by the new president of NUI Maynooth in relation to third level funding and third level fees; and if she will make a statement on the matter. [26138/04]

**Minister for Education and Science (Ms Hanafin):** The recent OECD report on the future of higher education in Ireland makes clear that increased investment in higher education will be necessary if the sector is to play the leading role assigned to it for the achievement of our broader national economic and social aspirations. A key challenge for Government is to ensure that the necessary investment for the development of a world leading higher education system can be made. In this regard, the OECD report has also, importantly, noted that public sources of funding will not yield the levels of increase required.

The current reliance on Exchequer sources of funding for higher education is high here by inter-

national comparison. The OECD report strongly recommends an enhanced role and opportunity for diversified private sources of funding for the sector and makes suggestions in relation to these. In this regard, it identifies a need for the sector to develop activities aimed at diversifying their funding streams, including through the commercialisation of research activity, the encouragement of philanthropy, the attraction of fee paying overseas students, short courses for industry, revenues from spin-out companies and other commercial activities. The OECD report also recommends the return of individual student contributions to bridge the funding gap. This option has been ruled out by the Government and there are no plans to re-introduce tuition fees at third level.

I am looking forward to now actively engaging with the Higher Education Authority, leadership in the university and institute of technology sectors, as well as the various other agencies and interests within and outside the sector, in considering and taking forward the overall agenda for the development of the Irish higher education system that the OECD have presented.

### Schools Building Projects.

131. **Mr. Naughten** asked the Minister for Education and Science the action she is taking to upgrade secondary schools in County Roscommon; the action she is taking to upgrade primary schools in County Roscommon; and if she will make a statement on the matter [25989/04]

**Minister for Education and Science (Ms Hanafin):** The 2004 school building programme is a further major step in progressing this Government's consistent commitment since 1997 to deal with school accommodation needs. It details in excess of 200 significant school building projects that are being authorised to proceed to tender and construction in 2004.

The projects in Roscommon that are listed in the programme for proceeding to tender and construction this year include primary schools at Ballyforan, Cloonbonniff, Ballanagare and Ballyleague. A further two schools, Grange NS in Boyle and Abbey NS in Roscommon, were added to this list as part of a subsequent additional allocation of €30 million to the school building programme.

Schools in Roscommon also benefited from the €31 million which was set aside in the 2004 programme for the summer works scheme. Applications from Ballyforan NS, Lisacul NS and Abbeycarton NS were successful under the 2004 scheme. At post-primary level, applications from Scoil Mhuire gan Smal, Roscommon, Scoil Mhuire, Strokestown and St Nathy's College, Ballaghaderreen were also successful under the scheme.

There are a number of other projects listed in the 2004 school building programme for schools in Roscommon that are at various stages of architectural planning. These projects together with all



[Ms Hanafin.]

other applications for capital funding are being considered in the context of a review of all projects countrywide which did not proceed to construction as part of the 2004 school building programme. This is with a view to including them as part of a multi-annual programme from 2005. All projects are being assessed against the published prioritisation criteria, revised earlier this year in consultation with the education partners. Each project will be assigned a band rating and progress of all projects will be considered in the context of the multi-annual programme.

I expect to publish the multi-annual programme following conclusion of the current Estimates and budgetary process.

### National Curriculum.

132. **Ms Lynch** asked the Minister for Education and Science her proposals for further consultation before a decision is taken on standardised testing for school children; and if she will make a statement on the matter. [26111/04]

**Minister for Education and Science (Ms Hanafin):** I am awaiting advice from the National Council for Curriculum and Assessment, NCCA, on issues relating to standardised testing for pupils during their compulsory schooling. The NCCA is doing this through its usual consultative and partnership processes. I am confident that this advice will be underpinned by up-to-date research and sound educational theory.

It is my intention to defer making a final decision on this matter until I am fully informed regarding the potential and the limitations of standardised testing and until I have explored the range of options available. My approach will be to weigh the benefits to pupils, parents, schools and the system against the costs in terms of the inputs required and the consequences that are likely to result. This will involve not only consultation but also intensive listening and reflection on my part.

I believe there is widespread acceptance of the value of standardised tests as one of a range of modes of assessment to help teachers make more informed decisions in relation to the instruction of pupils, inform parents of pupils' progress and provide information relevant to the identification of pupils who may require additional support.

At classroom level, information from standardised tests can be particularly useful in informing individual and group teaching. The fact that more than 95% of our primary schools use such tests in some way is testimony to the value that our teachers ascribe to them. In the light of this, it seems unjust that all pupils, and their parents, do not have the same entitlement to avail of standardised tests and to derive the benefit of the judicious use of their results.

At school level, standardised tests also have a key role to play. They can provide valuable information for teachers, principals and boards of management when engaging in a self-evaluation

process. This is very important in planning the development and improvement of the individual school.

In any education system, trend data are a convincing source of evidence of the quality of the system and assist in the identification of areas of need within it. In addition to the valuable national surveys that are conducted periodically by the Educational Research Centre, ERC, and others, there is a need to develop systems that will provide my Department with more regular information on trends in pupil progress and achievement in our education system.

Notwithstanding the benefits of standardised testing that I have just outlined, I can understand how any move to systematise their use can give rise to fears and concerns. I can give my reassurance that it is not my Department's intention to use the results of standardised tests either as a stand-alone criterion to determine the allocation of resources to individual pupils and individual schools; as a stand-alone criterion to measure the effectiveness of individual teachers and schools; or to compile school league tables.

Rather, the intention is to develop a considered and balanced policy in relation to standardised testing. I believe that it should facilitate the provision of information in relation to the quality of the education system and also support schools in the development of best practice in using the outcomes of standardised tests to benefit pupils in their learning.

### Medical Education.

133. **Mr. Rabbitte** asked the Minister for Education and Science her views on the proposed aptitude test for entry to medicine courses at third level; and if she will make a statement on the matter. [26134/04]

**Minister for Education and Science (Ms Hanafin):** The Working Group on Undergraduate Medical Education and Training has very recently presented interim recommendations for significant reform of the entry mechanism to medical education. These recommendations include the introduction of a multi-streamed model of entry to medicine, comprising undergraduate and graduate entry methods, with leaving certificate performance no longer the sole selection method for entry at undergraduate level. In this regard, it is proposed that selection for entry to undergraduate medicine would be based on two measures. Anyone opting for medicine who achieves 450 leaving certificate points will be eligible for consideration, with places to be allocated on the basis of performance on a separate entry test.

These recommendations are a very welcome attempt to address the huge pressures that are being placed on students in the second level system as a result of the extremely high leaving certificate points required for entry to medicine and certain other disciplines. In this regard, the potential exists for extending the proposed selec-

tion approach to other high points disciplines down the road. It is important that the significant implementation issues associated with this proposed change are carefully attended to, including the development of a proposed second selection test for entry to undergraduate medicine. I am currently considering the composition and terms of reference of an implementation group for this purpose and intend to bring forward proposals shortly on this front.

### **Inservice Training.**

134. **Mr. Rabbitte** asked the Minister for Education and Science the position regarding the closure of schools for teacher training on 22 October and 1 November 2004 and the dispute with the Episcopal Commission on this issue; the reason her Department arranged the in-service days in contravention of the Department's regulations; and if she will make a statement on the matter. [26127/04]

**Minister for Education and Science (Ms Hanafin):** Under the agreed arrangements standardising the school year, schools are required to remain open for students on the weekday immediately preceding, and immediately following, school holidays. This excludes the possibility of using these days for the provision of in-service for teachers as well as for internal school meetings for planning and other related purposes. The standardisation of the school year has been overwhelmingly successful in bringing clarity for parents in terms of making arrangements for the care of their children during school holidays. The agreement for all schools to take their Christmas, Easter, summer and mid-term breaks at the same time followed in-depth negotiations involving all the partners in the education process.

This year's October mid-term break runs from 25 to 29 October. Despite the restriction on closures, my Department became aware that primary curriculum in-service, delivered under devolved arrangements, for music and physical education was scheduled in a number of cases by the primary curriculum support programme, PCSP, for Friday, 22 October and Monday, 1 November — the weekdays immediately preceding, and following, the holidays.

It appears that, for a variety of reasons, in-service was scheduled on 22 October and 1 November in a number of locations. In part, this related to the subject matter and content of the music and physical education in-service currently being delivered to primary schools. Both areas require specialised equipment and venues which creates difficulties when attempting to deliver in-service in the most efficient and effective manner. In other cases, the in-service was scheduled in schools for the two dates in question due to administrative oversights.

When my Department became aware of the scheduling of music and physical education in-service on 22 October and 1 November, it immediately instructed that it be re-scheduled for

a later date, in accordance with the standardisation agreement. This was done by the education centres and, in most cases, the in-service was re-scheduled.

As an exception, it was decided that, where cancellations would have greatly upset the plans of schools and parents, the in-service could proceed as originally planned. Some flexibility was needed in order to minimise the inconvenience to schools and parents who had already made arrangements for the dates in question. The vast majority of over three thousand schools will fully comply with the standardisation agreement; only a tiny minority of schools will have in-service training on one or both of the two days, 22 October and 1 November.

There is no question of a dispute with the Episcopal Commission in this matter. The Department's instructions to the PCSP were issued, coincidentally, around the same time that the Catholic bishops were directing that schools under their patronage were to close on 1 November, the Feast of All Saints.

It should be noted that the Catholic bishops are fully entitled to request that these schools observe All Saints' Day by closing on 1 November. As a result, there is no question of any dispute between my Department and the bishops about this issue. In this regard, the position as set out in the circular on the standardisation of the school year are very clear: "the arrangements are agreed without prejudice to closure (of schools) on specific days, within the overall requirement of 167 days at post-primary level and 183 days at primary level, dictated by religious observance that is required under the patronage of different denominations or faiths". The circular also states: "The scheduling of such days must not be used to extend or modify the period set out in respect of mid-term ... breaks save where religious observance requirements of a school under a particular patronage make this necessary". This arrangement covers Catholic schools and the schools under the patronage of other denominations and religions.

### **Third Level Funding.**

135. **Ms McManus** asked the Minister for Education and Science if she has plans to deal with overcrowding in a college (details supplied) in Dublin 8 which is in need of capital funding to expand campus facilities; and if she will make a statement on the matter. [26109/04]

**Minister for Education and Science (Ms Hanafin):** Officials from my Department and the Higher Education Authority recently met with the college referred to by the Deputy to discuss the future development of the campus.

The proposals from the college concerned include major developments which involve restoration of a listed building, provision of new buildings, and the acquisition of land to facilitate the proposed construction. The college authorities are currently in the process of finalising its capital

[Ms Hanafin.]

development proposals. Elements of the overall development package are being considered for implementation under a public private partnership, PPP, type programme and this will require further assessment.

Along with all other third level colleges the college submitted its proposals to the third level capital review group. The review group in its recently published report recommended funding for the restoration of the listed building and the purchase of the adjoining site.

While the review group accepted in principle that a further expansion of the college was necessary, the group considered it inappropriate to make a final recommendation on other proposed developments as an intended enabling land swap had not yet been completed and the PPP type funding mechanism has yet to be finalised.

I am currently considering the report and its overall proposals regarding capital funding for the third level sector including the college concerned. I do not expect to be in a position to indicate my response to the recommendations until the conclusion of the current Estimates and budgetary process in the coming weeks.

#### **Bullying in Schools.**

136. **Mr. Ferris** asked the Minister for Education and Science if she intends adopting the mentoring concept as outlined in the report, *How are Our Kids?*, in view of the very serious problem of bullying in schools. [26148/04]

145. **Mr. Morgan** asked the Minister for Education and Science if her attention has been drawn to a report, *How are Our Kids?*; and if she plans to factor the results of the survey into her programme of work, in particular in relation to the problem of bullying at school. [26145/04]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 136 and 145 together.

I am supportive of the concept of mentoring and consider that it can be of value in countering bullying at school level.

Individual school management authorities are responsible for implementing effective policies to counter bullying in schools. Each school is required to have in place a policy which includes specific measures to deal with bullying behaviour, within the framework of an overall school code of behaviour and discipline. Such a code, properly devised and implemented, can be the most influential measure in countering bullying behaviour in schools.

The managerial authority of each school, in developing its policy to counter bullying behaviour, must formulate the policy in co-operation with the school staff, both teaching and non-teaching, under the leadership of the principal, and in consultation with parents and pupils. In this way, the exercise of agreeing what is meant by bullying and the resultant development of school-based strategies for dealing with it are

shared by all concerned. It is essential that all parties concerned have a clear understanding of the policy aims and content if the policy is to form the basis for developing effective school-based strategies for dealing with the problem.

The concept of mentoring may indeed form part of the schools policy but this is a matter for the managerial authority of each school to address.

#### **School Vandalism.**

137. **Caoimhghín Ó Caoláin** asked the Minister for Education and Science if her attention has been drawn to the high incidence of vandalism and break-ins at a school (details supplied) in Dublin 24 over the past 18 months; and if she will sanction extra funding for security for the school in view of these problems. [26154/04]

**Minister for Education and Science (Ms Hanafin):** I appreciate the concerns of the school community regarding the vandalism of school property. I understand that the school management authority has made contact with the local crime prevention officer who is working with it in this matter. The management authority should continue to report each incident to local gardaí who are best placed to provide practical advice and support and to make recommendations on how best to mitigate the potential risk to the school.

It is open to the school's management authority to apply under the 2005 summer works scheme for funding for any security measures required at the school. Schools have been notified of the scheme and the closing date for receipt of completed applications is 5 November 2004. The list of successful applicants will be published by 31 January 2005.

A dedicated Freephone service is in operation to assist schools with the application process. The number for this service is 1800 200 955. It is currently available and will continue to operate until the closing date for applications. My officials will be happy to assist the school with any queries it might have in relation to the scheme.

#### **College Closure.**

138. **Mr. Morgan** asked the Minister for Education and Science the reason there was so little consultation with the management of a college (details supplied) on the future of that establishment. [26144/04]

**Minister for Education and Science (Ms Hanafin):** The Deputy will be aware that this issue 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, a former senior official of my Department, would be appointed who would meet with relevant parties and prepare a report on the options for the

college's future. As part of this process, the consultant met with the trustees of the college, its management, staff and students. In essence, there was full consultation with all parties with an interest in the college in regard to its future options.

The consultant's report, which was completed in July of 2002, was thoroughly examined in my Department and the options for the future of the college were set out for my consideration by my predecessor, Deputy Noel Dempsey.

Having carefully considered all of these options 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 then Minister, Deputy Dempsey, decided that these considerations would be 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.

### School Curriculum.

139. **Mr. Naughten** asked the Minister for Education and Science the action she intends to take to address the uptake of science in second level schools; and if she will make a statement on the matter. [14113/04]

**Minister for Education and Science (Ms Hanafin):** A range of actions is being taken to promote an increased uptake of science subjects in second-level schools, in line with the recommendations in the Report of the Task Force in the Physical Sciences. In particular, important progress is being made in regard to curricular reform and in-service support, with new syllabi already implemented in leaving certificate biology and physics and chemistry; revised syllabi in primary science and junior certificate science were introduced in schools in September 2003, the latter on an optional basis but currently being taken by approximately 90% of schools; and work is under way on a new leaving certificate physical sciences syllabus to replace the physics and chemistry — combined — syllabus and a revised syllabus in leaving certificate agricultural science is at an advanced stage of preparation. The introduction of all of the revised syllabi is being, or has been, supported by national in-service programmes for teachers; resourcing, with substantial grants issued to schools at primary level in 1999, 2001 and 2002; an additional per capita grant for physics and chemistry at leaving certificate; a capital grants programme for senior cycle science ICT and science equipment; allied with the announcement in 2003 of a once-off grant scheme, likely to cost of the order of €12 million, to support the implementation of the new junior certificate science syllabus. To date, some 614 schools in the free education scheme have opted to provide the revised junior certificate science syllabus from 2003-04. Grants of €10.2 mill-

ion were issued to these schools in 2004. The revised junior certificate science syllabus has an increased emphasis on hands-on student practical work and promotes a more investigative approach to the teaching and learning of the subject. Furthermore, for the first time this practical work will be directly assessed — some 35% of the final marks are being allocated to an assessment of practical course work based on 30 of the experiments and investigations specified in the revised syllabus. The hands-on approach is seen as critically important to improving student learning, enhancing the attractiveness of the subject and encouraging more students to choose the physical sciences at senior cycle; ICT integration projects in teaching and learning under the schools IT initiative, and the new TV scope programme in partnership with RTE, NCCA and the National Centre for Technology in Education; provision of materials and publications to schools to promote the attractiveness and relevance of science for students as a subject option and career path; reviews of mathematics, grading of subjects in the leaving certificate, gender equity issues in science and initial reports on teacher training undertaken; awareness measures supported by industry and third level colleges linking with schools; and the launch of the new Discover Science and Engineering programme in October 2003 bringing together existing awareness activities in a unified strategy; the announcement by the Tánaiste in December 2003 of plans for Ireland's first interactive learning centre for children and adults, designed to give visitors a hands-on experience and understanding of science, and to be an education and outreach centre for teachers and pupils. The Exploration Station is due to open in 2006 and will be sited in the OPW Heuston gate development in Kilmainham, Dublin.

This work continues to be progressed and enhanced as resources permit in collaboration and consultation with the Department of Enterprise, Trade and Employment, Forfás and industry. My Department is fully committed to strengthening the quality of science teaching and learning, promoting increased scientific literacy and encouraging more students to choose science subjects at senior cycle and progress to third level options in this critical area as a vitally important part of the national strategy to support competitiveness and develop a knowledge-based economy.

### Special Educational Needs.

140. **Ms Enright** asked the Minister for Education and Science if her attention has been drawn to the difficulties being experienced by schools, parents and children due to the new weighted system; if she will make changes to the system; and if she will make a statement on the matter. [26159/04]

**Minister for Education and Science (Ms Hanafin):** The revised system for the allocation of resource teachers comprises both a general

[Ms Hanafin.] allocation for pupils with mild learning disabilities-difficulties and specific allocations for individual pupils with more complex needs. The revised system will put teaching resources permanently in place to meet the needs of children with special needs. The system will greatly reduce the need for individual applications and supporting psychological assessments. It will also allow for better planning in schools, greater flexibility in identifying and intervening earlier with regard to pupils' special needs, as well as making the posts more attractive to qualified teachers.

The previous allocation system placed significant demands on principals, teachers and psychologists. It has also proven to be time-consuming, thereby delaying the allocation of resources for special needs. The new model will, over time, significantly improve the capacity of the system to cater for children with special needs in a speedier, more effective way. The revised system will reduce the administrative burden on schools and allow them to concentrate on the delivery of services to pupils with special needs. It will also allow psychologists to devote more time to advising teachers on planning for individual children and for whole school provision.

In order to facilitate the full introduction of the revised model from the school year 2005-06, my Department has agreed not to re-deploy surplus teachers from full-time posts via the panel redeployment process during the current school year. In the case of small rural schools, the Department's inspectorate is currently finalising clusters of schools.

As the Deputy will be aware, I have announced that I am having the impact of the revised allocation model reviewed to ameliorate any difficulties arising, particularly in small and rural schools. I want to ensure that it provides an automatic response while at the same time ensuring that pupils currently in receipt of service continue to receive the level of service appropriate to their needs.

#### **School Staffing.**

141. **Mr. Howlin** asked the Minister for Education and Science her policy with regard to State support for private fee-paying schools in view of recent figures showing an increase in the numbers attending such schools; and if she will make a statement on the matter. [26113/04]

**Minister for Education and Science (Ms Hanafin):** The payment of teacher salaries is part of a complex scheme of funding for fee-charging schools, which has traditionally sought to balance considerations of equity, pragmatism and State support for minority religions. Teachers in fee-charging schools, irrespective of the denominational ethos of the school, are paid by the State. This may well reflect a long standing pragmatism that the State would be required to provide teachers for the pupils in question were they located within the free education scheme.

There are 59 fee-charging second level schools in the country of which one is Jewish, 21 Protestant, two inter-denominational and the balance Catholic. The Protestant and Jewish schools receive funding by way of a block grant, which has its origins in the desire of the State to enable students of the Protestant and Jewish persuasion to attend schools, which reflect their denominational ethos. The block grant includes payments in respect of capitation and these schools also qualify for payment of such grants as the transition year support grant and secretarial and caretaking grants. Fee-charging schools not embraced by the block grant do not qualify for payment of capitation or related supports.

I have no plans to withdraw State support for the payment of teachers in fee-charging schools. This support has been a long standing feature of our education system and one continued by successive Governments.

#### **Health and Safety Regulations.**

142. **Mr. Gilmore** asked the Minister for Education and Science if her attention has been drawn to the fact that 31 schools have been investigated by the Health and Safety Authority between January and September 2004; her views on this number; if her attention has further been drawn to the nature of the complaints from schools which prompted these investigations; if she will avail of the school building programme 2005 to ensure that essential repairs in schools can be carried out speedily; and if she will make a statement on the matter. [26118/04]

**Minister for Education and Science (Ms Hanafin):** In accordance with the Safety, Health and Welfare at Work Act 1989, it is the responsibility of school management authorities to have a safety statement in place in their schools. Schools are obliged to identify possible hazards, assess the risks to health and safety and put appropriate safeguards in place.

Individual school authorities are responsible, in the first instance, for ensuring the safety and welfare of children and others in their care. It is open to school management authorities or individuals to make direct contact with the Health and Safety Authority in relation to matters of concern to them and my Department would not necessarily be aware of such communication. Where they are issued, notifications from the Health and Safety Authority are sent to the management authorities of schools, in the first instance.

Provision is built into the school building programme to enable schools to address urgent health and safety problems. Primary schools are given an annual allocation, currently amounting to €3,809 plus €12.70 per pupil, under the grant scheme for minor works which can be used entirely at the discretion of school management to address basic health and safety issues relating to the school infrastructure.

In addition, the summer works scheme was introduced during 2004 which provided capital

grants for small scale improvement works at primary and post-primary schools during the summer holidays. A total of 457 schools were approved for funding under this scheme in 2004. The 2005 summer works scheme has recently been published with a closing date of 5 November 2004 for receipt of completed applications.

My Department also sets aside a contingency sum each year to deal with emergency works in primary and post-primary schools, including health and safety works. Urgently required health and safety works relating to asbestos removal, radon mitigation or dust extraction may be grant-aided under the remediation programmes operated by the school building section of my Department.

#### College Closure.

143. **Mr. Crowe** asked the Minister for Education and Science the reason the consultancy report conducted on the future of a college (detail supplied) was suppressed. [26141/04]

**Minister for Education and Science (Ms Hanafin):** At the outset, I would like to emphasise that there is no question of suppressing the consultancy report conducted on the future of the college in question.

The Deputy will be aware that 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, a former senior official of the Department, would be appointed who would meet with relevant parties and prepare a report on the options for the college's future.

The consultants report, which was completed in July of 2002, was thoroughly examined in my Department and the options for the future of the college were set out for my consideration by my predecessor, Deputy Noel Dempsey. Having carefully considered all of these options 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 then Minister, Deputy Dempsey, decided that these considerations would be 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.

The consultants report and any related advice were only two factors considered by the then Minister, Deputy Dempsey, when making his decision on the future of the college and the future of its subject area.

The Deputy will be aware that the report and all papers relating to this case are now in the public domain.

#### Capitation Grants.

144. **Mr. Deenihan** asked the Minister for Education and Science if she will restore the grant of €635 for physical education equipment, which was scrapped in the budget of December 2002; and if she will make a statement on the matter. [25986/04]

**Minister for Education and Science (Ms Hanafin):** In October 2000, my Department introduced a physical education grant for all primary schools. Since the introduction of the scheme, my Department provided in excess of €5.5 million in grant aid to primary schools under this scheme to enable schools provide coaching or mentoring in connection with physical education or to purchase resource materials associated with the provision of physical education.

Materials and equipment purchased by schools in previous years will generally be available to them for subsequent years.

In the light of budgetary constraints, it was decided to withdraw payment of the grant from 2003. The question of restoring the grant will be kept under review as part of the normal Estimates process in the coming years.

I would point out, however, that schools may use their general capitation funding to support the implementation of curricula including physical education.

*Question No. 145 answered with Question No. 136.*

#### Education Schemes.

146. **Mr. S. Ryan** asked the Minister for Education and Science her role in the establishment of the proposed new body to attract overseas students to study here; her views on the proposal to examine ways to increase the number of students in secondary schools; and if she will make a statement on the matter. [26125/04]

**Minister for Education and Science (Ms Hanafin):** The Government has approved the publication of the Report of the Interdepartmental Working Group on the Internationalisation of Irish Education Services and the necessary arrangements for this are being put in place by my Department as a matter of urgency. The Minister for Education and Science is responsible for implementing the recommendations in the report. It would be inappropriate for me to comment on or discuss the various recommendations in the report until it is published.

#### Schools Building Projects.

147. **Mr. Crawford** asked the Minister for Education and Science if he will report on the progress towards an extension for a college (details supplied) in County Monaghan at which teachers

[Mr. Crawford.]

and pupils have obtained outstanding results in spite of totally inadequate accommodation and several commitments having been given and broken over many years; if there is no ulterior motive; and if she will make a statement on the matter. [25984/04]

**Minister for Education and Science (Ms Hanafin):** The extension project for the school referred to by the Deputy is at an early stage of architectural planning. It has a band 2 rating.

My officials are nearing completion of a review of all projects which did not proceed to construction as part of the 2004 school building programme with a view to including them as part of a multi-annual programme from 2005. All projects are being assessed against the published prioritisation criteria, agreed earlier this year with the education partners. Each project will be assigned a band rating and the progress of all projects will be considered in the context of the programme from 2005.

Following conclusion of the current Estimates and budgetary process I intend to publish the 2005 building programme which will operate in a multi-annual framework.

#### Insurance Costs.

148. **Mr. S. Ryan** asked the Minister for Education and Science if her attention has been drawn to the fact that one fifth of primary school insurance claims are attributable to children falling, tripping or slipping in schools yards; if she is intent on continuing to ignore the spiralling costs of insurance in schools; if she has proposals to alleviate the high costs of insurance in schools; and if she will make a statement on the matter. [26126/04]

**Minister for Education and Science (Ms Hanafin):** Responsibility for arranging insurance cover on school property and against public liability is a matter for the managerial authorities of primary schools.

Funding is provided to primary schools by way of per capita grants, which affords schools considerable flexibility in the use of these resources to cater for the needs of their pupils. In my view this is, in general, a preferable approach to putting in place grants for specific cost items such as insurance. I also hold the view that moving to a position where the Government covers the insurance costs of primary schools may encourage the insurance sector to keep increasing premia on the basis that the State would meet the cost. I believe such an approach would also reduce the incentive for school management to reduce risks.

I am committed to improving the funding position of primary schools in the light of available resources. The significant increases in the funding of primary schools in recent years is a clear demonstration of this Government's commitment to prioritise available resources to address the needs of schools.

In the case of primary schools the standard rate of capitation grant has been increased from €57 in 1997 to €121.58 per pupil from 1 January last, an increase of almost 113%.

The CLÁR primary school outdoor play facilities enhancement scheme, which was launched in March 2004, is jointly funded by my Department and the Department of Community, Rural and Gaeltacht Affairs with each Department contributing €500,000 in the current year. The scheme is aimed at improving outdoor play facilities in small rural primary schools in CLÁR areas.

Tackling the difficulties that are being caused by high insurance premiums is a clear priority for the Government. A key concern to which the Government is giving priority is the cost and availability of liability insurance. In this context, a comprehensive set of inter-related measures, across a number of Departments, has been announced which is designed to improve the functioning of the Irish insurance market.

Key initiatives relating to the Department of Enterprise, Trade and Employment include the establishment of the Personal Injuries Assessment Board, which was established by ministerial order on 13 April 2004, and the undertaking of a joint study into insurance by the Department of Enterprise, Trade and Employment in conjunction with the Competition Authority.

Key initiatives relating to the Department of Justice, Equality and Law Reform include reform of the law in relation to personal injury claims. The Civil Liability and Courts Act, which includes measures to tackle fraudulent and exaggerated claims and streamline the law in relation to personal injury claims, was enacted on 21 July 2004.

#### Capitation Grants.

149. **Ms O'Sullivan** asked the Minister for Education and Science if she will increase the level of the capitation grant for primary and secondary schools; if her attention has been drawn to the chronic inadequacy of the grant in meeting day-to-day expenditure in schools; and if she will make a statement on the matter. [26101/04]

**Minister for Education and Science (Ms Hanafin):** I am committed to improving the funding position of primary and secondary schools in the light of available resources.

Significant improvements in the levels of direct funding of schools have been made in recent years. The standard rate of capitation grant for primary schools has been increased from €57 in 1997 to €121.58 per pupil from 1 January last, an increase of almost 113%. In the case of secondary schools, the standard per capita grant now amounts to €274 from 1 January last as against the rate of €224.74 that applied in 1997. In the case of disadvantaged schools this increase has brought the total per capita grant to €312. In addition, the support grant that was introduced under the school services support initiative was

also increased from 1 January last and now stands at €131 per pupil. This increase is in addition to the range of equalisation grants of up to €15,554 per school per annum that was approved in December 2001.

The question of further increases in the level of capitation grants payable to primary and secondary schools will be considered as part of the normal Estimates process.

### Higher Education Grants.

150. **Mr. O'Shea** asked the Minister for Education and Science the details of the recent changes to the third level maintenance grant levels; her views on whether such minor increases are sufficient; and if she will make a statement on the matter. [26140/04]

**Minister for Education and Science (Ms Hanafin):** It has been my Department's approach in recent years to increase the value of the grant under the student maintenance grant schemes annually at least in line with inflation. This year, in line with this policy, increases of 2% were made in the ordinary maintenance grant to give a maximum grant of €2,945 in the 2004-05 academic year.

Similarly, in relation to the reckonable income limits under the maintenance grant schemes, the practice in recent years has been to increase the limits at least in line with movements in the average industrial wage in the previous year. This year, in line with this policy, an increase of 5.9% was approved in the reckonable income limits for the 2004-2005 academic year, as has the allowance by which the income limits may be increased for each dependant where two or more children are in further or higher education.

The top income limit has been increased from €40,000 to €42,360, where there are less than four children, ensuring that a significantly higher number of students from households with moderate incomes will not have to pay the student service charge of €750. Higher income thresholds than this apply in cases where there are four or more dependent children in the family. Over 56,000 students were in receipt of grants in the 2003-2004 academic year.

The special rates of maintenance grant, usually referred to as "top-up" grants, payable to disadvantaged grant holders were introduced with effect from the 2000-01 academic year. This year's schemes are giving particular priority to addressing inequities in participation of students from the lower socio-economic groups through the special rates of maintenance — top-up grant. There is a significant increase of 18.6% in the "top-up" element for the 2004-05 academic year. The higher, non-adjacent special rate of maintenance has been increased to €4,855, an amount based on the maximum personal rate of social welfare unemployment assistance. The adjacent rate has been increased to €1,945. These rates represent "top-ups" on the ordinary grant of €1,910 and €765, respectively.

The annual income threshold for the special rates of maintenance grant has been increased, in line with the relevant social welfare payments, by 6.8% to €14,693.

While I have no plans to depart, in the foreseeable future, from the current practice in relation to increases in the reckonable income limits or grant rates under my Department's student maintenance grant schemes, I am committed to ongoing improvements in the student support schemes, including increasing the value of maintenance grants and increasing the income limits, as resources permit.

### Third Level Education.

151. **Ms McManus** asked the Minister for Education and Science if she has received a copy of the Higher Education Authority report which recommends a linking of future funding for third level access programmes to performance; her view on this suggestion; and if she will make a statement on the matter. [26110/04]

**Minister for Education and Science (Ms Hanafin):** The report referred to by the Deputy is the Report of the High Level Group on University Equality Policies, published by the Higher Education Authority in April of this year, and the recommendation referred to forms part of a series of recommendations contained therein. The task of the group was to carry out a review on behalf of the HEA of the equality policies of the universities, including access to the universities by sections of society under-represented in higher education.

The review group examined and reported on how the universities have responded to equality requirements both in relation to students and employees. This response has been supported by my Department through the HEA, with over €40 million in strategic initiative funding having been allocated since 1996 towards the establishment of a core access infrastructure on the part of institutions. Progress on the range of initiatives being funded is reviewed annually both by the institutions and the HEA. These initiatives include programmes and staff dedicated to increasing access and supporting participation by school leavers from socio-economically disadvantaged backgrounds as well as mature students, disabled students and more recently traveller and refugee students.

The context in which the particular recommendation of the high level group referred to was framed was that of highlighting the need for improvement of statistical information on access to higher education in order to further evaluate progress to date both nationally and institutionally, as well as inform the targeting of resources towards the areas of greatest need. I agree with the group's view of the importance of this issue if we are to ensure that we achieve all our objectives in this area.

I welcome the fact that work is already underway in the HEA on a new and comprehen-



[Ms Hanafin.]  
sive student record system that will capture information about students in all higher education institutions. The first of its type in Irish higher education, this database will provide comprehensive data on variables associated with student participation in higher education, and will support better analysis of student participation and completion in higher education. The database is due to be operational in all HEA institutions by the end of 2004 and will be extended on a phased basis to the institutes of technology.

The HEA are also presently engaged in a review of recurrent funding mechanisms for HEA funded institutions. In consultation with third level institutions, consideration is being given to the development of both core and strategic funding from an input to a more output or performance based model. This approach, which I welcome, would allow funding allocations to reflect and incentivise institutional performance in certain key areas such as the intake of students from disadvantaged socio-economic backgrounds, students with a disability and mature students.

The report of the high level group also highlighted a key role for the National Office for Equity of Access to Higher Education in the future development and implementation of a national strategy on equity of access to higher education.

In August 2003, my colleague, the former Minister for Education and Science, established the National Office for Equity of Access to Higher Education within the Higher Education Authority. This decision followed a report by the Action Group on Access to Third Level Education which highlighted the pressing need for a national co-ordinating unit to lead work on achieving equity of access to higher education, co-ordinate funding and resources, and monitor and report on progress.

Importantly, the national office works with the higher education sector as a whole, and its functions include: development of a national action plan to facilitate equity of access to higher education; advising on and promoting the development of national policy on equity of access to higher education; managing funding programmes to widen access to higher education; and monitoring and reporting on progress in implementing the action plan and attaining national and institutional targets on equity of access to higher education.

An action plan for equity of access to higher education is being developed by the national office with the assistance of an advisory group representative of learners, education partners and social partners. Development has also included broader consultation with over 30 additional organisations.

I understand that work on this plan is at an advanced stage at present and is to be forwarded to my office very shortly.

I intend that the office will monitor and report on progress in implementing the action plan and

reaching national and institutional targets on equity of access to higher education.

#### **Residential Institutions Redress Scheme.**

152. **Mr. Crowe** asked the Minister for Education and Science the scheme she intends to put in place in order to allow redress for victims of abuse who were day pupils at educational institutions here. [26143/04]

**Minister for Education and Science (Ms Hanafin):** The Residential Institutions Redress Board was established as an alternative mechanism to the courts to provide financial redress to former residents of institutions who were abused while in institutions over which the State had a significant supervisory or regulatory responsibility. There are no plans to extend the remit of the redress board to day schools.

The rationale behind the setting up of the redress board was that children in the institutions were separated from their parents and therefore did not have the benefit of the care and protection which children in the care of their families usually enjoy. The institutions concerned controlled all aspects of children's lives 24 hours, seven days a week with no reasonable capacity for access to or involvement by parents. Therefore, the children in the institutions relied to a significant degree on the public bodies that had a statutory duty to protect them.

This situation did not apply to day schools which were in the main privately owned and in which children were enrolled by their parents. Public bodies did not have the same kind of supervisory functions, powers or duties that applied to residential institutions and the children themselves were resident with their families.

People who as children suffered sexual abuse in day schools have other avenues in which they may seek compensation from those who were responsible for their abuse. Amendments to the Statute of Limitations recognise that a person who suffered sexual abuse in childhood may not have been in a position, due to the abuse suffered, to take legal action against an abuser. Before the statute was amended a person had only three years from the date she or he attained majority to initiate such an action. The statute now provides that the normal three year period will not apply where the delay in bringing the action resulted from the abuse itself, for example, suppressed memories of abuse.

Any person who was subjected to abuse should in the first instance report the matter to the Garda. She or he should also obtain legal advice in relation to the legal remedies that may be open to them, such as seeking compensation in the courts from those who were responsible for their abuse.

#### **Investment in Education.**

153. **Mr. Stagg** asked the Minister for Education and Science if a recent study by the National Competitiveness Council which shows

that Ireland ranks bottom of a list of 15 industrialised countries with regard to the proportion of GDP spent on education has been brought to her attention; her views on the study; and if she will make a statement on the matter. [26105/04]

**Minister for Education and Science (Ms Hanafin):** The recent report of the National Competitiveness Council makes a number of important observations and recommendations in relation to key elements of the education system in Ireland and will be carefully considered by my Department.

The strength of our education system has been a substantial contributor to our economic progress and development in the last ten years.

Investment in education in Ireland has increased substantially in real terms and accounted for 13% of total public expenditure in 2001. This increased investment has achieved falling pupil-teacher ratios over time as well as rising real expenditure per pupil.

The recent OECD publication, *Education at a Glance (2004)*, has clearly shown that expenditure per primary and second level student in Ireland increased by 45% between 1995 and 2001. This was the fourth biggest increase of the 23 OECD countries for which data was available.

The challenge facing policy makers now is to ensure that our education system continues to make a substantial contribution to our social and economic development.

#### **Early Childhood Education.**

154. **Mr. Sherlock** asked the Minister for Education and Science her views on a recent report, *Making the Move*, published recently (details supplied) which analysed the secondary school selection options of primary school pupils from different socio-economic groups; and if she will make a statement on the matter. [26124/04]

**Minister for Education and Science (Ms Hanafin):** My Department has received the report referred to by the Deputy and it has been forwarded to the relevant officials for their information. I have asked my officials to consider the findings of the report in the light of the transition process from primary to second level.

#### **Adult Education.**

155. **Ms Enright** asked the Minister for Education and Science her intentions in relation to the further education sector; if she will facilitate its expansion; and if she will make a statement on the matter. [26160/04]

**Minister for Education and Science (Ms Hanafin):** Within the context of lifelong learning policies, the conceptual frameworks for further education, adult education and vocational education and training are becoming inextricably linked. It is therefore essential that there is co-operation, co-ordination and cohesion between Departments with responsibilities in these fields and between the statutory bodies with responsi-

bility for delivery of programmes at regional and local level.

The New National Framework of Qualifications and the consultations being carried out by the Higher and Further Education and Training Awards Councils with providers in relation to quality assurance and validation processes is facilitating the development of a more streamlined approach to the development and delivery of further education.

The principal providers of further education, adult education and continuing vocational education and training are the vocational education committees and FÁS. Other statutory providers include Fáilte Ireland, Teagasc and An Bord Iascaigh Mhara.

The principal objectives of the measures and programmes funded by the Department of Education and Science in the further and adult education area are to meet the needs of young early school leavers, provide second-chance education for adults, provide vocational education and training opportunities for labour market entrants and re-entrants, and facilitate alternative pathways to higher education.

The White Paper on Adult Education, *Learning for Life*, published in 2000, identified a range of areas requiring investment and development, including: a national adult literacy strategy; the expansion of the scale and flexibility of existing provision at further and higher education levels; measures to promote community education models; enhancement of quality, accreditation and assessment, staff development and supporting services, such as guidance and child care; expansion of capital provision for adult education; implementation of an ICT programme for adults; specific equality initiatives to improve the participation of marginalised groups; and structures for national and local co-ordination.

The recommendations of the White Paper are being implemented as resources permit.

#### **College Closure.**

156. **Aengus Ó Snodaigh** asked the Minister for Education and Science the way in which her Department will respond to criticisms from the Information Commissioner regarding the suppression of the consultancy report on the future of a college (details supplied). [26149/04]

**Minister for Education and Science (Ms Hanafin):** At the outset, I would like to emphasise that there is no question of the consultancy report conducted on the future of the college in question been suppressed.

The Deputy will be aware that 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, a former

[Ms Hanafin.] senior official of the Department, 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, which was completed in July of 2002, was thoroughly examined in my Department and the options for the future of the college were set out for my consideration by my predecessor, Deputy Noel Dempsey. Having carefully considered all of these options 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 then Minister, Deputy Dempsey, decided that these considerations would be 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.

The report and any related advice were amongst a number of factors considered by the then Minister, Deputy Dempsey, when making his decision on the future of the college and the future of its subject area.

Having examined the issues relating to the freedom of information request, it is clear that the official who initially refused the request — November 2003 — and the official who upheld that refusal — December 2003 — were acting in good faith and that there is no question of these officials suppressing the report and other requested material in relation to this case.

As the Deputy is aware, Ms Madeline Mulrennan, President of St. Catherine's College, requested in October 2003 the release of the consultant's report along with a number of all related papers amounting to 26 in total.

The refusal by my Department to release these documents was based on two factors:

“(i) access to the documentation could have a significant, adverse effect on the performance by the Department of any of its functions relating to management, including industrial relations — Section 21(c), and

(ii) access to the documentation could disclose positions taken, or to be taken, or plans, procedures, criteria or instructions used or followed, or to be used or followed, for the purpose of any negotiations carried on or being, or to be carried on by or on behalf of the Department — Section 21(c)”.

While I accept that the Information Commissioner, Ms Emily O'Reilly, disagreed — August 2004 — with the position taken on the request, I can only reiterate that the officials were acting in good faith when they made their decision not to release the material. I do not think any purpose will be served by making any further comment on this particular case.

The Deputy will be aware that the consultant's report and all papers relating to this case are now in the public domain.

### **Educational Disadvantage.**

157. **Mr. Ferris** asked the Minister for Education and Science her views on whether there is a direct link between poverty and educational under-achievement; and the steps she intends taking to address the issue. [26147/04]

**Minister for Education and Science (Ms Hanafin):** My approach in addressing the issue of educational disadvantage is set in the context of the Government's National Action Plan Against Poverty and Social Exclusion, 2003-2005, NAPs/incl, and the latest partnership agreement, Sustaining Progress, which contains a special initiative focused on literacy, numeracy and early school leavers.

A key focus of education policy is to prioritise investment in favour of those most at risk and to optimise access, participation and outcomes at every level of the system for disadvantaged groups.

Some €540 million is being provided by my Department in 2004 for programmes specifically designed to tackle educational disadvantage in accordance with the strategies outlined in the NAPs/incl and Sustaining Progress. This includes provision in the following areas: €8 million for pre-school programmes such as the Early Start pilot project which caters for pupils aged three to four years who are most at risk in areas of social disadvantage; over €70 million for disadvantaged programmes at primary level such as the disadvantaged areas scheme, the home school community liaison scheme, and the giving children an even break programme; €35 million for post primary level disadvantaged schemes such as the disadvantaged areas scheme, and the home school community liaison scheme; €23 million for the school completion programme which operates at primary and post-primary level and is a key component of my Department's strategy to discriminate positively in favour of children and young people who are at risk of early school leaving; €20 million for disadvantaged youth schemes; €175 million for further education measures such as the back to education initiative, the Youthreach programme, and the adult literacy programme; €197 million for measures specifically designed to broaden access to third level education for students from disadvantaged backgrounds; and €6.5 million for the National Educational Welfare Board.

My priority as Minister for Education and Science will be to continue targeting resources at those areas and people most in need.

### **School Absenteeism.**

158. **Mr. Cuffe** asked the Minister for Education and Science if it is planned to substantially increase funding to the National Education Welfare Board in view of the fact that pupils in

disadvantaged areas of cities here miss school for an average of one month every year and that the NEWB's own research shows that one in seven children leave primary school with reading and writing difficulties. [26056/04]

**Minister for Education and Science (Ms Hanafin):** My Department is aware of the preliminary findings of the recent research conducted by the National Education Welfare Board into levels of school attendance for the school year 2003-04. These findings will be considered by my Department in the context of future planning and investment.

### Schools Building Projects.

159. **Mr. Gogarty** asked the Minister for Education and Science if she plans to facilitate the early provision of a second level school at an early stage at lands beside the proposed temporary railway station at Adamstown, in view of the growth in population in the rest of Lucan, the need for an Educate Together second level facility and the availability of land for early construction; and if she will make a statement on the matter. [26052/04]

**Minister for Education and Science (Ms Hanafin):** As the Deputy will be aware, a site for a post-primary school has been reserved as part of the Adamstown strategic development zone. Officials of the school planning section of my Department are working closely with the development agency, South Dublin County Council, regarding the optimum time frame for the delivery of the proposed school. Discussions have also taken place with the owners of the site. A management model has not yet been determined for this school.

With regard to the overall issue of post-primary capacity in the Lucan area, the position is that a new school for Coláiste Cois Life will proceed to tender and construction this year. This will provide places for 600 pupils, some 400 additional places relative to existing capacity.

Capacity at Coláiste Phádraig will be increased by 300 pupil places with the completion of the major extension project at the school. A further extension project at St. Joseph's College will also be completed this year, which will provide an overall capacity of 725 pupil places. This is deemed sufficient to meet demand from pupils in its catchment area.

The Deputy will also be aware that there is considerable capacity at post-primary level in areas adjacent to Lucan. Given that it is the current practice, particularly in Dublin, that post-primary students tend to travel some distance to attend a post-primary school, it is not unreasonable that my Department should seek to optimise the use of existing surplus capacity at post-primary schools in the general vicinity of Lucan as part of a range of measures to address any shortfall for post-primary places that may emerge in that area.

### Education Policy.

160. **Ms B. Moynihan-Cronin** asked the Minister for Education and Science her views on the proposals advanced by IBEC in July 2004 in relation to the future of education here, particularly regarding part-time working by secondary school students during exam years; and if she will make a statement on the matter. [26108/04]

**Minister for Education and Science (Ms Hanafin):** The proposals put forward by IBEC last July are very wide ranging in scope and involve all levels of education. Since last January, a year long national public consultation process on the development of education in Ireland for the future, Your Education System, has been under way. The outcomes of that process will be reported on early next year. The Deputy specifically referred to the issue of part-time work for second level exam students.

IBEC undertook to actively discourage part-time work for second level students in exam years as part their ten point action plan included in the education policy document it issued in July 2004. I believe this is a responsible position. I am aware that it reiterated its call to businesses not to employ second level exam students at the start of this school year.

I support the position that young people should avoid engaging in employment to an extent that adversely affects their studies. There is an onus on legislators, employers, teachers and parents to encourage young people to avoid damaging their long-term economic, social and personal prospects by sacrificing the attainment of their full academic potential for the immediate gain of paid employment. There is legislation in this area. The employment of young people is legislated for under the Protection of Young Persons Act 1996, the implementation of which is a matter for my colleague, the Minister for Enterprise, Trade and Employment. The Education Welfare Act 2000 provides legislation in connection with the attendance of children and young people at school or other places of education.

161. **Mr. Cuffe** asked the Minister for Education and Science if there will be a change in her policy or increase in investment at primary and second level in view of the recent report published by the National Competitiveness Council; and if she will make a statement on the matter. [26057/04]

**Minister for Education and Science (Ms Hanafin):** The recent report of the National Competitiveness Council makes a number of important recommendations in relation to key elements of the education system in Ireland. These recommendations will be of benefit to policy makers and specialists in the education sector and will be carefully considered within my Department.

I am committed to improving the funding position of primary and secondary schools in the light of available resources.

[Ms Hanafin.]

Significant improvements in the levels of direct funding of schools have been made in recent years.

The standard rate of capitation grant for primary schools has been increased from €57 in 1997 to €121.58 per pupil from 1 January last, an increase of almost 113%.

In the case of secondary schools, the standard per capita grant now amounts to €274 from 1 January last as against the rate of €224.74 that applied in 1997. In the case of disadvantaged schools this increase has brought the total per capita grant to €312.

In addition, the support grant that was introduced under the school services support initiative was also increased from 1 January last and now stands at €131 per pupil. This increase is in addition to the range of equalisation grants of up to €15,554 per school per annum that was approved in December 2001.

Further increases in the levels of direct funding payable to first and second level schools will be considered as part of the normal Estimates process.

#### **Physical Education Facilities.**

162. **Mr. Stagg** asked the Minister for Education and Science if her attention has been drawn to the chronic shortage of physical education and recreational facilities in many primary and secondary schools and to the health and social consequences of this shortage; and if she will make a statement on the matter. [26106/04]

**Minister for Education and Science (Ms Hanafin):** I do not accept the Deputy's contention that there is a chronic shortage of physical and recreational facilities in primary and post primary schools. I want to make it clear that the policy of my Department is to provide for the delivery of a broad and balanced physical education curriculum in our schools and to support this with the provision of appropriate infrastructure.

In relation to facilities generally, many primary schools have a general purpose room and practically all schools have outdoor play areas which are utilised for teaching different aspects of the physical education programme. The provision of multi-purpose space for primary schools will continue to be considered within the design brief for new schools and-or renovation-extension school building projects. This is being done in the context of available resources and the published criteria for prioritising school building projects.

At second level, again, many schools have PE halls, hard play areas and playing fields. It is the practice of my Department to provide a PE hall as part of the delivery of an extension project to a school where no such facility exists. A PE Hall is also provided when a new school is being built.

In addition, many schools, primary and post-primary, use adjacent local facilities, including public parks, playing fields and swimming pools.

In terms of resources, the Government is delivering on its commitment to provide modern facilities in schools and has progressively increased funding in recent years with an aggregate total of almost €2 billion since 1998, the largest investment programme in the history of the State.

My Department has never underestimated the scale of the task and the level of capital funding and other resources required to rectify decades of under investment in school infrastructure. The budget announcement regarding multi-annual capital envelopes will enable me to adopt a multi-annual framework for the school building programme, details of which will be announced as soon as possible after the next budgetary process.

*Question No. 163 answered with Question No. 129.*

#### **Schools Building Projects.**

164. **Mr. M. Higgins** asked the Minister for Education and Science when the school building programme for 2005 will be published; if considerations in that regard have been considered; the funding which will be allocated to the programme for 2005; and if she will make a statement on the matter. [26115/04]

**Minister for Education and Science (Ms Hanafin):** Following conclusion of the current Estimates and budgetary process, I intend to publish the 2005 building programme which will operate in a multi-annual framework.

The precise level of funding available to be allocated to the 2005 programme will not be known until the completion of the Estimates process.

#### **Special Educational Needs.**

165. **Mr. Wall** asked the Minister for Education and Science the number of applications for special needs assistants outstanding in her Department; the number of applications for resource teaching outstanding in her Department; and if she will make a statement on the matter. [26132/04]

**Minister for Education and Science (Ms Hanafin):** I can confirm that, at present, approximately 780 applications for special educational needs, SEN, supports remain to be processed in my Department. These applications are for resource teaching and-or special needs assistant support. They consist of new applications and also relate to appeals in respect of decisions on previous applications already conveyed to schools. Approximately 100 of these applications are incomplete and the relevant schools have been requested to submit the appropriate supporting documentation. In addition, applications at the rate of between ten and 20 per day continue to be received in my Department. These include both new applications for SEN supports and also appeals from schools who have pre-

viously received a response to their applications. The outstanding applications will be processed as quickly as possible.

### School Discipline.

166. **Ms B. Moynihan-Cronin** asked the Minister for Education and Science her views on a recent survey from TUI which outlined the growing problems of intimidation of teachers by pupils, lewd and vulgar language, aggressive behaviour and defiance in the classroom; if her attention has been drawn to the significant problems this behaviour is creating for teachers; and if she will make a statement on the matter. [26107/04]

**Minister for Education and Science (Ms Hanafin):** I am aware of the survey conducted by the TUI and referred to by the Deputy.

It is important that while acknowledging that student discipline is an issue in schools we do not talk this up to being a crisis. It is undoubtedly the case that a small proportion of students cause serious problems in schools. The reasons for this are not simple and are societal as much as educational. That said, I do not believe that today's generation of young people is more disruptive than their predecessors. The reality of the situation is that as we have progressively increased the retention rate in our formal education system we are retaining students who in the past would have dropped out of school early. This poses challenges for schools and for society.

A school's code of discipline and the inclusive way in which it is framed is important, particularly in harnessing student and parental support. We also have to consider whether the formal school model best meets the needs of all students and whether other models need to be developed. As against this we have to be careful not to promote the exclusion of problem students as this will leave us with a greater problem down the road.

It is particularly important that we identify models of best practice in the area of student behaviour. In other words, we need to see what works well and by the same token what does not.

It is my intention to give this issue a particular focus and I will make some further announcements in the near future.

### Residential Institutions Redress Scheme.

167. **Mr. O'Shea** asked the Minister for Education and Science the estimated final bill arising from the indemnity deal between the State and the religious orders; if there is likely to be more institutions added to those involved; and if she will make a statement on the matter. [26139/04]

**Minister for Education and Science (Ms Hanafin):** The indemnity agreement to which the Deputy refers is the agreement between the State and 18 religious congregations that was signed on 5 June 2002. Under the agreement the congregations made a contribution of €128 million to

the residential institutions redress fund and in return for this contribution, the previous Government agreed to grant an Indemnity to the congregations that were parties to the agreement.

The indemnity applies only to cases which are eligible to be dealt with under the terms of the Residential Institutions Redress Act 2002, but which are not resolved within this scheme, and in respect of which litigation is commenced within six years of the date of the agreement. In the event of a congregation deciding to run a case itself then the Indemnity will not apply.

It is anticipated that the vast majority of cases will be dealt with by the Residential Institutions Redress Board rather than through the courts. Therefore, it is expected that the indemnity will apply to relatively few cases. However, as there is no way to predict at this time how many claimants will opt to go through the courts rather than the redress board, I am not in a position to estimate the likely cost of the Indemnity to the State. To date, the indemnity has been invoked in settling just three cases. Furthermore, the settlements that were reached in these three cases were all well within the parameters of the awards that can be made by the redress board.

My Department had estimated prior to the establishment of the redress board that the cost of awards would be €508 million. The recent report of the C&AG estimated that the final outturn would be in the range of €605 million; to €828 million. However, it is not possible at this stage of the process to determine what the final outcome will be.

My Department has received correspondence from both individuals and survivor groups identifying a number of additional institutions that may be eligible for inclusion in the Schedule. It has been necessary for my Department to establish if the institutions identified to it are eligible for inclusion in the Schedule and this process has proven to be time consuming and is continuing.

While inquiries have not yet been completed in respect of all institutions, I can confirm that the Government has recently approved the addition of a further 13 institutions to the Schedule of the Residential Institutions Redress Act 2002. In accordance with section 4 of the Residential Institutions Redress Act 2002, a draft of the order necessary to add these 13 institutions to the Schedule was approved by both Houses of the Oireachtas this week and I intend signing the order as soon as possible.

Inquiries into and consideration of the other institutions that may be eligible will continue and it may be necessary to bring a further order forward in 2005.

### Adult Education.

168. **Mr. Howlin** asked the Minister for Education and Science if she has satisfied herself that adequate resources are in place to fund adult literacy services in view of the increase in the numbers availing of adult literacy services in

[Mr. Howlin.]  
recent years; and if she will make a statement on the matter. [26114/04]

**Minister for Education and Science (Ms Hanafin):** The adult literacy service is organised and delivered by the vocational education committees throughout the country with funding from my Department.

The national development plan committed €93.5 million to the service in the period 2000-2006, with a target of reaching 113,000 clients over that period. This target will be met.

Funding for adult literacy has been increased incrementally in recent years from just under €1 million in 1997 to over €19 million in 2004. Client numbers rose in the same period from 5,000 to over 31,000 per year. The increase in funding has also enabled the introduction of special programmes targeted at groups with particular literacy needs. Such programmes include family literacy and literacy for deaf people. In addition, a focused work place literacy programme, jointly funded by my Department and the local authority national partnership group, is available nationwide for local authority outdoor staff.

To supplement the work of the VEC literacy service, and to cater for people who do not wish to enrol in the service, my Department funds the television literacy tuition and awareness series "Read, Write, Now". The fifth series is currently being broadcast.

My Department also pays an annual grant to the National Adult Literacy Agency, NALA, in respect of publicity and promotion, research and training events.

#### School Transport.

169. **Mr. Boyle** asked the Minister for Education and Science if she envisages carrying out a review of school bus transport catchment areas and boundaries during the lifetime of the Government. [26054/04]

**Minister for Education and Science (Ms Hanafin):** At the outset, I wish to advise the Deputy that for the purposes of post-primary education provision, the country is divided into catchment areas, each of which has its own post-primary education centre. These areas were drawn up in the late 1960s in the context of the free education scheme. The catchment boundaries were determined following consultation with local educational interests.

The revision of catchment areas is addressed by my Department as the need arises. It is the practice in my Department to consult with local educational interests, where any such adjustments are contemplated. There are no plans at present to carry out a review of catchment area boundaries.

#### School Placement.

170. **Mr. Wall** asked the Minister for Education and Science the arrangements that have been

made for the eight children in Limerick who have not secured a second level school place by the end of September 2004, and for whom an alternative structured education provision is to be arranged; and if she will make a statement on the matter. [26133/04]

**Minister for Education and Science (Ms Hanafin):** The eight children to whom the Deputy refers have been allocated home tuition hours through an after-school club in Limerick city. The educational welfare officer for the area has been closely liaising with the club organisers and has been involved in setting out the programme of tuition which will be offered to these children. Two teachers have been recruited, each of whom will deliver 27.5 hours of tuition per week for these children.

The National Educational Welfare Board is continuing to pursue longer term provisions for these children including access to the Limerick Youth Encounter Project and with Youthreach.

#### Educational Disadvantage.

171. **Mr. Eamon Ryan** asked the Minister for Education and Science if she will commission a cost benefit analysis in terms of the investment required to keep a child from a disadvantaged area within the school system up to leaving certificate level, the tax revenues arising from better paid employment balanced against the costs of educating the child, the loss of earnings of a child that leaves school early and the possible social welfare cost and the possible costs of imprisonment in view of the fact that children who leave school early are more likely to become engaged in criminal activity; if such a cost benefit analysis has been carried out extensively before; and if she will make a statement on the matter. [26060/04]

**Minister for Education and Science (Ms Hanafin):** Educational disadvantage has been the source of a wide range of national and international research in recent years. Extensive research has been carried out in relation to economic return from investment in education. For instance, the annual school leavers' survey shows the clear advantage of completing upper second level education in terms of less time spent seeking work, greater capacity to progress to employment or further study, less risk of unemployment and earning levels. The data involved highlights the inter-generational effect of educational disadvantage, as it is the children of the unemployed who are most likely to leave school early and be unemployed themselves.

I am committed to ensuring our policies strive to increase the retention rate of students in our schools.

*Question No. 172 answered with Question No. 129*

#### Third Level Qualifications.

173. **Ms Shortall** asked the Minister for Edu-

cation and Science if she is engaging in discussions with FÁS regarding opposition from her Department to the awarding of bachelor degrees to certain qualified craftspersons; the content and outcome of these discussions; if the matter has been resolved; and if she will make a statement on the matter. [26121/04]

**Minister for Education and Science (Ms Hanafin):** The Qualifications (Education and Training) Act 1999 provides for the development of a new national framework of qualifications and for a five year transition phase while the new awards system is being implemented. The National Qualifications Authority of Ireland launched the new framework of qualifications in October 2003, and the process of phased implementation is now under way with a view to completion by 2006. As part of this process, former awards bodies in the further education and training sector were asked to submit advice and recommendations to the Further Education and Training Awards Council, FETAC, within a prescribed template format and published determinations and guidelines, on the placement of existing awards on the new framework of levels.

The process involves comparing the content of curricula, learning outcomes, examinations and practices, and data from published and unpublished reports, regarding the various awards, with the generic levels indicators published in respect of each level of the framework by the National Qualifications Authority of Ireland, as well as providing information on historic equivalences with other awards. A similar process was undertaken in relation to HETAC awards.

FÁS sought my Department's agreement to advice and recommendations for placement of the national craft certificate at levels six to seven of the national framework of qualifications. My Department did not endorse this view, on the basis that the recommended placement did not reflect traditional progression pathways and the international trends on placement of apprenticeships in the International Standard for Classification of Education, ISCED.

Following discussions with FÁS and examination of the FÁS draft documentation, my Department carried out an independent assessment, involving experts from apprenticeship and other staff in the institutes of technology, the Dublin Institute of Technology, the council of directors and the Department of Education and Science. This resulted in a recommended placement at levels five to six of the framework. Documentation was exchanged and further meetings were held with FÁS which failed to result in a jointly agreed recommendation on placement. At that stage, my Department indicated its intention to proceed with the submission of separate advice and recommendations to the Further Education and Training Awards Council, an option which had been discussed earlier.

I should like to point out that the input of former awards bodies to the process of placement is advisory in nature only. Decisions on placement are a matter for either the Further Education and Training Awards Council or the Higher Education and Training Awards Council, as appropriate, with the agreement of the National Qualifications Authority of Ireland, on the basis of the evidence submitted and compliance with the criteria, determinations and guidelines set out for the framework. These are published by the National Qualifications Authority of Ireland in their reports Determinations for the Outline Framework of Qualifications and Policies and Criteria for the Establishment of the National Framework of Qualifications.

The submissions from FÁS and my Department to FETAC will enable the matter to be progressed to a conclusion. The process will involve further dialogue between FÁS, FETAC and the Department through the auspices of a FETAC working group. FETAC will also consult with HETAC before a decision on placement is made.

I am confident that the process developed by the awards councils for the placement of existing awards in the framework will allow for a decision on placement to be satisfactorily resolved, and that FÁS and my Department will continue to work collaboratively to ensure the continued delivery of high quality training in this important area.

My Department fully appreciates the importance of the contribution of apprentices to the overall economy, the growing demand for skilled craftspersons, the rigour and quality of the training, both on and off the job, which underpins the national craft certificate, and the specialised skills which holders of the award bring to the workplace.

#### **School Accommodation.**

174. **Mr. Crawford** asked the Minister for Education and Science if he will report on the progress towards an extension for a college (details supplied) in County Monaghan at which the pupils and teachers have to cross the N2 Dublin-Derry road and use a building that is totally unfit for use as a school; and if she will make a statement on the matter. [25985/04]

**Minister for Education and Science (Ms Hanafin):** An application for grant aid towards an extension has been received from the management authority of the college referred to by the Deputy.

My officials are nearing completion of a review of all projects which did not proceed to construction as part of the 2004 school building programme with a view to including them as part of a multi-annual programme from 2005. All projects are being assessed against the published prioritisation criteria, agreed earlier this year with



[Ms Hanafin.]

the education partners. Each project will be assigned a band rating and the progress of all projects will be considered in the context of the multi-annual programme. The accommodation needs of the school referred to are being considered as part of this review.

Following conclusion of the current Estimates and budgetary process I intend to publish the 2005 building programme which will operate in a multi-annual framework.

#### **Physical Education Facilities.**

175. **Ms O'Sullivan** asked the Minister for Education and Science if she will review her policy which requires schools to use physical education halls and other rooms as classrooms before they will be considered for additional accommodation; and if she will make a statement on the matter. [26102/04]

**Minister for Education and Science (Ms Hanafin):** At the outset let me make it clear that the policy of my Department is to provide for the delivery of a broad and balanced physical education curriculum at both primary and post-primary levels.

In relation to facilities generally, the position is such that many primary schools have a general purpose room and practically all schools have an outdoor play area which are utilised in the delivery of all aspects of the physical education programme. Many schools also enjoy the use of adjacent local facilities, including playing fields, public parks and public swimming pools.

A particular difficulty arose this year in relation to some schools in need of additional accommodation to facilitate the appointment of an extra teacher. The school planning section of my Department considered all applications for temporary accommodation for the current school year. However in the context of the available funding and the number of applications for that funding, it was not possible to approve all applications received. Only those schools with an absolute and demonstrated need for the additional accommodation were approved.

As an interim measure some schools were advised to maximise the use of their existing accommodation until my Department is in a position to make extra accommodation available.

The need for additional accommodation at any given school will be considered in the context of the review which is being undertaken of all projects that did not proceed as part of the 2004 school building programme, with a view to including them as part of a multi-annual school building programme from 2005, details of which will be announced following conclusion of the current estimates and budgetary process.

#### **School Accommodation.**

176. **Mr. Timmins** asked the Minister for Education and Science the situation with respect to proposals to develop the primary school at Lacken County Wicklow; and if she will make a statement on the matter. [25990/04]

**Minister for Education and Science (Ms Hanafin):** I take it the Deputy is referring to Lacken mixed national school which is listed as a refurbishment-extension project for proceeding to tender and construction as part of this year's school building programme.

Following discussions and correspondence with the Department, the board of management has advised the Department that they will purchase a site for a new school provided the project is changed to a new school. The Department has agreed to facilitate this request being explored provided it can be achieved within the existing budget set for the project.

The Department has made it clear to the board of management that the onus is on them to explore the new school option within an indicative timetable set by the Department. It is envisaged that interactions with the Department will be kept to a minimum. However, in the event of it not proving possible to progress the new school option for reasons such as site acquisition, budget issues, etc., the project will revert back to a refurbishment-extension of the existing school.

The board of management has accepted this and is currently working on the acquisition of a site following which they have been authorised to engage a design team to commence the design work on the new school.

177. **Ms Burton** asked the Minister for Education and Science if she has considered a recent warning from a legal expert (details supplied) that schools here could be sued by students who have been educated in sub-standard buildings; her views on same; and if she will make a statement on the matter. [26129/04]

**Minister for Education and Science (Ms Hanafin):** I am only aware of the media reports on the matter in question. The position is that individual school authorities are responsible, in the first instance, for ensuring the safety and welfare of children and others in their care.

In light of this, and in accordance with the Safety, Health and Welfare at Work Act 1989, it is the responsibility of school management authorities to have a safety statement in place in their schools. Schools are obliged to identify possible hazards, assess the risks to health and safety and to put appropriate safeguards in place.

Provision is built into the school building programme to enable schools address urgent health and safety problems. Primary schools are given an annual allocation, currently amounting to €3,809 plus €12.70 per pupil, under the grant

scheme for minor works which can be used entirely at the discretion of school management to address basic health and safety issues relating to school infrastructure.

In addition, the summer works scheme was introduced during 2004 which provided capital grants for improvement works at primary and post-primary schools. A total of 457 schools were approved for funding under this scheme in 2004. The 2005 summer works scheme has recently been published with a closing date of 5 November 2004 for receipt of completed applications.

My Department also sets aside a contingency sum each year to deal with emergency works in primary and post-primary schools, including health and safety works. Urgently required health and safety works relating to asbestos removal, radon mitigation or dust extraction may be grant aided under the remediation programmes operated by the school building section of my Department.

#### **School Staffing.**

178. **Ms Burton** asked the Minister for Education and Science the reason she has not replaced six visiting teachers for deaf and blind children in Counties Galway, Mayo, Waterford, Wicklow, Cavan and Monaghan; if she will move to resolve the lack of access to specialised supports for the hundreds of children affected; and if she will make a statement on the matter. [26128/04]

**Minister for Education and Science (Ms Hanafin):** My Department proposes to assess the role of the visiting teacher service in the context of the level and range of teacher supports now being provided for children with special educational needs. I expect that the review will be completed within the current school term.

A decision on the filling of vacancies will be based on the outcome of the review.

#### **Early Childhood Learning.**

179. **Mr. Sargent** asked the Minister for Education and Science her views on whether steps have to be taken to increase investment in early childhood education, in view of Ireland's comparative weakness with other developed countries. [26062/04]

**Minister for Education and Science (Ms Hanafin):** My Department is strongly committed to the development of pre-school education. The enhancement of early childhood services in accordance with the White Paper on early childhood education, Ready to Learn, is being undertaken on a collaborative, phased basis and will draw together and build upon the many examples of best practice in early childhood education that have emerged over recent years. In order to help combat disadvantage and promote education, special emphasis will be placed on the provision

of appropriate pre-school education in areas of social deprivation and for those with special needs.

To this end my Department supports the early start scheme which funds 40 centres that aim to expose children aged three to four years from disadvantaged areas to a positive pre-school environment to improve their overall development and long-term educational experience and performance. The Department also funds 52 pre-schools for travellers which aim to develop children's cognitive, language and social skills, to prepare children for entry to primary school and to provide a foundation for further learning.

My Department established the Centre for Early Childhood Development and Education, CECDE, in October 2002 to develop, within a three year period, a quality framework for early childhood education and to develop, through active research with existing programmes, targeted interventions for children who have special needs or who are disadvantaged. The centre is currently developing a conceptual framework of early childhood learning and development which will be completed early in 2005.

In addition, Ireland recently participated in a major OECD review which assessed quality, access and co-ordination in early childhood provision. This review was published on 24 September and offers a number of important recommendations and observations which will inform policy and programme development in the sector and will assist the work of the CECDE among others.

Early childhood education and care is a horizontal policy issue involving several Departments and agencies. The policy implications of the recommendations arising from the OECD review are under active consideration within my own Department and also by the relevant sub group of the Government's high level working group on child care and early education.

#### **State Property.**

180. **Mr. Broughan** asked the Minister for Education and Science if she is in a position to publish a full list of properties to be transferred to the State by the religious orders under the deed of indemnity signed on 5 June 2002; if she will provide that list; and if she will make a statement on the matter. [26131/04]

**Minister for Education and Science (Ms Hanafin):** The indemnity agreement provided that the property contribution of the congregations was to be divided into two separate and distinct schedules of properties.

Properties to be transferred from the congregations to the State, State agencies and local authorities after the date of the signing of the indemnity agreement on 5 June 2002: The total value of these property transfers for the purposes

[Ms Hanafin.]  
of the indemnity agreement was to be €36.54 million. I can confirm that agreement in principle has been reached with the religious congregations on the transfer of properties to the amount of €38.28 million. This figure of €38.28 million includes €4.98 million in cash that was provided by the congregations *in lieu* of property. The list of properties on which agreement in principle has been reached is attached at list A.

Properties transferred from the congregations to the State, State agencies, local authorities or voluntary organisations between 11 May 1999 and the date of the signing of the indemnity agreement on 5 June 2002: The total value of these property transfers for the purposes of the indemnity agree-

ment was to be €40.32 million. I can confirm that, at this stage, transfers of properties to the value of approximately €32.93 million have been agreed in principle. One further property has been identified which, if acceptable to the State, has the potential to finalise this schedule. Discussions on this property are continuing and should the State agree to accept the property I will provide information on it. The properties accepted in principle to date are attached at list B.

Arrangements for the final valuation and legal transfer of these properties are the responsibility of the individual transferees. My Department will continue to liaise with the various transferees to ensure that all properties on which agreement in principle has been reached are legally transferred.

## List A

## Properties accepted under terms of Redress Scheme

## To be transferred and alternative properties

Address of Property (35)	Transferee
Primary School, Waterpark, Newtown Rd, Waterford	Department of Education & Science
Primary School, St. Johns Rd, Enniscorthy, Co. Wexford	Department of Education & Science
Lands at Mullaghmonaghan, Co. Monaghan	Department of Education & Science
Site at Virginia Rd, Kells, Co. Meath	Department of Education & Science
Secondary School, Mounthawke, Tralee, Co. Kerry.	Department of Education & Science
Site, Doon, Co Limerick.	Department of Education & Science
3 acre site at Merrion	Dublin City Council
The Vineyard Child Centre, Rathdrum, Co. Wicklow	Eastern Regional Health Authority
Vacant Buildings and land at Rathdrum, Co. Wicklow	Eastern Regional Health Authority
Goldenbridge Group Homes	Eastern Regional Health Authority
1, Garravogue Road, Raheen, Co. Limerick	Mid Western Health Board
6, Mount Vincent Terrace, O'Connell Ave, Limerick	Mid Western Health Board
23, Parnell Square (Colaiste Mhuire)	Office of Public Works
Coisceim, Cappoquin, Co. Waterford	South Eastern Health Board
Emohruo, Cappoquin, Co. Waterford	South Eastern Health Board
Avondale, Smithland North, Kilkenny	South Eastern Health Board
Deenagh House, Killarney, Co. Kerry	Southern Health Board
Airne Villa, Rock Rd, Killarney, Co. Kerry.	Southern Health Board
23, Woodlee, Tralee, Co. Kerry	Southern Health Board
24, Westcourt, Tralee, Co. Kerry	Southern Health Board
15, The Willows, Mallow, Co. Cork	Southern Health Board
St. Colemans, Rushbrooke, Cork	Southern Health Board
Mount St Joseph, Passage West, Cork	Southern Health Board
Land and buildings at Lota, Glanmire Co. Cork	Southern Health Board
St. Patricks Upton, Cork	Southern Health Board
Respite Centre, Garretstown. Cork	Southern Health Board
Former Old Schoolhouse, Garretstown, Co. Cork	Southern Health Board
Site at Cloughmacsimon, Bandon, Co. Cork	Southern Health Board
5, Avondale Drive, Bandon. Co. Cork.	Southern Health Board
Kildron, Roundhill, Old Chapel, Bandon, Co. Cork	Southern Health Board
Gentili, Farahoe, Innishannon, Co. Cork.	Southern Health Board
Benvon, 5, Bishopstown Road, Bishopstown, Co. Cork.	Southern Health Board
Roseboro, 2, Firgrove Gardens, Bishopstown, Co. Cork.	Southern Health Board
10, The Priory, Old Chapel, Bandon, Co. Cork	Southern Health Board
4, the Hawthorns, Macroom Road, Bandon, Co. Cork.	Southern Health Board

## List B

## Properties accepted under terms of Redress Scheme

## Already Transferred + alternative properties

Address of Property (27)	Transferee
St. Teresa Temple Hill, Blackrock	Alzheimers Society
Creche/childcare at Ballymote, Sligo	Ballymote Childcare Association
Two properties at Tuam	Cluid & G.A.M.H.C.
Holy Cross Gardens, Killarney	Cluid Housing
Playing field at Carna. Co. Galway	Dept of Education & Science
Presentation Sec. School Building, Hospital, Limerick	Dept of Education & Science
Moate National School, Co. Westmeath	Dept of Education & Science
Sec School & site at Ennistymon, Co. Clare	Dept of Education & Science
Site at Mohill, Co. Leitrim	Dept of Education & Science
Sen & Jnr Schools Portlaoise	Dept of Education & Science
Terenure Secondary School Building	Dept of Education & Science
Site & School at Glenamaddy	Dept of Education & Science
Convent at Barrack Hill, Newport, Co. Mayo	Dominic Housing Association
Site at Dolphin Pk, Crumlin, Dublin 6	Dublin City Council
Gate Lodge at Goldenbridge, Inchicore, Dublin 8	Dublin City Council
Site at Dunardagh, Blackrock	Dun Laoghaire Rathdown Co. Co.
28, The Woodlands, Celbridge, Co. Kildare	Eastern Regional Health Authority
2, Moyle Crescent, Clondalkin, Dublin 22	Eastern Regional Health Authority
Presentation Convent, Hospital, Limerick	Hospital Vol Housing Ass
Convent land at Barrack St, Limerick	Irish Wheelchair Assoc
Housing & Services at Belmullet, Co. Mayo	Irish Wheelchair Assoc
59, Hollybank Rd, Drumcondra, Dublin 9	PACE
Cork Street, Dublin 8 (SOPHIA Housing)	Sophia Housing
Sacred Heart Centre, Waterford	South Eastern Health Board
St. Annes Sec School, Milltown, Dublin 6	St. Vincent de Paul
Site at Long Mile Rd, Walkinstown, Dublin	Walkinstown Association
School at Ballina, Co. Mayo	Western Care Association

**Third Level Funding.**

181. **Mr. Quinn** asked the Minister for Education and Science the preparations which are being made, financial or otherwise, to cope with the high increase expected in the number of third level students over the next decade; if capital funding will be provided to facilitate this expansion in student numbers; and if she will make a statement on the matter. [26135/04]

**Minister for Education and Science (Ms Hanafin):** The OECD review of higher education in Ireland has presented an agenda for reform and development of the sector to enable it to play the crucial role that has been identified for it in supporting Ireland's broader social and economic aspirations. The ability of the sector to meet the anticipated demand for higher education over the coming years is central to this. I am looking forward to now actively engaging with the Higher Education Authority, leadership in the university and institute of technology sectors, as well as the various other agencies and interests both within and outside the sector in taking forward the agenda that the OECD has presented. The report on the review and prioritisation of capital projects

in the higher education sector, the Kelly report, was published recently and as part of their work the review group prepared student population projections for the period up to 2015-16. The most relevant projections however are those out to 2007-08. The scale of growth in school leaver participation in higher education has been dramatic in recent decades — the rate of participation in higher education by the 18 year old cohort stood at 11% in 1965, 36% in 1992 and had risen to 53% by 2003. The review group expects this participation figure to rise to 58.5% by 2007-08, which would increase the full-time student numbers from 125,230 in 2003 to 140,305 in 2007-08, an increase of circa 15,000 students.

The report sets out projects for priority investment in order to sustain a high quality higher education and research sector and remain internationally competitive. The report identifies an overall estimated Exchequer requirement of almost €1.9 billion over a ten year period. This comprises a proposed phased funding framework requiring €933 million expenditure on essential health and safety, national and strategic priority projects, with €599 million of this required in the

[Ms Hanafin.]  
initial five-year period. The report also proposes an additional €900 million capital provision over ten years, €90 million per annum, to cover minor capital works and equipment renewal in third level institutions.

The report and its proposals in relation to the phasing of funding will have to be considered in the context of the ongoing Estimates process.

#### **Educational Disadvantage.**

182. **Ms Lynch** asked the Minister for Education and Science if her attention has been drawn to reports that many schools are being forced to seek funding from charities, credit unions and banks to help support disadvantaged students; her views on this development; and if she will make a statement on the matter. [26112/04]

**Minister for Education and Science (Ms Hanafin):** I am committed to improving the funding position of primary and second level schools in the light of available resources.

Significant improvements in the levels of direct funding of schools have been made in recent years. The standard rate of capitation grant for primary schools has been increased from €57 in 1997 to €121.58 per pupil from 1 January last, an increase of almost 113%. In the case of secondary schools, the standard per capita grant now amounts to €274 from 1 January last as against the rate of €224.74 that applied in 1997. In addition, the support grant that was introduced under the school services support initiative, was also increased from 1 January last and now stands at €131 per pupil. This increase is in addition to the range of equalisation grants of up to €15,554 per school per annum that was approved in December 2001.

Over the past 15 years, educational disadvantage has been a focal point for many initiatives and interventions in the form of specific measures and programmes on a school or area basis and as a result, schools serving disadvantaged communities, qualify for varying amounts of additional non-pay funding.

For instance, at primary level, under Giving Children an Even Break, schools are in receipt of a special €63.49 per capita grant paid in respect of the percentage of pupils with disadvantaged characteristics, with a minimum payment of €952.30 to each school. Designated disadvantaged schools also get a refund of their television licence fee. Under the urban phase of Breaking the Cycle, BTC, 32 schools receive annual grant assistance in addition to the above of €5,078.95 for out of school projects aimed at combating disadvantage, and €3,809.21 in respect of materials and equipment.

Under the rural phase of BTC, 120 schools receive annual grants of €1,269.74 for materials and equipment, and €1,269.74 for out of school projects.

A further initiative which was introduced in recent years is targeted at schools that suffer from very serious financial difficulties. Under this initiative, financial assistance has been granted to selected schools towards debt alleviation. In 2003, a sum of €519,000 was spent on debt alleviation.

At post-primary level, schools in the disadvantage areas scheme are in receipt of an additional capitation grant of €38.09 per capita.

The Estimates process is still under way. I will, in the context of that process, be seeking to secure additional resources for a number of areas, including educational disadvantage, with a view to building on the substantial investment which the Government is already making in this regard.

#### **School Staffing.**

183. **Mr. Penrose** asked the Minister for Education and Science her views on the sharp decline in the number of men applying for primary school teaching posts; if the committee established in her Department to look into the matter has come to final conclusions; her proposals to reverse this trend; and if she will make a statement on the matter. [26137/04]

**Minister for Education and Science (Ms Hanafin):** The Deputy may be aware that there is an emerging general phenomenon in many developed countries of a marked decline in the number of males who are willing to pursue a career in teaching at either primary or post-primary levels. This is an issue which the OECD is currently examining in the context of a detailed comparative analysis across members states on attracting, developing and retaining effective teachers which officials from my Department are involved with.

In an Irish context, the issue appears to be most relevant at primary level. In October 2003, a primary education committee was established in my Department to examine how more males can be encouraged to enter the primary teaching profession. This committee was set up with particular reference to the report of Dr. Sheelagh Drudy of the education department of UCD entitled, Gender Differences in the Pattern of Admission to the Colleges of Education.

In dealing with the issue of encouraging greater male participation in primary teaching, the committee has adopted a multi-stranded approach: provision of expert advice from academics specialising in this area; examining an INTO report on Gender Imbalance in Primary Teaching, Easter 2004; seeking the views of male primary teachers qualified in the last ten years; seeking the views of a number of female teachers; exploring issues through a number of focus groups which include representatives of boys schools and Church of Ireland schools; the colleges of education have sought the views of current male students in their colleges using a questionnaire and also by organising focus group meetings; and, holding a conference in Maynooth

on 14 October 2004 to seek the views of the wider education sector.

I share the generally expressed concern about the falling numbers of males entering primary teaching. I await, therefore, with interest the report of the committee, which is due early in 2005 and which will contain recommendations on the short-term and long-term strategies and initiatives most appropriate to address this issue. When I have evaluated these findings, I will decide on what specific action is necessary to encourage the entry of more males into the primary teaching profession.

### Special Educational Needs.

184. **Mr. Durkan** asked the Minister for Education and Science if she will re-evaluate the special needs teaching requirements at both primary and second level throughout the country with a view to increasing the allocation in line with the actual need and expectations created in early summer; and if she will make a statement on the matter. [26100/04]

**Minister for Education and Science (Ms Hanafin):** The Deputy will be aware that my Department has developed a new weighted system of allocation of resource teaching supports in primary schools. The proposed system for the allocation of resource teachers comprises both a general allocation for pupils with mild learning disabilities-difficulties and specific allocations for individual pupils with more complex needs. The revised system will put teaching resources permanently in place to meet the needs of children with special needs. The system will greatly reduce the need for individual applications and supporting psychological assessments. It will also allow for better planning in schools, greater flexibility in identifying and intervening earlier with regard to pupils' special needs, as well as making the posts more attractive to qualified teachers.

The previous allocation system placed significant demands on principals, teachers and psychologists. It has also proven to be time-consuming, thereby delaying the allocation of resources for special needs. I believe that the new model will, over time, significantly improve the capacity of the system to cater for children with special needs in a speedier, more effective way. The revised system will reduce the administrative burden on schools and allow them to concentrate on the delivery of services to pupils with special needs. It will also allow psychologists to devote more time to advising teachers on planning for individual children and for whole school provision.

The Deputy will also be aware that I am having the impact of the revised allocation model reviewed to ameliorate any difficulties arising, particularly in small and rural schools. I want to ensure that it provides an automatic response while at the same time ensuring that pupils currently in receipt of service continue to receive the level of service appropriate to their needs.

Where pupils with special educational needs enrol in a post-primary school, it is open to the school to apply to my Department for additional teaching and-or special needs assistant support for these pupils.

My Department allocates additional teaching support and special needs assistant support to second level schools and vocational educational committees to cater for pupils with special educational needs. The level of resources allocated by my Department is determined after detailed consideration of the school's application, the supporting documentation provided, including the recommendations made by the National Educational Psychological Service, and having regard to the overall level of resources already available to the school.

### Pupil-Teacher Ratio.

185. **Mr. Broughan** asked the Minister for Education and Science if she will seek to reduce the pupil-teacher ratio in primary schools; the ratio at present; and if she will make a statement on the matter. [26130/04]

**Minister for Education and Science (Ms Hanafin):** The pupil teacher ratio at primary level has improved significantly in recent years.

The ratio has fallen from 22.2:1 in the 1996-97 school year to 17.44:1 in the 2003-04 school year.

In line with Government policy, my Department will continue to provide further reductions in the pupil-teacher ratio within available resources and subject to spending priorities within the education sector. Priority will be given to pupils with special needs and those from disadvantaged areas and junior classes.

### Departmental Staff.

186. **Mr. Morgan** asked the Taoiseach the name, relevant qualifications and process by which each person appointed to a state board operating under the aegis of his Department was appointed since 1994. [26008/04]

**The Taoiseach:** Details of the names of persons appointed to State boards since 1994 were given in response to previous questions and I am arranging to have them sent to the Deputy.

The members of State bodies under the aegis of my Department are appointed through well-established nominating procedures, having regard both to the remit of the bodies and, consequently, the competencies and skills expected of their members. In many instances, the members are nominated through relevant nominating panels. NESC and NESF, for example, comprise representatives of the various pillars involved in social partnership, that is, employer bodies, trade unions, farming organisations and community and voluntary organisations.

### Ministerial Appointments.

187. **Mr. Morgan** asked the Tánaiste and Mini-

[ Mr. Morgan.]  
ster for Health and Children the name, relevant qualifications and process by which each person appointed to a state board operating under the aegis of her Department was appointed since 1994. [26009/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** Information on appointees to State boards under the aegis of my Department is maintained on a dedicated information technology system introduced in 2002. Details of appointees contained on the database are being forwarded to the Deputy today under a separate cover due to the large volume of information involved.

For the period 1997 to 2002, details of appointees were maintained on a paper filing system. The compilation of this data represents a significant body of work, which is currently being undertaken by my Department. Once collated, the information will be forwarded to the Deputy.

Information relating to board appointees in the period 1994 to 1997, as requested by the Deputy, is not readily available in my Department, nor does it hold any personal information, including details of qualifications, on any person appointed, at any time, to State boards under the aegis of my Department.

The process by which a person is appointed to a State board reflects the conditions for appointment laid down in the relevant statutory instrument establishing the board.

#### Care of the Elderly.

188. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children her proposals to introduce legislation based on the Protecting Our Future document of 2002; and if she will make a statement on the matter. [26032/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** As the Deputy may be aware, the report of the working group on elder abuse, Protecting Our Future, was launched on 11 November 2002. This report, in starting with a definition of elder abuse and recommending the putting in place of structures to deal with suspected cases, will hopefully give older people who feel they are the subject of abuse in any shape or form the confidence to report their anxieties, as appropriate, to a social worker, a public health nurse, a member of the Garda Síochána or, indeed, any professional or care worker. One of the recommendations in the elder abuse report is the establishment of a national implementation group. This group was established in December 2003 and has commenced its work.

In addition, funding of €0.8 million was provided in 2003 to commence the elder abuse programme and in 2004 an additional €0.75 million was provided. There are no proposals to introduce legislation in this area at present but this will be kept under review in the light of progress

made in implementing the recommendations made in Protecting Our Future.

#### Mental Health Services.

189. **Ms McManus** asked the Tánaiste and Minister for Health and Children, further to Question No. 146 of 13 October 2004, if there is a budgetary impact on mental health care; and if not, the budget from which the €35 million is being diverted; and if she will make a statement on the matter. [26033/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** During the Estimates process last year my Department secured an increase of 10.7% in its non-capital funding, which was almost double the overall Government increase in spending. Within this overall sum, the Minister applied flexibility to prioritise selected areas and one of the priorities identified was the opening of new facilities completed under the capital investment framework prior to 2004. Both acute and non-acute new units were covered in this initiative which were the subject of discussions between my Department and the Department of Finance. An agreement was reached to open new facilities including two new facilities in the area of mental health. The budgetary impact on the area of mental health is therefore a positive one. These units will significantly enhance service delivery and, once opened, will have an immediate impact on relieving pressures on services such as acute hospitals, services for older people, disability services and mental health.

#### Medical Cards.

190. **Ms B. Moynihan-Cronin** asked the Tánaiste and Minister for Health and Children the estimated cost of extending medical card eligibility to 40% of the population. [26039/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** It is extremely difficult to estimate the cost of extending eligibility in a manner as suggested by the Deputy. However, based on the figures supplied in the GMS (Payments) Board annual report for 2003, the approximate cost of such an initiative would be in the region of €419 million. This figure includes the costs of payment to GMS general practitioners, drugs and medicines and fees to pharmacists. There would also, of course, be other associated costs with a medical card such as the dental and ophthalmic schemes. The estimates above assume no change in existing fee arrangements.

#### Nursing Home Subventions.

191. **Mr. O'Dowd** asked the Tánaiste and Minister for Health and Children the number of persons who have applied for nursing home subvention in the counties of Meath, Louth, Cavan and Monaghan (details supplied) in each year since 1997; the number of persons granted subvention; the budget for each year since 1997; the

amount of subvention granted each year; and if she will make a statement on the matter.

[26075/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** As the Deputy will be aware, the provision of health services in counties Meath, Cavan, Louth and Monaghan is, in the first instance, the responsibility of the North Eastern Health Board. My Department has, therefore, asked the chief executive of the board to investigate the matter raised by the Deputy and reply direct to him as a matter of urgency.

#### Disabled Drivers.

192. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children the reason disabled persons over 65 years of age are deprived of grant aid towards the purchase of a motor vehicle under the motorised transport grant scheme; and if she will make a statement on the matter.

[26076/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** The circular for motorised transport grant states that all health boards may pay a grant towards the purchase of a car and-or adaptations to a car being purchased by a person with a severe disability who is 17 years or older and up to 65 years of age, where such a car is essential for him-her to obtain or retain employment. Self-employed persons who satisfy the criteria of eligibility may also be considered, subject to the above age limits. The primary purpose of the grant is to assist people with disabilities in retaining their employment status, hence, the cut-off point is the age of retirement. It is not envisaged that the motorised transport grant guidelines will be reviewed in isolation from other transport grants-schemes for people with disabilities.

The Deputy may be aware that under the Programme for Prosperity and Fairness, an inter-departmental working group, chaired by the Department of Health and Children, was established to examine the feasibility of introducing a cost of disability payment, PPF3.10.11.

The working group produced a position paper in March of this year, which gave an overview of the work they have undertaken to date. It outlined the group's current thinking and also gave an indication of the next steps the working group intend taking. The working group now proposes to examine the scope for rationalising and streamlining the various disability support measures, with a particular focus on mitigating the additional costs of disability for a greater number of people with disabilities, particularly in the case of those who wish to move from a position of total welfare dependence to one of greater economic independence. It is anticipated that one of the first areas to be examined will be that of

transport for people with disabilities. In this regard, the motorised transport grant will be examined in conjunction with other transport grants-schemes which are available to people with disabilities.

#### Foreign Adoptions.

193. **Mr. McGinley** asked the Tánaiste and Minister for Health and Children if she will report on the difficulties being experienced by couples here who are attempting to adopt children in Belarus; and the measures being taken to address these difficulties. [26097/04]

**Minister of State at the Department of Health and Children (Mr. B. Lenihan):** Arrangements with the central authorities of other countries are primarily a matter for the Adoption Board. I have been informed by the board that the adoption centre in Belarus has confirmed that inter-country adoptions to all countries have been suspended by the Belarussian Government, pending a review of inter-country adoption laws, procedures and practices in Belarus. This suspension also applies to adoption applications already in Belarus.

I have also been advised by the Adoption Board that the board is in routine contact with the adoption authorities in Belarus to ensure that we are in full conformity with their inter-country adoption requirements at all times. The board regularly monitors and follows up on any outstanding post-placement reports. Post-placement reports from Ireland were not a factor in the decision to suspend adoptions. The adoption centre in Belarus is awaiting further clarification from the Belarussian Government as to the scope of the internal review of inter-country adoption that is to be carried out. The board will remain in close contact with the adoption centre as regards developments.

#### Health Board Services.

194. **Mr. McGinley** asked the Tánaiste and Minister for Health and Children, further to Question No. 253 of 1 June 2004, the timeframe for the provision of a long-awaited primary health care centre, located in Mulhuddart, Dublin 15; and if she will make a statement on the matter. [26098/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** With regard to the provision of new health centres generally, the position is that the identification, prioritisation and provision of such facilities to meet the needs of local communities within its functional area, is a matter for the relevant health board or the Eastern Regional Health Authority, ERHA. In the case of Mulhuddart, this responsibility rests with the ERHA.

The ERHA has indicated that the development of a new health centre would constitute a regional



[Ms Harney.]

priority, in the context of the community health service requirements in the Mulhuddart area. However, given the resources available for capital developments, the ERHA was unable to proceed with this development this year. This position will be reviewed again in 2005 under the capital investment framework, in the context of priorities for development in this care programme and overall capital funding availability.

#### Health Board Services.

195. **Mr. Stagg** asked the Tánaiste and Minister for Health and Children the reason paediatric therapy has not been provided for a person (details supplied) in County Kildare; if same will be provided; and if she will make a statement on the matter. [26167/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** Responsibility for the provision of services including therapy services to persons with intellectual disability and those with autism in the Kildare area lies, in the first instance, with the Eastern Regional Health Authority. My Department has asked the regional chief executive to investigate the matter raised by the Deputy and reply directly to him.

#### Cancer Screening Programme.

196. **Mr. Allen** asked the Tánaiste and Minister for Health and Children when the pilot cervical programme will be expanded nationwide. [26227/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** A pilot cervical screening programme commenced in October 2000 and is available to eligible women resident in Limerick, Clare and Tipperary North. Under the programme, cervical screening is being offered, free of charge, to approximately 74,000 women in the 25 to 60 age group, at five year intervals.

The Health Board Executive, HeBE, commissioned an international expert in cervical screening to examine the feasibility and implications of a national roll-out of a cervical screening programme. The examination included an evaluation of the pilot programme, quality assurance, laboratory capacity and organisation and the establishment of national governance arrangements. The expert's report was submitted to my Department on 12 October 2004 for consideration. My Department is now consulting with relevant professional representative and advocacy groups on the report as an essential input into its preparation of a detailed response to the recommendations.

#### Winter Vomiting Virus.

197. **Mr. Allen** asked the Tánaiste and Minister for Health and Children the number of outbreaks of winter vomiting disease, norovirus, in 2004 to date and the figures for 2003. [26228/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** The National Disease Surveillance Centre, NDSC, has reported that there were 76 outbreaks of norovirus in 2003 and 64 outbreaks to date in 2004.

#### Cancer Screening Programme.

198. **Mr. Allen** asked the Tánaiste and Minister for Health and Children when she will honour commitments made on breast cancer screening provisions in the south and west. [26230/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** The roll-out of the national breast screening programme to the remaining counties is a major priority in the development of cancer services. This will ensure that all women in the 50 to 64 age group in every county have access to breast screening and follow up treatment where required. A capital investment of approximately €20 million has been approved to construct and equip two static clinical units, one in the south and the other in the west. This investment will also ensure that mobile units are available to screen women in the relevant age group throughout the country.

BreastCheck and my Department are fully committed to an expeditious approach to the national roll-out of the programme and representatives have met recently to progress the design process.

#### Hospital Services.

199. **Mr. Allen** asked the Tánaiste and Minister for Health and Children the steps she proposes to take in a situation where the Irish committee on higher medical training has threatened to withdraw training recognition from the diabetes unit at Beaumont Hospital, Dublin in 2005 unless facilities and staffing there are improved. [26231/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** Services at Beaumont Hospital are provided under an arrangement with the Eastern Regional Health Authority and my Department has, therefore, asked the regional chief executive of the authority to examine this issue and to reply to the Deputy directly.

#### Health Board Services.

200. **Dr. Twomey** asked the Tánaiste and Minister for Health and Children if she will investigate the case of a person (details supplied). [26248/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** I am aware of the circumstances of this case. Responsibility for the provision of care and treatment of the named individual rests with the Eastern Regional Health Authority. My Department has therefore asked the regional chief executive to investigate the matter raised by the Deputy and reply to him directly.

### Hospital Services.

201. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children if she will meet a deputation of consultants from Ennis General Hospital in County Clare to discuss the contents of the Bradley report and the future of Ennis General Hospital in County Clare; and if she will make a statement on the matter. [26249/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** My predecessor appointed an implementation group in the Mid-Western Health Board area to identify in detail the services that should be provided in each hospital in the region in light of the Hanly report. I believe that the Bradley report, which responds to the Hanly proposals as they affect Ennis General Hospital, would best be examined in this context. In the circumstances I do not consider that a

meeting with hospital representatives would be appropriate at present.

### Hospital Accommodation.

202. **Ms McManus** asked the Tánaiste and Minister for Health and Children the hospitals in which 900 new beds in the health service are located; the number of beds which have been lost in the hospital service since 1997; the location of these beds; and if she will make a statement on the matter. [26266/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** This Government is committed to increasing acute hospital bed capacity as indicated in the health strategy. Since 2002, funding has been provided to hospitals to open an additional 900 beds. Six hundred of these beds are already open and the rest will come on stream in 2004-05. The following table shows details of the current position in relation to additional beds for which funding has been provided.

Hospital	Additional beds in place	Beds due to open
Beaumont/St. Joseph's, Raheny	77	28
St. James's	74	66
St. Vincent's, incorporating St. Michael's, Dun Laoghaire	42	
Naas General	61	30
James Connolly Memorial		21
Tallaght	7	
Temple Street	15	
Midland Regional Hospital, Tullamore		6
Midland Regional Hospital, Mullingar		12
Midland Regional Hospital, Portlaoise	5	
Mid West Regional Hospital, Limerick	55	
Croom Orthopaedic	17	
Nenagh General	6	
Louth General	14	
Monaghan General		10
Our Lady's Navan	14	
Letterkenny General	8	
Sligo General	30	
Kilcreene Orthopaedic	28	
St. Luke's Kilkenny	14	
Waterford Regional	24	
Wexford General	10	
Bantry General	8	
Mercy University Hospital	13	
South Infirmary / Victoria, Cork		35
Kerry General, Tralee	16	
Mayo General	23	37
Roscommon General Hospital		9
UCHG	36	44
Portiuncula	3	2
<b>Total</b>	<b>600</b>	<b>300</b>
<b>Overall Total</b>	<b>900</b>	

The average number of in-patient and day beds available in publicly-funded hospitals in June 1997 as reported to the Department of Health and Children by health boards and voluntary

hospitals was 12,604. The total number of available beds in July 2004, the latest date for which complete figures are available was 13,390.

### Health Board Services.

203. **Mr. Penrose** asked the Tánaiste and Minister for Health and Children if a person (details supplied) in County Westmeath will be admitted to Tullamore General Hospital to have the necessary operative procedure carried out; and if she will make a statement on the matter. [26267/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** Responsibility for the provision of hospital services to residents of County Westmeath rests with the Midland Health Board. My Department has, therefore, asked the chief executive officer of the board to investigate the position in relation to this case and to reply to the Deputy directly.

### General Medical Services Scheme.

204. **Mr. Ring** asked the Tánaiste and Minister for Health and Children the names and the addresses of the doctors who received payments in respect of the indicative drugs target savings schemes; and the details of the amount paid to each doctor. [26268/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** Some of the information requested in this question has already been supplied to the Deputy. The additional records now being sought has been requested from the General Medical Services (Payments) Board and will be sent to the Deputy under separate cover.

### Health Board Staff.

205. **Mr. R. Bruton** asked the Tánaiste and Minister for Health and Children the number employed in the health services in 2004 and the way in which that has grown since 1997; the way in which these numbers are distributed between programmes, general hospital, long-stay facilities, disability, mental health, community health, community welfare and so on; and the balance with each funding between front line care workers, doctors, nurses, paramedics and so on and administrative back-up. [26296/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** Employment information for the health service is collected by my Department on the basis of the grade of staff and the employing

agency, rather than in the programme format requested by the Deputy. I would also point out that many health service workers provide services to several distinct categories of patient and client. Employment growth in the main grade categories of health service staff in the health board, voluntary hospital and intellectual disability sectors respectively is, therefore, set out in the table following for the period between end-1997 and end-2003. It is expected that data in respect of the end-2004 position will be available in March 2005. Caution should be exercised in comparing employment growth between grade categories, owing to some changes in their composition over the period.

The Deputy may wish to note that responsibility for human resource planning in each health board rests at present with the chief executive officer, CEO, of the relevant health board-authority. This will change with the establishment of the Health Service Executive. Each CEO, in managing the workforce in their region, is responsible for determining the appropriate staffing mix and the precise grades of staff to be employed in line with service plan priorities, subject to overall employment levels remaining within the approved regional employment level.

As far as the balance between front line and administrative staff is concerned, as illustrated in the table, almost two thirds of health services personnel formally classified as “management-administrative” are involved in direct service provision to the public. In fact it is estimated that 6% of health services personnel are employed in a purely administrative capacity. These staff work in areas that are critical to the effective running of the health services such as payroll, accounts, financial and human resource management. The report of the Commission on Financial Management and Control Systems in the Health Service, chaired by Professor Niamh Brennan, concluded that there was no evidence to support the perception that administrative staff, rather than those providing a direct patient service, have disproportionately absorbed additional resources allocated to the health service over recent years. Indeed, the report stated that of the order of ten out of every 11 additional employees recruited since 1997 are engaged in duties of direct services to patients and the public.

Health Service Employment (excluding Home Helps)	31/12/1997	31/12/2003	Change end-1997 to end-2003
<i>Health Boards/Authority</i>			
Medical/Dental	3,029	4,348	1,319
Nursing	17,358	23,028	5,670
Health and Social Care Professionals	3,627	7,848	4,222
General Support Staff and Other Patient and Client Care	13,477	18,220	4,743
Management/Administrative — Direct Patient Services	3,782	7,186	3,403
Management/Administrative — Other	2,127	4,042	1,914
Total	43,401	64,672	21,271

Health Service Employment (excluding Home Helps)	31/12/1997	31/12/2003	Change end-1997 to end-2003
<i>Voluntary Hospitals</i>			
Medical/Dental	1,898	2,354	456
Nursing	7,822	8,218	396
Health and Social Care Professionals	1,978	2,737	759
General Support Staff and other Patient and Client Care	4,017	4,781	763
Management/Administrative — Direct Patient Services	1,568	2,296	729
Management/Administrative — Other	882	1,292	410
<b>Total</b>	<b>18,165</b>	<b>21,678</b>	<b>3,512</b>
<i>Intellectual Disability Homes</i>			
Medical/Dental	49	90	42
Nursing	2,166	2,520	354
Health and Social Care Professionals	364	2,104	1,739
General Support Staff and Other Patient and Client Care	3,211	4,484	1,273
Management/Administrative — Direct Patient Services	310	609	298
Management/Administrative — Other	175	342	168
<b>Total</b>	<b>6,275</b>	<b>10,149</b>	<b>3,874</b>

Source: Department of Health and Children Personal Census.

### Hospital Services.

206. **Mr. Deenihan** asked the Tánaiste and Minister for Health and Children when funding for a laser extraction system will be provided for St. James's Hospital, Dublin; and if she will make a statement on the matter. [26302/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** Services at St. James's Hospital are provided under an arrangement with the Eastern Regional Health Authority. My Department has therefore asked the regional chief executive of the authority to investigate the matter raised by the Deputy and to reply to him directly.

### State Property.

207. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children the purchase cost of Ionad Folain Centre, Myshall, County Carlow to the State initially; the plans the health board have for its use; and if she will make a statement on the matter. [26406/04]

**Minister of State at the Department of Health and Children (Mr. T. O'Malley):** As the property in question was purchased by the Office of Public Works on behalf of the Department of Justice Equality and Law Reform, my Department does not have details of the purchase costs.

The South Eastern Health Board has set up a group to look into the potential uses of the land and buildings at Myshall. My Department is currently awaiting a copy of that group's report.

### Child Care Facilities.

208. **Mr. McGinley** asked the Minister for Finance his plans to provide child care facilities in Leinster House and in the various Department buildings. [26096/04]

**Minister for Finance (Mr. Cowen):** As regards the provision of child care facilities in Leinster House, I understand that there are plans to provide such facilities in the refurbished Kildare House. Refurbishment will not be completed until February 2005. Management in the Office of the Houses of the Oireachtas are currently considering arrangements for the operation of the facility. As regards child care in Departments, in the 2001 budget, the Government allocated €12.7 million for the provision of ten to 15 crèches for the children of civil servants throughout Ireland.

Currently, five crèches are in operation under the Civil Service child care initiative. There are two crèches in Dublin: Mount Street and Marlborough Street, and three in regional locations: Ennis, Athlone and Sligo. An operator has recently been appointed for the crèche built as part of the Government Laboratories campus at Backweston, County Kildare. This crèche is expected to open in January 2005 bringing the total number of Civil Service crèches to six.

In view of the existing distribution of staff throughout the country, OPW have continued in 2004 to explore opportunities for the development of crèches under the initiative and a suitable site has been identified in Cork for the development of a crèche. The future direction of the initiative will be reviewed in the light of the decentralisation programme with consideration being given to the provision of child care in the decentralised locations.

### Decentralisation Programme.

209. **Mr. Cregan** asked the Minister for Finance the progress being made on the move of his Department's offices from St. Munchin's House, Limerick to Heuston Hall, Raheen, County Limerick; when he expects this move to be

[Mr. Cregan.]  
finalised; and if he will make a statement on the matter. [26403/04]

**Minister of State at the Department of Finance (Mr. Parlon):** The Commissioners of Public Works are in the process of finalising a deal to lease alternative accommodation for the Department of Agriculture and Food staff currently housed in the St. Munchin's House building in Limerick City. Negotiations have proven protracted due, in part, to the complicated nature of the specification for the fit-out of the new building. Every effort is being made, however, to conclude this deal as soon as possible.

#### Ministerial Appointments.

210. **Mr. Morgan** asked the Minister for Finance the name, relevant qualifications and process by which each person appointed to a State board operating under the aegis of his Department was appointed since 1994. [26010/04]

**Minister for Finance (Mr. Cowen):** The information requested by the Deputy is being compiled by my Department and will be forwarded directly to him.

#### Tax Code.

211. **Mr. R. Bruton** asked the Minister for Finance his estimate of the increase in revenue from benefit in kind since he extended the scope of the tax and altered the treatment of company cars; and his views on whether the new rules are operating in an equitable manner. [26036/04]

**Minister for Finance (Mr. Cowen):** Legislative provision was made in the Finance Acts and the Social Welfare Acts of 2003 and 2004 to put in place arrangements which require all taxable benefits in kind be put through the PAYE system and treated in the same way as normal wages and salaries for the purposes of income tax, PRSI and health levy charges. These new arrangements came into effect from 1 January 2004. Up until then, such benefits were liable for income tax but not PRSI or health levy charges.

The full year yield from the new arrangements was estimated at €40.5 million, comprising €30 million employer PRSI, €5.5 million employee PRSI and €5 million health levy. It was estimated that there would be a once-off cash flow gain of €8 million in income tax in relation to 2004 arising from moving the taxation of benefits in kind to a current year basis.

The actual Exchequer yield under the new arrangements will not be available until after the P35 end of year returns are received from employers and processed. These are due for filing in February 2005.

In relation to the taxation of the benefit to an employee of the availability of the private use of a company-provided car, Finance Act 2003 provided for a revised and simplified structure for determining the taxable value which, depending on the extent of business mileage, contains only four rates, where previously there were 17. It is estimated that this will cost the Exchequer €4 million annually. This simplification was aimed at making it easier for employers to operate the PAYE system in respect of company cars. Apart from the obvious benefits arising to employers from this simplification, it is estimated that, in the context of the impact of the change on employees, there will be more winners than losers in terms of income tax. Some employees will pay additional PRSI under the new arrangements if their cash remuneration is below the PRSI threshold of €42,160. Employees with company cars will also have an additional 2% health levy charge on the taxable value of the benefit. Overall, I am satisfied that the new treatment of benefits in kind is equitable in that it aims to treat all remuneration, in whatever form, in the same way for income tax, PRSI and health levy purposes.

212. **Mr. Wall** asked the Minister for Finance when the tax situation of a person (details supplied) in County Kildare will be resolved. [26048/04]

**Minister for Finance (Mr. Cowen):** I am advised by the Revenue Commissioners that the taxpayer's employer made the appropriate refund of emergency tax to her in her salary last week.

213. **Mr. P. McGrath** asked the Minister for Finance the annual percentage of PAYE taxpayers who paid income tax at the higher rate in each of the past ten years; the number of taxpayers in this category; and the estimated figure for the 2004 tax year. [26169/04]

214. **Mr. P. McGrath** asked the Minister for Finance the annual percentage of PAYE workers who were tax exempt in each of the past ten years; and the number of taxpayers in this category. [26170/04]

215. **Mr. P. McGrath** asked the Minister for Finance the annual percentage of PAYE taxpayers who paid income tax at the lower rate in each of the past ten years; and the number of taxpayers in this category. [26171/04]

**Minister for Finance (Mr. Cowen):** I propose to take Questions Nos. 213, 214 and 215 together.

It is assumed that what the Deputy requires are the numbers in each category and the percentage they represent of all PAYE income earners on the tax record.

I am advised by the Revenue Commissioners that the information requested by the Deputy is as follows:

Percentage of PAYE earners in different tax bands 1994/95 to 2004

Tax Year	Exempt		Standard rate#		Higher rate	
	%	Numbers	%	Numbers	%	Numbers
1994/1995	24.61	274,200	46.16	514,300	29.23	325,700
1995/1996	23.20	267,500	47.38	546,300	29.42	339,200
1996/1997	23.96	289,200	47.10	568,600	28.94	349,400
1997/1998	24.64	319,700	46.09	598,000	29.27	380,000
1998/1999	24.57	340,700	44.35	615,100	31.09	431,200
1999/2000	27.36	399,000	38.71	564,600	33.93	494,900
2000/2001	28.02	436,000	40.50	630,200	31.48	489,800
2001†	29.35	464,200	40.24	636,500	30.41	481,200
2002*	32.85	530,200	40.17	648,200	26.98	435,400
2003*	32.83	541,600	37.13	612,500	30.05	495,700
2004*	33.77	563,800	33.29	555,900	32.94	549,900

# Includes taxpayers benefiting from marginal relief

† Short tax “year” from 6 April 2001 to 31 December 2001.

\* Provisional and likely to be revised.

As will be seen from the above table, the percentage of those in the exempt category in the PAYE sector who are outside the tax net has increased significantly, for example, by over 45% since 1995-96 — from 23.2% of all PAYE income earners to 33.8% now. In numerical terms, the change has been even more notable. The figures are 267,500 in 1995-96 to 563,800 now, a provisional figure — an increase of over 110%.

For the years prior to 2002, the exempt figures shown in the above table are actual historical figures. For the years 2002 to date, they are estimates from the Revenue tax forecasting model of the numbers likely to be tax exempt using actual data for the year 2001 adjusted as necessary for income growth for the year in question.

Since 1995-96 also, the number of PAYE earners on the tax record increased significantly by over 516,000 from 1,153,000 to 1,670,000 now, provisional figure, an increase of almost 45%. This increase reflects the significant growth in employment over the period. In the same period, the higher rate of tax was reduced from 48% to 42% and the standard rate from 27% to 20%, thus reducing the tax burden greatly on all those in the tax net. The percentages in the table are expressed in terms of the numbers of all PAYE income earners on the income tax record. It should be noted that a married couple who has elected or has been deemed to have elected for joint assessment is counted as one tax unit.

216. **Mr. Kehoe** asked the Minister for Finance the reason a person (details supplied) in County Wexford is still on emergency tax; and when they can expect to return to the normal rates; and if he will make a statement on the matter. [26180/04]

**Minister for Finance (Mr. Cowen):** I am informed by the Revenue Commissioners that incorrect employer details were provided with the

original claim in this case and consequently a tax credit certificate issued to the wrong employer, albeit an employer within the same entity. The correct details have now been established and a tax credit certificate, to grant the taxpayer the appropriate credits and standard rate cut-off, issued to the taxpayer’s employer on 22 October 2004. The employer will refund any tax deducted on the emergency basis.

#### Fiscal Policy.

217. **Ms Shortall** asked the Minister for Finance if the services of teachers of certain types of dance such as ballet are not subject to VAT whereas the services of teachers of more popular dance are; the reason for the logic underpinning this distinction; if he will review it and allow the exemption be extended to the services of the teachers of all types of dance classes; if this exemption will be considered in the context of the Finance Act 2005; and if he will make a statement on the matter. [26183/04]

**Minister for Finance (Mr. Cowen):** The position is that the provision of dancing lessons is liable to VAT at the standard rate of 21%. However, Paragraph (ii) of the First Schedule to the VAT Act 1972, as amended, allows for an exemption from VAT in respect of:

children’s or young people’s education, school or university education, and vocational training or retraining. . . provided by educational establishments recognised by the State, and education, training or retraining of a similar kind . . . provided by other persons

Following an application in respect of ballet lessons in 1982, the provision of such lessons was deemed to come within the terms of paragraph (ii) of the First Schedule to the VAT Act 1972, as amended. In the event that the services of

[Mr. Cowen.]  
 teachers of any type of dance fall within the terms of this legislation, they will be entitled to the exemption from VAT. It should be noted, however, that they therefore would not be entitled to reclaim any VAT charged to them in the course of their business. Any dance teachers who wish to establish or confirm the VAT status of their services should contact their local tax office.

### **Banking Sector Regulation.**

218. **Mr. Durkan** asked the Minister for Finance if, in the event of a company (details supplied) or similar banking situation in the future, the responsibility to deal with the matter will be his or solely the responsibility of IFSRA; and if he will make a statement on the matter. [26186/04]

**Minister for Finance (Mr. Cowen):** I might first explain that the Minister of Finance is responsible for the development of the legal framework governing financial regulation. Once the necessary legislative framework has been put in place, day-to-day responsibility for the supervision of credit institutions is a matter for Irish Financial Services Regulatory Authority, IFSRA. I might also point out that the primary responsibility for managing a bank and preventing fraud lies with the management of that institution. No supervisory regime can guarantee a financial institution will never be a victim of internal fraud. However, I am satisfied that we have a solid legislative framework for banking supervision, and that the creation of a single financial services regulator in the form of IFSRA provides an effective organisational structure for enforcement of that framework. Up to May 2003, the Central Bank of Ireland was the independent statutory authority for banking supervision. IFSRA now has that role. However, the primary regulators of the activities of the institution in question were the relevant US authorities. Moreover, the Central Bank — now IFSRA — had the role of monitoring the overall consolidated position at the group level. Clearly, for consolidated supervision to be effective, there must be close contact and information exchange between the home and host country supervisors. This is typically governed by the provisions of a memorandum of understanding or letters setting out the terms for exchange of information. Where the foreign-based undertaking is in another EU member state, arrangements for co-operation between the home and host country supervisors would also be governed by the provisions of EU directives. It will be clear from the foregoing that a banking situation such as that referred to by the Deputy would be a matter for IFSRA. Where, in the light of experience of dealing with a particular situation, IFSRA felt that it required new or amended powers,

requiring new legislation, then this would be brought to the attention of the Minister for Finance for consideration.

Deputies will also recall that as soon as my predecessor became aware, in February 2002, of the events concerned the Central Bank was asked to provide a report, on the completion of its investigations, as to whether it considered that any changes to legislative provisions governing banking supervision might be required. The Central Bank reported that there was no evidence that the Irish legislative framework contributed in any way to the losses concerned, and that it already had sufficient powers to work with the US regulators. Accordingly, the bank did not consider it necessary to recommend any changes in legislation in the area of supervision.

### **Tax Code.**

219. **Mr. Hogan** asked the Minister for Finance the number of requests from PAYE taxpayers for balancing statements each year over the past three years; the percentage this number represents of the total number of taxpayers; the extent to which these balancing statements reflected an under payment or over payment of tax; the amounts involved in each of these categories over the same period; the estimate of total PAYE tax underpaid and overpaid by taxpayers over each of the past three years; and the estimate of these amounts collected or returned respectively to PAYE taxpayers over the same period. [26246/04]

**Minister for Finance (Mr. Cowen):** I am advised by the Revenue Commissioners that the information requested is not readily available but Revenue will source as much information as possible and forward this to the Deputy within a matter of weeks.

### **Drainage Schemes.**

220. **Mr. Perry** asked the Minister for Finance if necessary drainage works will be carried out by his Department on the river along a property (details supplied) in County Leitrim; and if he will make a statement on the matter. [26247/04]

**Minister for Finance (Mr. Cowen):** Maintenance work on the stretch of the River Duff adjacent to the lands in question is programmed to take place in summer 2005.

### **Tax Code.**

221. **Mr. Aylward** asked the Minister for Finance if the proper tax free allowance has issued to a person (details supplied) in County Kilkenny. [26276/04]

**Minister for Finance (Mr. Cowen):** I am informed by the Revenue Commissioners that the person to whom the Deputy refers holds a certifi-

cate of tax credits and standard rate cut-off point and that he has paid no tax in the year to date. If the person has a further query on his certificate, he should ring the lo-call PAYE help line at 1890 444425.

#### **Decentralisation Programme.**

222. **Mr. Walsh** asked the Minister for Communications, Marine and Natural Resources the number of requests for decentralisation to Clonakilty, County Cork; the interim arrangements he is making to facilitate an early response to this request; and if he will make a statement on the matter. [26405/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The Government decentralisation programme involves the relocation of my Department's seafood and coastal zone functions as well as an Bord Iascaigh Mhara to Clonakilty. The latest information from the Public Appointments Service, formerly Civil Service Commission, indicates 140 expressions of interest had been received for the 91 CAF posts in the Department's seafood and coastal zone functions in Clonakilty. In the case of BIM, there are, thus far, 36 expressions of interest in the 93 CAF posts.

The decentralisation implementation (Flynn) group has indicated its intention to report shortly on sequencing of moves based on both CAF results to date, and the progress made by OPW as regards property/accommodation acquisition at the various locations. Developments in that regard will have a critical bearing on our arrangements for relocation to Clonakilty. In the interim, my Department continues to liaise continually with the Flynn group, the Department of Finance on relevant aspects of the programme. In addition, our regular consultations with OPW have included a number of joint visits to Clonakilty to assist consideration of the various site options. We are also engaged, as is BIM, in ongoing consultation with stakeholders, both internal and external, and, particularly, with staff interests.

#### **Appointments to State Boards.**

223. **Mr. Morgan** asked the Minister for Communications, Marine and Natural Resources the name, relevant qualifications and process by which each person appointed to a state board operating under the aegis of his Department was appointed since 1994. [26011/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The information requested by the Deputy will take time to collate. I will forward the information to him under separate cover as soon as possible.

#### **Natural Gas Grid.**

224. **Mr. Ferris** asked the Minister for Communications, Marine and Natural Resources if he will provide copies of the documents (details supplied). [26244/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The consent to construct the pipeline as issued under section 40 of the Gas Act 1976, as amended, is essentially permission, in principle, to proceed with the design process for the pipeline, including the onshore 9 km section. This, in turn, is followed by the issue of "consent to install and commission" by petroleum affairs division of the pipeline. The works to install and commission the Corrib gas field pipeline will be undertaken in phases. Each phase requires a separate consent. The various phases address all technical issues including methodology, design, trench, depth and safety, etc., and may also require inputs from the Department of Environment, Heritage and Local Government.

In this context, my Department has issued the following consents for the following phases: phase 1 — nearshore trench construction; and phase 2 — landfall. In addition, an interim consent of the phase 3 preparatory works has also issued. I have forwarded details of the correspondence to the Deputy. Applications for the remaining phases of the "consent to install and commission" have yet to be submitted by the developers.

The route of the proposed pipeline is as set out in section 19 of the Corrib field development offshore — field to terminal — environmental impact statement, which has been published. The application for consent and the associated EIS was subject to full public consultation procedures, as specified under the Gas Acts, as amended, between November 2001 and the decision in April 2002.

The review by PAD of the onshore pipeline quantified risk assessment, additional transient analysis undertaken to ensure liquid slugs can be safely accommodated and the proposed measure for mitigating upheaval buckling of the infield flowlines is not complete and is the subject of ongoing dialogue with the developers. Accordingly, it would be inappropriate to make public at this stage documentation given its work in progress nature. In any case, the consent of the developers would be required to release any document originating with them.

As regards the pipeline integrity philosophy document, the hydrotest-pre-commissioning procedures and the terminal quantified risk assessment, the petroleum affairs division has not received an application for commissioning. Shell E&P Ireland Ltd. must furnish such a document at least 30 days prior to commissioning. On receipt of same, my Department will carry out a review of the document.



### Telecommunications Services.

225. **Mr. Ferris** asked the Minister for Communications, Marine and Natural Resources when broadband access will be available at a location (details supplied). [26245/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The provision of broadband is primarily a matter for the private sector telecommunications companies, regulated by ComReg, the Commission for Communications Regulation. DSL broadband is available in the location mentioned. There may, however, be operational reasons a digital subscriber line service cannot be delivered to the premises in question, and that is a matter for Eircom. Apart from DSL, there is a number of other options for the delivery of broadband, such as wireless, cable modem and satellite technology. A full list of the service providers offering services in the Kilbarrack and Raheny areas of Dublin can be found on my Department's website, [www.broadband.gov.ie](http://www.broadband.gov.ie).

### Foreign Conflicts.

226. **Mr. F. McGrath** asked the Minister for Foreign Affairs the details regarding a USA air force jet (details supplied) at Shannon Airport on 18 October 2004; and its purpose at the airport. [26175/04]

**Minister for Foreign Affairs (Mr. D. Ahern):** The US authorities sought permission for the military aircraft referred to by the Deputy to land at Shannon Airport for the purposes of refuelling and crew rest. In accordance with the usual policy stipulations, permission was granted on condition that the aircraft was unarmed, not involved in intelligence gathering and not engaged in military exercises.

227. **Mr. F. McGrath** asked the Minister for Foreign Affairs the reason US soldiers in uniform are allowed to leave the designated area at Shannon Airport in a neutral country; and if he will make a statement on the matter. [26176/04]

**Minister for Foreign Affairs (Mr. D. Ahern):** In accordance with the provision of section 317 of the Defence Act 1954, express permission has been granted to the US authorities for their military personnel to wear military uniform in the transit areas of Irish airports. The US authorities are required to request further permission to wear uniforms outside of the transit area.

### Passport Applications.

228. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if the Government supports the

introduction of biometrics indicators in EU passports from 2006. [26253/04]

**Minister for Foreign Affairs (Mr. D. Ahern):** The European Commission have proposed a draft regulation on security standards, including biometric information, for passports. The regulation, if adopted, would effect only Schengen countries and would not, therefore, apply to Ireland. However, the Government believes the incorporation of biometrics in passports, in accordance with the standards proposed by the International Civil Aviation Organisation, can make an effective contribution to increasing the security of international travel. The Government, therefore, welcomes the emerging consensus on the Commission proposal, even though Ireland will not be bound by the regulation, if adopted.

The United States enacted legislation after the terrorist attacks of 11 September 2001 that requires all visa waiver countries, including Ireland, to introduce passports containing biometric information by 26 October 2004, subsequently postponed to 26 October 2005, as a condition of remaining in the visa waiver programme.

On 22 January 2004, the Government agreed in principle to the introduction of passports containing biometric information, subject to a further Government decision at a later stage on the practical arrangements for its implementation. My Department is examining these issues and, in the light of this, I expect to submit proposals to Government in the near future.

### Appointments to State Boards.

229. **Mr. Morgan** asked the Minister for Foreign Affairs the name, relevant qualifications and process by which each person appointed to a state board operating under the aegis of his Department was appointed since 1994. [26012/04]

**Minister for Foreign Affairs (Mr. D. Ahern):** The names and qualifications of those appointed to the Advisory Board of Ireland Aid, the Refugee Agency and the Agency for Personal Services Overseas are set out in annexes A, B and C. Appointees to State boards carry out an important function and are chosen on the basis of the qualities and attributes which the Minister believes are suitable to discharge this function.

### ANNEX A

The Advisory Board of Ireland Aid The Advisory Board of Ireland Aid was established in August 2002 operating under the aegis of Department of Foreign Affairs with a board of directors appointed by the Minister for Foreign Affairs. The name was changed to the Advisory Board for Development Co-operation Ireland in September 2003.

Name	Relevant Qualifications/Background
Chris Flood	Former Deputy of Dáil Éireann, who served as Minister of State at the Departments of Health and of Tourism and Sport. Irish representative to the European Commission Against Racism and Intolerance.
David Andrews	Chairperson of the executive committee of the Irish Red Cross Society. Former Minister for Foreign Affairs.
David Begg	General Secretary of the Irish Congress of Trade Unions. Formerly Chief Executive of Concern Worldwide.
Sally O'Neill	Trócaire's regional director for Central America, based in Honduras.
Lorraine Sweeney	Businessperson. Former chairperson of the Small Firms Association.
Larry O'Loughlin	Chief agricultural officer with Teagasc. Board member of Self Help Development International.
Howard Dalzell	Concern Worldwide Director of Policy Development and Evaluation Unit.
Fr. Gerard O'Connor	Redemptorist priest. Previously worked with GOAL in Africa.
Jerry Liston	Executive Chairman of the Michael Smurfit Graduate School of Business.
Morina O'Neill	Development Education Officer with Comhlámh (Development Workers in Global Solidarity: Ireland). Previously worked as a development worker in Belize.
Padraig McManus	Chief Executive, Electricity Supply Board of Ireland. Worked in West Africa for a number of years.

The advisory board was chaired by Mr. Desmond O'Malley, former Minister and chairman of the Oireachtas Joint Committee on Foreign Affairs from August 2002 until July 2003. Mr. Chris Flood was appointed chairperson in September 2003

#### ANNEX B

##### *The Refugee Agency*

The Irish Refugee Agency was created in 1991. Board members were appointed by the Minister for Foreign Affairs for two-year periods and

boards were composed of an independent chairperson and representatives of relevant Departments connected with the admission of refugees to Ireland. Those representatives varied from time to time. Observers also attended on behalf of the United Nations High Commission for Refugees, a number of voluntary agencies and individuals active in the field of refugee welfare. The Refugee Agency ceased operation and was integrated in April 2001 into the Reception and Integration Agency which operates under the aegis of the Department of Justice, Equality and Law Reform.

Name	Relevant Qualifications	Duration of appointment
Ms Iseult O'Malley	Barrister	1993-1996
Ms Noreen O'Sullivan	Department of Health	1993-1995
Mr. Tom O'Connell	Department of Education	1993-1994
Mr. Frank Donoghue	Department of Environment	1993-1994
Ms Valerie Fallon	Department of Justice	1993-1994
Mr. Robert McClean	Department of Enterprise and Employment	1993-1995
Mr. Tony Fallon	Department of Social Welfare	1993-1994
Ms Barbara Jones	Department of Foreign Affairs	1993-1995
Sr. Phil Sinnott	Sacred Heart Sister working with Vietnamese communities	1993-1998 2000-2001
Dr. Wendy Cox	Irish Council for Overseas Students	1993-2001
Ms Dianne Grammar	UNHCR	1993-1994
Mr. David Keane	Solicitor working with asylum seekers and refugees	1993-1997
Col. Jim Croke	Irish Red Cross	1993-1997 2000-2001
Rev. Dermot Clifford	Irish Episcopal Commission for Emigrants	1993-1997 1999-2001
Mr. Barry O'Shea	Department of Justice	1995 (1 year)
Ms Mary Lally	Department of Social Welfare	1995-2001
Mr. Sean McGabhann	Department of Education	1995-2001
Mr. Jim Cantwell	Department of the Environment	1995-1997
Mr. Sten Bronée	Observer, UNHCR	1995-1997
Ms Nadette Foley	Observer Irish Refugee Council	1995-1996
Mr. Barry O'Hara	Department of Justice, Equality and Law Reform	1996-1998
Mr. Tom Wright	Department of Foreign Affairs	1996-1997
Mr. Colm O Maoín	Department of Education	1996 (1 year)
Ms Mary Aylward	Department of Health	1997-2001
Ms Margaret Breen	Department of Environment	1997 (1 year)
Mr. Paddy Dillon Malone	(Chair) Barrister	1998-1999

Name	Relevant Qualifications	Duration of appointment
Mr. Jack Killane	Dept. of the Environment and Local Government	1998-1999
Mr. Brian Mc Cabe	Dept. of Enterprise and Employment	1998 (1 year)
Ms Hope Hanlon	Observer, UNHCR	1998 (1 year) 2000-2001
Ms Nadette Foley	Observer, Irish Refugee Council	1998 (1 year)
Ms Sheila Callan	Observer, Irish Red Cross	1998-1999
Ms Phil Murnaghan	Dept. of Foreign Affairs	1999 (1 year)
Ms Jean Mc Manus	Dept. of Foreign Affairs	1999 (1 year)
Ms Denise Barry	Dept. of Justice , Equality and Law Reform	1999-2001
Mr. B. Brogan	Department of Health and Children	1999 (1 year)
Mr. Jack Killane	Dept. of Environment and Local Government	1999 (1 year)
Mr. Michael Lindenbauer	Observer, UNHCR	1999 (1 year)
Mr. Peter O'Mahoney	Observer, Irish Refugee Council	1999-2001
Fr. John Feighery	Observer, Irish Refugee Council	1999 (1 year)
Ms Anne Colley	(Chair) Solicitor	2000-2001
Mr. Denis Hayes	Dept. of Foreign Affairs	2000-2001
Ms Denise Barry	Dept. of Justice , Equality and Law Reform	2000-2001
Ms M. Walshe	Dept. of the Environment	2000-2001

### ANNEX C

#### *The Agency for Personal Service Overseas — APSO.*

APSO was established in 1973 as a semi-State body operating under the aegis of the Department of Foreign Affairs, with a board of directors appointed by the Minister for Foreign Affairs. APSO was integrated into the Department of Foreign Affairs on 1 January 2004. Under the articles of association of APSO, the board shall consist of not more than 11 directors. Up to ten members of the board were appointed by the

Minister for Foreign Affairs on the recommendation of the Minister of State at the Department of Foreign Affairs with responsibility for development co-operation and human rights, the agency itself and-or the development co-operation directorate of the Department of Foreign Affairs. One member of the board was an APSO staff member, elected by the staff themselves, whose appointment was confirmed by the Minister. The following is a list of the board of directors of APSO as at 31 December for each of the years 1994 to 2003 by name and background:

31 December 1994

Name	Background
Mr. Brendan Golden,	Agriculturist
Mr. Owen Curley,	Teacher, Farmer
Mr. Howard Dalzell,	Development Non-Governmental Organisation
Ms Dorita Field,	Belfast City Council Social Services
Mr. Ian Finlay,	Civil Servant
Ms Mairéad Hayes,	Human Resources, Aer Lingus
Ms Mary Jennings,	Lecturer
Ms Bríd Ann Ryan,	Lecturer
Mr. Kenneth Thompson,	Civil Servant
Ms Rosemarie Hanna,	Staff Nominee
Fr. Enda Watters CSSP,	Missionary

31 December 1995

Name	Background
Mr. Howard Dalzell,	Development Non-Governmental Organisation
Ms Mairéad Hayes,	Human Resources, Aer Lingus
Mr. Anthony Clare,	Medical Director, St. Patrick's Hospital
Mr. Paul Cullen,	Civil Servant
Mr. Martin Greene,	Civil Servant
Fr. Des McGillicuddy,	Justice and Development Officer, Irish Missionary Union
Ms Anne Connolly,	Management Consultant
Ms Rosemarie Hanna,	Staff Nominee

## 31 December 1996

Name	Background
Mr. Howard Dalzell,	Development Non-Governmental Organisation
Ms Mairéad Hayes,	Human Resources, Aer Lingus
Mr. Anthony Clare,	Medical Director, St. Patrick's Hospital
Mr. Paul Cullen,	Civil Servant
Mr. Martin Greene,	Civil Servant
Fr. Des McGillicuddy,	Justice and Development Officer, Irish Missionary Union
Ms Anne Connolly,	Management Consultant
Ms Rosemarie Hanna,	Staff Nominee
Mr. Robin Hanan,	Development Non-Governmental Organisation
Ms Mary Sweeney,	Development Non-Governmental Organisation
Ms Maeve Healy,	Financial Sector

## 31 December 1997

Name	Background
Mr. Howard Dalzell,	Development Non-Governmental Organisation
Ms Mairéad Hayes,	Human Resources, Aer Lingus
Mr. Anthony Clare,	Medical Director, St. Patrick's Hospital
Mr. Paul Cullen,	Civil Servant
Ms Philomena Murnaghan,	Civil Servant
Fr. Des McGillicuddy,	Justice and Development Officer, Irish Missionary Union
Ms Anne Connolly,	Management Consultant
Ms June Carr,	Staff Nominee
Mr. Robin Hanan,	Development Non-Governmental Organisation
Ms Mary Sweeney,	Development Non-Governmental Organisation
Ms Maeve Healy,	Financial Sector

## 31 December 1998

Name	Background
Mr. Howard Dalzell,	Development Non-Governmental Organisation
Ms Mairéad Hayes,	Human Resources, Aer Lingus
Mr. Anthony Clare,	Medical Director, St. Patrick's Hospital
Mr. Paul Cullen,	Civil Servant
Ms Philomena Murnaghan,	Civil Servant
Fr. Des McGillicuddy,	Justice and Development Officer, Irish Missionary Union
Ms Anne Connolly,	Management Consultant
Ms June Carr,	Staff Nominee
Mr. Robin Hanan,	Development Non-Governmental Organisation
Ms Mary Sweeney,	Development Non-Governmental Organisation
Ms Maeve Healy,	Financial Sector

## 31 December 1999

Name	Background
Mr. Howard Dalzell,	Development Non-Governmental Organisation
Ms Mairéad Hayes,	Human Resources, Aer Lingus
Mr. Aidan Eames,	Solicitor
Mr. Paul Cullen,	Civil Servant
Ms Philomena Murnaghan,	Civil Servant

Name	Background
Fr. Des McGillicuddy, Ms Anne Connolly, Ms June Carr, Mr. Robin Hanan, Ms Mary Sweeney, Ms Maeve Healy,	Justice and Development Officer, Irish Missionary Union Management Consultant Staff Nominee Development Non-Governmental Organisation Development Non-Governmental Organisation Financial Sector

31 December 2000

Name	Background
Ms Mairéad Hayes, Mr. Aidan Eames, Mr. Paul Cullen, Fr. Des McGillicuddy, Ms Dónal MacDonalD, Mr. Robin Hanan, Ms Mary Sweeney, Ms Maeve Healy, Mr. B. Rogers, Mr. Mick Kiely, Mr. Sean Burke,	Human Resources, Aer Lingus Solicitor Civil Servant Justice and Development Officer, Irish Missionary Union Staff Nominee Development Non-Governmental Organisation Development Non-Governmental Organisation Financial Sector Civil Servant Development Non-Governmental Organisation Accountant

31 December 2001

Name	Background
Ms Mairéad Hayes, Mr. Aidan Eames, Mr. Brendan Rogers, Mr. Dónal MacDonalD, Mr. Robin Hanan, Ms Mary Sweeney, Mr. Mick Kiely, Mr. Sean Burke, Sr. Teresa Walsh, Sr. Margaret Quinn, Ms Maeve Healy,	Human Resources, Aer Lingus Solicitor Civil Servant Staff Nominee Development Non-Governmental Organisation Development Non-Governmental Organisation Development Non-Governmental Organisation Accountant Missionary (MSHR) Missionary (MMM) Financial Sector

31 December 2002

Name	Background
Mr. Aidan Eames, Mr. Brendan Rogers, Mr. Dónal MacDonalD, Ms Mary Sweeney, Mr. Mick Kiely, Mr. Sean Burke, Sr. Teresa Walsh, Sr. Margaret Quinn, Mr. Joseph O'Hara Mr. John Murphy,	Solicitor Civil Servant Staff Nominee Development Non-Governmental Organisation Development Non-Governmental Organisation Accountant Missionary (MSHR) Missionary (MMM) Lecturer Financial Consultant

31 December 2003

Name	Background
Mr. Aidan Eames,	Solicitor
Mr. Pat Bourne,	Civil Servant
Ms Catherine Boylan,	Staff Nominee
Ms Mary Sweeney,	Development Non-Governmental Organisation
Mr. Mick Kiely,	Development Non-Governmental Organisation
Mr. Sean Burke,	Accountant
Sr. Teresa Walsh,	Missionary (MSHR)
Sr. Margaret Quinn,	Missionary (MMM)
Mr. Joseph O'Hara	Lecturer
Mr. John Murphy,	Financial Consultant
Mr. Aidan O'Connor	Engineer

### Foreign Conflicts.

230. **Mr. F. McGrath** asked the Minister for Foreign Affairs if his attention has been drawn to a report of the Palestinian Centre for Human Rights, which indicates that Israeli occupation forces have continued to construct the annexation wall inside the West Bank territory; if he has raised these matters with the Israeli authorities; his views on whether these actions are consistent with the obligations of the Israeli Government in relation to human rights under Article 2 of the Association Agreement between Israel and the EU; and if he will make a statement on the matter. [26042/04]

**Minister for Foreign Affairs (Mr. D. Ahern):** I am aware of the report to which the Deputy refers, and the fact that the Israeli Government has continued its construction of the separation barrier in the Occupied Palestinian Territories, despite concerted calls from the international community for the activity to be discontinued and reversed.

Ireland acknowledges the right, indeed the responsibility, of the Israel government to protect its people, including, if it so wishes, by a security fence. Our objection to the fence is to the line that it takes. The construction of the fence within the Occupied Palestinian Territories is contrary to international law. In the short term, the current line of the fence divides Palestinian communities and creates severe hardship for them. Equally troubling is the long term impact, which tends to perpetuate facts on the ground and make it more difficult to reach a final settlement. The Israeli authorities are well aware of the Government's views on this matter.

The Government and the EU have repeatedly reaffirmed these positions, including through our support for the UN General Assembly resolution adopted by an overwhelming majority in response to the International Court of Justice advisory opinion on the barrier. The provisions of article 2 of the Association Agreement between EU and Israel reinforce obligations which already fall to the signatories with respect to human rights. The question of whether Israel has fully lived up to its obligations under this

article is a subject for regular discussion at the meetings of the Association Council.

231. **Mr. Kehoe** asked the Minister for Foreign Affairs the contact he has had with a Government (details supplied); and if he will make a statement on the matter. [26327/04]

**Minister for Foreign Affairs (Mr. D. Ahern):** I refer the Deputy to my reply to Questions Nos. 166, 173, 194, 198, 214, 235 and 365 on 19 October 2004.

### Appointments to State Boards.

232. **Mr. Morgan** asked the Minister for Arts, Sport and Tourism the name, relevant qualifications, political party membership and process by which each person appointed to a state board operating under the aegis of his Department was appointed since 1994. [26013/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** The names of the persons appointed to State boards since the establishment of my Department in June 2002 follow. All appointments are made on the basis of the broad experience, knowledge and expertise that the individuals in question can bring to the relevant board.

#### *Members of Arts Council*

Ms Olive Braiden  
 Ms Noelle Campbell Sharp  
 Willie Doherty  
 Theo Dorgan  
 Jerome Hynes  
 Philip King  
 Rosaleen Linehan  
 Orlaith McBride  
 John McGahern  
 Una Ó Murchú  
 Mary Nunan  
 Emer O'Kelly  
 Patrick Sutton

Under the Arts Act 2001, the Minister appoints the members of the council.

[Mr. O'Donoghue.]  
*Board of the National Theatre*  
 Ms Eithne Healy  
 Dr. John O'Mahony

Two members of the board of directors are appointed by the Minister in accordance with the company's memorandum and articles of association.

*National Gallery of Ireland*  
 Mr. Lochlann Quinn  
 Dr. Patrick Fottrell  
 Mr. Anthony Cronin  
 Mr. Bruce Arnold  
 The Duke of Abercorn  
 Ms Pauline Bewick  
 Mr. Bernard McNamara  
 Dr. Abdul Bulbulia  
 Mr. Desmond Fitzgerald  
 Mr. Conor Fallon  
 Mr. Sean Benton  
 Mr. Austin Mescal

The Royal Hibernian Academy and the Royal Dublin Society appoint a total of two members to the board. The chairman of the Office of Public Works is appointed *ex officio* and the Minister makes the remainder of the appointments to the board.

*Irish Museum of Modern Art*  
 Mr. Gerard Mannix Flynn

The Minister makes the appointments to the board.

*Irish Sports Council*  
 Mr. Ronnie McBrien  
 Mr. Brian Mullins  
 Mr. Mick O'Dwyer  
 Ms. Sheila Dickson  
 Mr. Niall Quinn  
 Ms. Marian McGennis  
 Mr. Pat O'Neill  
 Mr. Maurice Ahern  
 Ms Mary Davis  
 Mr. Peter McLoone  
 Mr. Tony McCarthy  
 Ms Tracy Piggott

The members of the board of the Irish Sports Council are appointed by the Minister under the terms of the Irish Sports Council Act 1999.

*Bord na gCon*  
 Mr. Cathal Curley  
 Mr. John Hegarty  
 Ms Helen Nugent  
 Mr. Tony McKenna  
 Mr. Padraic Feeney  
 Mr. Paschal Taggart

The Minister appoints the chairman and the six board members.

*Horse Racing Ireland*  
 Mr. John Kidd  
 Mr. Jerry L. Desmond  
 Mr. Willian Flood

Ms Jessica Harrington  
 Mr. Cahir O'Sullivan  
 Mr. Frank Clarke

The Minister appoints all the members of the board of Horse Racing Ireland from among persons nominated by persons and organisations representative of interests in the horse racing industry and a further two members are appointed directly by the Minister, who are employed by the industry and by the industry in Northern Ireland.

*Bord Fáilte Éireann*  
 Mr. Noel McGinley  
 Mr. Patrick O' Donoghue  
 Mr. Páidí Ó Sé  
 Mr. Séan Dunne

The members of the board were appointed by the Minister under the terms of the Tourist Traffic Acts.

*Tourism Ireland*  
 Ms Gillian Bowler  
 Mr. Shaun Quinn

Tourism Ireland is a North-South body where the board appointments are made by the North-South Ministerial Council following nominations by northern and southern Ministers.

*National Tourism Development Authority*  
 Ms Gillian Bowler  
 Ms Maureen Cairnduff  
 Mr. Dominic Dillane  
 Mr. Brian Dowling  
 Mr. John McDonnell  
 Mr. Noel McGinley  
 Ms Mary McKeon  
 Mr. Noel O'Callaghan  
 An tUasal Pádraig Ó Céidigh  
 Mr. Patrick O'Donoghue  
 An tUasal Páidí Ó Sé  
 Ms Catherine Reilly  
 Ms Eithne Scott-Lennon

The members of the National Tourism Development Authority are appointed by the Minister under the terms of the National Tourism Development Authority Act.

### **National Minimum Wage.**

233. **Mr. Morgan** asked the Minister for Enterprise, Trade and Employment the cost to the State of removing the age restrictions in relation to the minimum wage and increasing the minimum hourly wage to €8; and if he will make a statement on the matter. [25997/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen):** The ESRI has conducted two surveys of private sector non-agricultural firms on behalf of the Department of Enterprise, Trade and Employment since the introduction of the minimum wage in April, 2000. The ESRI estimate that just 1.9% of employees are being paid the subminimum rates. Subminimum rates of the national

minimum wage apply where an employee is under age 18 or in the first two years after the date of first employment over age 18 or undergoing a prescribed course of study or training.

Surveys have highlighted that the most frequently used subminimum rate is that which applies to employees under 18 years of age. Employees under the age of 18 are entitled to 70% of the national minimum wage. This percentage was recommended by the national minimum wage commission to strike a balance between ensuring that young employees are not exploited and ensuring that the rate of pay does not encourage students to leave full-time education.

The national minimum wage commission recommended that subminimum rates should also apply to employees in the first two years of employment over age 18 and to those undergoing structured training. The commission expressed the view that employers should be encouraged to focus on training and that the structure of the national minimum wage should provide encouragement and inducement for employers to take on unskilled staff and to involve them in training. There are no plans to amend the national minimum wage legislation to abolish the sub-minimum rates.

The minimum wage was increased to its current rate of €7.00 per hour on 1 February 2004, as recommended by the social partners. The parties to the mid-term review of part two of Sustaining Progress — pay and the workplace have agreed to request the Labour Court to review the national minimum wage and to make a recommendation to the Minister to apply with effect from 1 May 2005.

While information on the cost to the State of abolishing subminimum rates and increasing the minimum wage to €8 per hour is not available, an assessment, in accordance with the national minimum wage legislation, will be undertaken of the impact of a new rate that may be recommended by the Labour Court to take effect on 1 May next.

234. **Mr. Morgan** asked the Minister for Enterprise, Trade and Employment the estimated cost to the State of removing the provisions which disqualify those over the age of 66 from the terms of the Redundancy Acts; and if he will make a statement on the matter. [26001/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen):** The Redundancy Review Group Report of July 2002, which produced recommendations for the up-dating of statutory redundancy legislation, considered that increasing the upper age limit of 66 for redundancy qualification purposes would not be a priority in the short term if resources were scarce. It could be argued, therefore, that the age cap should remain unchanged

to maintain consistency with the Unfair Dismissals Acts 1977 to 2001 and the Employment Equality Act 1998.

The group recognised, however, that the labour force is becoming older and that participation in the labour force by older people, if desired, should be facilitated. Accordingly, it was recommended that consideration should be given in the medium term to removing the age cap or raising the age cap in conjunction with similar changes to unfair dismissals, equality and social and family legislation as recommended by the Equality Authority.

On 18 July 2004, the upper age limit of 66 for bringing claims under the Unfair Dismissals Acts 1977 to 2001 was removed by the Equality Act 2004. However, the Unfair Dismissals Acts will still not apply to dismissed employees who, at the date of dismissal, had reached the normal retirement age in that employment, that is, if it is the policy in an employment to retire employees at a certain age, then the new provisions would not apply.

There are no plans at present to remove the upper age limit in respect of statutory redundancy. However, in the light of the evolution of age-related legislative provisions, it will be necessary to review the age-related provisions of the Redundancy Payments Acts. This will have to be done prior to making legislative proposals for submission to Government.

In the absence of any such review, it is impossible to estimate the potential cost to the social insurance fund of the removal of the upper age limit of 66.

#### **Redundancy Payments.**

235. **Mr. Morgan** asked the Minister for Enterprise, Trade and Employment the cost to the State of increasing redundancy payments to three weeks of pay per year of service. [26002/04]

**Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen):** In the 12 months from October 2003 to end September 2004, the full cost to the State of making statutory redundancy payments amounted to €162,286,200.30. This consisted of €146,310,498.40 for redundancy rebates to employers who paid all their eligible employees their correct statutory redundancy entitlements and €15,975,701.93 in direct payments to employees where the employers had failed to pay statutory redundancy lump sums. Based on the above figures, the annual cost to the State of further increasing redundancy payments from the present two weeks pay per year of service to three weeks pay per year of service would be €243,429,300.40, an increase of €81,143,100.10.

Under the recently enacted Redundancy Payments Bill 2003, redundancy payments were sub-



[Mr. Killeen.]

stantially increased from half a weeks pay per year of service between 16 and 41 years and one weeks pay per year of service over 41 together with a bonus week, to two weeks pay for every year of service together with a bonus week in respect of all eligible employees. This was the first such major increase since the redundancy payments scheme was set up under the Redundancy Payments Act 1967, although there have been periodic increases in line with increases in wages paid in the transportable goods industries.

### Appointments to State Boards.

236. **Mr. Morgan** asked the Minister for Enterprise, Trade and Employment the name, relevant qualifications and process by which each person appointed to a state board operating under the aegis of his Department was appointed since 1994. [26014/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** The information sought is provided, for the period 1997 to date, on a schedule set out below. The schedule also contains readily available material for the period 1994 to 1996. As agreed, the remaining material relating to this period will be forwarded to the Deputy as soon as possible. The process involved in appointments to State boards is as laid down in the relevant legislation. Details regarding relevant qualifications and political party membership of members of State boards are not to hand in the Department.

#### FORFÁS

Name	Year of Appointment
Mr. K. McGowan — CEO IDA	1994
Mr. D. Flinter — CEO Enterprise Ireland	1994
Mr. J. Travers — CEO Forfás	1994
Mr. T. Toner	1994
Mr. P. Cassells	1994
Mr. K. Bonner	1994
Mr. L. Murphy	1994
Prof. F. Ruane	1994
Ms J. O'Connor	1994
Mr. J. O'Mahoney	1994
Mr. A. McCarthy	1994
Mr. J. Lynch	1994
Mr. L. Murphy (reappointed)	1995
Mr. J. O'Mahoney (reappointed)	1995
Mr. T. Toner (Chairman)	1996
Mr. P. Cassells	1996
Mr. O. Tattan	1996
Mr. P. Haran	1997
Mr. J. Lynch (reappointed)	1997
Mr. W. Scally	1997
Mr. L. Murphy (reappointed)	1998

Name	Year of Appointment
Prof. M. Hillery	1998
Mr. F. O'Rourke	1998

#### IDA Ireland

Name	Year of Appointment
Kieran McGowan	1994
Denis Hanrahan	1994
Pat Dineen	1994
Donal Keough	1994
Marie O'Connor	1994
Eleanor O'Higgins	1994
John O'Shaughnessy	1994
Brian Parkes	1994
Jean Peyrelefade	1994
Tony Ritchie	1994
Niall Welch	1994
John Walsh	1994
Eleanor O'Higgins (R)	1995
Ronald Long	1995
Gary Kennedy	1996
Brid Horan	1996
Proinsias Breathnach	1996
Gary Duffy	1997
Pat Dineen (R)	1997
Kieran Corrigan	1998
Nial Ring	1998
Frank McCabe	1999
Sean Dorgan	1999
Denis Hanrahan (R)	1999
Ronald Long (R)	2000
John Dunne	2000
Ann Marie Gill	2000
Gary Kennedy (R)	2001
Thomas Lynch	2001
Brid Horan (R)	2002
Bernard Collins	2002
Kieran Corrigan (R)	2003
Loretta Brennan Glucksman	2003
Brian Whitney	2003

#### Enterprise Ireland since its establishment in 1998

Name	Year of Appointment
Pat Molloy	1998
Chief executive — Dan Flinter Chief executive — Frank Ryan <i>ex officio</i>	1998
Kieran McGowan	1998
Gus Fitzpatrick	1998
Brian Kearney	1998
Heather Ann McSharry	1998
Veronica Perdisatt	1998
Lorraine Benson	2001

Name	Year of Appointment
John Connolly	2001
Elaine Farrell	2002
Gerry O'Malley	2004
Margaret Daly	2004
Miriam O'Callaghan	1998
Tim Collins	1998
David McKenna	1998
David Dilger	1998
Barry O'Halloran	1998
Ned Costello	1998

National Standards Authority of Ireland — since its establishment in 1997.

Name	Year of Appointment
Mr. Dan Tierney — chairman	1997
Mr. Simon Kelly — chief executive, <i>ex-officio</i> member	1997
Mr. Brian Griffin	1997
Dr. Ursula MacEvilly	1997
Ms Mary Carroll	1997
Ms Jackie Fitzgerald	1997
Mr. Sean Wallace	1997
Mr. Frank Dawe	1997
Mr. John Coady	1997
Mr. Doug Burns	1997
Mr. Neil Buckley	1997
Ms Kay Hallahan	1997
Ms Ann-Christin Cederlund	1997
Ms Annemarie O'Connor	1998
Dr. Brendan Finucane	1999
Ms Jean Cahill	1999
Mr. Patrick Geraghty	1999
Mr. Vincent Delaney	2000
Ms June Finnegan	2000
Mr. John McGowan	2001
Mr. Martin Lynch	2001
Ms Anne Riordan	2001
Ms Catherine Caulfield	2001
Dr. Sean McCarthy	2002
Ms Dorothea Dowling	2002
Mr. Patrick Coffey	2002
Mr. Conor O'Mahony	2003
Mr. Niall Fitzsimons	2003
Mr. Patrick Rigney	2003
Mr. Paraig Hennessy	2003
Ms Rose Hynes	2003
Mr. Des O'Loughlin	2003
Mr. Ed Stack	2003
Mr. John Hewitt	2004

Shannon Development	
Name	Year of Appointment
Michael McKenna	1994
John Griffin	1994
Kieran Keenaghan	1994
Brendan Dinneen	1995
Declan Doyle	Pre 1994
Michael Punch (Chairman)	1995
Tim Butler	1996
Cynthia Carroll	1996
Agnes Aylward	Pre 1994
Liam McElligott (Chairman)	1996
Morgan Stack	1997
Brian O'Connell	1998
Patricia Collins	1998
Sean Gorman	1999
Paul O'Brien	1999
William Loughnane	1999
Noreen Foran	2000
Kieran Grace	2001
Ron Carroll	2001
Freda Keane-Carmody	2001
Peter Schutz	2001
Roger Downer	2002
John Brassil	2004

Science Foundation of Ireland — since its establishment in 2003.

Name of Board Members	Year of Appointment
Prof. Patrick Fottrell, chairperson	2003
Mr. Frank McCabe, deputy chairperson	2003
Dr. Bill Harris, director general	2003
Mr. Erich Bloch	2003
Dr. Kristina Johnson	2003
Dr Anita Jones	2003
Mr. John Travers	2003
Dr. Jane Grimson	2003
Dr. Jim Mountjoy	2003
Dr. Martina Newell McGloughlin	2003
Mr. Ned Costello	2003
Dr. Don Thornhill	2003
Dr. Jacqueline Hunter	2003

Personal Injuries Assessment Board — since its establishment in 2004.

Name	Year of Appointment
Dorothea Dowling	2004
Senator Joe O'Toole	2004
Patricia Byron chief executive officer	2004
John Fay	2004
Tom Noonan	2004
Pat Healy	2004

Name	Year of Appointment
Carmel Foley	2004
Mary O'Dea	2004
Frances Cooke	2004
Frank Cuneen	2004
Professor Denis Cusack	2004

## FÁS

Name	Year of Appointment
Mr Patrick Lynch	1998
Mr Brian Geoghegan	2001
Mr Seamus O Morain	1998
Mr Dermot O Callaghan	1998
Mr Sean Gorman	2001
Mr Colm Breslin	1998
Mr Dermot Quigley	1999
Mr Jim O'Brien	2004
Mr Eamonn Kearns	2004
Mr. Paddy McDonagh	1998
Ms. Kathleen McLoughlin	2001
Mr. John Hynes	1998
Ms. Bernadette Lacey	2001
Mr. Joe Morgan	1996
Ms. Cathy Crowley	1998
Mr. Sexton Cahill	2001
Ms. Caroline Casey	2001
Mr. Owen Wills	1998
Mr. Des Geraghty	1999
Ms. Bernadette Corridan	1998
Mr. Peter Cullen	2001
Mr. Michael Dolan	2001
Mr. Dermot Lacey	1998

## FÁS International Consulting Ltd.

Name	Year of Appointment
Mr. Jim Tunney	1995
Mr. John Lynch	1995
Mr. P. Ellis	1995
Mr. S. Loughnane	1995
Mr. S. O'Brien	1995
Ms A. Kerins	1995
Mr. M. O 15Faolain	1995
Mr. K. Humphreys	1995
Ms Alice Prendergast	1995
Mr. T. Brady	1995
Ms Alice Prendergast	1998
Ms Claire Brannigan	1998
Mr. Declan Purcell	1998
Mr. Michael Hayden	2001
Mr. Joe Morgan	2001
Mr. Owen Wills	2001
Mr. Martin Doonan	2001

Name	Year of Appointment
Mr. Jackie Kenny	2001
Ms Tara Hayes	2001
Mr. Rody Molloy	2001
Mr. Tony Killeen	2004

FÁS International Consulting Ltd. is being wound down. It is envisaged that it will be struck off the register of companies or will be placed in voluntary liquidation by 31 December 2004. Following the resignation of the board on 25 May 2004, Mr. Rody Molloy and Mr. Tony Killeen were appointed as directors of the company as and from 25 May 2004 to oversee any outstanding issues.

## Nitrigin Eireann Teoranta

(current board)	
Ronald Long, chairman	1995
Conor O'Mahony	2003
Jim O'Brien	2000

Nitrigin Eireann Teoranta is being wound down

## Health and Safety Authority

Name	Year of Appointment
Mary Buckley	1995
Grainne Higgins	1995
Sylvester Cronin	1995
Fergus Whelan	1998
Lenore Mrkwicka	1995
Eric Fleming	1995
Mary Slattery	1995
Fergus McCafferty	1995
Frank Cunneen	1998
Tony Briscoe	1998
Marie Rock	1998
Joe Hegarty	1998
Seamus Daly	1998
Mary Dorgan	1998
Peter McCabe	2000
Ciarán Ó Cuinneagáin	2000
Marion Coy	2001
Louise O'Donnell	2001
Sue Corbett	2001
Desmond Gilroy	2001
Martin Lynch	2002

**Work Permits.**

237. **Mr. J. O'Keeffe** asked the Minister for Enterprise, Trade and Employment if a work permit will be issued to a company in respect of a

person (details supplied); and if he will make a statement on the matter. [26078/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** A work permit application was received on 12 July 2004 for the above named individual. On 13 October 2004, the applicant was informed in writing of the decision to refuse this application. The applicant was also advised of his right to appeal this decision and I am informed that no such appeal has been received to date.

#### Social Welfare Benefits.

238. **Mr. Morgan** asked the Minister for Social and Family Affairs the estimated cost to the State of increasing maternity leave entitlements to 26 weeks paid and 26 weeks unpaid leave. [25998/04]

239. **Mr. Morgan** asked the Minister for Social and Family Affairs the estimated cost to the State of increasing adoptive leave entitlements to 24 weeks paid and 26 weeks unpaid leave. [25999/04]

240. **Mr. Morgan** asked the Minister for Social and Family Affairs the estimated cost to the State of introducing a paternity leave entitlement of two weeks per child. [26000/04]

**Minister for Social and Family Affairs (Mr. Brennan):** I propose to take Questions Nos. 238 to 240, inclusive, together.

Maternity benefit is a payment made to employed women who are entitled to maternity leave under the maternity leave acts and self-employed women who satisfy certain PRSI contribution conditions on their own insurance record. It is normally payable for a continuous period of 18 weeks. The estimated cost of maternity benefit during 2003 was €107 million for the 30,000 claims awarded. Increasing the number of weeks from 18 up to 26 would lead to an approximate €52.3 million increase in cost in the first year and €57.2 million in a full year. An extension to the period of unpaid leave would not of its nature lead to an increase in direct programme spending. However, the extended award of credited PRSI contributions, which are currently awarded for periods of unpaid leave so as to preserve access to social insurance entitlements, could have some implications for the longer term financing of the social insurance system. It would be difficult to quantify these implications.

Adoptive Leave is a payment for employed women who are entitled to adoptive leave under the Adoptive Leave Acts and self-employed women who satisfy certain PRSI conditions on their insurance record on the occasion of adopting a child. The estimated cost of adoptive benefit during 2003 was €532,000 for the 183 awards made during the year. Increasing the number of weeks that adoptive leave is payable from 16 to

24 would lead to an approximate increase of €162,000 in the first year and €174,000 in a full year. An extension of the period of unpaid leave would not lead to an increase in direct programme spending. However, the extended award of credited PRSI contributions, which are currently awarded for periods of unpaid leave so as to preserve access to social insurance entitlements, could have some implications for the longer term financing of the social insurance system. It would be difficult to quantify these implications.

Arrangements for paternity leave are currently a matter between employers and employees. Some employers, including those in the public sector, currently offer a number of days paid paternity leave to fathers immediately following the birth of a child and any paternity benefit would involve a transfer to the State of a cost currently paid by these employers. Indicative costings suggest that payment by the State of two weeks paternity benefit on a similar basis to maternity benefit might cost €9.5 million per annum, although the lack of data surrounding the number of fathers who might be eligible and the number who might avail of this potential payment makes accurate costing difficult.

#### Appointments to State Boards.

241. **Mr. Morgan** asked the Minister for Social and Family Affairs the name, relevant qualifications and process by which each person appointed to a state board operating under the aegis of his Department was appointed since 1994. [26015/04]

**Minister for Social and Family Affairs (Mr. Brennan):** There are six agencies operating under the aegis of my Department: the Pensions Board, the Pensions Ombudsman, the Combat Poverty Agency, Comhairle, the Family Support Agency and the Social Welfare Tribunal. In making appointments to boards regard is had to the Government's policy in relation to minimum representation — 40% of both men and women among members of the boards of State bodies.

The remit of the Pensions Board, which was established on 21 December 1990, is to monitor and supervise the operation of the Pensions Act, and pensions developments generally. Representation on the Pensions Board is dictated by section 8 of the First Schedule of the Pensions Act 1990. The board consists of 16 ordinary members with the chairperson appointed by the Minister. The First Schedule also sets out criteria for the appointment of 13 ordinary members to the board, for example, one shall be a representative of the actuarial profession and one shall be a representative of the accounting profession.

The First Schedule also states that the members of the board representing various interests shall be nominated by organisation/s

[Mr. Brennan.]  
which the Minister considers to be representative of the various professions. The Pensions Act 1990 does not specify particular qualifications for membership of the board.

*The Pensions Board.*  
Appointments to the Pensions Board since 1994 are outlined as follows:

Name	Nominated by
Kevin Brabazon	Nominated by Irish Business & Employers Confederation
Kay Brophy	Appointed by Minister for Social & Family Affairs
Mary Broughan	Appointed by Minister for Social & Family Affairs
Alan Broxson	Nominated by Irish Association of Pensioner Funds
Brian Buggy	Nominated by Association of Pension Lawyers in Ireland
John Byrne	Appointed by Minister for Social & Family Affairs
Rosheen Callender	Nominated by Irish Congress of Trade Unions
Deirdre Carroll	Representative of the Minister for Social & Family Affairs
Marie Daly	Nominated by Irish Business & Employers Confederation
Pat Delaney	Nominated by Irish Business & Employers Confederation
Tom Finlay	Nominated by Irish Association of Pension Funds
Michael Guilfoyle	Representative of the Minister for Finance
Kate Hayes	Appointed by Minister for Social & Family Affairs
Monica Healy	Appointed by Minister for Social & Family Affairs
Eamonn Heffernan	Appointed by Minister for Social & Family Affairs
Mary Howe	Appointed by Minister for Social & Family Affairs
John Hynes	Representative of the Minister for Social & Family Affairs
Caroline Jenkinson	Nominated by Irish Business & Employers Confederation
Jim Kehoe	Nominated by Society of Actuaries in Ireland
Paul Kelly	Nominated by Society of Actuaries in Ireland
Raymonde Kelly	Nominated by Association of Pension Lawyers in Ireland
Maria Kinlan	Nominated by Irish Congress of Trade Unions
Michael Lane	Nominated by Association of Pension Lawyers in Ireland
Ciaran Long	Nominated by Irish Insurance Federation
Niamh Maguire	Appointed by Minister for Social & Family Affairs
Anne Maher	Nominated by Irish Association of Pension Funds
Gerry Mangan	Representative of the Minister for Social & Family Affairs
Donal McAleese	Nominated by Irish Business and Employer's Confederation
Stephen McCarthy	Nominated by Irish Congress of Trade Unions
Brian McCracken	Nominated by Association of Pension Lawyers in Ireland
Veronica McDermott	Appointed by Minister for Social & Family Affairs
Joe Mooney	Representative of the Minister for Finance
Mary O'Donnell	Appointed by Minister for Social & Family Affairs
Patricia O'Donovan	Nominated by Irish Congress of Trade Unions
Tim Quirke	Representative of the Minister for Social & Family Affairs
Anne Vaughan	Representative of the Minister for Social & Family Affairs
Fergus Whelan	Nominated by Irish Congress of Trade Unions
Robert Woods	Nominated by Consultative Committee of Accountancy Bodies in Ireland
Tom Wright	Nominated by Consultative Committee of Accountancy Bodies in Ireland
Grainne Clohessy	Appointed by Minister for Social & Family Affairs
Michael McNulty	Appointed by Minister for Social & Family Affairs
Michael O'Halloran	Representative of Senior Citizens Interests (nominated by the Minister for Social and Family Affairs)
Carmel Foley	Representative of Consumer Interests (nominated by the Minister for Social and Family Affairs)
Dermot Quigley	Representative of the Minister for Finance

#### *Pensions Ombudsman*

The remit of the Pensions Ombudsman, established in September 2003, is to investigate and decide on complaints and disputes involving occupational pension schemes and personal retirement savings accounts, PRSAs. Mr. Paul

Kenny was appointed Pensions Ombudsman on 28 April 2003 on foot of an open competition undertaken by the Civil Service and Local Appointments Commission. Mr. Kenny is a former Chairman of the Retirement Planning Council of Ireland. He has worked with Irish Pensions

Trust-Mercer Human Resources Consulting and was head of retirement research. He holds a B.Comm (NUI) and is a Fellow of the Pensions Management Institute and of the Irish Institute of Pensions Managers.

*Combat Poverty Agency (CPA)*

The Combat Poverty Agency has an advisory, research and public information role in relation to poverty issues and a role in initiating and evaluating programmes in this area. Its role is set out in the Combat Poverty Agency Act 1986. Persons are appointed by the Minister for Social and Family Affairs to the Board of the CPA under sections 6 and 7 of the Combat Poverty Agency

Act 1986. No specific qualification criteria are specified in relation to appointments and there are no nominating bodies.

Appointments are valid for a period of up to three years. The board includes a representative from the Combat Poverty Agency, CPA, elected by CPA staff members, and a representative from the Department of Social and Family Affairs. The director of the CPA is also appointed to the board.

Current legislation provides that the number of members of the CPA at any one time shall not be less than eight or more than 16.

Appointments to the CPA board since 1994 are as follows:

Name	Nominated by
Helen Johnston	Combat Poverty Agency staff representative from February 1994 and Director, from September 2001 to date
Pat O'Hara	Appointed by Minister for Social & Family Affairs
Tom Collins	Appointed by Minister for Social & Family Affairs
Deirdre Carroll	Representative of the Department of Social & Family Affairs
Anna Lee	Appointed by Minister for Social & Family Affairs
Berni Brady	Appointed by Minister for Social & Family Affairs
Fergus McCabe	Appointed by Minister for Social & Family Affairs
Fionnuala Richardson	Appointed by Minister for Social & Family Affairs
Hugh Frazer	Appointed by Minister for Social & Family Affairs
Michelle Power	Appointed by Minister for Social & Family Affairs
Pat Ridge	Appointed by Minister for Social & Family Affairs
Eoin O Malley	Appointed by Minister for Social & Family Affairs
Niall Fitzduff	Appointed by Minister for Social & Family Affairs
Clare Farrell	Combat Poverty Agency staff representative
Brian Kenny	Appointed by Minister for Social & Family Affairs
Feargus Ó Raghallaigh	Appointed by Minister for Social & Family Affairs
Liam Barrett	Appointed by Minister for Social & Family Affairs
Pearse O'Hanrahan	Appointed by Minister for Social & Family Affairs
Sr. Stanislaus Kennedy	Appointed by Minister for Social & Family Affairs
Frank Mulcahy	Appointed by Minister for Social & Family Affairs
Bernadette Lacey	Representative of the Department of Social & Family Affairs
Fintan Farrell	Appointed by Minister for Social & Family Affairs
Rachel Farrell	Appointed by Minister for Social & Family Affairs
Benny Devlin	Appointed by Minister for Social & Family Affairs
Alice Robertson	Appointed by Minister for Social & Family Affairs
Niall O'Keefe	Appointed by Minister for Social & Family Affairs
Maria Corrigan	Appointed by Minister for Social & Family Affairs
Michael Waugh	Appointed by Minister for Social & Family Affairs
Christina Maguire	Appointed by Minister for Social & Family Affairs
Margaret Sweeney	Appointed by Minister for Social & Family Affairs
Grace Maguire	Appointed by Minister for Social & Family Affairs
Brian Duncan	Appointed by Minister for Social & Family Affairs
Bernard Feeney	Appointed by Minister for Social & Family Affairs
Mary Kennedy	Representative of the Department of Social & Family Affairs
Seamus McAleavey	Appointed by Minister for Social & Family Affairs
Joan O'Flynn	Combat Poverty Agency staff representative
Tony Lane	Appointed by Minister for Social & Family Affairs
Alice Robertson	Appointed by Minister for Social & Family Affairs
Maria Gorman	Appointed by Minister for Social & Family Affairs
Frank Curran	Appointed by Minister for Social & Family Affairs
Anthony Gavin	Appointed by Minister for Social & Family Affairs
Marie O'Neill	Representative of the Department of Social & Family Affairs

Name	Nominated by
Olive Sweetman	Appointed by Minister for Social & Family Affairs
Tony O'Callaghan	Appointed by Minister for Social & Family Affairs
Callista Bennis	Appointed by Minister for Social & Family Affairs
Orlaigh Quinn	Representative of the Department of Social & Family Affairs

### *Comhairle*

Comhairle was established in June 2000 under the Comhairle Act 2000. It replaced the National Social Services Board and the information service provided by the National Rehabilitation Board with a new mainstream information and support service. Members of the existing National Social Services Board were appointed to the board of Comhairle. Comhairle is responsible for the provision of independent information, advice and advocacy services for citizens throughout the country, including people with disabilities.

The legislation provides that the Board shall include five members representative of people

with disabilities nominated by the Minister for Justice, Equality and Law Reform, an elected member of staff and a representative from the Department of Social and Family Affairs. The remaining 13 members are representative of the following interests: health boards, local authorities, local development, citizens information centres, independent information providers and general interests. The legislation also provides that the Minister, when making appointments to the board, shall have regard to the objective of having a minimum of eight men and eight women on the board.

Appointments to the board of Comhairle since June 2000 are as follows:

Name	Nominated by
Dr. Donal De Buitleir	Appointed by Minister for Social & Family Affairs
Marion Byrne	Appointed by Minister for Social & Family Affairs
Carol Brill	Appointed by Minister for Social & Family Affairs
Tom Mulherin	Representative of the Minister for Social & Family Affairs
Clare Young	Appointed by Minister for Social & Family Affairs
Mary Fitzgerald	Comhairle staff representative
Rosari Moylan	Appointed by Minister for Social & Family Affairs
Mary Murphy	Appointed by Minister for Social & Family Affairs
Michael McLoone	Appointed by Minister for Social & Family Affairs
Peter Sands	Appointed by Minister for Social & Family Affairs
Billy Mahoney	Appointed by Minister for Social & Family Affairs
Tom Doherty	Appointed by Minister for Social & Family Affairs
Martin Naughton	Appointed by Minister for Social & Family Affairs
Anne Marie White	Appointed by Minister for Social & Family Affairs
Kitty King	Appointed by Minister for Social & Family Affairs
Terry O'Sullivan	Appointed by Minister for Social & Family Affairs
John Hogan	Appointed by Minister for Social & Family Affairs
Peter McLachlan	Appointed by Minister for Social & Family Affairs
Olive Howlett	Appointed by Minister for Social & Family Affairs
Alan O'Connor	Appointed by Minister for Social & Family Affairs
Inez Bailey	Nominated by Minister for Justice, Equality & Law Reform (Director of the National Adult Literacy Agency)
Nigel Brander	Nominated by Minister for Justice, Equality & Law Reform (Chairman of People with Disabilities in Ireland)
Mairin Byrne	Appointed by Minister for Social & Family Affairs
Caroline Casey	Nominated by Minister for Justice, Equality & Law Reform (Ashling Foundation)
John Bosco Conomo	Nominated by Minister for Justice, Equality & Law Reform (Honorary Secretary of the Irish Deaf Society)
Ian Coulter	Comhairle staff representative
Tom Daly	Appointed by Minister for Social & Family Affairs
John Gallahue	Appointed by Minister for Social & Family Affairs
Paul Hogan	Nominated by Minister for Justice, Equality & Law Reform (Vice Chairman of Disabilities in Ireland — founder member of the Institute of Disability and Design)
Hubert Kearns	Appointed by Minister for Social & Family Affairs
Maria Mangan	Appointed by Minister for Social & Family Affairs
Joe Meagher	Appointed by Minister for Social & Family Affairs
David Ormond	Appointed by Minister for Social & Family Affairs

Name	Nominated by
Michael Walsh	Appointed by Minister for Social & Family Affairs
Patricia Walshe	Appointed by Minister for Social & Family Affairs
Ann Marie White	Appointed by Minister for Social & Family Affairs
Oliver Wilkinson	Appointed by Minister for Social & Family Affairs
Rosemary Farrell	Appointed by Minister for Social & Family Affairs
Brian Flynn	Representative of the Minister for Social & Family Affairs
Mary Lyne	Comhairle staff representative
Rosarie Moylan	Appointed by Minister for Social & Family Affairs
Fionnuala McCarthy	Appointed by Minister for Social & Family Affairs

#### *National Social Services Board*

The following people were members of the National Social Services Board, NSSB, from 1994, responsibility for which was transferred to the

Department of Social Welfare on 1 June 1995. There were no nominating bodies for appointments to the NSSB.

Name	Nominated by
Dr Donal de Buitléir	Appointed by Minister for Social & Family Affairs
Paula Clancy	Appointed by Minister for Social & Family Affairs
Mel Cousins	Appointed by Minister for Social & Family Affairs
Joan Duffy	Appointed by Minister for Social & Family Affairs
Denis Foley	Appointed by Minister for Social & Family Affairs
Katie Kelly	Appointed by Minister for Social & Family Affairs
Geralyn McGarry	National Social Services Board staff representative
Michael McLoone	Appointed by Minister for Social & Family Affairs
Rosarie Moylan	Appointed by Minister for Social & Family Affairs
Tom Mulherin	Representative of the Minister for Social & Family Affairs
Mary Murphy	Appointed by Minister for Social & Family Affairs
Martin Naughton	Appointed by Minister for Social & Family Affairs
Mary O'Connell	Appointed by Minister for Social & Family Affairs
Padraig Rehill	Appointed by Minister for Social & Family Affairs
Monica Weir	Appointed by Minister for Social & Family Affairs
Carol Brill	Appointed by Minister for Social & Family Affairs
Marion Byrne	Appointed by Minister for Social & Family Affairs
Tom Doherty	Appointed by Minister for Social & Family Affairs
Mary Fitzgerald	National Social Services Board staff representative
John Hogan	Appointed by Minister for Social & Family Affairs
Olive Howlett	Appointed by Minister for Social & Family Affairs
Kitty King	Appointed by Minister for Social & Family Affairs
Billy Mahoney	Appointed by Minister for Social & Family Affairs
Peter McLachlan	Appointed by Minister for Social & Family Affairs
Alan O'Connor	Appointed by Minister for Social & Family Affairs
Peter Sands	Appointed by Minister for Social & Family Affairs
Terry O'Sullivan	Appointed by Minister for Social & Family Affairs
Anne Marie White	Appointed by Minister for Social & Family Affairs
Clare Young	Appointed by Minister for Social & Family Affairs

#### *Board of Family Support Agency*

The Family Support Agency has responsibilities in relation to family mediation services, marriage and relationship counselling, promotion of information and research and provision of advice on family related issues and developing a range of family support services, as set out in the Family Support Agency Act 2001.

The Act provides that there shall be 12 members, including the chairperson on the board. These shall include persons with an interest and expertise in the functions of the agency, one member of staff of the agency, a representative of the Minister and not more than three officers of another Minister of the Government.



[Mr. Brennan.]

Name	Nominated by
Michael O'Kennedy	Appointed by Minister for Social & Family Affairs
Paddie Connellan	Appointed by Minister for Social and Family Affairs
Sinead Hanly	Appointed by Minister for Social and Family Affairs
Gerard Mangan	Representative of Department of Social & Family Affairs
Clare Cashman	Nominated by Family Resource Centre National Forum
Dick Hickey	Appointed by Minister for Social & Family Affairs
Brendan Murphy	Appointed by Minister for Social & Family Affairs
Dr Colm O'Connor	Appointed for Minister for Social & Family Affairs (ACCORD)
Muriel Walls	Appointed by Minister for Social & Family Affairs
Dilly O'Brien	Nominated by Minister for Health and Children
Brid Rocks	Appointed by Minister for Social & Family Affairs
Margaret Farrell	Family Support Agency Staff Representative

### *Social Welfare Tribunal*

The Social Welfare Tribunal is a statutory body set up in 1982 to deal with cases where entitlement to unemployment benefit or assistance is refused due to involvement in a trade dispute. The tribunal consists of a chairman and four ordi-

nary members, two on the nomination of ICTU and two nominated by IBEC. All members are appointed by the Minister. The appointments are for a term of three years.

The persons appointed to the tribunal since 1994 are as follows:

Name	Nominated by
Thomas Noonan	Irish Business & Employers Confederation
Hazel Bye	Irish Business & Employers Confederation
Kevin Duffy	Irish Congress of Trade Unions
Dympna Harper	Irish Congress of Trade Unions
Michael Keegan (Chairman)	Appointed by Minister for Social & Family Affairs
Joseph Chadwick (Chairman)	Appointed by Minister for Social & Family Affairs
Fergus Whelan	Irish Congress of Trade Unions
Aidan Bunyan (Chairman)	Appointed by Minister for Social & Family Affairs
Colin Walker (Chairman)	Appointed by Minister for Social & Family Affairs
Patrick Pierce	Irish Business & Employers Confederation
Colin Walker	(Chairman) Appointed by Minister for Social & Family Affairs
Fergus Whelan	Irish Congress of Trade Unions
Dympna Harpur	Irish Congress of Trade Unions
Richard Keating	Irish Business & Employers Confederation

### **Family Support Services.**

242. **Mr. Stanton** asked the Minister for Social and Family Affairs if the discussions with the officials from the Departments of Justice, Equality and Law Reform, Health and Children, Education and Science and health board representatives to ensure a more co-ordinated approach to the provision of crèche and pre-school supports have concluded; the progress which has been made as a result of these discussions; and if he will make a statement on the matter. [26023/04]

**Minister for Social and Family Affairs (Mr. Brennan):** Officials of my Department engaged in discussions earlier this year with the Departments of Health and Children, Justice, Equality and Law Reform, Education and Science, the Eastern Regional Health Authority and the health boards to identify and put in place suitable funding arrangements for crèches for 2004 and sub-

sequent years. Some local funding difficulties in relation to 2004 were resolved in light of these discussions. My Department is also continuing to maintain payment of any existing supplement arrangements for 2004. This issue will be given further consideration in context with the 2005 Estimates and Budget processes.

### **Social Welfare Appeals.**

243. **Mr. Ring** asked the Minister for Social and Family Affairs when a person (details supplied) in County Mayo will be called for an oral hearing to finalise their appeal. [26026/04]

244. **Mr. Ring** asked the Minister for Social and Family Affairs the way in which a person (details supplied) in County Mayo was assessed for farm assist; and if his Department will reconsider this case in relation to this person's income. [26027/04]

**Minister for Social and Family Affairs (Mr. Brennan):** I propose to take Questions Nos. 243 and 244 together.

The person concerned made a claim for farm assist from 10 February 2004. The deciding officer disallowed the claim on the grounds that the person's means exceed the statutory limit for receipt of farm assist. Means assessed at €413 weekly comprised €404 capital and the remainder from land.

The person concerned has appealed this decision to the Social Welfare Appeals Office. The appeal has been referred to the appeals officer who is of the opinion that an oral hearing is required. He will be advised of the date and venue for the hearing when the necessary arrangements have been made.

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.

#### **Social Welfare Benefits.**

245. **Mr. Ring** asked the Minister for Social and Family Affairs the reason a person (details supplied) in County Mayo has not been awarded an old age contributory pension or non-contributory pension. [26028/04]

**Minister for Social and Family Affairs (Mr. Brennan):** One of the qualifying conditions for old age contributory pension is that a person must have a minimum yearly average of 10 contributions over their working history. According to my Department's records, the person concerned has a yearly average of six contributions. On this basis, he does not qualify for the pension and he has been notified of same.

His entitlement to the means tested old age non contributory pension is currently under examination. A social welfare inspector has carried out a means assessment and the file has been forwarded to a deciding officer for necessary action. As soon as the decision is made, the person concerned will be notified of the position.

Under social welfare legislation decisions in relation to claims must be made by deciding officers and, where appropriate, appeals officers. These officers are statutorily appointed and I have no role in regard to making such decisions.

246. **Ms B. Moynihan-Cronin** asked the Minister for Social and Family Affairs the saving to the Exchequer generated to date by each of the 15 social welfare cutbacks announced by his predecessor on 13 November 2003; the estimated cost of reversing each of those cutbacks; and if he will make a statement on the matter. [26040/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The measures announced in November 2003 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 savings to-date to the Exchequer, or to the Social Insurance Fund, generated 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 readily available on the numbers in receipt of all payments and the amounts of their entitlements, simple comparisons of such numbers and amounts would not reliably indicate the savings being generated by the measures. In some cases, the individuals who may have been affected by a particular measure could have availed of alternative supports.

I have already informed the House that I am carrying out a review of the measures in question to ascertain what hardship, if any, they are causing to people. That review will also address the costs in the current and future years of reversing any of the measures.

247. **Ms B. Moynihan-Cronin** asked the Minister for Social and Family Affairs the estimated cost of abolishing the means test for the carers allowance; and if he will make a statement on the matter. [26041/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The primary objective of the carer's allowance is to provide income support to low income carers. In line with other social assistance schemes, the means test is applied to the carer's allowance so as to ensure that limited resources are directed to those in greatest need. The means test applied to the allowance has been eased significantly in the past few years, most notably with the introduction of disregards of spouses' earnings.

The cost of complete abolition of the means test has been estimated at €180 million in a full year but this is currently being reviewed taking account of CSO and departmental data. Proposals to improve supports for carers are being considered in the context of the forthcoming budget.

#### **Social Welfare Code.**

248. **Mr. Howlin** asked the Minister for Social and Family Affairs if he will consider raising the threshold for payment of the €253 health-employment levy by self employed persons from the earnings threshold of approximately €3,000 per annum to €5,000; and if he will make a statement on the matter. [26079/04]

**Minister for Social and Family Affairs (Mr. Brennan):** Self-employed contributors with annual income in excess of €3,174 per annum pay a minimum PRSI contribution of €253 per annum or 3%, whichever is the greater, plus the health contribution where applicable. This is equivalent to a social insurance contribution of €4.89 per week. These contributions count for establishing entitlement to, inter alia, old age contributory pension. Persons with incomes below €3,174 are not entitled to pay contributions.

The minimum contribution was set at its present level in 2001. In the meantime, the old age contributory pension has risen by 25% and average earnings by 19%. Any proposals to raise the level of the minimum contribution or the threshold for payment would have to be considered in a budgetary context.

#### Social Welfare Benefits.

249. **Ms McManus** asked the Minister for Social and Family Affairs if his attention has been drawn to the fact that a FIS payment is fixed for 12 months and does not alter even though the circumstances of the entitled person may change during that period; if a review of the regulations will be made and ensure that the FIS system is more responsive to individual needs; and if he will make a statement on the matter. [26219/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The family income supplement, FIS, scheme is designed to provide an incentive for low paid workers with families to take up or remain in full-time employment. An integral feature of the scheme is that, once the level of the FIS payment is determined, it continues to be payable at that level for a period of 52 weeks provided that the claimant remains in employment. However, the rate of payment can be amended where an additional child is born in the course of the 52 weeks.

A key advantage of this approach, which is unique to the FIS scheme, is that claimants can be certain that they will receive a guaranteed level of income support throughout the period. This certainty is important to the success of the scheme in providing a real incentive to workers with families to avail of employment opportunities.

On balance, the net impact of the present approach is likely to be significantly positive for workers, given that wage movements are likely to rise rather than fall in the majority of cases during the year. The impact of more regular reviews would most likely be lower payments for most FIS recipients, employers and my Department. Any change in the existing arrangements would require legislative change. Given the nature and purpose of the FIS scheme, I am not convinced that any such change would be appropriate.

250. **Mr. Allen** asked the Minister for Social and Family Affairs if he proposes to put out to tender the administration and payment of social welfare which is currently with An Post. [26273/04]

**Minister for Social and Family Affairs (Mr. Brennan):** An Post is the principal agency through which payments are delivered to customers of my Department. Currently, some 60% of payments are made at post offices. These payments are made by book payment at post offices or by electronic information transfer.

Apart from payments through An Post, my Department also operates cheque payment to certain customers and, increasingly, payment by electronic fund transfer to bank and building society accounts. The volume of payments made by electronic methods will increase as more customers opt for this convenient method of payment.

My Department intends continuing to offer a range of payments options to our customers. There are no plans, however, for payment services to be put to tender at this stage.

#### Social Welfare Code.

251. **Mr. Ferris** asked the Minister for Social and Family Affairs if he has received a report from the Attorney General on cases pending regarding appeals on social assistance claims in which old shares in Kerry Co-op are being assessed at an arbitrary value of €31.74; and if he will make a statement on the matter. [26289/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The value of shares and other assets held by applicants for old age non-contributory pension is taken into account in assessing their means.

Earlier this year, my Department sought legal advice regarding the value of certain shares held by a married couple for the purpose of determining their entitlement to this pension. The Attorney General's opinion on the matter is being reviewed by my Department. This review is expected to be completed shortly.

252. **Mr. Timmins** asked the Minister for Social and Family Affairs the reason persons in Avoca and the greater Avoca area can no longer sign on in the Avoca Garda station and now have to do so in the office in Arklow; and if he will make a statement on the matter. [26305/04]

**Minister for Social and Family Affairs (Mr. Brennan):** Currently, recipients of unemployment payments who reside more than six miles from their nearest social welfare local or branch office sign a declaration at their local Garda station for the purpose of proving unemployment. This service was instituted, as a service to customers, at a

time when transport was less frequent and travel was more difficult than today.

My Department is implementing a modernisation action plan aimed at improving customer service and at enhancing control. In this context the role of signing at Garda stations has been reviewed and it has been concluded that the service has long since ceased to be appropriate and is taking from, rather than adding to quality customer service.

The new signing arrangements, which balance customer service requirements with effective control measures, will be introduced in two phases. At the end of November 2004, all customers who currently “sign on” at Garda stations will self-certify and return their signing docket directly to the social welfare local or branch office. In the early part of 2005 the following revised signing arrangements will apply: customers residing up to ten miles, 16 km, from their social welfare local or branch office will attend that office once every four weeks for certification purposes; customers residing more than ten miles from their social welfare local or branch office will self-certify every four weeks and attend the office every 12 weeks. These customers will be offered the flexibility to attend at the office on any day in a designated week; a flexible approach to certification will be adopted for customers on offshore islands and other remote areas of the country and they will not, as a general rule, be required to attend the social welfare local or branch office.

These changes represent a significant improvement in customer service by enabling all unemployed customers have direct contact with their social welfare local or branch office where they can be directed to the many educational and work supports available to the unemployed.

Approximately 80 unemployed customers living in Avoca and the greater Avoca area sign on at Avoca Garda station. Under the new arrangements these customers will sign on at Arklow local office every four weeks.

To qualify for unemployment payments a person must show that he or she is available for and genuinely seeking work. A number of people from the Avoca area travel to Arklow and further afield to work. In the normal course my Department would expect unemployed customers from the Avoca area to take up offers of employment in the Arklow area and to travel there on a daily basis. In these circumstances it is not unreasonable to require customers from the Avoca area, who are actively seeking work, to travel to Arklow every four weeks for certification purposes.

However, if any customer has particular difficulties with the revised arrangements, my officials in Arklow will be glad to consider these and make whatever adjustments are considered appropriate.

### Social Welfare Benefits.

253. **Mr. Stanton** asked the Minister for Social and Family Affairs the estimate provided in 2003 for the school meals community programme; the amount actually expended in 2003; the reason for the difference between the estimate provision and the outturn if any; and if he will make a statement on the matter. [26407/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The school meals programme provides funding for the urban school meals scheme, which operates in conjunction with certain local authorities, as well as for a number of locally operated school meals projects, that are supported under the school meal community programme.

Funding is provided for food only and is based on a rate per meal per child. The type and range of meals provided as well as the method and logistics of supplying the meals are decided by the local groups that design and run the projects. Some €3.25 million was provided in 2003. Total expenditure amounted to €1.76 million.

My Department is working with the Department of Education and Science to extend the school meals programme. That Department is using its schools completion programme and giving children an even break initiative to target disadvantaged schools and is promoting the school meals programme through its local schools completion programme co-ordinators. In July 2003 invitations to apply for funding under the school meals programme were issued by my Department to 217 schools identified and the Department is in regular contact with the Department of Education and Science in order to maximise the uptake of the programme by schools.

### Social Welfare Fraud.

254. **Mr. Stanton** asked the Minister for Social and Family Affairs the number of prosecutions taken by his Department in 2002 and 2003 concerning suspected fraud; the number involved in each of the respective schemes; the outcome of such cases; the number of cases pending or being heard at present; and if he will make a statement on the matter. [26408/04]

**Minister for Social and Family Affairs (Mr. Brennan):** Prosecutions are taken by my Department against persons who defraud social welfare payments schemes and also against employers who fail to honour their obligations under the PRSI system. Civil proceedings are also taken for the recovery of overpayments of moneys improperly claimed and against persons liable to maintain benefit recipients and their children. At the end of September 2004, some 800 cases were with the Chief State Solicitor’s office for prosecution. Some of these are awaiting a first court hearing. Others have already had at least one court hearing and have been adjourned for var-

[Mr. Brennan.]  
ious reasons, such as to allow the defendants to seek legal aid or to monitor the recovery of the overpayments involved.

Statistics relating to the period referred to in the question are contained in the following tables:.

Cases referred to the Chief State Solicitor's office.

Scheme	2002	2003	2004
Unemployment Assistance	91	146	151
Unemployment Benefit	61	158	168
Disability Benefit	18	29	9
Disability Allowance	0	3	1
Occupational Injury Benefit	0	1	0
One-Parent Family Payment	8	1	16
Widow's Pension	1	0	2
Carers Allowance	1	2	2
Invalidity Pension	0	0	2
Family Income Supplement	0	1	0
Sub-total	180	341	351
Employer	25	14	15
CIVIL Schemes	11	20	9
Maintenance Recovery	29	29	7
Employer	0	1	1
Sub-total	40	50	17
TOTALS	245	405	383

Cases finalised in court.

Scheme	2002	2003	2004
Unemployment Assistance (UA)	105	92	88
Unemployment Benefit (UB)	36	73	72
Disability Benefit (DB)	11	13	17
One-Parent Family Payment (OFP)	5	2	0
Employers (ER)	7	24	12
Other	4	14	12
TOTALS	168	218	201

Results of cases finalised in court in 2002.

Result	UA	UB	DB	OFP	Other	ER	Total
Fined	46	20	4	3	1	4	78
Community Service	0	0	0	0	0	0	0
Imprisoned	3	1	0	0	0	1	5
Suspended Sentence	23	2	0	2	1	0	28
Probation Act	19	6	5	0	0	2	32
Struck Out	5	3	1	0	1	0	10
Dismissed	0	0	1	0	0	0	1
Bound to the Peace	4	3	0	0	0	0	7
Liberty to re-enter	5	1	0	0	0	0	6
Court Order Granted	0	0	0	0	1	0	1
TOTAL	105	36	11	5	4	7	168

## Results of cases finalised in court in 2003.

Result	UA	UB	DB	OFP	Other	ER	Total
Fined	50	34	6	1	2	16	109
Community Service	6	4	1	0	0	1	12
Imprisoned	5	4	1	0	1	0	11
Suspended Sentence	7	8	1	0	1	0	17
Probation Act	9	13	2	0	0	3	27
Struck Out	10	6	1	0	3	2	22
Dismissed	0	1	0	0	0	2	3
Bound to the Peace	2	2	0	0	0	0	4
Liberty to re-enter	3	1	0	1	0	0	5
Debt Paid	0	0	0	0	1	0	1
Decree Obtained	0	0	1	0	0	0	1
District Court Order	0	0	0	0	6	0	6
<b>TOTAL</b>	<b>92</b>	<b>73</b>	<b>13</b>	<b>2</b>	<b>14</b>	<b>24</b>	<b>218</b>

## Results of cases finalised in court in 2004 (to end September).

Result	UA	UB	DB	Other	ER	Total
Fined	42	44	10	1	11	108
Community Service	2	1	0	0	0	3
Imprisoned	7	2	0	0	0	9
Suspended Sentence	5	7	1	1	0	14
Probation Act	16	12	5	0	0	33
Struck Out	6	4	1	2	1	14
Dismissed	0	0	0	1	0	1
Bound to the Peace	3	2	0	0	0	5
Liberty to re-enter	7	0	0	0	0	7
District Court Order	0	0	0	7	0	7
<b>TOTAL</b>	<b>88</b>	<b>72</b>	<b>17</b>	<b>12</b>	<b>12</b>	<b>201</b>

**EU Funding.**

255. **Mr. Stanton** asked the Minister for Social and Family Affairs the reason the EU Community Action Programme to Combat Social Exclusion 2002 — 2006 only expended €43,000 in 2003 of the €250,000 provided; the way in which the €43,000 was expended; and if he will make a statement on the matter. [26409/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The EU Community Action Programme to Combat Social Exclusion 2002 — 2006 is a €75 million programme to encourage co-operation between member states in their efforts to combat social exclusion. It is part of the EU response to the target agreed at the Lisbon European Council in 2000 that member states should make a decisive impact on the eradication of poverty and social exclusion by 2010.

There are several strands to the programme, one of which is a programme of trans-national exchange projects, which aims to promote and support the organisation of exchanges, sharing of good practice and mutual learning between member states. A first preparatory phase of exchange projects commenced in 2003, when the

EU Commission approved funding for 64 projects. Ireland is the lead partner in three projects and is also involved eight others.

EU funding for these projects amounts to approximately 80% of project costs, with the remaining 20% to be supplied by the participating partners. In the case of Irish project partners it was agreed that their proportion of the 20% matching funding would be supplied by my Department. For the year 2003 my Department has paid out a total of €43,000 to Irish partner organisations. A similar arrangement will apply in respect of partners participating in projects in exchange projects in 2004.

The figure of €43,000 is below the original estimate of €250,000 for two main reasons. First, given that this was a new EU programme, it was difficult to estimate with certainty either the likely degree of interest in it from potential Irish partners, or the outcome of the EU Commission's evaluation of the applications received. Second, the estimate of €250,000 was framed at a time when the specific amount of EU funding was not known. The figure of €250,000 was chosen in order to ensure that sufficient matching funding would be available to allow successful Irish part-

[Mr. Brennan.]  
ners to participate fully in any projects selected. The uptake of projects was slower than anticipated and the programme took longer than planned to get started. This fact has been acknowledged by member states and the EU Commission.

It has been agreed that there is a need to develop greater awareness of the EU social inclusion process and of various elements of this process, including the Community Action Programme to Combat Social Exclusion 2002 — 2006. A focus on awareness-raising activities will form a specific part of future elements of the programme. It is also the case that the operation on the ground of the trans-national exchange projects during this first phase of activity has increased awareness of the programme. My Department, in conjunction with the Combat Poverty Agency, will seek to ensure that information on the programme is disseminated in this regard.

#### **Family Support Services.**

256. **Mr. Stanton** asked the Minister for Social and Family Affairs the amount provided in the Estimates for the family services project in 2003; the amount expended in 2003; the difference between the two figures; the reason for such a difference; and if he will make a statement on the matter. [26410/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The family services project, FSP, operated by my Department is designed to provide a high quality information service on the range of supports available to families from State agencies and from the community and voluntary sector with a particular emphasis on the services available locally. The project also provides information and customer referrals to the recently established family support agency.

Within the project, an enhanced programme of support is available to a small group of customers with particular needs, for example, very young lone mothers, other parents rearing children without the support of a partner and dependent spouses in households with children dependent on social welfare payments.

Three pilot projects were originally established in Cork, Waterford and Finglas. Following this initial phase, the Government allocated €15,236,858, £12 million, over the period 2000 to 2006 in the national development plan for the progressive expansion of the successful elements of the project, €1,269,738, £1 million, in each of the years 2000 and 2001 and €2,539,476, £2 million, per year thereafter. An independent evaluation of the project, which was published in October 2000, recommended that the project be rolled out to six additional locations. Since then, rollout has been extended to all ten of my

Department's regions. The final two projects were established during the course of 2003.

In 2003, €1,466,113 was expended under the family services project. This level of expenditure represents a 60% increase on 2002 spend in the border, midland and western regional operational programme area and a 32% increase in the southern and eastern regional operational programme area. The under spend was due primarily to the time necessary for the establishment and embedding of the family services project in any area. A high degree of engagement and preparatory work is required in advance of the submission of formal funding applications. Work is continuing on the expansion of FSP activities to ensure a broader geographic spread of programmes, thus enhancing service delivery and accelerating the anticipated uptake of the service. In addition, a significant amount of work, which necessitates no specific drawdown of FSP funds, is being performed by those of my staff involved in the project. Good progress has also been made in the development of enhanced links with statutory and voluntary organisations at a local level and I anticipate that this should result in increased FSP expenditure in the future.

#### **Ministerial Appointments.**

257. **Mr. Morgan** asked the Minister for Transport the name, relevant qualifications and process by which each person appointed to a state board operating under the aegis of his Department was appointed since 1994. [26016/04]

**Minister for Transport (Mr. Cullen):** The Department of Transport was established on 6 June 2002. Appointments to State boards are made on the basis of the experience and/or knowledge which the relevant persons can bring to the board in question and not necessarily their academic qualifications or political persuasion.

For specific appointments made to boards under the aegis of my Department since its establishment in 2002, I refer the Deputy to the answers to Question No. 211 of 25 February 2004, Question No. 472 of 15 June 2004 and Question No. 214 of 7 October 2004.

#### **Public Transport.**

258. **Mr. Durkan** asked the Minister for Transport if he has satisfied himself that an adequate bus service exists from the city centre to meet the requirements of commuters from the north Kildare towns of Maynooth, Leixlip and Celbridge who currently use the bus on the morning inward journey but find it difficult to obtain accommodation on the evening return journey; and if he will make a statement on the matter. [26187/04]

**Minister for Transport (Mr. Cullen):** The provision of bus services is a matter for the bus com-

panies. However, I have referred the Deputy's concerns to Bus Átha Cliath and Bus Éireann for their consideration.

#### **Road Network.**

259. **Mr. Healy-Rae** asked the Minister for Transport if he will reconsider reverting back to having county councils responsible for the cutting of the hedges along the edges of roads; and if he will make a statement on the matter. [26256/04]

**Minister for Transport (Mr. Cullen):** This matter does not come under the remit of my Department.

#### **National Car Test.**

260. **Ms O. Mitchell** asked the Minister for Transport if his attention has drawn to the main difficulty with car registration plates here, which causes them to be one of the main reasons for cars failing the NCT in 2003; and if he will make a statement on the matter. [26258/04]

**Minister for Transport (Mr. Cullen):** The specifications for registration plates, including dimensions, colours, characters and character dimensions are statutory requirements in accordance with the Vehicle Registration and Taxation (Amendment) Regulations 1999, which were made by the Revenue Commissioners.

A registration plate that does not meet the specifications constitutes a reason for refusal of an NCT test certificate. This position has been strongly endorsed by the Garda authorities.

261. **Ms O. Mitchell** asked the Minister for Transport the measures he intends to take to deal with numerous complaints made by members of the public with the national car test in particular the inconsistencies in the pass and failure rates; and if he will make a statement on the matter. [26259/04]

**Minister for Transport (Mr. Cullen):** The car testing contract requires National Car Testing Service Limited, NCTS, to carry out testing to specified performance standards covering test integrity, quality assurance, premises, test equipment, staff, public information and customer service. As required by the contract, NCTS has a customer charter and operates a complaints and appeals procedure for dealing with customer complaints. The level of complaints is small relative to the volume of cars tested each year by the company. In 2003, some 961 complaints were received, representing less than 0.1% of all tests. Customer service is monitored by the supervision services contractor and consistently exceeds the contract performance index.

The national car test, NCT, was introduced in order to implement the requirements of EU Directive 96/96/EC relating to the roadworthiness testing of passenger cars. The directive specifies

the items to be tested as part of a vehicle test. The NCT reflects both the requirements of the directive and those laid down in national regulations relating to the standards, which a vehicle must meet for use on a public road.

As part of my round of meetings with agencies in the areas under my aegis I intend to meet representatives of NCTS to discuss general issues and I will reflect on the complaints and appeals procedure. While I am conscious of concerns on certain matters, I believe they are minor in the overall context.

#### **National Car Test.**

262. **Ms O. Mitchell** asked the Minister for Transport if, as proposed, the ten year contract awarded to the national car testing service, will be reviewed when it reaches its mid-term point at the end of 2004; when this work will begin; the person who will carry out this review; if its finding will be made public; and if he will make a statement on the matter. [26261/04]

**Minister of State at the Department of Transport (Mr. Callely):** The car testing contract provides for a mid-term review to take place five years into the contract. The review will be carried out by my Department in conjunction with the supervision services contractor that assists with the supervision of the national car testing service. In accordance with the contract, the review will commence after 4 January and will be completed during 2005. The review will involve a public consultation dimension and the outcome will be published with copies of the final report being available in the Oireachtas Library.

#### **National Roads Authority.**

263. **Mr. Ferris** asked the Minister for Transport the person decided the criteria to be filled by the successful candidate for the position of chief executive of the National Roads Authority; if this person will be subject to the same regulations regarding interests as public servants; and the person who will make the decision regarding the candidate who is offered the job. [26262/04]

**Minister for Transport (Mr. Cullen):** The appointment of a new chief executive officer is a matter for the National Roads Authority subject to my consent under section 29 (1)(c) of the Roads Act 1993. The selection of the chief executive officer, including the specification of selection criteria, is a matter for the National Roads Authority. The chief executive officer of the NRA is subject to section 37, disclosure of interests, and section 40, declaration of interests, of the Roads Act 1993 and to the Ethics in Public Office Acts 1995 and 2001.

#### **Road Safety.**

264. **Ms O. Mitchell** asked the Minister for



[Ms O. Mitchell.]

Transport if he has received the report commissioned into the incidence of single occupant late night car crashes. [26287/04]

**Minister for Transport (Mr. Cullen):** Following the growth in the reporting of concerns in the fatalities resulting of single vehicle crashes occurring late at night, the Medical Bureau of Road Safety and the Department of Forensic Medicine at University College Dublin were asked if they could examine the issue surrounding single vehicle and late night collisions in order to determine if drugs and/or alcohol is a factor.

There are two very separate and distinct classes of toxicological analyses carried out depending on whether the person provided the sample under the Road Traffic Acts or the sample was taken during post mortem examination. The MBRS does not receive samples from fatalities. However, within the Department of Forensic Medicine at UCD, a pilot study in relation to road traffic crashes is being carried out in the coroner's district of Kildare for a ten year period and analysis of this data is ongoing. This analysis will assist in providing a more solid evidence based assessment of the causes of crashes and fatalities including single occupant late night crashes.

#### Departmental Policy.

265. **Mr. F. McGrath** asked the Minister for Community, Rural and Gaeltacht Affairs if he will include CORI justice commission policy recommendations (details supplied) in all policy areas within his Department. [25731/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** The recommendations to which the Deputy refers form part of CORI's most recent policy briefing in which it set out its main recommendations for the budget in 2005. In this context I will be advancing proposals in my own areas of responsibility, having regard to the views expressed by various organisations, including CORI, and in the light of existing Government commitments relating to my Department's functions.

#### Appointments to State Boards.

266. **Mr. Morgan** asked the Minister for Community, Rural and Gaeltacht Affairs the name, relevant qualifications and process by which each person appointed to a State board operating under the aegis of his Department was appointed since 1994. [26017/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** My Department was established in June 2002. On specific appointments made to boards within the ambit of my Department, there were a number of appointments made in the period June 2002 to December 2002:

*An Foras Teanga*  
*Foras na Gaeilge*  
Catriona Ní Cheallaigh,  
Diarmuid Ó Murchú.

*Ulster-Scots Agency*  
Alistair Simpson,  
Robert Stoker.

On specific appointments made in the period 1 January 2003 to 15 June 2004, I would refer the Deputy to my reply to Question No. 590 of 15 June 2004. There have been a number of further appointments since that date:

*Commissioners of Charitable Donations and Bequests*

Graham Richards.

*Údarás na Gaeltachta*  
Seán Ó Droighneáin.

*ADM Limited*  
Patricia O'Hara  
Christine Taylor,  
Thomas Cooke,  
Gerard Fay,  
Ellen Cullen.

Appointments to boards within the ambit of my Department are made on the basis of the appointee's knowledge of, experience and-or qualifications relevant to the functions of the board in question. Arrangements regarding appointments are:

*Commissioners for Charitable Donations and Bequests*

Appointments are made by Government.

*Údarás na Gaeltacht*

Of the 20 board members, 17 are elected by the people of the Gaeltacht and the remaining three members, including the chairman, are ministerial appointments. Co-options are by statute by the elected members of Bord Údarás na Gaeltachta.

*An Foras Teanga*

Appointments are made by the North-South Ministerial Council on the nomination of the Irish Government and the Northern Ireland authorities.

*ADM Limited*

Two of the persons appointed by the board of ADM were nominated by me, as Minister, and the other three members were appointed following nomination by the Government.

*Parliamentary Question No. 590 of 15 June*

590. **Mr. Ring** asked the Minister for Community, Rural and Gaeltacht Affairs the appointments that have been made to State boards and bodies within his Department from 1 January 2003 to 15 June 2004; the persons appointed; and the persons they are replacing. [17805/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** In response to the Deputy's query, I wish to confirm that the following appointments have been made to State boards and bodies within my Department from 1 January

2003 to 15 June 2004. These details and the names of the persons they replaced where appropriate are set out in the following appendix. National Drugs Strategy Team (NDST)

Member	Date of Appointment	Person replaced
Padraic White, Chairperson	Feb 2004	Ray Henry

Western Development Commission (WDC)

Member	Date of Appointment	Person replaced
Billy Grimes	24/06/2003	Frank O'Donnell

An Coimisiún Logainmneacha

Membership	Date of Appointment	Person replaced*
Seosamh Ó Braonáin (Cathaoirleach)	03/06/2003	
Dr Nollaig Ó Muraile	03/06/2003	
An tOllamh Pádraig Ó Riain	03/06/2003	
Marcus Ó Floinn	03/06/2003	
Dr Ríonach Uí Ógáin	03/06/2003	
An tOllamh Máirín Ní Dhonnchadha	03/06/2003	
Liam Mac Con Iomaire	03/06/2003	
Dr Edel Breathnach	03/06/2003	
Tom Crowley	03/06/2003	
Máire Ní Chiarba	03/06/2003	
Dr Úna Uí Bheirn	03/06/2003	
Prionnsias de Priondargást	03/06/2003	

\*The previous Coimisiún Logainmneacha was dissolved and a new Coimisiún Logainmneacha was appointed on 03/06/2003

Dormant Accounts Fund Disbursements Board

Member	Date of Appointment	Person replaced
David Brennan	10/10/2003	Deirdre Carroll

Ulster Scots Agency

Member	Date of Appointment	Person replaced
Dr. Ian Adamson	04/09/2003	Additional appointment

Commissioners for Charitable Donations and Bequests

Member	Date of Appointment	Person replaced
Peter Mullock	1/07/2003	C. Garret Walker

Appointments are made by Government.

The Rural/Agri-Tourism Advisory Group (Established February 2003)

Membership	Date of Appointment	Person replaced
Tom Allen	Feb 2003	

Membership	Date of Appointment	Person replaced	
Michael Bergin	Feb 2003	Michael Ludlow	
Jim Finn	Feb 2003		
Siobhán Greene	Feb 2003		
Donal Guilfoyle	Feb 2003		
Vincent Gorman	Feb 2003		
Maurice Harvey	Feb 2003		
Marie Heneghan	Feb 2003		
Dermot Hurst	Feb 2003		
Tom O'Donnell	June 2003		
Joss Lynam	Feb 2003		
Cormac MacDonnell	Feb 2003		
Baz Millar	Feb 2003		
Pat Moynan	Feb 2003		
Micheál Ó Corcora	Feb 2003		
Fionn Ó Gráda	Feb 2003		
Una O'Neill, Frank d'Arcy	June 2003		Christine O'Shea
Joe Palmer	Feb 2003		
Breda Raggett	Feb 2003		
Donal Coleman	June 2003		Dermot Ryan
Frank d'Arcy	Jan 2004	Additional appointment	

The Consultation Group on Access to Waymarked Ways established in May 2003 (Now Comhairle na Tuaithe, since February 2004)

Membership	Date of Appointment	Person replaced
Bill Murphy	May 2003	Frank Donaldson Brian Geraghty
Micheal Manning	Jan 2004	
Paddy O'Mahony	Feb 2004	Con Hickey
Beatrice Kelly	May 2003	
Maurice Harvey	May 2003	
Michael Comiskey	May 2004	Adrian Phillips, RIP
Cormac MacDonnell	May 2003	
Mary Tubridy	Oct 2003	
Roger Garland	May 2003	
Joss Lynam	May 2003	
Jim McDonald	May 2003	
Malcolm Thompson	May 2004	
Brian Kehoe	May 2004	

Arramara Teo

Directors	Date of Re-appointment *
Tom Hyland	6/10/2003
Risteard Mac Donnacha	6/10/2003
Marie Tinney	6/10/2003

\*Following transfer of functions from the Department of Communications Marine and Natural Resources to my Department.

### Afforestation Programme.

267. **Mr. Ring** asked the Minister for Community, Rural and Gaeltacht Affairs the reason persons whose land is planted by forestry are exempt from taking part in the rural social scheme; and his views on whether this is discrimination against these persons who are farmers living in rural areas. [26077/04]

### Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):

The scheme is aimed primarily at farmers who are in receipt of long-term social welfare payments, but the rules will admit low-income fishermen also. To be eligible to participate an individual must be in receipt of farm assist or have a herd number and be in receipt of one of the following long-term social welfare payments—unemployment assistance,

unemployment benefit if previously on CE or disability allowance.

The dependent spouse of a person qualified will also be eligible to participate in the scheme as an alternate, that is, instead of the spouse to whom the herd number is allocated. I consider that these eligibility provisions provide a wide scope for inclusion of farmers in receipt of long-term social welfare benefits. The eligibility criteria for the scheme will be looked at in 2005 as part of a review of the operation of the scheme.

#### Grant Payments.

268. **Mr. P. Breen** asked the Minister for Agriculture and Food the reason a person (details supplied) in County Clare did not receive area aid payment for 2004; and if she will make a statement on the matter. [25996/04]

**Minister for Agriculture and Food (Mary Coughlan):** The 2004 area aid application of the person named has been fully processed with an area determined of 32.48 hectares. However, to be eligible for the 2004 area-based compensatory allowance, scheme applicants must maintain a minimum stocking density of 0.15 livestock units per forage hectare for at least four continuous months of the year. The records of the Depart-

ment show that this condition has not been satisfied in this case and consequently the person named is not eligible for payment.

#### Appointments to State Boards.

269. **Mr. Morgan** asked the Minister for Agriculture and Food the name, relevant qualifications and process by which each person appointed to a State board operating under the aegis of her Department was appointed since 1994. [26018/04]

**Minister for Agriculture and Food (Mary Coughlan):** The names of appointees to the boards of State bodies operating under the aegis of my Department from 16 December 1994 to date are contained in the tables. Appointments to such boards are made having regard to general suitability, professional experience and competence. I do not have total discretion over appointments. Some appointments are required to be made on the basis of nominations from farming and other relevant organisations, and others by way of election by the body concerned.

Since June 2002, the Boards of Bord na gCon and Horse Racing Ireland come under the aegis of the Minister for Arts, Sport and Tourism. Details in regard to those organisations will be provided directly to the Deputy.

(A) \*An Bórd Bia

\*An Bórd Glas

Name	Name
Mr. Philip Lynch (Current Chairman)	Mr. Michael Murphy
Dr. Noel Cawley	Mr. John Barry
Ms Agnes Aylward	Mr. Jarlett Brett
Mr. Denis Lucey	Ms Veronica Copstello-Kenneelly
Ms Jean Cahill	Mr. Raymond Coyle
Ms Mary Quinn	Ms Helen Lahert
Mr. John Donnelly	Ms Margaret Moore
Mr. Tom O'Dwyer	Ms Maura Nolan
Ms Sara White	Mr. Tom Power
Mr. Michael Dowling	Mr. Maurice Prendiville
Mr. Michael Hanrahan	Mr. Aidan Ryan
Ms Mary White	Ms Angela Binchy
Mr. William O'Kane	Mr. Dan Lenihan
Mr. Thomas Parlon	Mr. Tom Ambrose
Mr. Denis Lucey	Mr. John Barry
Mr. Joseph O'Sullivan	Mr. Liam Butterly
Mr. Michael Kilcoyne	Mr. Kieran Dunne
Ms Maura Nolan	Ms Bridie O'Neill
Ms Margo Monaghan	Mr. Jeremiah O'Shea
Mr. John Duggan	Mr. Michael Slattery
Mr. Dan Browne	Mr. Jerry Sweetman
Mr. Pat O'Rourke	Mr. David Callinan
Mr. John Dillon	Ms Gina Quinn
Ms Mary J. Byrne	Mr. Dan Lenihan
Ms Brid Rodgers	Mrs. Katherine O'Leary
Mr. Kieran Dunne	

\* The boards of An Bórd Bia and An Bórd Glas were amalgamated through the enactment of An Bórd Bia Act (2004).

## (B) COFORD Council (C)

## Coillte Teoranta

Name	Name
Mr. David Nevins (Current Chairman)	Mr. Brendan McKenna (Current Chairman)
Mr. Malcolm Beatty	Mr. Martin Lowery
Mr. Michael Bulfin	Ms Sinead Leech
Ms Angela Coffey	Mr. Frank Toal
Prof. John J Gardiner	Mr. Richard Howlin
Mr. Pat Lehane	Mr. Michael Lalor
Mr. Michael Lynn	Mr. Breffni Byrne
Mr. Diarmuid McAree	Mr. Philip Lynch
Mr. John McCarthy	Ms Grainne Hannon
Ms Mary McMahon	Mr. Liam McGreal
Mr. Gerard Murphy	Ms Pamela Kearney
Mr. Pat Rath	Mr. Henry Haughton
Mr. George Whelan	Mr. Michael Glennon
Mr. John O'Halloran	Mr. John Prior
Dr. Michael Carey	Dr. Seán Crowley
Mr. Edward Kelly	Mr. Peter Hunt
Ms Carmel Murray	Mr. Ray McSharry
Ms Julie Sinnamon	Mr. Tony McInerney
Mr. Padraic Divilly	Mr. Donal Fitzpatrick
Mr. Dermot O'Riordan	Ms Elish Kennedy
Ms Kilda Taylor	

## (D) Irish National Stud Co. Ltd

Name	Name
Lady O'Reilly (Current chairman)	Mr. Thomas Mulligan
Mr. Dermot Weld	Mr. Michael Kilcoyne
Ms Patricia O'Kelly	Mr. Edward Ward
Mr. Jim Beecher	Mr. Walter Maloney
Mr. David Shubotham	Mr. Pat Jennings
Mr. John Coughlan	Mr. Diarmuid Lally
Ms Kate Horgan	Mr. Daniel Joseph Corkery
Mr. John Osborne	Mr. Donal Kelleher
Mr. Tony Smurfit	Mr. Pat Brophy
Mr. Seán Twomey	Mr. Liam Woulfe
Mr. Declan F. Sheehy	Mr. George Kearns
	Mr. James Murphy
	Mr. John O'Callaghan

## (E) National Milk Agency

Name	Name
Mr. Denis Murphy (Current Chairman)	Dr. Tom O'Dwyer (Current Chairman)
Mr. John Cahill	Mr. Michael O'Dwyer
Mr. Richard Donoghue	Mr. Peter Keily
Mr. John Foster	Mr. Patrick Kelly
Mr. Michael Gabbett	Mr. Jerry Henchy
Mr. Gilmer Hamilton	Mr. Michael Slattery
Mr. Patrick Lehane	Mr. Jim Beecher
Mr. Padraig Mulligan	Prof. Patrick Fottrell
Mr. Liam Chute	Mr. John Dillon
Mr. Aidan Dempsey	Ms Eva Coyle
Mr. Hugh Harkin	Mr. Tom Gill
Mr. Michael Lanigan	Mr. Maurice Harvey
Mr. Henry Corbally	Ms Carmel Fox
	Mr. Dan McSweeney

Name
Mr. Joe Fitzgerald
Ms Anna May McHugh
Mr. James J Brett
Mr. Ruaidhri Deasy
Mr. Stephen Flynn

(G) Western Development Commission (February 1999-June 2002 when it became the responsibility of the Minister for Community, Rural and Gaeltacht Affairs)

Name
Mr. Michael Farrell (Current Chairman)
Mr. Seán Tighe
Ms Mary Bohan
Mr. Séan Hannick
Mr. Maurice Harvey
Ms Ann Whoriskey
Mr. Malachy King
Sr. Maureen Lally
Ms Lisa McAllister
Mr. Pat McGarry
Mr. Michael McLoone
Mr. Peadar O Tuathail
Mr. Frank O'Donnell
Ms Alice Bonnar
Ms Tish Gibbons
Mr. Joe Healy
Mr. Des Mahon
Mr. John McNamara
Ms Martina Minogue
Mr. Pádraig Ó Caomhánaigh

### Grant Payments.

270. **Mr. Hayes** asked the Minister for Agriculture and Food when the forage area will be determined under the suckler cow premium scheme for a person (details supplied) in County Tipperary; and when outstanding premia will be issued to this person. [26074/04]

**Minister for Agriculture and Food (Mary Coughlan):** The forage area determined from the 2004 area aid application for the person named was 17.51 hectares. This area multiplied by the maximum 1.8 livestock units stocking density limit allows payment to him on 31.51 livestock units. He has been paid 60% advance instalments of special beef premium on 3.6 livestock units and suckler cow premium on 27.91 livestock units i.e. on six male cattle and 28.71 suckler cows/heifers, the amounts paid being €540.00 and €3,861.20, which issued on 19 October and 18 October 2004 respectively.

The 61.58% identification and registration penalty applied to this person's 2003 premia applications is being reduced to 20% on foot of an EU regulation introduced recently and that payments

for any balances due to him will issue within the next fortnight.

271. **Mr. Kenny** asked the Minister for Agriculture and Food when a person (details supplied) in County Mayo will receive area aid payment; and if she will make a statement on the matter. [26087/04]

**Minister for Agriculture and Food (Mary Coughlan):** The 2004 area aid application of the person named has been fully processed with an area determined for payment purposes of 45.72 hectares. Payment of his full entitlement under the 2004 area-based compensatory allowance scheme will issue shortly.

272. **Mr. P. Breen** asked the Minister for Agriculture and Food the position regarding the *force majeure* appeal by a person (details supplied) in County Clare; and if she will make a statement on the matter. [26089/04]

**Minister for Agriculture and Food (Mary Coughlan):** The person named has been notified that the circumstances outlined in her single payment scheme application did not satisfy the criteria for *force majeure*/exceptional circumstances under article 40 of Council Regulation (EC) No. 1782/2003. Following this decision the person named submitted an appeal to the independent single payment appeals committee. A full review of the circumstances of the case will be carried out by the committee and the person named will be notified shortly of the outcome.

### Grant Payments.

273. **Mr. P. Breen** asked the Minister for Agriculture and Food the position regarding the *force majeure* appeal by a person (details supplied) in County Clare; and if she will make a statement on the matter. [26090/04]

**Minister for Agriculture and Food (Mary Coughlan):** The person named has submitted an application requesting the entitlements to be amended under the single payment scheme measure relating to new entrants-inheritance. Following an examination of the application submitted, the person named was requested to submit additional information in respect of this application. When the outstanding information is received, her application will be processed by my Department, and the person named will be informed of the decision in respect of the application.

274. **Mr. P. Breen** asked the Minister for Agriculture and Food the position regarding the *force majeure* appeal by a person (details supplied) in County Clare; and if she will make a statement on the matter. [26091/04]

**Minister for Agriculture and Food (Mary Coughlan):** The person named, having been notified that the circumstances outlined by him did not satisfy the criteria for *force majeure*-excep-

[Mary Coughlan.]  
tional circumstances under Article 40 of Council Regulation (EC) No. 1782/2003, submitted an appeal to the independent single payment appeals committee. Following a full examination of the circumstances outlined in the appeal, the independent single payment appeals committee made a recommendation and a letter issued to the person named on 7 October 2004. The findings of the appeals committee were that the original decision taken by my Department should be upheld.

However, the person named has submitted applications for consideration under both the new entrants and inheritance measures provided for in the regulation underpinning the scheme. When processing of these applications has been completed the person named will be notified directly of the outcome.

275. **Mr. P. Breen** asked the Minister for Agriculture and Food the position regarding the *force majeure* appeal by a person (details supplied) in County Clare; and if she will make a statement on the matter. [26092/04]

**Minister for Agriculture and Food (Mary Coughlan):** The person named has been notified that the circumstances outlined in his single payment scheme application did not satisfy the criteria for *force majeure*-exceptional circumstances under Article 40 of Council Regulation (EC) No. 1782/2003. Following this decision the person named submitted an appeal to the independent single payment appeals committee. A full review of the circumstances of the case will be carried out by the independent single payment appeals committee and the person named will be notified shortly of the outcome.

276. **Mr. P. Breen** asked the Minister for Agriculture and Food the position regarding the *force majeure* appeal by a person (details supplied) in County Clare; and if she will make a statement on the matter. [26093/04]

**Minister for Agriculture and Food (Mary Coughlan):** The person named, having been notified that the circumstances outlined by him did not satisfy the criteria for *force majeure*-exceptional circumstances under Article 40 of Council Regulation (EC) No. 1782/2003, submitted an appeal to the independent single payment appeals committee. Following a full examination of the circumstances outlined in the appeal, the independent single payment appeals committee made a recommendation and a letter issued to the person named on 24 September 2004. The findings of the appeals committee were that the original decision taken by my Department should be upheld.

277. **Mr. P. Breen** asked the Minister for Agriculture and Food the position regarding the *force majeure* appeal by a person (details supplied) in

County Clare; and if she will make a statement on the matter. [26094/04]

**Minister for Agriculture and Food (Mary Coughlan):** The person named, having been notified that the circumstances outlined by him did not satisfy the criteria for *force majeure*-exceptional circumstances under Article 40 of Council Regulation (EC) No. 1782/2003, submitted an appeal to the independent single payment appeals committee. Following a full examination of the circumstances outlined in the appeal, the independent single payment appeals committee made a recommendation and a letter issued to the person named on 24 September 2004. The findings of the appeals committee were that the original decision taken by my Department should be upheld.

#### Mayo Landslides.

278. **Mr. Ring** asked the Minister for Agriculture and Food if she will provide a breakdown of the way in which money was paid to persons in relation to funding that was promised (details supplied). [26142/04]

**Minister for Agriculture and Food (Mary Coughlan):** Under the Pullathomas landslide damage relief scheme, my Department assisted those farmers affected by the landslide in that area of County Mayo. Some 85 applications were received under the scheme, of which 68 were considered to be eligible for funding. Each affected farm was surveyed by officials of my Department and the cost of the work required to offset the damage caused by the landslide was assessed. A 50% grant rate was fixed by my Department which resulted in payments totalling €99,640. These payments were made in recent days.

#### Grant Payments.

279. **Mr. Hayes** asked the Minister for Agriculture and Food when compensation under the tuberculosis reactor compensation scheme will issue to persons (details supplied) in County Tipperary. [26162/04]

**Minister for Agriculture and Food (Mary Coughlan):** Compensation for TB reactors valued under the on-farm market valuation scheme was certified for payment by the local district veterinary office on 19 October 2004. Payment will shortly issue to the person concerned.

280. **Mr. Crawford** asked the Minister for Agriculture and Food, further to Question No. 208 of 6 October 2004, the position regarding the requested details; and if she will make a statement on the matter. [26165/04]

**Minister for Agriculture and Food (Mary Coughlan):** A further copy of the provisional entitlements statement and covering letter were posted on 22 October 2004 to the person named. A period of four weeks from the date of receipt of the statement will be available to the person

named in order to allow him to submit a request for a review of any of the details contained in the statement.

### Mayo Landslides.

281. **Mr. Ring** asked the Minister for Agriculture and Food if the compensation payment which issued to a person (details supplied) in County Mayo will be reviewed. [26263/04]

**Minister for Agriculture and Food (Mary Coughlan):** The person named is an applicant under the Pullathomas landslide damage relief scheme. Payments were issued by my Department to all eligible farmers on 15 October 2004. I have requested my Department to carry out a review of the case concerned, including a re-assessment of the damage caused on the farm concerned by the landslide. Notification of the outcome of this review will be forwarded to you shortly.

### Grant Payments.

282. **Mr. Hayes** asked the Minister for Agriculture and Food when the remainder of extensification will issue to a person (details supplied) in County Tipperary. [26264/04]

**Minister for Agriculture and Food (Mary Coughlan):** On 22 October 2004, a balancing payment amounting to €3,800 issued to the person named. He has now been paid his full entitlement under 2003 extensification premium.

### Milk Quota.

283. **Mr. Neville** asked the Minister for Agriculture and Food the percentage and number of gallons by which Ireland was above the milk quota in 2003. [26265/04]

**Minister for Agriculture and Food (Mary Coughlan):** Ireland exceeded its milk quota in the 2003-04 milk year by 5.74 million gallons — 26.1 million litres — or 0.5%.

### Appointments to State Boards.

284. **Mr. Morgan** asked the Minister for Justice, Equality and Law Reform the name, relevant qualifications and process by which each person appointed to a state board operating under the aegis of his Department was appointed since 1994. [26019/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Deputy will appreciate that my Department has a wide remit as it covers the justice and equality sectors. Consequently, it has responsibility for a large number of State boards. As the information requested covers a significant number of appointments over the ten-year period referred to, it is not readily available in my Department and could only be compiled by the diversion of substantial staff resources from other important work. It is not considered that this action is warranted. If the Deputy is interested in

information on a particular State board and corresponds with me in this regard, I will make arrangements to have the information supplied to him.

### Juvenile Offenders.

285. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform if he has plans or strategies to assist violent and dysfunctional children in order to save lives in the future; and if he will make a statement on the matter. [26029/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Government has recognised the importance of early intervention as a measure to address the needs of children who may come before the courts or are in trouble with the law. This is clearly set out in the first objective of the national children's strategy. Action has been taken to follow through on this objective. I have been informed that the Department of Health and Children is leading a review of family support services by the health boards. This review will make recommendations on the future development of family support services by the boards and an enabling structure to facilitate prioritisation, access, delivery, development and integration with other services. In addition, the Family Support Agency has recently been established and its functions include a family mediation service and the development of the family and community services resource centre programme.

The Children Act 2001 is significant and comprises 13 parts with 271 sections. The Act introduces a wide range of innovative measures which will provide a statutory framework for the future development of the juvenile justice system in accordance with modern thinking and best international practice. The Act also makes provision for addressing the needs of out-of-control non-offending children who are the responsibility of the health boards and have been appearing in the courts. The Departments with a role in implementing the Act are the Department of Justice, Equality and Law Reform, the Department of Health and Children and the Department of Education and Science. The National Children's Office is responsible for overseeing the implementation of the Act and it co-ordinates regular working group meetings.

During the passage of the Act through the Oireachtas, it was made clear by the Government that implementation would have to take place on a phased basis due to the legislation's complexities. Significant elements of the Act have already been commenced. The first commencement order under the Act relating to my Department was signed by my predecessor on 23 April 2002. The order, which came into force on 1 May 2002, provided, *inter alia*, for (i) the establishment of the Garda diversion programme on a statutory basis and the introduction of a diversion conference based on restorative justice principles as pion-



[Mr. McDowell.]

ered in New Zealand; (ii) the establishment of the Children Court; (iii) the introduction of a fines structure for children found guilty of offences and the payment of compensation by parents in respect of offences committed by their children; (iv) the introduction of a curfew for children found guilty of offences; (v) court orders to parents to exercise proper control over their children; (vi) the updating of the law on cruelty to children and persons who cause or encourage a sexual offence against a child; (vii) reversing the burden of proof on parents whose children are found begging; (viii) a limited clean slate in respect of most offences committed by children; and (ix) provisions on the safety of children at entertainment events.

Garda youth diversion projects are crime prevention initiatives which adopt a multi-agency partnership approach to tackling crime and anti-social behaviour at community level. The role of the Garda projects is to create conditions whereby the behavioural patterns of young people towards law and order can develop and mature through positive interventions and interaction. The projects are particularly targeted at ten to 18 year old at-risk youths in communities in which a specific need has been identified. The number of participants in each programme varies according to the level of intervention required. A total of 64 Garda youth diversion projects operate in urban and rural areas and funding of almost €5.6 million was allocated to them in 2003.

I have recently established a team in my Department to carry out a strategic analysis of some of the structures and arrangements involved in the delivery of certain services to youth offenders. The aim is to establish whether there is scope within the new statutory framework of the Children Act 2001 to improve institutional coherence in the area. It is intended that the team will report to me to enable me to bring recommendations to Government next summer.

#### Visa Applications.

286. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform if a person (details supplied) will be awarded a holiday visa and given the maximum support and advice. [26030/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The visa application in question was to enable the wife of a non-EEA national employed under the work permit scheme to reside with her husband in the State. A worker employed under the work permit scheme may be joined by his or her spouse and minor children after the worker has been in the State for one year and has been offered a contract for a further year. The worker must also be able to fully support the family members in question without the need to have recourse to public funds. The application in question was refused as the supporting documentation did not show the worker in ques-

tion was in a position to fully support his wife. An appeal was made against the decision. Having re-examined the application, the visa appeals officer upheld the original decision.

It is open to the applicant to make a fresh visa application with up-to-date supporting documentation at which point the matter will be considered anew. Any new application should be supported with a copy of the worker's P60 and current payslips.

#### Ground Rents Abolition.

287. **Mr. Morgan** asked the Minister for Justice, Equality and Law Reform the reason for the excessive delay in bringing forward legislation to provide for the abolition of ground rents; if his attention has been drawn to the hardship this delay is causing; when this legislation will be brought forward; and if he will make a statement on the matter. [26031/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Government's legislative programme, which was published on 28 September 2004, makes provision for a Bill to abolish ground rents. As I have stated previously, publication of the Bill is subject to the resolution of possible constitutional and practical difficulties. The constitutional difficulties relate to the respective rights of ground rent tenants and landlords while the practical difficulties concern land law generally and the land registration system in particular. I remind the Deputy that the Land Registry continues to operate at low cost a statutory scheme for the acquisition of the fee simple by the owners of dwelling houses.

#### Asylum Applications.

288. **Ms O'Sullivan** asked the Minister for Justice, Equality and Law Reform when a decision will be made on the application for asylum of persons (details supplied) in County Clare who first applied in 2001; and if he will make a statement on the matter. [26046/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The wife in question arrived in the State and made an asylum application on 24 July 2001. On 20 October 2001, she gave birth. She withdrew her asylum application and applied for residency on the basis of parentage of that child. On 3 January 2002, her husband arrived in the State and applied for residency on the same basis. He did not make an application for asylum. 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 the separate procedure would not apply to cases which were outstanding on that date. There is a large number of such cases outstanding at present, including the case to which the Deputy refers.

As the persons in question do not have an alternative legal basis for remaining in this jurisdiction the issue of permission to remain will be considered but only in the context of a ministerial proposal to deport them. If in the light of representations received and the range of factors set out in section 3(6) of the Immigration Act 1999 the Minister decides not to make a deportation order, they will be given leave to remain on a humanitarian basis. Due to the large number of such cases on hand, I am unable to say when the file will be examined.

#### **Public Order Offences.**

289. **Mr. G. Mitchell** asked the Minister for Justice, Equality and Law Reform if he will investigate the incident in which the electricity sub-station at a location (details supplied) in Dublin 12 was attacked which led to power cuts in the area; if he will report on the increasing levels of anti-social behaviour and car break-ins in the immediate vicinity; and if he will make a statement on the matter. [26051/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by the Garda authorities that no complaints were received at Sundrive Road Garda station over the weekend of 15 to 17 October 2004 regarding damage to an ESB sub-station in Dublin 12. Inquiries were made with the local ESB service manager which revealed the company had received calls on Sunday 17 October 2004 about a power cut in the area. I understand a service crew was dispatched which observed no damage to the sub-station which did not appear to have been interfered with in any way. The ESB believes an object was thrown at a line which cut the supply for a short period.

I understand from the Garda authorities that in the same period in the area in question there were two reported incidents of car break-ins. These incidents are under investigation. There were also two arrests for drink driving and breaches of the Public Order Act respectively. Gardaí effected an arrest for burglary and two arrests for unauthorised taking of a vehicle. The Garda authorities have assured me that public order issues in this area receive ongoing attention and all complaints from local residents are acted upon. Local gardaí operate a call-back system to individual residents who make complaints.

#### **Garda Stations.**

290. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform if he has plans to sanction, approve or discuss reducing the opening hours of all or any of certain Dublin Garda stations (details supplied); and if he will make a statement on the matter. [26069/04]

291. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform if he has received a report or other recommendations which advocate reduced opening hours in respect

of all or any of certain Dublin Garda stations; and if he will make a statement on the matter. [26070/04]

292. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform if he will elaborate on the views which he expressed to the effect that the high number of Garda stations in Dublin city in close proximity needs to be addressed; and if he will make a statement on the matter. [26071/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 290 to 292, inclusive, together.

I have no plans to reduce the opening hours of any Garda station or to alter the number of Garda stations in the Dublin metropolitan region or any region. It is the case that the use of Garda stations was considered as part of the major review of the Garda organisation structures under the strategic management initiative programme of modernisation which looked in detail at a range of areas within the organisation. The Garda SMI implementation steering group’s final report, which I have laid before the House and which is available on my Department’s website, does not refer to the closure of any specific Garda station. Rather, it makes recommendations to assist policy making on the management and use of all available resources including Garda stations. It is also the case, however, that the position has changed significantly since the consideration of these issues under the strategic management initiative. The Garda Síochána Bill 2004, which proposes the most fundamental modernisation of the Garda since the foundation of the State, provides that the Commissioner will have enhanced responsibilities in preparing proposals for organisational reform.

It would be premature to anticipate at this stage what proposals, if any, might be developed by the Commissioner in this context.

#### **Asylum Support Services.**

293. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if Ireland is participating in the adoption of EU Council Directive 2003/9/EC establishing minimum standards for the reception of asylum seekers; and the reason for this decision. [26072/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I refer the Deputy to my reply to Question No. 405 on 5 October 2004. The position remains unchanged.

#### **Firearms Licences.**

294. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform if he will remove section 30 of the Criminal Justice Bill 2004 which amends section 4 of the Firearms Act 1925; if he will introduce an appropriate amendment to the Firearms Act 1925 as requested by the National Association of Regional Game

[Mr. Costello.]  
Councils; and if he will make a statement on the matter. [26172/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** A review of policy on the licensing and certification of firearms was commenced by the Department with the original intention that the review would lead to a comprehensive updating of all legislation in this area. However, on foot of the outcome of certain recent court cases, I decided to bring forward proposals to Government to seek approval for the inclusion of some firearms control provisions in the Criminal Justice Bill 2004, which was published on 8 July 2004.

As Minister for Justice, Equality and Law Reform, I am acutely aware of the need to prevent criminal elements from having greater access to firearms. While the published Bill contains one provision on the certification process for firearms, I intend to bring forward further provisions in this area in the form of amendments to be introduced on Committee Stage. An announcement about these provisions will be made shortly.

#### Deportation Orders.

295. **Mr. Durkan** asked the Minister for Justice, Equality and Law Reform further, to Question No. 165 of 13 October 2004, if he will examine the prohibition of *refoulement* procedures in operation with a view to a full appreciation of the serious threat to the lives and well-being of a person (details supplied) in County Kildare; if his attention has been drawn to this issue; and if he will make a statement on the matter. [26184/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have outlined the prohibition of *refoulement* procedures for the Deputy in previous Questions Nos. 427 and 437 of 5 October 2004 and No. 165 of 13 October 2004. I am satisfied that the requirements and procedures of prohibition of *refoulement* have been fully complied with in this case. Indeed, every case which comes to the attention of my Department is examined on its own merits under section 3 of the Immigration Act 1999 and section 5 of the Refugee (Prohibition of *Refoulement*) Act 1996, including consideration of all representations received on the person's behalf.

My Department always uses the most up-to-date and extensive country of origin information in evaluating the risk or threat to the life and freedom of any person facing return to Nigeria having failed the asylum process. This information is drawn from different sources and is based on independent research done on the ground, including reports prepared by UNHCR.

However, as I advised the Deputy in Question No. 165 of 13 October 2004, this person has been given a temporary stay of six months on the effecting of the deportation order made against

her while her case is being further reviewed by my Department.

#### Registration of Title.

296. **Mr. Perry** asked the Minister for Justice, Equality and Law Reform if registration with the Land Registry will be completed for persons (details supplied); when it will be complete; the reason for the delay; and if he will make a statement on the matter. [26209/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Registrar of Titles that the details supplied by the Deputy refer to two applications for registration by way of a Land Commission schedule which were lodged on 9 November 1993. Schedule Nos. V0000WS092314V and V0000WS092315V refer.

Land Commission schedule applications are deemed to be registered as of the date of vesting which is prior to the date of lodgement of the documents in the Land Registry. Accordingly, registration in the Land Registry of Land Commission cases is afforded a lower priority than the registration of other dealings.

I am further informed that queries issued to the lands division of the Department of Agriculture and Food in Cavan on 29 March 2004 and on 22 October 2004 and that these applications cannot proceed until these queries have been satisfactorily resolved. However, I assure the Deputy that on receipt of a satisfactory reply the matter will receive further attention in the Land Registry.

#### EU Decisions.

297. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the decision of the Czech President to veto legislation introducing the EU arrest warrant to the Czech Republic due to the fact that it would have meant handing over a part of the country's sovereignty and its right to protect its citizens. [26210/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am not in a position to say why or in what circumstances the President of the Czech Republic decided to exercise his constitutional right not to sign the laws passed by Parliament implementing the framework decision on the European arrest warrant and the surrender procedures between member states. However, I understand the relevant laws have now been enacted in accordance with the provisions in the constitution of the Czech Republic and they are expected to come into force on 1 November 2004.

298. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the countries he proposes should be included on the EU's proposed safe country list; and the countries he proposes should be excluded from the EU's proposed safe country list. [26211/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The proposed safe country of origin list to which the Deputy refers is that provided for in Article 30 of the draft council directive on minimum standards on procedures in member states for granting and withdrawing refugee status on which a general approach was agreed at the Justice and Home Affairs Council on 29 April 2004 under the Irish Presidency.

Article 30 of that draft directive provides for a minimum common list of safe countries of origin to be annexed to the directive at the time of adoption and also for the amendment of the list after adoption. The criteria by which a country is to be assessed in determining its suitability, or otherwise, for inclusion on the common list require an in-depth assessment of the extent to which a country provides protection against persecution or mistreatment through, *inter alia*, its observance of international human rights instruments and the manner in which its laws are applied. The criteria are set out in Annex II to the draft directive. Member states will retain the right at national level to designate safe countries of origin other than those included on the binding common list.

Discussions are at an advanced stage at EU level on the proposed common list. The countries under consideration at this time, namely, Botswana, Benin, Cape Verde, Ghana, Mali, Mauritius and Senegal, are considered by the vast majority of member states, including Ireland, to fulfil the criteria set out in the draft directive for inclusion on the common list. In arriving at this conclusion, member states have considered a range of information sources on the legal situation, the application of the law and the general political circumstances in the countries concerned. These information sources included reports from member states, third countries, United Nations treaty monitoring bodies and other international organisations.

In the case of Ireland, we conducted our assessment of these countries in consultation with the Department of Foreign Affairs. The Dutch Presidency will be reconsulting the European Parliament on the directive, including the common list, prior to its adoption. In view of the misconceptions surrounding the safe country of origin principle which appeared in a recent media report, I emphasise that the principle is simply a mechanism which allows for applications for asylum to be streamed for prioritised processing.

The safe country of origin principle derives from the recognition that while certain countries may be asylum seeker producing countries, conditions in those countries are not generally those that result in refugees. The principle is incorporated in our domestic law, by way of section 12(4) of the Refugee Act 1996, as inserted by the Immigration Act 2003, and in that of other member states and is acknowledged by the UNHCR to be an appropriate accelerating tool.

It is important to note that the designation of a country as a safe country of origin allows for the possibility that the country may not be safe for a particular applicant from that country. Accordingly, a complete examination of information provided by the applicant in support of his or her case for refugee status will always be conducted on an individual basis, with applicants enjoying a range of procedural safeguards, including the right to legal assistance, the right to an interpreter and the right to an effective remedy before a court or tribunal. This is the case under the provisions of both our Refugee Act and the draft directive.

#### Anti-Racism Measures.

299. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the moneys he has allocated to fund initiatives related to anti-racist workplace week 2004. [26213/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The total cost of organising anti-racist workplace week, which takes place from 1 to 7 November, will be in the region of €190,000. Some €100,000 of this is being funded by the European Community action programme to combat discrimination. My Department is contributing approximately €50,000 with the balance of €40,000 coming from the Irish Equality Authority. The activities of the week will include advertising, poster campaigns, leaflets and research.

#### Citizenship Applications.

300. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the estimated processing times for applications for Irish citizenship. [26214/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The current average processing time for applications for naturalisation and declarations of post-nuptial citizenship is 24 months and ten months, respectively. The lengthy processing time results from a significant increase the volume of applications being received over recent years. The following tables set out details of the numbers of applications and declaration received and certificates issued in the past five years.

Post nuptial citizenship

Year	New Applications	Certificates Issued
2000	1,293	1,018
2001	1,502	1,419
2002	1,728	1,550
2003	2,491	2,272
2004 (end of Aug.)	1,757	1,622

## Naturalisation

Year	New Applications	Certificates Issued
2000	1,004	125
2001	1,431	1,012
2002	3,574	1,332
2003	3,580	1,664
2004 (end of Sept.)	3,138	1,117

There are 20 staff assigned to the citizenship section of my Department. In all, over 650 staff members are employed by my Department in the provision of services for or in respect of non-nationals. Unfortunately, it has been the case that more than 70% of those staff are engaged full time in activities associated with the actual processing of asylum claims or in the provision of support of asylum applicants. However, the major reduction in the numbers of asylum applications is now giving me an opportunity to re-focus those resources on areas of service provision for non-nationals which are under resourced at this point in time. The citizenship area is one of the areas which will benefit from that process.

**Asylum Support Services.**

301. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if the Government supports the proposal to establish transit camps in north Africa to process asylum seekers outside the EU. [26252/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I understand that the Deputy is referring to a very general outline of proposals for the setting up of transit reception centres in north Africa which was canvassed by German Interior Minister Schily at the informal JHA Council on 30 September and 1 October 2004 in Scheveningen, the Netherlands. While the outline German proposals have to be further elaborated, their stated objective was to address serious and ongoing problem of persons seeking to enter the EU illegally by means of crossing the Mediterranean by sea and the potential for serious loss of life which this involves.

There is a recognition among member states, which is shared by the UNHCR and the European Commission, that action needs to be taken to tackle movements of people by sea in the Mediterranean region so as to avoid serious loss of life in the future. The Commission is working on proposals received from the UNHCR concerning the building or strengthening of asylum systems in north Africa which involve, *inter alia*, promoting legislation and training of officials from the states involved in refugee status determination.

I am of the view that the German ideas raised a wide range of major issues that need to be addressed, including human rights, legal and humanitarian considerations and linkages to developing the capacity of regions of origin to deal with large scale migration flows. Pending

more detailed clarification from Germany, I am very much keeping an open mind on this issue and I have not yet brought Ireland's position on the matter to Government for a policy decision.

**Registration of Title.**

302. **Mr. Ring** asked the Minister for Justice, Equality and Law Reform when a map of a folio will issue to a person (details supplied) in County Mayo. [26277/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Registrar of Titles that this is an application for copy folio and filed map lodged on 15 September 2004. Application No. P2004SM075646T refers. I am further informed that this application was completed on 21 October 2004.

**Firearms Registration.**

303. **Mr. Sargent** asked the Minister for Justice, Equality and Law Reform the current policy of his Department with regard to the granting of importation licences under section 17 of the Firearms Act 1925; the way in which many such importation licences have been applied for since July 2004; and if these importation licences are required for individuals who have been issued with firearms certificates by the Garda Síochána, in view of section 21 of the Firearms Act 1964. [26291/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** Section 17 of the Firearms Act 1925 deals with restrictions on the import of firearms, prohibited weapons and ammunition. My Department considers all applications for importation licences under section 17 on a case by case basis. Since July 2004, there have been 12 applications for importation licences under that section. Section 21 of the Firearms Act 1964 states: "The restriction imposed by section 17 of the Principal [1925] Act on the importation in to the State of firearms shall not apply in relation to the importation of a firearm by the holders of a firearm certificate in respect of the firearm which is in force". I am advised that this section does not apply to prohibited weapons or ammunition.

It should be noted that the terms of the European Council Directive 91/477/EEC, as transposed by the European Communities (Acquisition and Possession of Weapons and Ammunition) Regulations 1993, apply to all transfers of firearms and ammunition between member states. Section 6(1) of those regulations require the prior consent of the competent authorities in member states to the transfer.

**Closed Circuit Television Systems.**

304. **Mr. O'Connor** asked the Minister for Justice, Equality and Law Reform if he will report on plans for closed circuit television in the Tallaght area; if his attention has been drawn to the fact that particular interest throughout the

community in this issue; and if he will make a statement on the matter. [26299/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** As the Deputy is aware, 17 locations throughout the country, including Tallaght, are set to receive town centre CCTV systems. This expansion is being implemented on a phased basis as follows: Phase 1 — Bray, Dundalk, Dun Laoghaire, Finglas, Galway and Limerick Phase 2 — Athlone, Clondalkin, Tallaght and Waterford Phase 3 — Ballyfermot, Carlow, Castlebar, Clonmel, Ennis, Kilkenny and Sligo Installation of the CCTV systems is of necessity a detailed, complex and lengthy process. The installation of the systems in Bray, Dundalk, Dun Laoghaire and Limerick has been completed and these systems are now fully operational.

The second phase of Garda CCTV systems will be installed in Athlone, Clondalkin, Tallaght and Waterford. The Garda authorities have given careful consideration to a restructuring of the manner in which these Garda CCTV systems go to tender with a view to delivering the implementation of these CCTV systems in a faster, more efficient and cost-effective manner. Significant progress has been made in this regard and I am advised that the pre-tender process to engage the appropriate services to commence the implementation of this second phase of CCTV systems is almost complete. This tender competition will be advertised on the Government website, *www.etenders.ie*, and the Official Journal of the European Communities, OJEC.

### Computerisation Programme.

305. **Mr. Broughan** asked the Minister for Education and Science her priorities for the schools broadband programme over the next three years, including the plans she has for Scoilnet and for the development of ICT within the national curriculum; and if she will make a statement on the matter. [25668/04]

**Minister for Education and Science (Ms Hanafin):** The provision of broadband to schools is a central element of my Department's strategy for advancing ICT as a teaching and learning resource in first and second level education. By facilitating multi-media on-line applications in a classroom setting, much faster download of educational content and enhanced communications between school communities, broadband will greatly enhance the potential of ICT in teaching and learning in schools.

Earlier this year the Government reached agreement with the telecommunications sector on a major investment project which will see broadband connectivity delivered to all schools by the end of 2005. A three-year fund of €18 million is being established for this purpose, with industry providing €5 million per annum and the Government providing €1 million per annum. Additional Exchequer funding will be provided for the development of a secure national network man-

aged centrally by HEAnet and a services helpdesk providing advice and support to schools on technical issues in relation to broadband connectivity.

Tenders for the provision of broadband services to schools over a three year period are currently being evaluated by a team of experts appointed by my Department and it is the intention to award contracts before the year end. The National Centre for Technology in Education, NCTE, is holding advice seminars for school principals and IT co-ordinators in October and November and is making arrangements to register schools for participation in the broadband programme.

The investment in schools broadband is part of a wider strategy aimed at providing students with the necessary range of skills and dispositions for participation in the knowledge society. To ensure that broadband is used effectively in the classroom, concerted action will be taken across a range of issues including equipment provision and maintenance in schools, technical support and advice, enhancement of teacher skills in ICT applications, embedding ICT in the curriculum, providing access to quality digital content for learning and fostering an e-learning culture within schools. A new strategy for schools' ICT, under consideration within my Department, will address these issues.

The Scoilnet website, which is managed by the NCTE, will have an important role to play in building a wide range of curriculum relevant digital resources for teachers and students. Significant improvements have been made to the website in the past year and the plan is to progressively upgrade and extend the facility over the coming years so that it may become a content rich interactive resource for teaching and learning across the curriculum. In the area of curriculum development and reform, a key objective will be to promote ICT as a central teaching and learning resource across the curriculum and to ensure that the full potential of ICT is leveraged for the benefit of student learning and skills development. My Department will be working closely with the National Council for Curriculum Assessment and the National Centre for Technology in Education on this issue.

### Radon Gas.

306. **Mr. Gilmore** asked the Minister for Education and Science the action she intends to take to counter excessive radon gas levels in schools in view of the findings of a recent Radiological Protection Institute of Ireland survey showing that dangerous levels of the gas have been found in one in four schools; and if she will make a statement on the matter. [22595/04]

**Minister for Education and Science (Ms Hanafin):** In 1998 my Department, in consultation with the Radiological Protection Institute of Ireland, RPII, took a proactive approach to identifying and eradicating radon in schools. This

[Ms Hanafin.]

commenced with my Department commissioning the RPII to conduct a survey of radon levels in all primary and post-primary schools. This survey predates legislation on the issue of radon in the workplace by more than two years and the action taken exceeds any legislative requirements in that all schools regardless of whether or not they are situated in areas of high radon were invited to be tested. In addition, in June 2001, a circular letter issued to all boards of management informing them of my Department's initiative and advising schools on the course of action necessary for radon mitigation.

During the course of the survey, 4,072 schools were invited to participate, of which 3,798 schools responded and were sent detectors. Radon surveys were subsequently completed in 3,444 schools. Approximately 300 schools had radon concentrations above the workplace reference level of 400 Bq/m<sup>3</sup>. The average radon concentration level in the schools surveyed was 93 Bq/m<sup>3</sup>. The remaining schools which did not participate in the original survey were again invited to participate. Detectors were issued to the schools and it is expected that the results will be available to my Department shortly. If remediation action is required it will be carried out as soon as possible thereafter.

The radon reference set for the workplace under the Radiological Protection Act 1991 (Ionising Radiation) Order 2000 (SI 125 of 2000) is 400 Bq/m<sup>3</sup>. Notwithstanding the fact that the radon reference for workplaces is 400 Bq/m<sup>3</sup>, my Department issues grants to schools for the installation of suitable vents in classrooms where radon levels are between 200 Bq/m<sup>3</sup> and 400 Bq/m<sup>3</sup>.

Schools with levels above 400 Bq/m<sup>3</sup> are advised to secure the services of a suitably qualified consultant architect-engineer to carry out all necessary remedial works. Following completion of remediation works, post-remediation measurements are carried out by the RPII to determine if the remediation has been effective. This process is ongoing and the RPII continues to carry out post-remediation testing in schools.

My Department funds all costs in relation to radon mitigation. In addition, in relation to the provision of new accommodation for schools, my Department's building unit ensures that radon barriers are included in the design of all such buildings.

#### Special Educational Needs.

307. **Mr. F. McGrath** asked the Minister for Education and Science if the special educational needs of persons at a school (details supplied) in Dublin 5 will be urgently addressed; if the situation will be changed whereby some pupils receive 28 minutes per week learning support; and if additional resources will be granted to resolve this matter. [26402/04]

**Minister for Education and Science (Ms Hanafin):** Where pupils with special educational

needs enrol in a post-primary school, it is open to the school to apply to my Department for additional teaching and-or special needs assistant support for these pupils. My Department allocates additional teaching support and special needs assistant support to second level schools and vocational educational committees to cater for pupils with special educational needs. Each application is considered on the basis of the assessed needs of the pupils involved and having regard to a range of factors including the overall resources available to the school.

Following consideration of the application from the school concerned, my Department allocated a total of 14.66 hours per week teaching support for the 2004-2005 school year to cater for the special educational needs of pupils enrolled. The level of resources allocated by my Department was determined after detailed consideration of the school's application, the supporting documentation provided, including the recommendations made by the National Educational Psychological Service and having regard to the overall level of resources, including four surplus or over quota posts, already available to the school.

Where a school authority is of the view that the level of needs within the school is such as to be incapable of being addressed from within its current allocation, my Department will consider these concerns. Such consideration requires a clear demonstration of the inadequacy of the allocation by reference to the current utilisation of the school's available resources.

In relation to the school in question, my Department reviewed the school's allocation based on the concerns presented by the school. However, it was considered that the current staffing allocation was adequate to meet the needs of the pupils concerned.

#### Ministerial Appointments.

308. **Mr. Morgan** asked the Minister for Education and Science the name, relevant qualifications, political party membership and process by which each person appointed to a state board operating under the aegis of her Department was appointed since 1994. [26020/04]

**Minister for Education and Science (Ms Hanafin):** Appointments to State boards under the aegis of my Department are made to ensure that they are as representative as possible of the various interests involved. This is generally done through nominations by the organisations representing these interests as well as by the Minister. The overriding requirement in this process is that nominees will have the capacity to contribute effectively to the work of the boards on the basis of their knowledge and expertise in the relevant area. The detailed information required by the Deputy would not be readily available through the above process.

### Special Educational Needs.

309. **Mr. Stanton** asked the Minister for Education and Science, further to correspondence from this Deputy to her office and the response received on 17 September 2004, if the inquiries to be made into the special educational needs of a person (details supplied) in County Cork have been completed; if she has decided to make resources available to this person as a matter of urgency; and if she will make a statement on the matter. [26034/04]

**Minister for Education and Science (Ms Hanafin):** Where a pupil with special educational needs enrolls in a post-primary school, it is open to the school to apply to my Department for additional teaching support for the pupil. My Department allocates additional teaching support and special needs assistant support to second level schools and vocational educational committees to cater for pupils with special educational needs. Each application is considered on the basis of the assessed needs of the pupils involved and the nature and level of support provided is determined on the advice of the psychological service.

The school concerned has been allocated 17.50 hours per week additional teaching support for the 2004-05 school year to cater for the special educational needs of a number of pupils including the pupil to which the Deputy refers. The level of resource teaching allocated to the school in question by my Department was determined after detailed consideration of the school's application, the supporting documentation provided, including the recommendations made by the National Educational Psychological Service and having regard to the overall level of resources already available to the school to address special needs issues.

Where a school authority is of the view that the level of needs within the school is such as to be incapable of being addressed from within its current allocation, my Department will consider these concerns. Such consideration requires a clear demonstration of the inadequacy of the allocation by reference to the current utilisation of the school's available resources.

### School Staffing.

310. **Mr. Stanton** asked the Minister for Education and Science if she has received a communication from a school (details supplied) in County Cork regarding the need to appoint a special education teacher to the school; and if she will make a statement on the matter. [26035/04]

**Minister for Education and Science (Ms Hanafin):** I can confirm that my Department received correspondence from the school referred to by the Deputy in relation to its allocation of learning support teaching provision. The school, which has 11 part-time hours' learning support, was advised of its teacher allocation under the new weighted system on 24 June, 2004.

The Deputy will be aware that my Department has developed a new weighted system of allocation of resource teaching supports in primary schools. The proposed system for the allocation of resource teachers comprises both a general allocation for pupils with mild learning disabilities-difficulties and specific allocations for individual pupils with more complex needs. The revised system will put teaching resources permanently in place to meet the needs of children with special needs. The system will greatly reduce the need for individual applications and supporting psychological assessments. It will also allow for better planning in schools, greater flexibility in identifying and intervening earlier with regard to pupils' special needs, as well as making the posts more attractive to qualified teachers.

The previous allocation system placed significant demands on principals, teachers and psychologists. It has also proven to be time-consuming, thereby delaying the allocation of resources for special needs. I believe that the new model will, over time, significantly improve the capacity of the system to cater for children with special needs in a speedier, more effective way. The revised system will reduce the administrative burden on schools and allow them to concentrate on the delivery of services to pupils with special needs. It will also allow psychologists to devote more time to advising teachers on planning for individual children and for whole school provision.

The Deputy will also be aware that I am having the impact of the revised allocation model reviewed to ameliorate any difficulties arising, particularly in small and rural schools. I want to ensure that it provides an automatic response while at the same time ensuring that pupils currently in receipt of service continue to receive the level of service appropriate to their needs. The needs of the school in question will be considered in the context of this review.

### Schools Building Projects.

311. **Mr. Hogan** asked the Minister for Education and Science when work is expected to commence in respect of the extension to a school (details supplied) in County Carlow; and if she will make a statement on the matter. [26044/04]

**Minister for Education and Science (Ms Hanafin):** The extension project for the school referred to by the Deputy is at an advanced stage of architectural planning. It has a band three rating.

My officials are nearing completion of a review of all projects which did not proceed to construction as part of the 2004 school building programme with a view to including them as part of a multi-annual programme from 2005. All projects are being assessed against the published prioritisation criteria, agreed earlier this year with the education partners. Each project will be assigned a band rating and the progress of all projects will be considered in the context of the programme from 2005. Following conclusion of the



[Ms Hanafin.]  
current Estimates and budgetary process, I intend to publish the 2005 building programme which will operate in a multi-annual framework.

#### School Staffing.

312. **Ms O'Sullivan** asked the Minister for Education and Science when a person (details supplied) in County Limerick will be allocated the special needs assistant they require; if this case can be prioritised; and if she will make a statement on the matter. [26049/04]

**Minister for Education and Science (Ms Hanafin):** Where a pupil with special educational needs enrolls in a post-primary school, it is open to the school to apply to my Department for additional teaching and-or special needs assistant support for the pupil. My Department allocates additional teaching support and special needs assistant support to second level schools and vocational educational committees to cater for pupils with special educational needs. Each application is considered on the basis of the assessed needs of the pupils involved and the nature and level of support provided is determined on the advice of the psychological service.

The level of resources allocated by my Department was determined after detailed consideration of the school's application, the supporting documentation provided, including the recommendations made by the National Educational Psychological Service, and having regard to the overall level of resources already available to the school. My Department has recently received an application for additional resources to cater for the special needs of the student in question and this application is currently receiving attention. The school will be notified of the outcome of the application as soon as possible.

#### Special Educational Needs.

313. **Mr. O'Dowd** asked the Minister for Education and Science if resource hours will be granted to a person (details supplied) in County Louth; and if she will make a statement on the matter. [26064/04]

**Minister for Education and Science (Ms Hanafin):** The school in question received a response to the application for special educational needs resources for the relevant pupil on 24 June 2004. This pupil's special educational needs are in the high incidence disability category and it would be expected that pupils within this category would have their special educational needs met from within the resource-learning support teaching allocation available to the school. The school in question currently has three full time resource teacher posts and one full-time learning support post.

314. **Mr. Neville** asked the Minister for Education and Science if the provision of a special needs assistant for a person (details supplied) in

County Limerick will be reconsidered. [26065/04]

**Minister for Education and Science (Ms Hanafin):** I can confirm that my Department received an application for special needs assistant support for the pupil referred to by the Deputy. The application will be reconsidered in the context of any supporting documentation submitted to my Department.

#### Institutes of Technology.

315. **Mr. Carey** asked the Minister for Education and Science her plans and those of the Dublin Institute of Advanced Studies for Dunsink Observatory; and if she will make a statement on the matter. [26066/04]

**Minister for Education and Science (Ms Hanafin):** The Dublin Institute for Advanced Studies, in its strategy statement, has identified the conduct of regular reviews of the academic work of its three constituent schools as a critical factor for its success. I understand from the institute that it established independent panels of international experts during 2004 to carry out such reviews of the research work of its three constituent schools. The international panel on the School of Cosmic Physics, which includes the astronomy section, has submitted its report and its recommendations are being examined by the institute.

I understand that it is the intention of the institute, following full consideration of the report, to take a decision on the level of research that will be carried out in Dunsink, by and on behalf of the institute and the School of Cosmic Physics. I understand that the institute has no plans for changing the current use of Dunsink Observatory and it has not presented any proposals to me in this regard.

#### Special Educational Needs.

316. **Ms Enright** asked the Minister for Education and Science the action that has been taken to progress the recommendations made by the task force on autism; if she will report on progress made with regard to each recommendation; and if she will make a statement on the matter. [26067/04]

**Minister for Education and Science (Ms Hanafin):** A multi-faceted approach is being taken by my Department in response to the report of the task force on autism. At the macro level, the priority has been and will continue to be the implementation of the fundamental legislative and structural measures which are essential to underpin the development and delivery of services for persons with autism.

On the legislative front, the Education for Persons with Special Educational Needs Act 2004 sets out the rights and entitlements of children with special needs, including autism, to an appro-

priate education service and providing the necessary framework for effective service delivery.

On the structural front, the National Council for Special Education, which will have a local area presence, will play a key role in the development and delivery of services for persons with special needs, including persons with autism. It will have a research and advisory role and will establish expert groups to address particular areas of special needs provision. It will also establish a consultative forum to facilitate inputs from the education partners and other interested parties.

Significant progress has been made in the establishment of the national council. Seventy special education needs organisers have recently been recruited. These people will be a focal point of contact for schools and parents. They will process individual applications for resources for special educational needs. It is anticipated that the council and the special education needs organisers will become operational shortly.

At the micro level, my Department is continuing to develop the network of special educational provision for children with autism. The extent of progress can be measured from the fact that, since 1998, when autism was first recognised as a distinct special educational need, the number of dedicated facilities that have been developed is as follows: eight pre-school classes for children with autism; 134 special classes for children with autism attached to special schools and mainstream schools; five special classes for children with Asperger's syndrome; and eight facilities, sanctioned on a pilot basis, which are providing an applied behavioural analysis model, ABA, of response to children with autism.

Another major landmark in the development of autism specific services was the joint launch last month by my predecessor and the Minister with responsibility for Education in Northern Ireland of the Middletown Centre for Autism. This marked the successful completion of the purchase of the former Saint Joseph's Adolescent Centre, Middletown, on behalf of the Department of Education in the North and the Department of Education and Science in the South. Both Departments plan to refurbish the property to meet the needs of a centre of excellence for children and young people with autism throughout the island of Ireland. The centre will be dedicated to improving and enriching the educational opportunities of children and young people with autistic spectrum disorders. Four key services will be provided by the centre: a learning support service, on a residential basis; an educational assessment service; a training and advisory service; and an autism research and information service.

The steps taken in recent years and those in hand represent significant progress in the development of services for children with autism. However, I fully recognise that further progress is required and my Department, in consultation with parents and existing service providers, will

seek to ensure that the recent rate of development is maintained.

#### **Schools Refurbishment.**

317. **Ms Enright** asked the Minister for Education and Science the position in regard to an application for an extension and refurbishment to a school (details supplied) in County Cavan; and if she will make a statement on the matter.

[26068/04]

**Minister for Education and Science (Ms Hanafin):** An application for grant aid towards an extension and refurbishment has been received from the management authority of the school referred to by the Deputy. The refurbishment-extension project for the school is at an early stage of architectural planning. It has a band 3 rating. My officials are nearing completion of a review of all projects which did not proceed to construction as part of the 2004 school building programme with a view to including them as part of a multi-annual programme from 2005. The accommodation needs of the school referred to are being considered as part of this review. Following conclusion of the current Estimates and budgetary process I intend to publish the 2005 building programme which will operate in a multi-annual framework.

#### **Special Educational Needs.**

318. **Mr. Ring** asked the Minister for Education and Science the educational support that will be provided to a person (details supplied) in County Mayo. [26146/04]

**Minister for Education and Science (Ms Hanafin):** I can confirm that my Department received an application for resource teaching support and special needs assistant support for the pupil referred to by the Deputy. Additional information has been received in support of the application and this is being considered. A decision on the application will be conveyed to the school as soon as this process has been completed.

#### **School Transport.**

319. **Ms O'Sullivan** asked the Minister for Education and Science if there are resources available to schools to pay for the cost of transporting pupils to swimming venues; and if she will make a statement on the matter. [26150/04]

**Minister for Education and Science (Ms Hanafin):** My Department does not make any specific provision in regard to the cost of transporting pupils to swimming venues. However, schools may use their ordinary capitation grant, which has been increased to €121.58 with effect from 1 January 2004, for such purposes. The position in respect of further increases in the capitation grant will be reviewed as part of the normal Estimates process.

### School Services Staff.

320. **Ms O'Sullivan** asked the Minister for Education and Science if her attention has been drawn to the inadequacy of the ancillary services grant for many schools; if her attention has further been drawn to the fact that the cutbacks in the community employment programme have made it more difficult to acquire ancillary staff; and if she will make a statement on the matter. [26151/04]

**Minister for Education and Science (Ms Hanafin):** Funding to primary schools for secretarial and caretaking services has increased from the €50.79 per pupil that applied in the 2000-01 school year, to €127.00 per pupil at present, more than doubling the grant over the period.

Increased funding for the provision of caretaking and secretarial services was secured to compensate for the phasing out of community employment schemes and enabled my Department to put improved secretarial and caretaking supports in place for schools.

In respect of secondary schools, the support grant that was introduced under the school services support fund was increased from 1 January last and now stands at €131 per pupil. While provision for support services, including secretarial and caretaking, is a particular focus of this fund, schools have discretion, in line with that available in relation to *per capita* grants, as to how this additional funding is best utilised in the interests of their pupils. This funding support is provided in addition to the provision made to schools for secretaries and caretakers under separate schemes.

The question of any further increases in the level of ancilliary services grants will be considered as part of the normal Estimates process.

### Residential Institutions Redress Scheme.

321. **Ms O'Sullivan** asked the Minister for Education and Science the number of claims notified to her pursuant to clause 6(A) of the deed of indemnity dated 5 June 2002, made between her Department and certain religious congregations; the number of such claims classed as existing and as future claims; the number of such claims, in each category, of which she had previously no formal notice; the number of such claims, in each

category, in which no State or public body had either been joined as a defendant or had been put on notice that it was liable to be joined as a co-defendant; the number of cases in which, pursuant to clause 5(A) of the agreement, she has taken over the defence of legal proceedings to which the indemnity applies; if she or any other State or public body had been a defendant in those proceedings prior to being taken over; and if she will make a statement on the matter. [26153/04]

**Minister for Education and Science (Ms Hanafin):** The information sought by the Deputy is not readily available within my Department. In the circumstances, I have asked my officials to examine the various questions raised by the Deputy with a view to issuing a comprehensive reply, updating her on the position since March 2004, as soon as possible.

### Third Level Fees.

322. **Ms Burton** asked the Minister for Education and Science the numbers of students not required to pay the annual third level college capitation fee charge for each year from 1997 to date; and the reason for the exemption. [26155/04]

323. **Ms Burton** asked the Minister for Education and Science the number of students exempted from the annual college capitation fee for each year from 1997 to date, according to the local authority area. [26156/04]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 322 and 323 together.

The student charge is levied by third level institutions to defray the costs of examinations, registration and students services. The student charge in the 2004-05 academic year is €750. Students who are eligible under my Department's means-tested maintenance grant schemes have the charge paid on their behalf by the local authorities and vocational education committees, in respect of third level study in Ireland.

The following tables set out the total number of students in receipt of funding under the three third level grant schemes, since 1997. The payment of the student charge under the schemes is extended to eligible students pursuing their studies in Ireland. This represents approximately 96% of grant holders.

Table 1

Academic Year	Grantholders under HEG Scheme	Grantholders under VEC Scheme	Grantholders under TLT Scheme	Total Number of Grantholders
1997/98	26,281	5,254	15,997	47,532
1998/99	25,670	5,292	15,521	46,483
1999/00	24,924	5,694	14,916	45,534
2000/01	24,121	5,590	14,160	43,871
2001/02	23,380	5,782	13,738	42,900
2002/03	24,180	6,628	13,401	44,209
2003/04 (est)	26,317	7,979	14,194	48,490

Table 2

## Grant Awards Under the HEG Scheme.

Local Authority	1997/98	1998/99	1999/00	2000/01	2001/02	2002/03
Carlow Co Council	277	283	285	273	232	222
Cavan Co Council	431	454	466	472	447	446
Clare Co Council	864	895	899	842	1,184	1,037
Cork City Council	933	915	876	831	759	817
Cork County Council	2,537	2,427	2,331	2,281	2,041	2,144
Donegal Co Council	1,166	1,188	1,187	1,165	1,139	1,091
Dublin City Council	2,258	2,254	2,162	2,222	2,213	2,363
Dun Laoghaire/Rathdown Co Council	829	751	698	747	722	800
Fingal Co Council	644	575	577	520	490	575
South Dublin Co Council	1,024	902	904	840	801	811
Galway Co Council	1,979	1,981	1,759	2,017	2,008	2,107
Kerry Co Council	1,295	1,260	1,153	1,161	1,174	1,190
Kildare Co Council	690	675	684	630	594	688
Kilkenny Co Council	629	667	699	700	660	619
Laois Co Council	422	435	425	396	371	378
Leitrim Co Council	217	224	225	248	251	233
Limerick Co Council	1,132	1,086	1,231	920	854	870
Limerick City Council	314	272	259	229	231	270
Longford Co Council	332	323	302	304	281	307
Louth Co Council	546	565	481	312	453	466
Mayo Co Council	1,461	1,329	1,226	1,230	1,280	1,313
Meath Co Council	731	685	657	587	551	552
Monaghan Co Council	431	462	444	413	419	457
Offaly Co Council	456	478	414	379	329	328
Roscommon Co Council	550	529	536	538	447	477
Sligo Co Council	403	399	377	387	363	393
Tipperary N.R. Co Council	539	575	575	592	526	594
Tipperary S.R. Co Council	637	608	629	563	505	494
Waterford Co Council	439	431	443	448	362	397
Waterford City Council	174	173	184	166	146	168
Westmeath Co Council	584	535	522	488	443	392
Wexford Co Council	802	830	830	750	663	712
Wicklow Co Council	555	504	484	470	441	469
TOTAL	26,281	25,670	24,924	24,121	23,380	24,180

Table 3

## Grant Awards under the VEC Scheme

VEC	1997/98	1998/99	1999/00	2000/01	2001/02	2002/03
Co. Carlow	102	106	108	108	137	146
Co. Cavan	102	98	119	113	135	151
Co. Clare	143	151	159	123	155	191
Co. Cork	416	486	458	429	439	512
City of Cork	109	124	140	154	150	143
Co. Donegal	652	521	511	540	536	668
City of Dublin	227	181	147	184	204	202
Co. Dublin	216	209	435	263	241	259
Dun Laoghaire	27	19	41	36	30	37
City of Galway	81	85	73	86	116	152
Co. Galway	275	307	371	381	352	399

VEC	1997/98	1998/99	1999/00	2000/01	2001/02	2002/03
Co. Kerry	260	266	297	347	366	398
Co. Kildare	94	115	106	104	113	118
Co. Kilkeny	92	120	93	101	104	124
Co. Laois	85	102	84	90	78	89
Co. Leitrim	72	70	87	77	74	82
City of Limerick	80	80	88	88	94	127
Co. Limerick	217	227	214	226	281	278
Co. Longford	68	59	61	56	74	65
Co. Louth	184	185	173	182	197	219
Co. Mayo	254	225	244	269	290	311
Co. Meath	122	114	140	117	123	410
Co. Monaghan	114	139	154	144	125	128
Co. Offaly	104	105	131	146	140	182
Co. Roscommon	182	169	171	172	171	186
Co. Sligo	144	145	148	149	154	171
Co. Tipperary (NR)	134	135	133	118	132	133
Co. Tipperary (SR)	107	138	145	149	155	170
Co. Waterford	68	54	64	67	71	60
City of Waterford	140	144	128	106	81	83
Co. Westmeath	85	84	108	122	117	122
Town of Wexford	11	—	13	—	—	—
Co. Wexford	149	199	200	208	201	193
Co. Wicklow	138	130	150	135	146	119
<b>TOTAL</b>	<b>5,254</b>	<b>5,292</b>	<b>5,694</b>	<b>5,590</b>	<b>5,782</b>	<b>6,628</b>

Table 4

## Grant Awards under the TLT Scheme

Institute	1997/98	1998/99	1999/00	2000/01	2001/02	2002/03
Athlone	1,505	1,363	1,431	1,381	1,350	1,352
Carlow	1,339	1,177	1,107	1,066	932	817
Cork	1,700	1,639	1,601	1,543	1,526	1,469
Dundalk	1,194	1,082	1,013	841	784	737
Galway	1,833	1,945	1,874	1,796	1,792	1,721
Letterkenny	1,020	1,141	1,038	1,085	952	895
Limerick	1,077	1,090	1,178	1,089	1,007	932
Sligo	1,284	1,500	1,296	1,459	1,475	1,529
Tallaght	393	431	499	391	391	426
Tralee	1,108	999	988	891	938	868
Waterford	1,512	1,419	1,347	1,289	1,254	1,326
DIT	1,861	1,537	1,219	928	813	777
Dun Laoghaire	171	185	193	198	195	171
TRBDI*	—	13	96	115	167	165
Blanchardstown	—	—	36	88	162	216
<b>TOTAL</b>	<b>15,997</b>	<b>15,521</b>	<b>14,916</b>	<b>14,160</b>	<b>13,738</b>	<b>13,401</b>

\* Tipperary Rural and Business Development Institute

*Question No. 324 answered with Question No. 116.*

### Higher Education Grants.

325. **Ms Burton** asked the Minister for Education and Science the reason she has failed to make details on the socio-economic background

of students who were awarded higher education grants for the academic year 2002-2003 despite a parliamentary question available; when the information will be made available and when she sought the information from the relevant grant awarding authorities. [26158/04]

**Minister for Education and Science (Ms Hanafin):** My Department is currently in the pro-

cess of collating information on the socio-economic background of students who were awarded higher education grants for the academic year 2002-03 and 2003-04. Statistical forms did not issue until August 2004 to each of the 33 local authorities and information will be collated when all returns are received in the student support unit of my Department.

My Department reviewed the type of information previously collected in respect of the higher education grant scheme and felt it was inadequate. The statistical form was amended to collect more detailed information on grant recipients, which will result in more informed decisions in respect of future amendments to the higher education grant scheme.

The data requirements for the other three student support schemes are also being examined and consultation is taking place with the Irish Vocational Education Association on how best to address the additional statistical requirements on the three schemes which are currently administered by the VECs, namely, the VEC scholarships schemes, the third level maintenance grant scheme for trainees and the maintenance grant scheme for students attending post leaving certificate courses. Data has not historically been collated in respect of the socio-economic background of students awarded grants under these schemes.

It is regrettable that the information in respect of the 2002-03 academic year was unavailable to the Deputy following the previous parliamentary question. The information will be made available to the Deputy as soon as it becomes available.

*Question No. 326 withdrawn.*

### **Special Educational Needs.**

327. **Mr. Stagg** asked the Minister for Education and Science the reason resource teaching hours have not been sanctioned for a person (details supplied) in County Kildare; if same will be provided; and if she will make a statement on the matter. [26166/04]

**Minister for Education and Science (Ms Hanafin):** The original application for special educational needs, SEN, support indicated that the pupil in question falls within the higher-incidence disability categories. It would be expected that such pupils would have their SEN met from within the resource and learning support teaching allocation available to the school.

Additional documentation has recently been submitted to my Department which suggests that the pupil may have a disability falling within the lower-incidence disability categories. This documentation is now being reviewed and further contact will be made with the school as soon as this process has been completed.

### **Weight of Schoolbags.**

328. **Mr. O'Shea** asked the Minister for Edu-

cation and Science if her attention has been drawn to the fact that a recent survey by the Chiropractic Association of Ireland found that one in four children suffers chronic back pain from carrying heavy schoolbags (details supplied); the urgent action she proposes to take; and if she will make a statement on the matter. [26179/04]

**Minister for Education and Science (Ms Hanafin):** As the Deputy will be aware, a working group was set up in Autumn 1997 to examine the potential problems caused by the weight of heavy school bags. The group presented its report in July 1998 in which it formulated proposals to alleviate problems associated with the weight of schoolbags.

The report acknowledged that many of the solutions belong at local school level and one of the main recommendations related to the need to heighten the awareness of the potential health hazards posed by excessively heavy schoolbags.

In this regard my Department, at primary and post-primary levels, initiated an awareness raising campaign by disseminating the report, with an accompanying circular, to all primary and post-primary schools. Furthermore, information leaflets and posters were also distributed to all schools, highlighting the potential health hazard of heavy schoolbags and outlining a range of local measures that could be adopted in order to alleviate the problem. It is a matter for each school to choose those measures that would be most suited to its needs.

Positive action has been taken by many schools. At second level, actions taken by some schools consist of a range of measures, including the provision of lockers, the arrangement of the timetable into double class periods, active liaison with parents and the co-ordination of homework by subject teachers.

If a parent is concerned at ongoing problems with regard to the weight of their child's schoolbag, then this should be taken up in the first instance with the management authorities of the school concerned.

### **Health and Safety Regulations.**

329. **Mr. P. Breen** asked the Minister for Education and Science if she intends to carry out the recommendations of the Health and Safety Authority as a matter of urgency for a science laboratory in a school (details supplied) in County Clare; if her attention has been further drawn to the authority's report which was forwarded to her; and if she will make a statement on the matter. [26182/04]

**Minister for Education and Science (Ms Hanafin):** In accordance with the Safety, Health and Welfare at Work Act 1989, it is the responsibility of school management authorities to have a safety statement in place in their schools. Schools are obliged to identify possible hazards, assess the

[Ms Hanafin.] risks to health and safety and put appropriate safeguards in place.

Individual school authorities are responsible, in the first instance, for ensuring the safety and welfare of children and others in their care. It is open to school management authorities or individuals to make direct contact with the Health and Safety Authority in relation to matters of concern to them. Where they are issued, notifications from the Health and Safety Authority are sent to the management authorities of schools, in the first instance.

Provision is built into the school building programme to enable schools to address urgent health and safety problems. The summer works scheme was introduced during 2004 which provided capital grants for small-scale improvement works at primary and post-primary schools during the summer holidays. A total of 457 schools were approved for funding under this scheme in 2004. The 2005 summer works scheme has recently been published with a closing date of 5 November 2004 for receipt of completed applications. I have made arrangements for an application form for the 2005 summer works scheme to be issued to the school concerned.

Grant aid of €3,500 per science laboratory was available to all schools at post-primary level to enable them provide the revised science syllabus for the junior certificate examination. In addition, further funding was provided to schools, which did not have major capital investment to their science facilities since 1995. These grants have been paid to all schools that notified my Department that they were opting into the revised syllabus. The school in question made no application for grant aid under this scheme.

In addition, the architectural planning process has been completed for a proposed large-scale building project for the school referred to by the Deputy and the project is listed in section 8 of the 2004 school building programme. The project has been assigned a band two rating by my Department in accordance with the published criteria for prioritising large-scale projects. Upgrading of the existing science laboratories in this project were not warranted at the commencement of this project, however, in light of the school's current concerns, I have made arrangements to have the school visited by an official from my Department's building unit.

#### School Accommodation.

330. **Mr. Durkan** asked the Minister for Education and Science when she expects to be in a position to provide permanent classroom accommodation and ancillary facilities at a school (details supplied) in County Kildare; and if she will make a statement on the matter. [26185/04]

346. **Mr. Durkan** asked the Minister for Education and Science the position in relation to the provision of extra facilities at a school (details

supplied) in County Kildare; and if she will make a statement on the matter. [26363/04]

348. **Mr. Durkan** asked the Minister for Education and Science if and when funding will be offered to a school (details supplied) in County Kildare to facilitate relocation of students, currently using the PE hall as a classroom, to a portakabin, in view of the fact that all students will be precluded from using the PE hall for its intended use over the winter period; and if she will make a statement on the matter. [26365/04]

352. **Mr. Durkan** asked the Minister for Education and Science the position in relation to the provision of additional accommodation at a school (details supplied) in County Kildare whose prefabs are dilapidated, unsafe and which are continually being patched up; if the school will be offered same in the current year or extra funding towards repairs to current prefab accommodation; and if she will make a statement on the matter. [26369/04]

356. **Mr. Durkan** asked the Minister for Education and Science the position in regard to the provision of additional accommodation and facilities for a school (details supplied) in County Kildare taking into consideration the increase in population; and if she will make a statement on the matter. [26373/04]

359. **Mr. Durkan** asked the Minister for Education and Science the position in regard to the provision of extra facilities required at a school (details supplied) in County Kildare with a view to meeting growing population needs; and if she will make a statement on the matter. [26376/04]

360. **Mr. Durkan** asked the Minister for Education and Science the current position in regard to the provision of extra facilities at a school (details supplied) in County Kildare; and if she will make a statement on the matter. [26377/04]

365. **Mr. Durkan** asked the Minister for Education and Science the position in regard to the provision of the required extra facilities at a school (details supplied) in County Kildare; the preparatory works that have been undertaken in this regard; and if she will make a statement on the matter. [26382/04]

366. **Mr. Durkan** asked the Minister for Education and Science the discussions that have taken place between her Department and the authorities at a school (details supplied) in County Kildare with a view to providing the extra permanent classroom and ancillary facilities required thereat; a timetable for the anticipated works; and if she will make a statement on the matter. [26383/04]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 330, 346, 348, 352, 356, 359, 360, 365, 366 together.

The school planning section of my Department is currently nearing completion of an examination of all building projects on hands in line with the

project prioritisation criteria that were recently revised in consultation with the education partners. The proposed projects for the schools referred to by the Deputy are included in this review.

I expect to be in a position to provide an update in relation to the progress of individual projects in the context of a multi-annual building programme. I intend to publish this programme as soon as possible after the budgetary process.

#### **School Closures.**

331. **Mr. Ferris** asked the Minister for Education and Science if she will make a statement on the future status of a school (details supplied) in Dublin 5. [26235/04]

**Minister for Education and Science (Ms Hanafin):** A decision has been taken by the trustees of the school referred to by the Deputy that it will close in June 2007.

Given the pattern of falling enrolments at the school, together with considerable surplus capacity in the general area, my Department concurs with the trustees' decision. At this point I wish to record my appreciation of the enormous contribution Greendale Community School has made to the community it has served over a long period.

My Department's main role in a school closure is to ensure that the best interests of the pupils are looked after in the period up to the closure and that alternative provision is available to accommodate the pupils who would have ordinarily attended the closing school.

#### **Special Educational Needs.**

332. **Mr. F. McGrath** asked the Minister for Education and Science if she will give the maximum support and assistance to a school (details supplied) in relation to the allocation of resources for pupils with special educational needs; and if she will take steps in order that schedule F does not mean a net loss of 5.8 learning support teachers between these schools; and if this proposed cut will not be expedited. [26237/04]

**Minister for Education and Science (Ms Hanafin):** I am conscious of difficulties that could arise in relation to the weighted model for allocating resource teachers to primary schools, particularly for children in small and rural schools, if it were implemented as currently proposed.

Accordingly, I will be reviewing the proposed model to ensure that it provides an automatic response for pupils with common mild learning disabilities without the need for cumbersome individual applications, while at the same time ensuring that pupils currently in receipt of service continue to receive the level of service appropriate to their needs. The review will involve consultation with educational interests and the National

Council for Special Education before it is implemented next year.

#### **Site Acquisitions.**

333. **Mr. Ring** asked the Minister for Education and Science the position regarding a primary school (details supplied) in County Mayo; the breakdown of work carried out for this school over the past number of years including funding allocated; the progress which has been made in identifying a site for the school; the proposals she has to provide a site for the school; and if health and safety officials have satisfied themselves with the current facilities of the school. [26270/04]

**Minister for Education and Science (Ms Hanafin):** An application for permanent accommodation has been received from the management authority of school referred to by the Deputy. My Department is currently providing grant aid towards the rental of temporary accommodation for the school, at a rate of 95 % of the rental costs. My Department has also provided grant aid to the school towards the cost of furniture.

The property management section of the OPW, which acts on behalf of my Department in relation to site acquisitions generally, is currently exploring the possibility of acquiring a site for this school.

My officials are nearing completion of a review of all projects which did not proceed to construction as part of the 2004 school building programme with a view to including them as part of a multi-annual programme from 2005. The accommodation needs of the school referred to are being considered as part of this review.

Following conclusion of the current Estimates and budgetary process, I intend to publish the 2005 building programme which will operate in a multi-annual framework.

#### **Schools Building Projects.**

334. **Mr. Neville** asked the Minister for Education and Science the position regarding the provision of a new primary school at Kilfinane County Limerick. [26271/04]

**Minister for Education and Science (Ms Hanafin):** An application for grant aid towards the provision of a new primary school at Kilfinane has been received from the management authority of the school.

My officials are nearing completion of a review of all projects which did not proceed to construction as part of the 2004 school building programme with a view to including them as part of a multi-annual programme from 2005. The need for a new primary school in Kilfinane is being considered as part of this review.

Following conclusion of the current Estimates and budgetary process, I intend to publish the 2005 building programme which will operate in a multi-annual framework.



### School Staffing.

335. **Mr. McGinley** asked the Minister for Education and Science the plans being made to provide a school (details supplied) in Dublin 15 with additional support as per its submission of 7 October 2004, in view of its obvious needs, resultant from its high enrolment of international students; and if she will make a statement on the matter. [26272/04]

**Minister for Education and Science (Ms Hanafin):** I can confirm that my Department received a submission dated 28 September 2004 from the school and is aware of the situation with regard to the level of international pupils in attendance at the school.

The school currently has an allocation of three language support teachers and this is the maximum number of such teachers that is sanctioned to any school for this purpose. Where a school meets the criteria for allocation of resources under any scheme, it will be allocated the resources as appropriate. There are no exceptional measures open to my Department under which an additional allocation can be made to the school. In making resources available, my Department has, in general, to devise processes which treat schools equitably.

Notwithstanding this, arrangements will be made to have the case made by the school examined in more depth in the context of additional resources becoming available. Any expansion of existing schemes can only be done on a phased basis having regard to available resources and subject to spending priorities within the education sector.

The allocation of resource teaching support and special needs assistant support to primary schools is based on professional assessment of individual pupils with special educational needs and in accordance with the criteria set out in my Department's circulars. Two applications for such support submitted by the school in question are currently being considered in that context. However, my Department has no plans to sanction additional resource teaching provision or special needs assistant support to meet the needs of the international pupil cohort in the school.

### Schools Building Projects.

336. **Mr. M. Higgins** asked the Minister for Education and Science if she proposes to place a school (details supplied) in County Galway on the building programme of 2005 as a matter of urgency in view of the school's pressing need for such attention; if she is in receipt of a sizeable petition sent to her predecessor by the parent's association on this matter; and if she will make a statement on the matter. [26278/04]

**Minister for Education and Science (Ms Hanafin):** An application for the provision of a new school has been received from the management authority of the school referred to by the Deputy.

My officials are nearing completion of a review of all projects which did not proceed to construction as part of the 2004 school building programme with a view to including them as part of a multi-annual programme from 2005. All projects are being assessed against the published prioritisation criteria, agreed earlier this year with the education partners. Each project will be assigned a band rating under the programme, when published. The accommodation needs of the school referred to are being considered as part of this review. Following conclusion of the current Estimates and budgetary process, I intend to publish the 2005 building programme which will operate in a multi-annual framework.

### Pension Provisions.

337. **Mr. McGuinness** asked the Minister for Education and Science the reason for the delay in paying a lump sum and awarding a pension to a person (details supplied) in County Kilkenny; and if she will make a statement on the matter. [26288/04]

**Minister for Education and Science (Ms Hanafin):** The initial award of superannuation benefits to a VEC teacher is calculated by the VEC administrative staff and approved by the VEC committee. The payment function is performed by the appropriate local authority following receipt of the approved rates from the VEC.

I am informed by County Kilkenny VEC that the person in question retired from teaching on 20 September 2004. The VEC, on 29 September 2004, forwarded the details of the pension and retirement lump sum to Kilkenny County Council, which has responsibility for such payment.

I understand that pension, including arrears, was paid on 22 October 2004 and that the person in question will receive the lump sum gratuity on Friday 29 October 2004.

### School Accommodation.

338. **Ms Enright** asked the Minister for Education and Science the present situation regarding the proposed extension to a school (details supplied) in County Donegal where additional accommodation was approved in 1999. [26294/04]

**Minister for Education and Science (Ms Hanafin):** The building project for the school referred to by the Deputy is at an advanced stage of architectural planning. It has a band four rating.

My officials are nearing completion of a review of all projects which did not proceed to construction as part of the 2004 school building programme with a view to including them as part of a multi-annual programme from 2005. All projects are being assessed against the published prioritisation criteria, agreed earlier this year with the education partners. Each project will be assigned a band rating and the progress of all pro-

jects will be considered in the context of the programme from 2005.

Following conclusion of the current Estimates and budgetary process, I intend to publish the 2005 building programme which will operate in a multi-annual framework.

#### **School Meals Scheme.**

339. **Mr. Timmins** asked the Minister for Education and Science her plans to supply meals in schools on a countrywide basis; and if she will make a statement on the matter. [26303/04]

**Minister for Education and Science (Ms Hanafin):** Meal provision is an integral element of the school completion programme, SCP, which is my Department's main programme for tackling early school leaving. There are currently 82 SCP "clusters", encompassing 299 primary and 111 post-primary schools. The majority of these clusters operate some level of breakfast support or meal provision.

My colleague, the Minister for Social and Family Affairs, administers the school meals scheme, which aims to supplement the nutritional intake of pupils from disadvantaged backgrounds in order to allow them to fulfil their potential within the educational system and also to reduce the risk of early school leaving.

Under this scheme in 2003, school meals were provided in 729 primary and post-primary schools, encompassing approximately 76,000 pupils, at a cost of €3.3 million. Increased provision of €6 million is being made available to support the school meals scheme in 2004. Officials in my Department are co-operating with the Department of Social and Family Affairs on an ongoing basis with a view to further expanding the number of schools participating in the scheme and to ensuring that available resources are targeted at those pupils most in need.

#### **Special Educational Needs.**

340. **Mr. Timmins** asked the Minister for Education and Science her policy with respect to children in primary schools whose parents express a desire that they repeat a year; and if she will make a statement on the matter. [26304/04]

**Minister for Education and Science (Ms Hanafin):** My Department's policy on the retention of pupils in primary schools is set out in Primary Circular 32/03, which issued to all primary schools in December 2003.

The primary school curriculum is designed as an eight-year course, including a two-year infant cycle followed by six years in standards from first to sixth, with children progressing to the next grade at the end of each school year.

My Department is providing considerable support for pupils with learning difficulties in schools. Learning support teachers, resource teachers, special needs assistants and a wide range of resources under the various schemes for schools in areas designated as disadvantaged are

among the forms of provision allocated to schools for these pupils. The level of provision available should enable pupils to make progress in keeping with their needs and abilities and to move consecutively through the different class levels in the school along with their peers.

Under my Department's policy, children should only be allowed to repeat a year for educational reasons and in exceptional circumstances. An additional grade level should not operate through the retention of all or a substantial number of pupils at a grade level. In such exceptional circumstances a principal teacher, following consultation with the learning support or resource teacher and class teacher and the parent or parents may conclude that a pupil would benefit educationally by repeating a grade level.

A record outlining the educational basis for the decision to retain a child should be kept for any pupil so retained. There should be a clear programme outlined for such a pupil that records precisely what new approach will be used for her or him and what its expected benefit will be. These records should be retained within the school and should be brought to the inspector's attention by the principal when she or he visits the school. No pupil should repeat a grade more than once in a primary school.

A school must not operate a middle infants class or a repeat sixth class/seventh class. In the event that a school continues the practice of enrolling pupils in a middle infant or a repeat class, my Department will discount the pupils in such classes for the purpose of determining the valid enrolment of the school. Capitation and other grants in respect of such pupils shall not be paid.

341. **Ms O'Sullivan** asked the Minister for Education and Science if resource hours will be sanctioned for two persons (details supplied) in County Limerick; and if she will make a statement on the matter. [26329/04]

**Minister for Education and Science (Ms Hanafin):** I can confirm that my Department received applications for resource teaching support for the pupils referred to by the Deputy. The application for the first named child is being considered and a response will be conveyed to the school as soon as this process has been completed. I am pleased to inform the Deputy that my Department sanctioned three hours' resource teaching support per week for the second named child. The school was advised of this on 26 August 2004.

342. **Mr. Durkan** asked the Minister for Education and Science the extent to which special needs teaching requirements have been met at the various post-primary schools throughout County Kildare; the schools deemed to be still in need; her plans to meet these requirements in the foreseeable future; and if she will make a statement on the matter. [26358/04]

**Minister for Education and Science (Ms Hanafin):** Where a pupil with special educational needs enrolls in a post-primary school, it is open to the school to apply to my Department for additional teaching and/or special needs assistant support for the pupil.

My Department allocates additional teaching support and special needs assistant support to second level schools and vocational educational committees to cater for pupils with special educational needs. Each application is considered on the basis of the assessed needs of the pupils involved and the nature and level of support provided is determined on the advice of the Psychological service.

A total of 1,100 hours per week in additional teaching support and 726.93 hours per week in special needs assistant support have been allocated to post-primary schools in County Kildare for the 2004-05 school year to cater for pupils with special needs.

The level of resources allocated to individual schools by my Department is determined after detailed consideration of the schools' applications, the supporting documentation provided, including the recommendations made by the National Educational Psychological Service, NEPS, and having regard to the overall level of resources already available to the school to address special needs issues.

343. **Mr. Durkan** asked the Minister for Education and Science the extent to which special needs teaching requirements have been met at the various primary schools throughout County Kildare; the schools deemed to be still in need; her plans to meet these requirements in the foreseeable future; and if she will make a statement on the matter. [26359/04]

**Minister for Education and Science (Ms Hanafin):** The specific information requested is not readily available. However, I can confirm that the following special needs provisions for County Kildare have been sanctioned by my Department to cater for the special educational needs of pupils: nine special classes for pupils with autism at a pupil-teacher ratio of 6:1; six special classes for pupils with mild general learning disabilities at a pupil-teacher ratio of 11:1; and one special class for pupils with moderate general learning disabilities at a pupil-teacher ratio of 8:1. In addition to these special classes, there are three special schools in operation in the Kildare area catering for approximately 157 pupils with special needs, with a pupil-teacher ratio ranging from 6:1 to 11:1.

My Department also provides funding for The Saplings project, a facility sanctioned on a pilot basis that uses applied behavioural analysis methodologies for children with autism. There are approximately 30 children enrolled in the facility.

My Department will continue to process applications for special educational needs based on the

assessed needs of pupils in primary schools generally, including County Kildare.

#### **School Accommodation.**

344. **Mr. Durkan** asked the Minister for Education and Science the post-primary schools throughout County Kildare which are in need of extra accommodation or replacement facilities; her priorities to meet such requirements and the number of school places overall required or anticipated to meet the demand at the present time; and if she will make a statement on the matter. [26360/04]

368. **Mr. Durkan** asked the Minister for Education and Science the number and location of the primary schools throughout County Kildare which are currently deemed to be in need of refurbishment, improvement or replacement facilities; the number of school places needed to meet the current or anticipated demand; her priorities to meet such requests; and if she will make a statement on the matter. [26394/04]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 344 and 368 together.

The school planning section of my Department is currently examining all building projects on hand in line with the project prioritisation criteria that were recently revised in consultation with the education partners. All applications received from school authorities in County Kildare at both primary and post-primary levels are included in this review.

I expect to be in a position to provide an update on the progress of individual projects in the context of a multi-annual school building programme. I intend to publish this programme as soon as possible after the budgetary process.

#### **Schools Recognition.**

345. **Mr. Durkan** asked the Minister for Education and Science when a decision on the application for permanent recognition will be made in the case of a school (details supplied) in County Kildare; and if she will make a statement on the matter. [26362/04]

**Minister for Education and Science (Ms Hanafin):** The school referred to by the Deputy commenced operation with provisional recognition from my Department in September 2002. Newly established schools are generally required to undergo a period of provisional recognition, during which time the operation of the school and the growth of pupil numbers are monitored.

An application for permanent recognition was recently received from the school in question. It is currently under consideration in the school planning section of my Department. As part of the examination, factors such as the long-term viability of the school, current and projected enrolments and suitability of accommodation will

be considered. A decision on the school's application will be made as soon as possible.

*Question No. 346 answered with Question No. 330.*

#### **Schools Building Projects.**

347. **Mr. Durkan** asked the Minister for Education and Science the position on the provision of extra facilities at a school (details supplied) in County Kildare; the nature and extent of construction work; if she will indicate a timeframe for the completion of same; and if she will make a statement on the matter. [26364/04]

**Minister for Education and Science (Ms Hanafin):** Construction is under way at the school referred to by the Deputy. The project involves an extension comprising seven classrooms and a GP room together with the refurbishment of the existing school building. The project is due for completion in the latter half of 2005.

*Question No. 348 answered with Question No. 330.*

349. **Mr. Durkan** asked the Minister for Education and Science the progress in relation to the provision of the extra permanent classrooms at a school (details supplied) in County Kildare; if the tender report has been assessed to date by officials in the school building unit and the outcome of this assessment; and if she will make a statement on the matter. [26366/04]

**Minister for Education and Science (Ms Hanafin):** My Department recently conveyed approval to the school authority to issue a letter of intent to place a contract with the cheapest tenderer for this project. It is expected that this project will commence on site shortly.

350. **Mr. Durkan** asked the Minister for Education and Science the position in relation to the provision of extra facilities at a school (details supplied) in County Dublin; if she has received a tender report from the management authority, County Dublin Vocational Education Committee; and if she will make a statement on the matter. [26367/04]

**Minister for Education and Science (Ms Hanafin):** A tender report has recently been received for the new school project at the school in question. This report is currently being examined by my Department's technical staff and the vocational education committee will be kept advised of developments.

351. **Mr. Durkan** asked the Minister for Education and Science the position in relation to the provision of extra facilities at a school (details supplied) in Dublin 24; and if she will make a statement on the matter. [26368/04]

**Minister for Education and Science (Ms Hanafin):** The building project for the school referred to by the Deputy is at an advanced stage of architectural planning. It has a band 3 rating. As a result of security concerns, the Department decided to bring forward the boundary fencing part of the main project into a separate enabling works project. The school were informed of this in August 2004 and asked to request their design team to bring forward proposals. The Department is awaiting these proposals.

My officials are nearing completion of a review of all projects which did not proceed to construction as part of the 2004 school building programme with a view to including them as part of a multi-annual programme from 2005. All projects are being assessed against the published prioritisation criteria, agreed earlier this year with the education partners. Each project will be assigned a band rating and the progress of all projects will be considered in the context of the programme from 2005.

Following conclusion of the current Estimates and budgetary process, I intend to publish the 2005 building programme which will operate in a multi-annual framework.

*Question No. 352 answered with Question No. 330.*

353. **Mr. Durkan** asked the Minister for Education and Science the position in relation to the provision of a new national school at Ardclough, County Kildare; if she will indicate if a site has been acquired; and if she will make a statement on the matter. [26370/04]

**Minister for Education and Science (Ms Hanafin):** The property management section of the Office of Public Works, which acts on behalf of my Department in relation to site acquisitions generally, is continuing to explore site options for Ardclough national school, County Kildare. Due to the commercial sensitivities of site acquisitions, it is not proposed at this stage to identify specific sites to be acquired. However, this information will be made available on my Department's website when the relevant acquisitions have been completed.

My officials are nearing completion of a review of all projects which did not proceed to construction as part of the 2004 school building programme with a view to including them as part of a multi-annual programme from 2005. All projects are being assessed against the published prioritisation criteria, agreed earlier this year with the education partners. Each project will be assigned a band rating and the progress of all projects will be considered in the context of the programme from 2005.

Following conclusion of the current Estimates and budgetary process, I intend to publish the

[Ms Hanafin.]  
2005 building programme which will operate in a multi-annual framework.

#### **School Staff.**

354. **Mr. Durkan** asked the Minister for Education and Science if a project (details supplied) in County Kildare is fully staffed to meet the requirements of its new eight classroom school building including double autistic unit; and if she will make a statement on the matter. [26371/04]

**Minister for Education and Science (Ms Hanafin):** I wish to inform the Deputy that the staffing of a primary school is determined by reference to the enrolment of the school on 30th September of the previous school year. The actual number of mainstream posts sanctioned is determined by reference to a staffing schedule and is finalised for a particular year following discussions with the education partners.

The mainstream staffing of the school referred to by the Deputy for the current school year is a principal and nine mainstream class teachers based on the enrolment of 250 pupils on 30 September 2003. The school also has access to two full-time and one part-time resource teachers and a shared learning support teacher.

With regard to provision for children with autism, I can confirm that my Department wrote to the school authorities on 15 April 2004 advising them of my Department's willingness to establish two special classes for such children on receipt of a formal application from the board of management. The matter was further discussed at a meeting between school representatives and Department officials in June last. My understanding of the outcome of that meeting is that the points raised were to have been taken up by the school representatives with the board of management with a view to making further contact with my Department.

#### **Schools Building Projects.**

355. **Mr. Durkan** asked the Minister for Education and Science the progress in relation to the provision of the extra facilities at a school (details supplied) in County Kildare; if her Department has received the necessary additional information from the school authorities to progress this issue; and if she will make a statement on the matter. [26372/04]

**Minister for Education and Science (Ms Hanafin):** The refurbishment-extension project for the school referred to by the Deputy is at an early stage of architectural planning. It has a band 2 rating.

My Department has recently received a revised stage 1/2/3 submission, detailed plans-costs, and the technical staff are currently examining the

documentation. The school authorities will be kept advised of developments.

My officials are nearing completion of a review of all projects which did not proceed to construction as part of the 2004 school building programme with a view to including them as part of a multi-annual programme from 2005. All projects are being assessed against the published prioritisation criteria, agreed earlier this year with the education partners. Each project will be assigned a band rating and the progress of all projects will be considered in the context of the programme from 2005.

Following conclusion of the current Estimates and budgetary process, I intend to publish the 2005 building programme which will operate in a multi-annual framework.

*Question No. 356 answered with Question No. 330.*

#### **Schools Refurbishment.**

357. **Mr. Durkan** asked the Minister for Education and Science the position in regard to the completion of roof repairs to a school (details supplied) in County Kildare; when it is expected that the balance of moneys for same will be drawn down; and if she will make a statement on the matter. [26374/04]

**Minister for Education and Science (Ms Hanafin):** I am pleased to inform the Deputy that the final payment in respect of roof repairs to the school in question was issued to the school management authorities on 11 October 2004.

#### **Schools Building Projects.**

358. **Mr. Durkan** asked the Minister for Education and Science the position in regard to the provision of extra facilities required at a school (details supplied) in County Kildare; if she will review her decision and sanction retrospective funding for this project; and if she will make a statement on the matter. [26375/04]

**Minister for Education and Science (Ms Hanafin):** As outlined in Question No. 636 dated 29 September 2004, it is not my intention to sanction retrospective funding for projects which were progressed without the prior approval of my Department.

*Questions Nos. 359 and 360 answered with Question No. 330.*

#### **Schools Refurbishment.**

361. **Mr. Durkan** asked the Minister for Education and Science the position in regard to the required improvement works at a school (details supplied) in County Kildare; the precise nature and extent of the works involved; and if she will make a statement on the matter. [26378/04]

**Minister for Education and Science (Ms Hanafin):** The roof of the school in question has been surveyed by the health and safety unit of the Office of Public Works, which manages the asbestos remediation programme on behalf of my Department. I am pleased to advise the Deputy that I have authorised the Office of Public Works to carry out the necessary remediation works to the roof in question. I understand the Office of Public Works is liaising with the school authorities on the matter.

#### Schools Building Projects.

362. **Mr. Durkan** asked the Minister for Education and Science the position in regard to the provision of the covered walkway at a school (details supplied) in County Kildare; and if she will make a statement on the matter. [26379/04]

**Minister for Education and Science (Ms Hanafin):** The Deputy is aware that my Department's 2004 capital programme has been published. On the basis of the budgetary allocation, it was not possible to include this project in the list of new projects to commence in 2004.

It is open to the educational authority to submit an application for consideration under the summer works scheme 2005. I have arranged for an application form for the summer works scheme 2005 to issue to Kildare Vocational Education Committee, the closing date for which is 5 November 2004.

363. **Mr. Durkan** asked the Minister for Education and Science the position in regard to the provision of alternative or replacement facilities at a school (details supplied) in County Kildare; and if she will make a statement on the matter. [26380/04]

**Minister for Education and Science (Ms Hanafin):** The question of the relocation of the school to which the Deputy refers to an alternative site is under examination in my Department. Discussions have been held with Kildare Vocational Education Committee, the local authority and representatives of a developer on the matter. These discussions are ongoing and it is not possible to indicate at this stage when they may be concluded and a final decision taken in the matter.

364. **Mr. Durkan** asked the Minister for Education and Science the position in regard to the provision of the urgently required new national school at Kill, County Kildare; the progress that has been made in this regard in the last 12 months; if she expects matters to be satisfactorily concluded in the near future; the precise nature of her proposals; and if she will make a statement on the matter. [26381/04]

**Minister for Education and Science (Ms Hanafin):** The property management section of the OPW, which acts on behalf of my Department with regard to site acquisitions generally, is continuing to explore the possibility of acquiring a site for a new school at Kill, County Kildare. Meanwhile, my officials are nearing completion of a review of all projects which did not proceed to construction as part of the 2004 school building programme with a view to including them as part of a multi-annual programme from 2005. All projects are assessed against the published prioritisation criteria, agreed earlier this year with the education partners. Each project will be assigned a band rating and the progress of all projects will be considered in the context of the programme from 2005. Following conclusion of the current Estimates and budgetary process, I intend to publish the 2005 building programme which will operate in a multi-annual framework.

*Questions Nos. 365 and 366 answered with Question No. 330.*

367. **Mr. Durkan** asked the Minister for Education and Science when it is likely that the extension and improvement works in respect of which planning permission was granted some years ago at a school (details supplied) in County Kildare are likely to be undertaken in view of the urgent necessity to provide permanent classroom accommodation for the school which currently has a serious deficiency in this regard; if it is anticipated that the necessary moneys are likely to be made available for the permanent structures at an early date; and if she will make a statement on the matter. [26384/04]

**Minister for Education and Science (Ms Hanafin):** The extension project for the school referred to by the Deputy is at an early stage of architectural planning. It has a band 3 rating.

My officials are nearing completion of a review of all projects which did not proceed to construction as part of the 2004 school building programme with a view to including them as part of a multi-annual programme from 2005. All projects are assessed against the published prioritisation criteria, agreed earlier this year with the education partners. Each project will be assigned a band rating and the progress of all projects will be considered in the context of the programme from 2005. Following conclusion of the current Estimates and budgetary process, I intend to publish the 2005 building programme which will operate in a multi-annual framework.

*Question No. 368 answered with Question No. 344.*

369. **Mr. Durkan** asked the Minister for Education and Science the progress with regard to the provision of the facilities required at a school

[Mr. Durkan.]  
(details supplied) in County Kildare; and if she will make a statement on the matter. [26395/04]

**Minister for Education and Science (Ms Hanafin):** The school referred to by the Deputy is listed for proceeding to tender and construction as part of the 2004 school building programme. This project has been tendered and these tenders are currently being examined by the school's design team.

370. **Mr. Durkan** asked the Minister for Education and Science the degree to which it is expected to provide an early date for extra facilities required at a school (details supplied) in County Kildare; the full extent of the works likely to be undertaken and if these works are likely to meet the accommodation and ancillary needs of the school for the foreseeable future in view of the population trends; and if she will make a statement on the matter. [26396/04]

**Minister for Education and Science (Ms Hanafin):** The school planning section of my Department is examining all building projects on hand in line with the project prioritisation criteria that were recently revised in consultation with the education partners. The proposed project for the school referred to by the Deputy is included in this review. I expect to be in a position to provide an update with regard to the progress of individual projects in the context of a multi-annual building programme. I intend to publish this programme as soon as possible after the budgetary process.

The area in which the school is located is kept under constant review to ensure adequate provision is made to meet emerging needs.

371. **Mr. Durkan** asked the Minister for Education and Science the progress in regard to the provision of the extra facilities at a school (details supplied) in County Kildare; and if she will make a statement on the matter. [26397/04]

**Minister for Education and Science (Ms Hanafin):** I am pleased to inform the Deputy that construction work is recently under way at the school in question.

372. **Mr. Durkan** asked the Minister for Education and Science the position in regard to the provision of permanent classroom facilities at a school (details supplied) in County Kildare; the degree to which it is anticipated that the extra accommodation being provided is capable of meeting requirements in the foreseeable future; when the current works are likely to be concluded; and if she will make a statement on the matter. [26398/04]

**Minister for Education and Science (Ms Hanafin):** I am pleased to inform the Deputy that construction has recently commenced on the new eight-classroom school in question. It is envisaged that the new school will be completed in the latter half of 2005. My Department has no request for any additional facilities for this school.

373. **Mr. Durkan** asked the Minister for Education and Science the up to date position in regard to the completion of the permanent classroom accommodation at a school (details supplied) in County Kildare; the extent to which this accommodation is capable of meeting requirements for the foreseeable future in view of the ongoing population increases; and if she will make a statement on the matter. [26399/04]

**Minister for Education and Science (Ms Hanafin):** I am pleased to inform the Deputy that construction work was recently under way on a seven-classroom extension at the school in question.

The need for further additional accommodation in the area referred to by the Deputy will be considered in the context of a review which is being undertaken of all projects with a view to including them as part of a multi-annual school building programme for 2005.

374. **Mr. Durkan** asked the Minister for Education and Science the position in regard to the provision of extra accommodation or refurbishment requirements at a school (details supplied) in County Kildare; the timetable in respect of same, if known; and if she will make a statement on the matter. [26401/04]

**Minister for Education and Science (Ms Hanafin):** I am pleased to inform the Deputy that construction has commenced on an extension project at the school to which he refers. The project is due to be completed in early 2005.

375. **Mr. G. Mitchell** asked the Minister for Education and Science, further to Question No. 412 on 29 September 2004, when this application will be processed and a decision communicated to the school; and if she will make a statement on the matter. [26411/04]

**Minister for Education and Science (Ms Hanafin):** The application in question will be considered as quickly as possible and a decision will be conveyed to the school as soon as this process has been completed.

#### **Appointments to State Boards.**

376. **Mr. Morgan** asked the Minister for Defence the name, relevant qualifications and process by which each person appointed to a State board operating under the aegis of his

Department was appointed since 1994.  
[26021/04]

**Minister for Defence (Mr. O'Dea):** The State boards under the aegis of my Department are the

Army Pensions Board, Coiste an Asgard and the Civil Defence Board. The appointments made to these boards since 1994 are as follows:

Army Pensions Board

	Date of appointment
<i>Name of Chairperson</i>	
Mr. Martin E. Marren	14.10.1996
Mr. Edward Coffey	15.09.1997
Mr. Thomas Harrington	22.05.2001
<i>Name of Ordinary members</i>	
Dr. Roisin Drury	22.03.1995
Dr. Eugene O'Connor	15.09.1997
Dr. Alan O'Grady	11.03.1998
Acting Commandant Helena O'Connor	03.03.1994
Commandant Donal Collins	25.11.1994
Captain Ciaran Leonard	02.12.1994
Captain Tony Margiotta	20.01.1995
Captain Robert Hume	03.11.1995
Commandant Ciaran Leonard	01.03.1996
Lieutenant Col. Christopher Browne	08.03.1999
Commandant Ciaran Leonard	12.01.2000
Commandant John Tobin	24.10.2002

Appointments are made to the Army Pensions Board by the Minister for Defence by virtue of the powers vested in him by section 5 of the Army Pensions Act 927. The chairman and one ordinary member of the board are civilians. The

other ordinary member must be an officer of the Army medical corps. There is no statutory qualification laid down for appointment as chairman, but the two ordinary members must be qualified medical practitioners.

Coiste an Asgard

Name of Director	Date of appointment	
Mr. William O'Mahony	01.05.1995	Re-appointed 01.05.2000
Mr. Pat Hogan	09.06.1995	Re-appointed 09.06.2000
Mr. Leonard Breewood	01.05.1995	
Mr. John Keohane	23.06.1997	
Mr. John Boland	23.06.1997	
Mr. Manus Brennan	23.06.1997	
Ms. Madlin Curran	23.06.1997	
Mr. Sean Flood	23.06.1997	Re-appointed 31.07.2002
Ms. Avril Harris	23.06.1997	
Mr. J. Clayton Love Jnr.	23.06.1997	
Mr. Enda O'Coineen	23.06.1997	
Mr. Gerard O'Donnell	23.06.1997	Re-appointed 09.08.2002
Mr. Patrick J. O'Hara	17.09.1997	Re-appointed 30.09.2002
Mr. Frederick Morris	20.02.1998	Re-appointed 27.02.2003
Commodore John Kavanagh	06.10.1998	
Mr. David Byrne	25.03.1999	
Ms. Noirin Butler	07.11.2000	
Ms. Joannes Berkery	09.08.2002	
Dr. Roy Browne	09.08.2002	
Mr. Michael Murphy	09.08.2002	
Ms. Kalanne O'Leary	24.09.2002	
Mr. Seamus McLoughlin	09.10.2002	
Commodore Frank Lynch	05.10.2003	
Mr. Gerry Donnelly	11.10.2004	



[Mr. O’Dea.]

The Minister for Defence is *ex-officio* chairman of Coiste an Asgard and may appoint up to 14

other directors. Directors have experience in sailing or other relevant experience.

Civil Defence Board

Name of Director	Date of appointment
Dr. Michael P. Ryan, Chairman	05.06.2002
Mr. Gerry Gervin, Director General	05.06.2002
Cllr. Margaret Adams	05.06.2002
Cllr. Tony Kelly	05.06.2002
Mr. Paddy Durack	05.06.2002
Mr. Ned Gleeson	05.06.2002
Mr. Sean Hogan	05.06.2002
Dr. Ann McGarry	05.06.2002
Mr. Declan Burns	05.06.2002
Mr. Michael Fitzsimons	05.06.2002
Col. Michael Cleary	05.06.2002
Chief Supt. Denis Fitzpatrick	05.06.2002
Ms. Frances Moynihan	05.06.2002
Ms. Irene O’Meara	05.06.2002
Mr. Patrick J. Cooney, Chairman	25.06.2004
Chief Supt. John T. Farrelly	13.10.2004

Appointments are made to the Civil Defence Board from persons who have experience in business, industry, finance, administration, emergency planning, or are recommended by various organisations in accordance with the Civil Defence Act.

#### Water and Sewerage Schemes.

377. **Mr. Neville** asked the Minister for the Environment, Heritage and Local Government the position regarding the provision of upgrading of the sewerage scheme at Kilmallock, County Limerick. [26073/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The Kilmallock sewerage scheme is included in my Department’s water services investment programme 2004-06 to commence construction in 2005. The preliminary report for the scheme was approved in May 2004 and my Department is now awaiting submission of Limerick County Council’s brief for the appointment of consultants to prepare contract documents.

#### Local Authority Housing.

378. **Mr. Penrose** asked the Minister for the Environment, Heritage and Local Government if, in view of correspondence (details supplied), local authorities will discount or disregard in full the carers allowance as income for the purposes of rent assessment by local authorities; and if he will make a statement on the matter. [26083/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** Local authorities are respon-

sible, as an integral part of their housing management functions, for the determination of the rents of their dwellings under the differential rents scheme and for decisions on the types of income to be taken into account in the assessment of rents. It is not proposed to change these arrangements, which are in keeping with Government policy of maximum devolution of functions to local authorities.

#### Housing Works Grants.

379. **Mr. F. McGrath** asked the Minister for the Environment, Heritage and Local Government if there are schemes or grants to assist a person (details supplied) in Dublin 5 with heating installation at their home; and if he will make a statement on the matter. [26274/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** The installation of central heating may form part of eligible works carried out under a number of schemes administered by local authorities for which financial assistance is available from my Department including: the disabled persons grant scheme; the essential repairs grant scheme; and the 2004 central heating programme, which applies to local authority rented dwellings only.

In addition, funding may be provided under the special housing aid for the elderly scheme, which is operated by the health boards. Further information on the schemes is available from the local authority concerned.

### Planning Issues.

380. **Mr. Ferris** asked the Minister for the Environment, Heritage and Local Government if he will make a statement on the forthcoming study on the retail planning guidelines; if it will deal with the issue of below cost selling; and if it will be open to submissions from members of the public as well as persons involved professionally in the sector. [26651/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The retail planning guidelines prescribe a maximum floor area of 6,000 sq. m. gross retail floor space for large-scale single retail warehouse development. This aspect of the guidelines has been under review, taking account of the need to ensure proper planning and sustainable development, while also supporting effective competition in this sector of retailing in the context of ongoing developments in retail formats.

To assist in carrying out the review, interested parties were invited to make submissions to my Department. Some 71 submissions were received and have been assessed. The submissions received raised many complex issues and these will be fully taken into account in considering further whether any changes are needed in the guidelines. I expect to be in a position to announce the outcome of the review in the near future.

The issue of below cost selling does not come within the scope of the retail planning guidelines.

### Housing Grants.

381. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government the estimated cost of increasing the disabled persons housing grant to cover 100% of the cost of approved building costs on the basis of need. [26004/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** Based on activity levels in 2003, local authorities paid €50,481,000 to cover 5,739 disabled persons grants. Assuming that this represented 90% funding, it is estimated that the cost of increasing the grant to cover 100% could be just over €5 million.

This estimate should, however, be regarded as an approximate one only. Factors such as the number of grants paid in any one year, the value of grants paid, the difference in building costs across the country and the percentage of grant paid by each local authority could cause the real additional cost to diverge from the above estimate.

### Social and Affordable Housing.

382. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government

the amount it would cost to increase the total social housing rental housing stock in the State by 30%. [26005/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** There are currently some 105,000 housing units being provided for letting by local authorities.

The construction and acquisition cost of 32,000 social housing units equivalent to 30% of the above figure is estimated at some €5 billion, spread over the appropriate planning and construction period, based on current unit costs. To ensure a net addition of 30%, further construction and acquisition would be needed to compensate for depletion of the social housing stock through tenant purchase and other factors over the relevant period.

### Housing Grants.

383. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government the cost to the Exchequer of re-instating the first time buyers grant to its pre-abolition level to apply to new and second-hand homes. [26006/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** In its last full year of operation before its termination in 2003, the new house grant scheme cost €39.3 million. The grant was only available, however, to first-time buyers of new houses of a certain size. Consequently, the estimated annual cost of applying such a grant to first-time purchasers buying either new or second-hand homes would be of the order of €120 million, based on estimates of activity in the housing market this year.

Through overall increases in supply, and increasing output under various affordable housing initiatives, the Government is seeking to improve access to home ownership for first time buyers. These targeted measures, in particular, assist low income purchasers and this, in the Government's view, is a better means of improving the affordability of house purchase and using available resources effectively, unlike a general first-time buyer's grant which would over time become absorbed into the house price. Other general measures are in place through the tax system to assist first time buyers, such as stamp duty concessions and improvements made in 2003 to mortgage interest relief.

### Planning Issues.

384. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government the number of units, which make up part of a development for housing on land of more than 0.2 acres or consisting of five or more houses, for

[Mr. Morgan.]  
which planning permission has been granted since the enactment of the Planning and Development Act 2000. [26007/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The information requested by the Deputy is not available in my Department.

Activity under Part V of the Planning and Development Acts 2000-2002, for each local authority, is published in my Department's housing statistics bulletins, copies of which are available in the Oireachtas Library.

#### **Appointments to State Boards.**

385. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government the name, relevant qualifications and process by which each person appointed to a State board operating under the aegis of his Department was appointed since 1994. [26022/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The information requested is being compiled and will be forwarded to the Deputy as soon as possible.

#### **Special Areas of Conservation.**

386. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the compensation a person (details supplied) in County Mayo is entitled to for not cutting turf on their bog. [26038/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** My Department provides compensation in certain circumstances to persons who cease to cut turf, and who are owners of land or turbary rights in bogs that have been statutorily proposed for designation as a special area of conservation, SAC, or natural heritage area, NHA. The scheme is applicable primarily to any person who wishes to sell freehold, fee simple or turbary rights over designated raised bogs, which are mainly in the midlands, and where it is necessary to restrict turf cutting.

As far as possible my Department seeks to avoid restricting domestic turf cutting by means other than sausage machines in blanket bogs, which are in mountain areas and in western counties. From the information supplied it would appear that the land in question lies within the Bellacorick bog complex, candidate SAC No. 1922, and is classified as blanket bog. My Department will only consider payment of compensation in these areas in exceptional circumstances where it is found necessary to discontinue cutting of turf. In such cases, blanket bog will be purchased at the rate of €1,000 per acre or part thereof, and an additional incentive payment will also be paid, as follows.

Anyone who sells full title or turbary rights before December 2005 will get an additional payment of €6,000. The value of this payment to those selling in later years will decline by €600 per annum. This is a once off payment and not a per acre payment. Alternatively, an annual payment of €600, for a maximum of ten years will be available to a landowner who does not want to sell but who commits to cease cutting and allow drain blocking or other essential restoration works. It is conditional on satisfactory evidence of title being produced and the landowner will have to sign a legal agreement. It is important to emphasise that, in designated blanket bogs, all of these payments will only arise where, for conservation reasons, turf cutting cannot be allowed to continue.

#### **Local Authority Staff.**

387. **Mr. S. Ryan** asked the Minister for the Environment, Heritage and Local Government if he is satisfied that a clerical officer, for example with An Post, is not eligible for employment in the same grade within the local authority system, not meeting existing leaving certificate education requirements, notwithstanding the fact that they have other education qualifications and skills, for instance in IT; and if he proposes to change the education regulations for entry into the local authorities. [26050/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The educational qualifications for the employment of clerical officers in a local authority require candidates to have obtained a certain level in the leaving certificate or an equivalent qualification. However, the qualifications also enable relevant experience to be taken into account for the purposes of admitting candidates to clerical officer competitions where such candidates do not fulfil the leaving certificate requirements.

Therefore, a clerical officer in An Post who does not meet the leaving certificate requirement would be eligible to apply for a clerical officer post in a local authority if they satisfy the employing authority that they possess satisfactory relevant experience in accordance with the qualifications as now declared.

#### **Planning Issues.**

388. **Mr. McHugh** asked the Minister for the Environment, Heritage and Local Government if he will introduce regulations exempting certain structures erected adjacent to licensed premises providing shelter for patrons who smoke from planning control; and if he will make a statement on the matter. [26080/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Under section 4(1)(h) of the Planning and Development Act

2000, development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure is exempted development only if the works affect only the interior of the structure or do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures. It is a matter for each planning authority to determine whether planning permission is required on a case by case basis.

It is not proposed to amend the planning and development regulations, 2001 to introduce a specific exception for smoking shelters.

#### **Local Authority Funding.**

389. **Mr. P. Breen** asked the Minister for the Environment, Heritage and Local Government if he will provide support and funding to Clare County Council in view of the fact that the council has now taken over responsibility since the 6 September 2004 for housing in Shannon town, County Clare which will have a huge drain on its resources; and if he will make a statement on the matter. [26250/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Local authorities fund their current expenditure, including expenditure on housing maintenance, from a variety of sources including housing rents, specific State grants, commercial rates, fees and charges for services and general purpose grants from the local government fund.

Clare County Council has been allocated significant funding from the local government fund. The council's 2004 allocation of €13.1 million is an increase of 15.2% over the 2003 allocation and represents an increase of more than 350% since 1997.

The issue of 2005 current expenditure will fall to be dealt with by each local authority in the context of its annual budgetary process. In accordance with normal practice, I intend to notify local authorities of their general purpose local government fund grant allocations for 2005 as soon as possible following publication of the Abridged Estimates Volume in November.

#### **Urban Renewal Schemes.**

390. **Mr. P. Breen** asked the Minister for the Environment, Heritage and Local Government if he plans a new urban village renewal scheme when the current scheme expires; and if he will make a statement on the matter. [26251/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The current tax incentive based urban and town renewal schemes do not expire until 31 July 2006. Pending an assessment of the overall impact of these schemes, and agreement at EU level on revised

regional aid guidelines for the post-2006 period, it is not proposed at this stage to develop a new urban renewal scheme.

#### **Local Authority Housing.**

391. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government if the statement (details supplied) on 30 September 2004, in reference to a submission from Dublin City Council in relation to proposals on the sale of council flats, was untrue; and if the submission in fact came from management and not the members of the council. [26280/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** Draft proposals involving a scheme for the sale of flats were forwarded to my Department by Dublin City Council on 17 June 2004 for consideration. It is understood that the general issue concerning the sale of flats was discussed prior to the submission of the proposals at a number of meetings of the special policy committee attended by city council officials, elected councillors, and a number of sectoral interests.

#### **Fire Stations.**

392. **Mr. O'Connor** asked the Minister for the Environment, Heritage and Local Government if he will make contact with South Dublin Council in Tallaght to discuss the need for the upgrade of Tallaght Fire Station on the Belgard Road; if his attention has been drawn to the local view that additional resources are now required for the fire services in Tallaght; and if he will make a statement on the matter. [26300/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. B. O'Keefe):** Dublin City Council, which is the fire authority for South Dublin, is currently finalising the acquisition of additional land attached to the fire station at Belgard Road. This land would be used for the upgrading and extension of the fire station. When the land acquisition has been finalised and plans have been prepared, a submission will be made to my Department for funding for the project.

#### **House Purchase Schemes.**

393. **Ms O'Sullivan** asked the Minister for the Environment, Heritage and Local Government if it is necessary to be in permanent employment in order to qualify for the shared ownership scheme; if working in long-term temporary employment in the public service can qualify; and if he will make a statement on the matter. [26328/04]

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** The administration of the shared ownership scheme is a matter for individual local

[Mr. N. Ahern.]  
authorities. Authorities must assess each application under the scheme on its merits and must have regard, *inter alia*, to the ability of applicants to manage the mortgage and rental commitments

arising from a shared ownership transaction. It should normally be possible for this criterion to be satisfied by a range of different employment tenures.