

# DÁIL ÉIREANN

TU AIRISC OIFIGIÚIL—*Neamhcheartaithe*  
(OFFICIAL REPORT—*Unrevised*)

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## DÁIL ÉIREANN

*Dé Céadaoin, 15 Nollaig 2004.  
Wednesday, 15 December 2004.*

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

*Paidir.  
Prayer.*

### Leaders' Questions.

**Mr. Kenny:** Yesterday, the Tánaiste announced that the Government is introducing emergency legislation to put in place a sound legal basis for charging elderly patients in public care. I want to give credit to the Tánaiste for moving on this matter in the wake of legal advice given to her after Deputy Perry first raised the matter. I have serious reservations about passing complex legislation in one day at the end of a Dáil term. It is because of Government incompetency in the first instance that this matter has arisen.

I want to refer to the specific issue of the *ex gratia* payment to the elderly people involved. My party was pilloried for 50 years about a decision made by the late Ernest Blythe in regard to old age pensions. This is a very sensitive matter for these people. Who are they? They are not the people who attend at tents at the Galway races or go on multiple holidays each year. They are the sick, the elderly, the lame, the blind, stroke victims, Alzheimer's patients in their 70s, 80s and 90s. Because of the incompetence of legislation introduced by the then Minister, Deputy Martin, the State took illegally payments and contributions from these people. It is now expected that these people, many of whom have no next of kin or are unable to follow the events of the world as we might wish, should apply to the Department of Health and Children, which rushed through legislation in 2001 and took payments from these people, for an *ex gratia* payment.

Before getting into the analysis of the legislation and the complex issues contained therein, the Taoiseach and Tánaiste should examine the matter of a requirement on the elderly to apply for an *ex gratia* payment, whatever order it may be. The requirement should be waived because the Department has all the records of and from whom it took these payments. This is a very sensitive matter for thousands of elderly people. I ask for this commitment before the legislation is published.

**The Taoiseach:** On the two points raised by Deputy Kenny, the Government wants to bring

clarity, certainty and speed to the issue of the repayments on nursing home charges. The Deputy raised the issue here on a number of occasions during this session. Very early on, the Tánaiste said the matter would be examined comprehensively by the Attorney General, who did this. I reported that fact when the Deputy raised the issue with me on several occasions. He also used outside senior counsel opinion and provided us with preliminary advice on 5 November and with his full advice on 8 December. The Tánaiste and the Cabinet made a decision to move on the matter straight away because it is important to deal with the matter.

I will not get into an argument on the legislation, but it is clear from reading the file that the issue dates to a decision made in 1976 arising from the McInerney Supreme Court decision, which was carried forward since then within the Department. The scheme dates back to 1954, as amended in 1965. It dates back over a 50 year period, which is on the record. The question of overall eligibility has been examined in the Department over the past two or three years.

On the second issue raised by Deputy Kenny regarding the €2,000 to be refunded to these people, we are not talking about elderly people, but about approximately 20,000 people in institutions, psychiatric hospitals, welfare homes, county homes, district hospitals and community nursing units. I assure the Deputy that, where possible, these people will be identified. Obviously many of them still remain in this position. It is easy to deal with the issue where the records are clear. There will be an advertising campaign and a full effort to identify these people and pay them the *ex gratia* payment.

**Mr. Allen:** Will the Taoiseach repay them?

**The Taoiseach:** It is an *ex gratia* payment based on a gesture of goodwill.

**Mr. Allen:** The people were diddled.

*(Interruptions).*

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

**The Taoiseach:** I do not think the Deputy should say that because it is essential that any charges imposed on people have a sound legal basis. It is not an argument about whether people should pay the charges. This payment scheme exists for 50 years under the 1954 Act. It is important for the State to ensure that any charges or taxes imposed on people are legal whether in regard to the health service or any other service. The enactment of the legislation will not change the fact that the payment has existed for half a century.

**Mr. Kenny:** I have given credit to the Tánaiste for taking action on the basis of the legal advice offered to her. A patient in a public bed for less

[Mr. Kenny.]

than six months can get only a proportion of an *ex gratia* payment. I hope the Tánaiste has not finalised the figure of €2,000. She should not subject the elderly to a bureaucratic regime such as was applied to the drugs refund scheme, or to any other scheme whereby the elderly are forced to apply for a payment which they will now see has been taken from them illegally. If the Department of Health and Children knows those people from whom it has taken the contributions in the first place, then based on those conditions it should be able to make the repayments.

I am concerned that this legislation is being rushed through because it deals with elements of retrospection and of capping the right of people to take a court case. There is no clarity about repayment to estates of people who have unfortunately passed on, and the next of kin may feel that the money was taken from the estate. The Taoiseach is aware that this matter has split families all over the country. Will the Taoiseach decide that those who will get a repayment of an *ex gratia* nature, or whatever it is, will not have to go through the tortuous process of having to apply to the Department of Health and Children? Let the cheques come through the ward door to those people who will feel very aggrieved that these payments were taken from them illegally in the first instance.

**The Taoiseach:** I accept that point fully though it is not the Department of Health and Children which holds the records but the institutes involved. For those in long-term care, those people who are readily identifiable in nursing units and psychiatric units and publicly contracted beds in private nursing homes, district hospitals or county homes, there will be no problem. We will not subject them to any regime but will simply make the *ex gratia* payments.

I ask Deputy Kenny to accept that in some cases, where people have left or moved away, an advertising campaign will be necessary to identify them, but those who are readily identifiable will not be put through any process and we will give them the *ex gratia* payments as quickly and efficiently as possible. We will have to do otherwise for some other people, including people who have left the various institutes who may wish to apply, but we will move on the system as quickly as possible.

**Mr. Rabbitte:** The Taoiseach says he will rush all Stages of legislation on this matter through tomorrow in order to bring speed and clarity to the issue. Did the chief executive of one of the health boards advise the Department of Health and Children in early 2003 that according to his advice there was no legal basis for these charges? Since the Taoiseach has been aware of the issue from early 2003, there has been no sign of wanting to rush it through with great speed and clarity.

How can the Taoiseach justify his Government requiring the banks, for example, when they are

guilty of overcharging, to make full restitution to the clients overcharged, and then apply a different rule on this issue? Why are the people subjected to this overcharging not entitled to the same treatment?

The Bill, which I received an hour ago, says for example that "subject to subsection (6) it is hereby declared that the imposition and payment of a relevant charge is and always has been lawful". In other words it seeks to deem something to be legal which was illegal. The Taoiseach must say whether he will make the various advices of the Attorney General in respect of this matter available to the Opposition spokespersons. It is difficult to understand how 20,000 people who have been improperly and illegally charged, without any statutory authority, are now supposed to settle for up to €2,000, about the equivalent of 16 weeks of overcharging, no matter how long the overcharging has gone on. Given the complexity of these issues and the blatant lack of statutory authority for what the Department has been doing over all those years, I cannot see how the Tánaiste can rush the legislation through this House tomorrow. I ask the Taoiseach to provide the Attorney General's legal advice to the Opposition and provide the House with time to consider these matters properly.

**The Taoiseach:** We want to bring clarity, certainty and speed to these issues. We want clarity about the law in the past, the present and the future, as well as about the repayments being provided and the charges that will continue. We want to deal speedily with the repayments to people and to maintain the incomes of health boards and the new Health Service Executive. The payments will be made on an *ex gratia* basis as a matter of goodwill.

Deputy Rabbitte asked if the matter was raised by the health boards. It was, and the Department was working on a scheme of eligibility. It has been looking at the entire legal and policy framework of eligibility for health services because different eligibility criteria have been operating for many years since the Health Act 1970. The criteria are not equal across the health boards. This issue has been raised many times and certainly since the 1996 Act whereby health boards were made responsible for balancing their budgets. That issue was raised many times by Deputies in this House. The health boards must balance their budgets and make ends meet.

The issue before us did not arise from the Health Act 1996. For 50 years since the 1954 regulations, people in long-term care have paid towards the cost of shelter and maintenance. That was provided for under the 1954 regulations. They were amended in 1965, under the Health Care Act 1970 and under the 1976 regulations. People accept it as reasonable and fair that there should be a contribution towards living costs, i.e. non-medical expenses of shelter and maintenance. That has been the position for half a century. When people receive State pensions to meet

living expenses, those pensions help to take care of them if they enter long-term care. That has been the basis of this. All Governments have implemented this policy. They provided for the new charges from time to time, and from the 1976 regulations onwards the guidelines were given out to the health boards and followed by them. In recent weeks the Attorney General stated that he believed this requires primary legislation and the Government is now providing that, as it must do following receipt of that advice.

**Mr. Rabbitte:** I know of no evidence that the Department was taking the action mentioned by the Taoiseach from the time it was advised that there was no legal basis for its actions in this area. It is reasonable to ask if the Minister would even be responding to the matter now if Deputy Perry had not raised the matter in the House. Frankly, I doubt it.

The Taoiseach should note that retrospective changes in procedures are one thing while retrospective imposition of a liability is entirely different. That is in effect what is being proposed. If, for example, the State is dealing with a citizen who does not pay his or her taxes, it levies the full taxes with penalties and interest. When the shoe is on the other foot, however, the Taoiseach says that an illegal charge can be made which can be made legal by retrospective legislation. I instanced the example of the banks. How can a different set of rules apply to citizens dealing with the State as distinct from those dealing with the banks?

**An Ceann Comhairle:** The Deputy's minute has concluded.

**Mr. Rabbitte:** I accept that, but many people are running out of minutes who are aged, infirm and perhaps not in possession of their full faculties. Frankly, they have been cheated, and offering them a sop at this time in this fashion and asking Members to nod it though the House is not acceptable. There are myriad examples of the courts striking down bad law rushed through this Houses and the Tánaiste should not now be adding to that.

**Deputies:** Hear, hear.

**The Taoiseach:** I cannot argue one way or another about the courts' rights in this matter. When one reads the 1976 regulations with the hindsight of the cold light of almost 30 years, one might conclude that perhaps they should not have been implemented as they were.

**A Deputy:** Pay them back——

**The Taoiseach:** I do not believe that is the issue, as unpopular as it might be to say so. I believe people in general accept it is reasonable and fair that there should be a contribution towards living costs, that is, expenses for shelter

and maintenance. That has been the position for 50 years.

**Mr. Stagg:** They are paying their full pensions.

**The Taoiseach:** They are not paying their full pensions.

**Mr. Stagg:** They get it back as tobacco money——

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

**The Taoiseach:** If I can make the point, it is not the same as people not paying their taxes.

**Mr. Stagg:** ——if they are lucky.

**The Taoiseach:** I am trying to answer the Labour Party, but Deputy Stagg will not allow me. The people in this case are within the various categories I have mentioned, in welfare homes, district hospitals and long-term care. When they had left their homes they received care, maintenance and shelter in various organisations. That is what the payments were for. They were out of their homes. They are paid a pension for their care when they are living at home and then they are paid it when they are in these organisations. That is the purpose of the payments. It is not a case of taking something for nothing. That is the principle that has operated for 50 years. We were told very recently, a point made earlier by Deputy Kenny, that we did not have the legal basis——

**Ms McManus:** The Government was told that two years ago.

**The Taoiseach:** I now have to answer three people in the Labour Party, but the point is work had already begun in the Department on a more general review of the entire legal and policy framework around eligibility for health service. When the issue came up as regards the health board, the Department believed it still had grounds for continuing with the system, but knew there were different criteria on this among various health boards. In good faith it continued to operate the system while the review was going on. As soon as the matter was highlighted the Tánaiste correctly stated that the Government had to deal with it and that is why we are asking for the co-operation of the Opposition to pass this Bill this week.

**Mr. Sargent:** I welcome the Taoiseach agreeing to investigate the hiring activities of a PR consultant by Deputy Cullen, the former Minister for the Environment, Heritage and Local Government, dealing with approximately €300,000 as well as eight foreign trips. Today he needs to investigate the spending of €800 million, also under Deputy Cullen's watch as current Minister for Transport, relating to the upgrading of the M50. That is a



[Mr. Sargent.]

cost which appears to be escalating, even as we speak. According to the environmental impact study from the NRA the upgrade will result in the road being congested from the time it opens, which calls into question how public money is being spent. I remind the House that the genesis of this particular saga, starting on 16 July 2003, commenced with the former Minister for Transport, Deputy Brennan, stating that the M50 upgrade was not an immediate prospect. Then there was the embarrassment of the Red Cow roundabout going up on stilts, quickly followed on 21 October by the Joint Committee on Transport hearing from what is often termed "the Fianna Fáil NRA organisation" citing €316 million as the cost of an upgrade if it was to proceed. That escalated on 10 February 2004, with the same organisation citing €590 million as the cost of the work. Now, at the oral hearing which is proceeding today as we speak, there is an indication the cost will be €807 million.

There is a clear need to get a firm grip on the escalating cost of over-runs before any construction commences. We are dealing here with the oral hearing. Has the Taoiseach read about Mr. Tim Corcoran, the M50 project co-ordinator telling my colleague, Deputy Eamon Ryan, the Green Party spokesman on transport, that the motorway's upgrade depends on the metro going ahead as well as other public transport being in place, as in the Dublin Transportation Office's "Platform for Change" plan? Where then stands the Government as regards the decision on the metro, which seems to be in abeyance? What about the pleas of county managers such as Fingal's demanding a decision on the metro this January before a proper development plan can be made by the local authority which relates to the administrative area? Will the Taoiseach inquire into this escalating cost and will he make a decision on the metro so there is some comprehensive planning on transport?

**The Taoiseach:** These questions cover the entire public transport issue——

**Mr. Sargent:** They are about cost.

**The Taoiseach:** ——and about cost. The National Development Plan 2000-2006 is investing approximately €2.8 billion in public transport. I know the Deputy meant to mention the other aspects, but ran out of time. Perhaps I will take up those. The Heuston station project was completed at the end of last year.

*(Interruptions).*

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

**The Taoiseach:** There are 76 new rail cars coming into service, a capacity increase on rail routes, such as the Dundalk-Drogheda, the Arklow route, the Maynooth——

**Mr. Cuffe:** What about the M50?

**Mr. Eamon Ryan:** Public transport.

**Mr. Boyle:** That is not the question.

**An Ceann Comhairle:** Deputy Sargent is the only leader of the Green Party and as such, the only Member entitled to ask a supplementary question, when he is called, of course.

**Mr. Allen:** The Taoiseach should tell the House about Cork station.

**Mr. Cuffe:** Answer the question.

**An Ceann Comhairle:** The Deputy is not the leader of the Green Party.

**Mr. Cuffe:** The question was about the M50.

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

**The Taoiseach:** The answer as regards the M50 is easy. As the Deputy knows there is a hearing regarding the M50 and we are awaiting the outcome.

**Mr. Howlin:** The cost is going up.

**The Taoiseach:** We must first of await the conclusion of the hearing. I know Deputy Sargent is against all roads.

**Mr. Sargent:** I am not against all roads. I am against improper costs.

**The Taoiseach:** The Deputy is against the building of all roads.

**Mr. Boyle:** The Taoiseach is against all metros.

**The Taoiseach:** He has asked me about the N3, which is——

**Mr. Sargent:** I did not ask about the N3.

**The Taoiseach:** He did. He mentioned that, too.

**Mr. Sargent:** Will the Taoiseach answer the question?

**Mr. Boyle:** What about the metro?

**The Taoiseach:** The Minister will make a decision on the metro in the new year.

**Mr. Sargent:** Will it be in January?

**The Taoiseach:** What other roads does the Deputy wish to hear about?

**Mr. Eamon Ryan:** The M50.

**Mr. Sargent:** Will the Taoiseach inquire into the cost over-run?

*(Interruptions).*

**An Ceann Comhairle:** I will request Members of the Green Party to allow their leader, only, to be involved in Question Time, and only when he is called by the Chair.

**The Taoiseach:** I am trying to answer the questions one by one for the Deputy as he is asking them. We have also been spending €600 million over the last number of years on rail safety. I am sure the Deputy has noticed Luas is now up and running.

*(Interruptions).*

**The Taoiseach:** We have also spent an enormous amount on new buses as well and the Balbriggan bypass, which is in the Deputy's constituency, is enormously successful. The remainder of the road on which he goes home every evening has also been built since he came into the House——

**Mr. N. Dempsey:** On a bicycle.

**Mr. Cuffe:** There are very few bicycle lanes.

**The Taoiseach:** ——so I hope he has a happy Christmas.

**Mr. Sargent:** I thought this was to be a question and answer session. The fact the Ceann Comhairle has no control over the answer is being abused.

**An Ceann Comhairle:** The Chair will not condone interruptions.

**Mr. Sargent:** The Ceann Comhairle should take seriously the fact that he is being insulted in that answers are not being given when questions are asked.

**Mr. N. Dempsey:** Is that a question?

**Mr. Sargent:** Once again, will the Taoiseach say whether he is in any way concerned that the NRA comes into a committee with a price tag of €316 million to win political support for a project and as soon as that support is confirmed, the price creeps up and is fast approaching €1 billion?

Is that not of any concern to the Government which is supposed to be in charge of public funding when there are so many other needs that require spending? Will the Taoiseach inquire into that? Will he take decisive action on transport planning rather than just rattle off a list of solitary projects that hang together as some sort of Christmas shopping list?

11 o'clock

**An Ceann Comhairle:** The Deputy's minute has concluded.

**Mr. Sargent:** Will he decommission the NRA and try to re-integrate it into normal democratic society? Will he establish a national transport authority, put the RPA and the NRA together and let us have cohesive and co-ordinated transport planning?

**Mr. Cullen:** How many questions is that?

**Mr. Sargent:** At the moment, the NRA is social welfare for road engineers.

**A Deputy:** Hear, hear.

**Mr. Cullen:** And for archaeologists.

**The Taoiseach:** The NRA was set up in the first place so that we could build roads on an independent basis and so that it would not be just the Minister and his Department building them.

**Mr. Sargent:** Yes, but for roads only.

**The Taoiseach:** Then we had to deal with the Department of Transport. Early guesstimates of road plans are just that. There are no budget figures until they go out to tender or until full designs of the location of the road are carried out. The Deputy is asking me why the figures for the NRA are escalating, yet he stated two weeks ago that he was completely against the position of the roads. How can the NRA know the cost of roads when we cannot get a fixed position on it?

**Mr. M. Higgins:** It will not be running advertisements about it at any rate.

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

**The Taoiseach:** When the NRA knows where the road is and what size it is——

**Mr. Cuffe:** Does the NRA know where the M50 is?

**The Taoiseach:** If this House keeps complaining about it——

*(Interruptions).*

**The Taoiseach:** As I understand it, the Clonee-Kells project comprises the construction of 49 km of motorway, of over 14 km of single carriageway and has an estimated cost of around €820 million in January 2004 prices. It is to be implemented as a toll-based PPP project.

**Mr. Eamon Ryan:** This is not the answer.

**Mr. Sargent:** This has nothing to do with the question.

**An Ceann Comhairle:** There is only one leader in each party. The Deputies should leave the questions to their leaders.

**Mr. McDowell:** There should be no motorways near Stonehenge.

**The Taoiseach:** There is no full scheme yet from the NRA on what will happen with the M50. It has not given full costs on it.

**Mr. Boyle:** It will cost even more.

**The Taoiseach:** There is a hearing on it with An Bord Pleanála. Until that is decided and until the NRA knows it has full planning permission, full engineering costs will not be decided. That is how it happens.

**Mr. Sargent:** It will be over €1 billion.

**The Taoiseach:** The Deputy wants hearings and investigations, then he wants costs and estimates.

**Mr. Boyle:** How wrong can the NRA be?

**The Taoiseach:** Let us go through the process. The process on the M50 is that An Bord Pleanála, which is independent, will make its decision. I know that if it makes a positive decision, the Deputy will claim it was not a good decision and

his party will be off to the courts. The Deputy and his party should be honest and say they are opposed to it.

## Ceisteanna — Questions.

### Appointments to State Boards.

1. **Mr. Kenny** asked the Taoiseach the names of the persons he has appointed to the boards of the State agencies under the aegis of his Department since May 2002; and if he will make a statement on the matter. [30937/04]

2. **Mr. Rabbitte** asked the Taoiseach the persons appointed to boards or agencies under the aegis of his Department during 2004; and if he will make a statement on the matter. [32124/04]

3. **Mr. Sargent** asked the Taoiseach the appointments he has made to boards of State agencies since May 2002; and if he will make a statement on the matter. [32415/04]

**The Taoiseach:** I propose to take Questions Nos. 1 to 3, inclusive, together.

I refer the Deputies to the reply which I gave to a similar question on 5 October. I include a table showing the appointments which have been made since then.

State Board/Agency	Name of Appointee	Occupation/ Organisation	Date of Appointment
National Economic & Social Forum <i>Strand (ii) Employer/Trade Unions</i> Employer/Business Organisations	Maria Cronin	IBEC	Oct/Nov 2004 (replaced Jackie Harrison)
<i>Strand (iii) Community &amp; Voluntary Sector</i> Disadvantaged	Audrey Deane	Society of Saint Vincent de Paul	Nov 2004 (replaced John-Mark McCafferty)
<i>Strand (iv) Central Government, Local Government and Independents</i> Local Government	Councillor Ger Barron	General Council of County Councils	Nov 2004 (replaced Cllr. John Egan)
	Councillor Jack Crowe	General Council of County Councils	Nov 2004 (replaced Cllr. Patsy Treanor)
	John Tierney	County and City Managers Association	Nov 2004 (replaced Donal O'Donoghue)

The only change since then is to the National Economic and Social Forum. There has been one change at IBEC, one from the voluntary sector where a person from the Society of St. Vincent de Paul has replaced another member and two councillors and one county manager have been changed in the local government sector. There are no other changes.

**Mr. Kenny:** How many agencies are under the aegis of the Taoiseach's Department? Is he still having difficulty in getting quality people to take up these positions, as he expressed before, because of the odium in which some State boards find themselves?

**The Taoiseach:** It does not affect my Department because it is mostly made up of the social partners. The only groups under my aegis are the Information Society Commission, whose members tend to be technical people, the National Statistics Board, whose members are most definitely technical people, the Law Reform Commission, which is very small, and the National Centre for Partnership and Performance and the National Economic and Social Forum. These groups are made up of Members of this House or the social partners, so my Department is not affected. The position is stabilising on general State boards as the era of inquires moves on.

**Mr. Sargent:** Is the Taoiseach satisfied that the gender balance sought by organisations such as the National Women's Council is not yet reflected in State boards? Only 27% of those appointed to State boards are women, despite a minimum target of 40% set by the Government in 1991. What procedures are in place to redress that imbalance? Will that be established by any timeframe set by the Taoiseach?

**The Taoiseach:** The equality division of the Department of Justice, Equality and Law Reform monitors that on a continuous basis. My own Department endeavours to make sure that we have the highest percentage of women. A number of boards under my Department are chaired by women. It is not as big a problem with NESC, where 42% of members are women and around 40% of the other boards are women. That is a good figure, but all the boards are monitored by the Minister of State at the Department of Justice, Equality and Law Reform.

**Ms McManus:** Is the Taoiseach saying that all State boards under his aegis have around 40% female membership? It is also Government policy to promote people with disabilities. What is the Taoiseach's record in this regard in relation to appointments to State boards?

**The Taoiseach:** I do not have that information with me. We are ahead of the average and we are trying to improve on it. The average is around 3% and we are around 4%, but we always try to increase that wherever we can and to make facilities for as many as we can.

On the Deputy's first question, in some of our boards we are higher and in others we might be a bit less, but around 40% of our boards comprise women. Our problem is with the social partners. It is an ongoing battle with all of them to get them to nominate women, though it has improved. In the other boards, it is not so much of a problem. We have a good representation on the statistics board and the Law Reform Commission, where there are two women on a board of five or six members. The social partners are improving but we always have to go back to force them to comply. I am not blaming one social partner over another, it seems to happen with all of them.

#### Departmental Assistance.

4. **Mr. Kenny** asked the Taoiseach the details of the arrangements within his Department for providing assistance to certain independent Deputies of Dáil Éireann; and if he will make a statement on the matter. [30938/04]

5. **Mr. Rabbitte** asked the Taoiseach if he will list the Deputies in respect of whom arrangements have been made by his Department to provide assistance; the nature of the assistance provided; and if he will make a statement on the matter. [32123/04]

6. **Mr. Sargent** asked the Taoiseach if his Department has made arrangements to provide assistance to certain members of Dáil Éireann; the nature of that assistance; and if he will make a statement on the matter. [33156/04]

**The Taoiseach:** I propose to take Questions Nos. 4 to 6, inclusive, together.

A number of Independent Deputies offered invaluable support to the previous Fianna Fáil-Progressive Democrats Government. Their support is not as critical to the Government's majority in this Administration, but given the support they have provided in the past, I have always tried, and continue to try, to be as helpful as possible to these Deputies. A staff member in my office assists the Government Chief Whip's office in its work in liaising with these Deputies, namely Deputy Fox, Deputy Healy-Rae and Deputy Blaney of Independent Fianna Fáil. This official meets with these Deputies on a regular basis and arranges to keep them briefed on issues as they arise.

**Mr. Kenny:** I was going to ask the Taoiseach how the clinics were going within his party and with his Ministers — there was an announcement about that some time ago. Did I hear correctly that Deputy Fox, Deputy Healy-Rae and Deputy Blaney are the only Deputies receiving this type of special attention? I wonder if that is due to a fear on the Taoiseach's part that he might require their services.

With regard to the official involved, is this a part-time nixer during the day whereby he or she contacts the trio involved and inquires if they want anything done in the constituency or otherwise? What is the nature of the contact? Is it about constituency problems or issues the Deputies bring to the attention of the official? There are other Independent Deputies in the House. Are they considered as second in line for special attention on the basis that the Taoiseach might require them at some time in the future?

**The Taoiseach:** This happens because we had a close daily association with the Deputies during the lifetime of the last Government. We have continued the facility, although it is not used nearly as often now. In fairness and courtesy to the Deputies, I felt an obligation to them because they had supported the Government throughout its term. For the official, this is just part of an assistant principal's work. It is not the same level of assistance, obviously. The last time we kept them informed of business in the House but those issues are not dealt with now. However, it is useful when they have problems and seek access to a Minister or Minister of State. Needless to say if other Independent Deputies or any Deputies seek assistance, as they do, on a basis of courtesy we always try to assist them.

While it was a special arrangement during the term of the last Government, it is not so much now.



**Mr. Sargent:** On 22 November, there was a report in *The Irish Times* which appeared to indicate that the type of approaches being made to a number of Independent Deputies was far from normal. Deputy Finian McGrath and Deputy James Breen were mentioned in the report. Both described being “love bombed” in November by the Government.

**Mr. N. Dempsey:** They wish.

**Mr. Sargent:** That is far from what would be considered normal discussions. Given that Deputy McGrath said he would not support a Fianna Fáil Government unless Aer Lingus remained wholly in State ownership, will the Taoiseach go further with this love bombing? Has Aer Lingus been parked for Deputy McGrath and does the Taoiseach have plans to launch further love bombing raids on the Opposition benches?

**The Taoiseach:** The House will have noticed that during this session I have been working particularly hard on Deputy Joe Higgins but I am not getting far.

**Mr. Sargent:** Deputy McGrath is safe.

**Ms Lynch:** He even went so far as to join his party.

**Ms McManus:** The Taoiseach said the facility is not being used as much now. Perhaps he would explain further why that is so. Is it that it is not useful? What is the reason? It would appear to Opposition Members that an advantage is being given to certain chosen Deputies by the provision of a fast track into Departments. If the Taoiseach says this facility is available to all Deputies, is he willing to forward to us the name of the contact person so we can avail of it?

**Mr. N. Dempsey:** Is the Deputy thinking of supporting us?

**The Taoiseach:** The last Government lasted its full constitutional term and the Deputies who supported that Government were enormously helpful in helping us achieve that. We would not have achieved it without them. Obviously, on a basis of courtesy to the Deputies, as has happened many times during my time in this House, parties will help those Independents who support them. Otherwise, let us be honest, they would not support them. The numbers in the House are different in this Dáil and that is the reason the facility is different.

In my experience, the age old practice of Members waylaying the Taoiseach and Ministers in the House to seek assistance or to get them to meet delegations probably works more effectively than going through an official. It happens here daily. I was caught twice yesterday and was asked to meet people by Opposition Deputies. I would

not be doing my job if I did not do that. It has always been a courtesy of the House. It should not be seen as a big deal or special arrangement.

**Ms McManus:** Surely that is a waste of the civil servant's time. Can we really afford——

**The Taoiseach:** That civil servant has other jobs to do. He does this as well.

**Ms McManus:** This is a facility the Government has provided to ensure that it has insurance in case there is a bust up between the parties in the Government. If the Taoiseach is saying it is no use to anybody and that we are better off to lobby the Ministers in the House, does he not accept that this is a waste of a civil servant's time and that the civil servant should be responsible for something that has more of an impact?

**The Taoiseach:** The civil servant who is involved at any particular time has plenty of work to do. We should not make a big deal of a Member who supports the Government being able, from time to time, to get assistance. It is not a big deal. The Deputy should try supporting the Government and see if it helps her.

#### Departmental Estimates.

7. **Mr. Kenny** asked the Taoiseach if he will make a statement on his Department's Estimates for 2005. [32017/04]

8. **Mr. Rabbitte** asked the Taoiseach if he will make a statement on the Estimates for his Department for 2005. [33212/04]

**The Taoiseach:** I propose to take Questions Nos. 7 and 8 together.

The total allocation for my Department for 2005 is €37.444 million, of which €18.869 million is for administration and €18.626 million is for other services. Details of the Estimates are set out in the Abridged Estimates for the Public Service, which were presented to the Dáil on 18 November 2004. I look forward to addressing specific issues relating to the Estimates provisions when the Committee on Finance and the Public Service considers them in the usual way. I also look forward to responding to questions Deputies may wish to table separately about specific aspects of the work of my Department.

**Mr. Kenny:** The Taoiseach commented yesterday about an individual consultancy case. When a Department appoints consultants and they travel abroad in the course of their work, is it the procedure for the consultant to travel to the destination and then invoice the Department for the flight or does the cost of the trip come from the Department's fund automatically?

**The Taoiseach:** I can only speak from my own experience. I do not have anybody contracted to the Department. My staff are staff of my Department and in the case mentioned by the Deputy,

if the staff were approved to travel somewhere, the Department would pay the bills. It is certainly not the case that they would send a bill to the Department. That is the norm in my experience and Deputy Noel Dempsey, who is here too, says that it is the norm in his Department as well.

**Ms McManus:** There are some interesting figures in the Estimates on which the Taoiseach might elaborate. The sum for consultancy services has increased by 23%, a significant amount. Ireland held the EU Presidency this year and people would assume there would be additional costs for consultancy services but it is hard to see why there is such an increase for next year. The fact that the Government has spent enormous amounts of money commissioning consultants is a matter of some concern. Will the Taoiseach elaborate on that?

The Forum for Peace and Reconciliation has served a very useful function. Does the increase in the subhead result from the fact that the Taoiseach intends to reconvene the forum following recent difficulties relating to Northern Ireland? On the commemoration initiative, what will we commemorate in 2005?

**The Taoiseach:** The forum subhead is kept in place in the event that it may be required to reconvene, as has happened a few times in the past five or six years. We do not have a particular plan in this regard, but we bring it back from time to time. We keep the structure in place, though no costs arise from that.

Almost all the funding available under subhead 10 is for the e-Cabinet initiative. While the initiative is still within budget, it has been extended across Departments. The timing difference relates to expenditure which will occur in 2005. A great deal of the work has been done, but the billing period will be in 2005.

The commemoration initiative subhead is a small budget held in the Department of the Taoiseach. Most of the provision for next year is accounted for and will be used to pay off the remaining bills of the Robert Emmet commemoration, which is complete. The Department has arranged to fund the organisers to help them to defray the costs. Department payments were issued last year and this year and will also be issued next year. I might be wrong, but off the top of my head there will be no major commemoration in 2005.

**Mr. Sargent:** When looking at the Estimates for the Department of the Taoiseach, it stands out that consultancy services will increase by 23% next year. Is there a particular reason for that? As one would expect, consultancy costs accrued as a result of the EU Presidency, but why is the figure being increased by 23%?

**The Taoiseach:** That is the subhead on which I replied to Deputy McManus. It covers the information society e-Cabinet project. While the pro-

ject is operating across Departments, the billing period will be in 2005 rather than 2004. That accounts for most of the money, although there may be other projects.

**Ms McManus:** Will the Taoiseach tell me the total cost of the e-Cabinet project? Will he consider holding further sessions of the Forum for Peace and Reconciliation this year rather than keeping it on ice? The House will have a debate on Northern Ireland tomorrow, which inevitably will be limited. The current scenario deserves full, open-ended debate for which the forum provides.

**An Ceann Comhairle:** The Deputy is going outside the realm of these questions.

**Ms McManus:** I do not think so. Do you?

**An Ceann Comhairle:** I do.

**Ms McManus:** I will move on to the last point in my question then. Under subhead J on the inquiry into Dunnes payments, we appear still to be paying for the McCracken tribunal, which is well over. Will the Taoiseach explain why there continues to be a cost involved as we move into 2005?

**The Taoiseach:** I have checked my notes and confirm that funding under subhead E relates to the Robert Emmet commemoration. An amount of €65,000 is provided for suitable projects, most of which will be used to meet expenses incurred by the organisers of the Robert Emmet commemoration.

The provision for the tribunal of inquiry into Dunnes payments is a contingency provision to meet costs which may be awarded to parties represented at the tribunal. While the majority of costs have been paid, two parties have not yet claimed costs. As Deputy McManus stated correctly, it is some years since the tribunal completed its work. While the likelihood that the costs will be claimed decreases with time, the advice has been that we must make provision for costs that could arise.

I do not have full details of e-Cabinet costs, though I outlined them to the House recently in response to a parliamentary question. I can send Deputy McManus a note containing the information.

**Ms McManus:** I thank the Taoiseach.

### **Public Private Partnerships.**

9. **Mr. Kenny** asked the Taoiseach if he will report on the November 2004 meeting of the cross-departmental team on infrastructure and public private partnerships; and if he will make a statement on the matter. [32018/04]

10. **Mr. Sargent** asked the Taoiseach if he will report on the meeting of the cross-departmental team on infrastructure and public private partner-

[Mr. Sargent.]  
ship in November 2004; and if he will make a statement on the matter. [33157/04]

11. **Mr. Rabbitte** asked the Taoiseach when the cross-departmental team on infrastructure and public private partnership last met; the number of meetings held during 2005; when the next meeting is due; and if he will make a statement on the matter. [33215/04]

**The Taoiseach:** I propose to take Questions Nos. 9 to 11, inclusive, together.

Since I last reported to the House, there have been two meetings of the cross-departmental team on housing, infrastructure and public private partnerships. The meetings took place on 17 November and 1 December. Discussions at the November meeting focused on public private partnerships and broadband technology. The team noted major progress in the public private partnership programme in the roads and water services areas and considered how it might be improved in terms of deal-flow and capacity at Government level. In its discussion of broadband, the team focused on the significant progress made during the past year. Improvements have included reduced prices, increased demand and, crucially, a major expansion in supply, especially through the ongoing roll-out of the metropolitan area networks programme.

**Mr. Kenny:** To date, experience has shown the cost of public private partnership projects to be between 8% to 30% more expensive than traditional methods. Have we learned anything from the experience in the education sector? I was in Clones recently to visit a new school built through public private partnership which emerged very quickly and is a beautiful building. However, I understand that as the company which built it has the maintenance contract, the cost incurred for relatively small items can be excessive. Has the cross-departmental team examined the nature of the costing of the public private partnership process? In the Estimates and multi-annual budgetary envelopes for the next few years, provision is made for a number of public private partnership proposals.

Has the cross-departmental team considered the response received on foot of 13 expressions of interest in a second terminal at Dublin Airport? Has the team examined the expressions of interest and will it make a decision on the provision of a terminal under the public private partnership system?

**The Taoiseach:** As the Deputy knows, we have not been using public private partnership to the extent we should. There are not many companies involved and, as happened in other countries, the process has been pressed back. We have learned a great deal from partnership projects. We benefited from the recent report of the Comptroller and Auditor General and made modifications as a result. The ongoing maintenance of schools

must be dealt with in the context of the contracts issue. The project has been successful in terms of providing schools.

Public private partnerships have a valuable contribution to make in delivering the ambitious infrastructural agenda set out in the national development plan. Progress has been good on roads, water services and schools, but slow in other areas. The Minister for Finance acknowledged openly in his Budget Statement that targets set last year for public private partnership projects funded by unitary payments from the Exchequer will not be met. The Minister adjusted the figures accordingly and the process is being examined to discover what changes might be desirable to achieve an accelerated level of delivery of public private partnership projects.

Already, the Government is pursuing a number of initiatives designed to achieve greater efficiency and improve cost-effectiveness in the delivery of the project. In particular, we have made modifications. New guidelines are being developed covering process auditing and stakeholder consultation. The capital appraisal guidelines, which have been in place for some ten years, are being revised. Steps are being taken to improve integration between the national development plan and expenditure review processes. At the end of the day, however, the PPPs, as with all forms of procurement, have to be considered in the light of factors such as value for money, affordability, quality of output and speed of delivery. All of those issues are under way.

On the issue of the terminal, while it is not being dealt with in this particular committee, the Minister is making progress with the new board in Aer Lingus in trying to come to a resolution on that matter.

**Mr. Sargent:** Will the Taoiseach indicate whether the cross-departmental team on infrastructure and public private partnership is proceeding on the basis that a critical infrastructure Bill will not now be in place, given that it has been taken off the agenda? I am aware the Taoiseach talked about it yesterday but as we speak it is off the agenda. Is that the basis on which the cross-departmental team is proceeding?

In addition to the lessons the Taoiseach says have been learned from the Comptroller and Auditor General's report, will he indicate whether any further lessons can be learned or information gained with regard to the €60 million project for the Cork School of Music, the construction of which under the PPP process was planned by Jarvis plc., although I understand that contract has been sold on to a German group, Hochtief Developments, which is expected to make a proposal before Christmas? Is the Taoiseach confident that proposal will be received before Christmas?

**An Ceann Comhairle:** The Deputy can ask general questions to the Taoiseach but specific questions are more appropriate to the line Minister.

**Mr. Sargent:** I understand that but the Taoiseach has a knowledge of this matter because we discussed it previously and the Cork School of Music is seen as representing the PPP way of working. Perhaps the Taoiseach might refer to it as an aspect of PPP policy.

**The Taoiseach:** On the Cork School of Music, the Government has approved it. The company has faced its own difficulties and it is trying to restructure but from a Government perspective, we had approved this project. That one has experienced a long delay and difficulties. Others, including the Maritime College, have worked very well. As I said, we are reviewing the issue.

The Deputy asked about the critical infrastructure Bill. As I stated yesterday, we remain committed to that Bill but the Minister has stated clearly that he is examining the various aspects of it. I am not clear what that review is, but he is to report early in the new year. What was the other question?

**Mr. Sargent:** Is the Taoiseach confident that the proposal will be received before Christmas, given the difficulties with the Cork School of Music? Does he expect it to run according to plan?

**The Taoiseach:** Yes. I hope when that is resolved — I am not sure if it is resolved — we can get on with it. It is a very good proposal which the Minister, Deputy Dempsey, and I worked on and approved after some considerable time. If I recall correctly, the issue was discussed in one of our final meetings before Christmas last year and we gave it the green light but the company ran into its own problems on it. It was committed to it, however, and I hope it will be taken up again because it is a good project management——

**Mr. Sargent:** As the song goes, “What’s another year?”.

**Ms McManus:** The Taoiseach will accept that our experience of building schools is that the schools have been of very good quality but will he agree that there is a significant cost involved in using the PPP process, which does not denote value for money? Has the experience not shown that? The Taoiseach said that in some areas progress has been made at various levels of speed but in the health area no progress whatsoever has been made. A total of 850 long-term nursing beds were promised by way of a PPP process. That proposal has been with the Department of Health and Children for years. Will the Taoiseach accept that it has not delivered on the promise given, that this is having a direct impact on the failure of the Government to tackle the accident and

emergency crisis in that there are not sufficient acute beds available, many people continue to be inappropriately placed and the capacity promised under the PPP method was not delivered? Those 850 long-term nursing beds would have made a huge difference and perhaps the Taoiseach——

**An Ceann Comhairle:** That question might be more appropriate to the Minister for Health and Children.

**Ms McManus:** I would like to know the Taoiseach’s view. Does he accept that whatever promise was made, it has not been delivered upon? Will he now accept that he needs to do the business in another way?

**An Ceann Comhairle:** A general question on PPPs is in order.

**The Taoiseach:** Some of these schemes are extremely good and their value is obvious. To give the example of the schools, the maintenance of the schools continues for 25 years at the end of which the public sector takes over. It is obliged to do that. It puts the maintenance contract in writing and hands that function back to the State at the end of that period. That is the benefit of it. Many of these schemes have a much longer life than others throughout the country. Major problems arose with schools built 25 years ago using asphalt roofs in that the schools do not appear to get even ten years out of the roof.

There are downsides to PPPs, but the real benefit is that projects can be done speedily. In my constituency, I turned the first sod on a site for a very large hotel on the first working day in January 2003. I opened a 200 bed hotel in September——

**Ms McManus:** I am talking about nursing beds.

**The Taoiseach:** Will the Deputy listen to the point?

**Ms McManus:** I am not interested in hotel beds.

**The Taoiseach:** Will the Deputy listen to the point? Within 20 months the hotel was built. Under our structures working on the capital programme we will not achieve that type of progress.

**Ms McManus:** The Taoiseach said we would under the PPP process.

**The Taoiseach:** The Tullamore Hospital and other hospital projects were completed quite speedily, but they will not reach that timescale, and that is the difficulty.

**Ms McManus:** The Taoiseach promised them under PPP.

**An Ceann Comhairle:** Deputy McManus, please allow the Taoiseach continue.



**Ms McManus:** They were to be provided under PPP.

**The Taoiseach:** If the Deputy listens to contributions on Question Time, most people criticise the PPP projects. I am saying the benefit of them is speed. The redevelopment of St. Vincent's Hospital is not being done under the PPP process. We are not using PPPs to build our hospitals.

**Ms McManus:** A total of 850 nursing beds were promised.

**The Taoiseach:** We are building the hospitals but we are not using the PPP process because of the issues that arise here time and again to the effect that we get much better value if the State does it.

**Ms McManus:** Where are the nursing beds?

**The Taoiseach:** The hospitals are being built. Tullamore Hospital is finished.

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

**Ms McManus:** We are talking about nursing beds.

**An Ceann Comhairle:** Deputy McManus, I have called Deputy Joe Higgins. There has to be order to Question Time.

**The Taoiseach:** The St. Vincent's redevelopment project is almost finished. The project at Blanchardstown is finished. They have been built but not under the PPP process.

**Ms McManus:** The Taoiseach did not answer the question I asked.

**An Ceann Comhairle:** I ask Deputy McManus to resume her seat and allow Deputy Joe Higgins to speak.

**Mr. J. O'Keeffe:** There will be more use of the single tender contract.

**The Taoiseach:** We will probably get them built quicker.

**Mr. J. Higgins:** How can the taxpayer have any confidence in so-called public private partnerships when the so-called experiment implemented by the Minister sitting beside the Taoiseach, Deputy Dempsey, will cost the taxpayer much more than would be the case had those buildings been maintained publicly? We now face the incredible vista of private companies speculating on the maintenance of our public services? Does the Taoiseach agree that if structures are cumbersome, it is his responsibility to make those structures flexible and democratic so that they can move much more quickly? Reference to the quality of buildings is a red herring because the build-

ing specifications are determined by the instructions given to whoever carries out the contract.

Does the Taoiseach agree that taxpayers will regard with dread further public private partnerships for the delivery of major road projects given their incredible experience of National Toll Roads' management of the West Link bridge over the River Liffey? Does the Taoiseach know that €1 billion will have been taken at that location by 2020 and, despite the huge profits taken by the company and the huge stealth taxes taken by the State, the toll will be raised to €1.70 within the next 12 months? How can taxpayers not regard the prospect of further such examples with dread, especially given that the result is the greatest traffic blockage in the State at the West Link toll bridge?

In medieval times it might have been appropriate to pay a ha'penny to take one's ass and cart across London Bridge. In 2004, with tens of thousands of workers trying to get to their places of work via the M50 toll bridge, it is——

**Mr. N. Dempsey:** If the Deputy had had his way, the bridge would not have been built.

**An Ceann Comhairle:** The Minister should allow Deputy Joe Higgins to submit a final question to the Taoiseach.

**Mr. J. Higgins:** If the county council had been funded by the Department of the Environment, Heritage and Local Government, it could have built the bridge.

**Mr. N. Dempsey:** If Deputy Higgins had had his way, the bridge would not have been built. It would have been left to private sector speculators

**An Ceann Comhairle:** Deputy Higgins should be brief.

**Mr. N. Dempsey:** I would not mind if the Deputy were asking a question.

**An Ceann Comhairle:** Deputy Higgins should be brief and not allow himself to be deflected by interruptions. The Minister should allow the Deputy to speak.

**Mr. J. Higgins:** The Government has given *carte blanche* to private sector speculators. That is the point.

Does the Taoiseach not agree that motorists, who have paid high taxes and are trying to get to work——

**Mr. N. Dempsey:** They do not have to use the bridge.

**Mr. J. Higgins:** ——to make more tax for the State, are being subjected to the indignity and frustration of an hour's delay each way to make more money for a private company?

**The Taoiseach:** Deputy Sargent raised the question of PPP schools building projects. Those five schools would not have been built without PPPs, despite arguments that procedures should have been changed or things done differently. Nevertheless, a bundle of schools were built by the private sector and are up and running. Traditional procedures would have taken years, as every Deputy knows. Over a long period, the private sector will look after the maintenance of the schools and the cost will be recouped. I accept that the cost of those PPPs was higher than traditional procedures but their speed and efficiency was greater.

**Mr. J. Higgins:** Can the structures not be changed?

**The Taoiseach:** Existing structures are much slower. I do not say the processes of accountability are not wrong but the stages which must be gone through make them slower. The private sector would have ten schools built while we were looking at the drawings. That is the reality and it will not change. It was the way when I came into the House 25 years ago and it will be the way when I am 25 years dead. A review or procedures will not change that. Let us be honest about that.

We are not using PPPs to the extent we had thought. In the budget for 2004 we examined five-year multi-annual financial envelopes for different infrastructural projects. We extended that in the recent budget to a ten-year timeframe in the area of transport. We have earmarked a proportion of capital envelopes for special projects and have tried to improve project management techniques. We have done that well and the Monasterevin bypass is a good example of this. It came in on budget and a year ahead of time. Under the Planning and Development Act 2000, we have improved timeframes and compulsory purchase order issues and we now have PPPs managed by local authorities and single tier projects. An Bord Pleanála has adjusted its procedures for dealing with projects. We have made considerable improvements in a host of areas and they are working well. Projects are coming in on budget and ahead of time, there is better transparency and construction standards have been developed.

We all want to see the M50 improved. We need to see it widened, working well and the toll bridge working better. Modern technology is being developed throughout the world and we hope to see some of that used sooner rather than later on toll roads so that people can get through more speedily. There are problems on the M50. Deputy Higgins is probably right in saying that if there had been local taxes and charges, as there are in other countries, Fingal County Council might have had sufficient money to build the road.

**Mr. J. Higgins:** I did not say that.

**The Taoiseach:** They did not have the idea. In other countries that is how things would have been and Deputy Higgins is probably correct in saying it would have been done more efficiently.

**Mr. J. Higgins:** I was referring to the money the Taoiseach's friends were sending offshore.

### **Request 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 the Deputies in the order in which they submitted their notices to my office.

**Mr. Sherlock:** I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the need for the Minister for Health and Children to state which category of people in possession of medical cards and in public or private nursing homes will be refunded for care they received in nursing homes.

**Aengus Ó Snodaigh:** I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the increase in sectarian attacks on Nationalists in the interface area of north Belfast, the most recent of which took place on Monday night last on the Serpentine Road, only yards from a PSNI surveillance camera, when two 15 year old girls were attacked by three loyalists who beat one of the girls unconscious; and the need for all those with influence within the loyalist and Unionist community and all political parties represented in this House not at present involved in negotiations but who profess to support the peace process to help to put an end to these attacks.

**Mr. Morgan:** I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the firing of lethal rounds of live ammunition last weekend by members of the invading army in south Armagh, the British Army, and the obvious need, especially at this sensitive time in the peace process when there is much focus on silent IRA weapons, for the British Government to engage in an urgent process of demilitarisation and disengagement from that very Nationalist and republican part of this island as well as the rest of the island.

**Caoimhghín Ó Caoláin:** I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the unprovoked sectarian attack by members of the PSNI on two young Nationalist men, one of whom was on crutches following a work related accident, in Newtownstewart, County Tyrone, over last weekend; the sinister nature of the operations of the PSNI special branch as exposed in an ongoing court case in the Six Counties in which the special branch attempted to blacklist a woman from

[Caoimhghín Ó Caoláin.]

employment because she refused to spy on republicans or enter a relationship with one of the special branch detectives; and the fact that these incidents, among many others, show that we have not yet achieved the new beginning to policing as promised under the Patten report.

**Mr. Crowe:** I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the increasing frequency and ferocity of racist attacks in the Six Counties by loyalists against minority communities and the failure of Unionist politicians to distance themselves from or take practical measures to bring these activities to an end, given that these activities reflect their historic ambivalence to, and at times support for, attacks on the Nationalist community; and the need for the leadership of unionism to work with others to bring an end to sectarianism and racism in the North.

**Dr. Cowley:** I seek the adjournment of the Dáil under Standing Order 31 to debate the following urgent matter: the need for the Government to rectify the anomaly whereby the Western Health Board contains three areas where people live outside the recommended distance from ambulance bases, which results in an unacceptably long call-out time in those areas, thereby putting people's lives in jeopardy, which is out of line with international practice for better patient care.

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

### Order of Business.

**The Taoiseach:** It is proposed to take No. 14, motion re proposed approval by Dáil Éireann of the Fisheries (Miscellaneous Commercial Licences) (Alteration Duties) Order 2004, back from committee; No. 14a, motion re establishment of a commission of investigation — Dublin-Monaghan bombings; No. 5, Appropriation Bill 2004 — Order for Second Stage and Second and Subsequent Stages; No. 22, statements on Northern Ireland; and No. a1, Housing (Miscellaneous Provisions) Bill 2004 [*Seanad*] — Second and Subsequent Stages.

It is proposed, notwithstanding anything in Standing Orders, that Nos. 14, 14a and 5 shall be decided without debate, and in the case of No. 5,

Second and Subsequent Stages shall be decided by one question which shall be put from the Chair and which shall, in regard to amendments, include only those set down or accepted by the Minister for Finance; the proceedings on No. 22 shall, if not previously concluded, be brought to a conclusion after two hours and the following arrangements shall apply: (i) the statements of the Taoiseach and of the main spokespersons for the Fine Gael Party, the Labour Party and the Tech-

nical Group, who shall be called upon in that order, shall not exceed 20 minutes in each case; (ii) the statements by a spokesperson from each of the groups, who shall be called upon in the following sequence, shall not exceed 20 minutes in total — Government, five minutes; Fine Gael, five minutes; Labour, five minutes; and Technical Group, five minutes; (iii) members may share time; and (iv) a Minister or Minister of State shall be called upon to make a statement in reply, which shall not exceed 20 minutes; the suspension of the sitting under Standing Order 23(1) shall take place on the conclusion of No. 22 until 2.30 p.m. and the sitting shall also be suspended for 30 minutes following the announcement of matters under Standing Order 21; and the following arrangements shall apply in relation to No. a1: (i) the proceedings on Second Stage shall, if not previously concluded, be brought to a conclusion at 6.30 p.m. tonight; the opening speech of a Minister or Minister of State and of the main spokespersons for the Fine Gael Party, the Labour Party and the Technical Group, who shall be called upon in that order, shall not exceed 15 minutes in each case; the speech of each other member called upon shall not exceed ten minutes in each case; Members may share time; and a Minister or Minister of State shall be called upon to make a speech in reply which shall not exceed five minutes; (ii) the proceedings on Committee and Remaining Stages shall, if not previously concluded, be brought to a conclusion at 7 p.m. by one question which shall be put from the Chair and which shall, in regard to amendments, include only those set down or accepted by the Minister for the Environment, Heritage and Local Government. Private Members' Business shall be No. 45, motion re An Post, resumed, to conclude at 8.30 p.m.

**An Ceann Comhairle:** There are four proposals to put to the House. Is the proposal for dealing with Nos. 14, 14a and 5 agreed?

**Mr. Kenny:** I have no objection to Nos. 14 and 14a, which are important matters. However, No. 5 should be debated. It used always be an occasion for a debate on the Adjournment of the House. When I entered the House first, I recall the former Deputy Vivion de Valera always spoke about passing so much money through the Appropriation Bill without a debate. That point is as relevant today as it was then. On that basis, I object to the Bill being taken without debate.

**Caoimhghín Ó Caoláin:** I seek clarification on No. 14a. When will the terms of reference of the investigation be published? Will they come before the Dáil for approval? Will the commission hold public or private hearings?

**The Taoiseach:** The motion is before the House.

**Caoimhghín Ó Caoláin:** The terms of reference are not in the motion.

**The Taoiseach:** The terms of reference have been agreed.

**Caoimhghín Ó Caoláin:** When will they be published? I realise the Taoiseach does not have them with him.

**The Taoiseach:** If I understand the procedure, there was an agreement with Justice for the Forgotten that the commission members and whoever chairs the commission will discuss the terms of reference with the group. The Government has concluded its work on them. The arrangement

was that the group would have an input into them.

**Caoimhghín Ó Caoláin:** Will they come before the House for approval? Will there be public or private hearings?

**The Taoiseach:** I am not certain that is necessary. I will check the procedure and let the Deputy know during the day.

**An Ceann Comhairle:** Is Deputy Kenny opposing the proposal?

**Mr. Kenny:** Yes,

Question put: "That the proposal to deal with Nos. 14, 14a and 5 be agreed."

The Dáil divided: Tá, 70; Níl, 52.

Tá

Ahern, Bertie.  
Ahern, Noel.  
Andrews, Barry.  
Ardagh, Seán.  
Blaney, Niall.  
Brady, Johnny.  
Brady, Martin.  
Brennan, Seamus.  
Callanan, Joe.  
Callely, Ivor.  
Carey, Pat.  
Carty, John.  
Cassidy, Donie.  
Collins, Michael.  
Coughlan, Mary.  
Cregan, John.  
Cullen, Martin.  
Curran, John.  
Davern, Noel.  
Dempsey, Noel.  
Dempsey, Tony.  
Dennehy, John.  
Devins, Jimmy.  
Ellis, John.  
Finneran, Michael.  
Fitzpatrick, Dermot.  
Fleming, Seán.  
Fox, Mildred.  
Gallagher, Pat The Cope.  
Glennon, Jim.  
Grealish, Noel.  
Haughey, Seán.  
Healy-Rae, Jackie.  
Hocort, Michael.  
Jacob, Joe.

Keaveney, Cecilia.  
Kelleher, Billy.  
Kelly, Peter.  
Killeen, Tony.  
Kirk, Seamus.  
Kitt, Tom.  
Lenihan, Brian.  
McDowell, Michael.  
McEllistrim, Thomas.  
McGuinness, John.  
Moloney, John.  
Moynihan, Donal.  
Moynihan, Michael.  
Mulcahy, Michael.  
Nolan, M. J.  
Ó Fearghail, Seán.  
O'Donnell, Liz.  
O'Donovan, Denis.  
O'Flynn, Noel.  
O'Keeffe, Batt.  
O'Keeffe, Ned.  
O'Malley, Fiona.  
O'Malley, Tim.  
Parlon, Tom.  
Power, Peter.  
Power, Seán.  
Sexton, Mae.  
Smith, Brendan.  
Smith, Michael.  
Treacy, Noel.  
Wallace, Mary.  
Walsh, Joe.  
Wilkinson, Ollie.  
Woods, Michael.  
Wright, G.V.

Níl

Allen, Bernard.  
Boyle, Dan.  
Breen, James.  
Breen, Pat.  
Broughan, Thomas P.  
Burton, Joan.  
Connaughton, Paul.  
Connolly, Paudge.  
Costello, Joe.  
Cowley, Jerry.  
Crawford, Seymour.  
Deasy, John.  
Deenihan, Jimmy.

Durkan, Bernard J.  
Enright, Olwyn.  
Gilmore, Eamon.  
Gogarty, Paul.  
Gormley, John.  
Hayes, Tom.  
Healy, Seamus.  
Higgins, Joe.  
Higgins, Michael D.  
Hogan, Phil.  
Howlin, Brendan.  
Kehoe, Paul.  
Kenny, Enda.



Níl—*continued*

Lynch, Kathleen.  
McCormack, Padraic.  
McGrath, Finian.  
McHugh, Paddy.  
McManus, Liz.  
Mitchell, Olivia.  
Murphy, Gerard.  
Naughten, Denis.  
Noonan, Michael.  
O'Dowd, Fergus.  
O'Keefe, Jim.  
O'Shea, Brian.  
O'Sullivan, Jan.

Pattison, Seamus.  
Penrose, Willie.  
Quinn, Ruairi.  
Rabbitte, Pat.  
Ring, Michael.  
Sargent, Trevor.  
Sherlock, Joe.  
Shortall, Róisín.  
Stagg, Emmet.  
Stanton, David.  
Timmins, Billy.  
Twomey, Liam.  
Upton, Mary.

Tellers: Tá, Deputies Kelleher and Kitt; Níl, Deputies Kehoe and Stagg.

Question declared carried.

**An Ceann Comhairle:** Is the proposal for dealing with No. 22, Statements on Northern Ireland agreed? Agreed.

Is proposal No. 3, the proposal for dealing with the suspension of the sitting, agreed? Agreed.

Is the proposal for dealing with No. a1, Second and Subsequent Stages of the Housing (Miscellaneous Provisions) Bill 2004 agreed?

**Caoimhghín Ó Caoláin:** The Bill was published at the end of last week but was not received by Deputies until Monday of this week. All Stages are to be taken together and amendments were to have been submitted by 11 a.m. yesterday, which gave less than 24 hours to consider all the ramifications involved. That is indecent haste to say the very least. Such an important issue requires the most careful consideration. We do not believe this allows adequate time, especially when one considers the consequences. Many people would welcome the opportunity of mortgage access for affordable housing, but at whose insistence or request is this being done? Was it the Bank of Ireland?

**An Ceann Comhairle:** We cannot go into the detail of the Bill. The Deputy should make a very brief comment as to why he is opposed to it.

**Caoimhghín Ó Caoláin:** I understand that. These are very important issues. We are looking at a guillotine being applied to a Bill that could have serious consequences for people, particularly in the context of rising interest rates, which could present at any time.

**An Ceann Comhairle:** That does not arise at this stage.

**Caoimhghín Ó Caoláin:** It does not arise but it might arise.

**An Ceann Comhairle:** It does not arise.

**Caoimhghín Ó Caoláin:** It might arise. The Ceann Comhairle does not have a crystal ball.

**An Ceann Comhairle:** The Deputy cannot debate the Bill. He is opposing the Bill and he has given his reasons.

**Caoimhghín Ó Caoláin:** It could happen. I object to the guillotine because I do not believe it allows a full and proper consideration of what is involved.

**Mr. N. Dempsey:** We heard it the first time. We do not need a Second Stage speech.

**The Taoiseach:** The reason the Government wants to rush this through is to allow the private market to get involved because it became clear that this would be necessary to allow the sale of affordable housing under the Sustaining Progress affordable housing initiative. The urgent introduction of this legislation would allow the private financial institutions access to the affordable housing mortgage market, which is a very good thing. They have never been involved in this market.

The Deputy referred to Bank of Ireland. Its entry into this market is being observed by all interested parties and I hope the bank will be followed by all the others. It is not just for one bank. This product will help young people to access affordable housing. I would have thought all Deputies in the House would have been delighted to pass this legislation.

**Deputies:** Hear, hear.

**Mr. J. Higgins:** It will help make more profits for the banks, as if they did not have enough already.

Question, "That the proposal for dealing with No. a1. be agreed", put and agreed to.

**An Ceann Comhairle:** I point out to the House that following the Order of Business we will commence a two hour debate that will take 45 minutes out of the time for the sos. The House

will resume after the sos after 15 minutes at 2.30 p.m. Does anyone have a brief question on the Order of Business?

**Mr. J. O’Keeffe:** I wish to raise an urgent issue with the Taoiseach. It involves a loophole in the procedure relating to search warrants.

**An Ceann Comhairle:** I would prefer if the Deputy would raise the matter directly with the line Minister. If he has a question on legislation, I will hear it.

**Mr. J. O’Keeffe:** The legislation is promised. Emergency legislation is needed.

**An Ceann Comhairle:** The question must be on promised legislation.

**Mr. J. O’Keeffe:** I raised the matter with the Minister in the Dáil following the decision of the Supreme Court at the end of October.

**An Ceann Comhairle:** Is legislation promised?

**Mr. J. O’Keeffe:** Legislation is urgently required. We have seen examples of emergency legislation——

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

**Mr. J. O’Keeffe:** When will the legislation be produced before the Dáil?

**An Ceann Comhairle:** Is legislation promised?

**The Taoiseach:** I understand from the Minister that the Attorney General is looking at this matter. He is examining the point of law.

**Mr. J. O’Keeffe:** Does the Taoiseach not see the urgency of the situation?

**The Taoiseach:** I do not have an indication of when the Attorney General is to report but he is examining the matter.

**Mr. J. Higgins:** A Cheann Comhairle——

**An Ceann Comhairle:** I will call the Deputy first tomorrow. No. 14, motion *re* proposed approval by Dáil Éireann of the fisheries——

**Mr. J. Higgins:** A Cheann Comhairle——

**An Ceann Comhairle:** I will call the Deputy first tomorrow. We are long behind time. A two hour debate will now commence which will take 45 minutes from the sos time. The staff of the House will have 15 minutes between 2.15 p.m. and 2.30 p.m. when we will resume with Question Time. I will call on all Deputies who are offering tomorrow. We have gone far too long over time today. We will dispose of those matters to be taken without debate.

### **Fisheries Licences Order: Motion.**

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

“That Dáil Éireann approves the following Order in draft: Fisheries (Miscellaneous Commercial Licences) (Alteration of Duties) Order, 2004, copies of which were laid before Dáil Éireann on 25th November, 2004.”

Question put and agreed to.

### **Commission of Investigation: Motion.**

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

“That Dáil Éireann:

bearing in mind the specific matters considered by the Government to be of significant public concern arising from the Dublin and Monaghan bombings on 17th May, 1974 which resulted in the deaths of thirty three people, including one pregnant woman and injuries to a significant number of people the evidence uncovered by the Garda investigation was deemed insufficient to support any prosecutions in relation to the bombings,

and noting the conclusions of the Report of the Independent Commission of Inquiry presented to the Taoiseach on 29th December, 2003 and its referral by motion to Dáil Éireann and Seanad Éireann on 10th December, 2003,

and further noting the Final Report of the Joint Committee on Justice, Equality, Defence and Women’s Rights with recommendations that a Commission of Investigation was the appropriate form of inquiry to investigate issues relating to the Garda investigation of the bombings and the missing documentation including Departmental, Garda Intelligence and any other documentation of relevance,

and further noting that a draft Order proposed to be made by the Government under the Commissions of Investigation Act 2004 (No. 23 of 2004) has been duly laid before Dáil Éireann in respect of the forgoing matters referred to, together with a statement of reasons for establishing a Commission under that Act,

approves the draft Commission of Investigation (Dublin and Monaghan Bombings) Order 2005.”

Question put and agreed to.

### **Appropriation Bill 2004: Order for Second Stage.**

Bill entitled an Act to apply a certain sum out of the Central Fund to the service of the year ended 31 December 2003 and to appro-

priate to the proper supply services and purposes sums granted by the Central Fund (Permanent Provisions) Act 1965, to make provision in relation to deferred surrender to the Central Fund of certain undischarged appropriations by reference to the capital supply services and purposes as provided for by section 91 of the Finance Act 2004 and to make provision in relation to a financial resolution passed by Dáil Éireann on 1 December 2004.

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** I move: "That Second Stage be taken now."

Question put and agreed to.

#### **Appropriation Bill 2004: Second and Subsequent Stages.**

**An Ceann Comhairle:** In accordance with the Order of the House today, I must put the following question: "That the Bill is hereby read a Second Time, that sections 1 to 5, inclusive, Schedules 1 and 2 and the Title are hereby agreed to in Committee and the Bill is, accordingly, reported to the House without amendment, that Fourth Stage is hereby completed and the Bill is hereby passed."

Question put and agreed to.

**An Ceann Comhairle:** This Bill, which is certified to be a money Bill in accordance with Article 22.2.1° of the Constitution, will be sent to the Seanad.

#### **Northern Ireland: Statements.**

**The Taoiseach:** I wish to report to the House on the progress made last week on the Northern Ireland peace process.

Last Wednesday was an important day in the politics of Northern Ireland and I wish to take the opportunity to explain why this was so and why it is my belief that we have reached the final, and admittedly difficult and frustrating, phase of our peace process.

Since last week there has been a fair amount of controversy and debate and it would be surprising if it were otherwise. I welcome this opportunity to present to the House the full context in which we are now working. People have tended to speak of yet another failure but I do not see things in such a negative frame. I have always believed that this end-phase would be difficult but just because it is difficult and awkward does not mean that we should avoid taking on the outstanding issues.

Let me make my position clear. I will not settle for a half-solution. I will take the political risks for peace and I expect others also to do so. I have heard some people say that things are quiet in Northern Ireland and that we should leave well enough alone. In my view it would be an act of irresponsible folly to leave things as they are and

not try and bring agreement and final closure all around. I was privileged to have been part of history at the signing of the Good Friday Agreement. It is now my responsibility, and duty, to make history work, and work fairly and well for everybody. The proposals that we published last week cover key issues that must be resolved to finally and definitively assure peace and political stability in Northern Ireland. The Good Friday Agreement made a real difference to the politics of this island and to the lives of all its people. However, the Governments' proposals would bring closure to issues, which were not, or could not be, resolved at that time. There were many such issues and it is now time to deal with them once and for all and build the final bridge to peace.

On Wednesday, Prime Minister Blair and I had obviously wished to be able to present our proposals in the context of full agreement but we are not quite at the point of total success. Our work will, therefore, continue to secure closure on what, by any standard, is a landmark package. This is as close as we have ever been to assuring peace on our island and moving into a confident future on the basis of the Good Friday Agreement. I welcome and value the continuing partnership that we enjoy with the British Government and I commend Prime Minister Blair for the time and effort that he invests with us in addressing the issue of Northern Ireland. The process derives enormous strength from this partnership and it is through it, and working in collaboration with all the parties, that we will ultimately achieve the final breakthrough.

Since the devolved institutions were suspended in October 2002, there have been two previous intensive negotiations designed to achieve a comprehensive agreement that delivered acts of completion on all sides. These were large-scale undertakings which were ambitious but they were essential in the context of the paralysis and distrust that had come to beset the process at that time. Each initiative had its own difficulties but each, in its own way, pushed the process forward and helped bring us today to the point where completion is achievable. The first such initiative culminated in the Joint Declaration in May 2003 but did not lead to the ending of paramilitarism or the restoration of institutions. The second, nearly 14 months ago, in October 2003, saw the political parties in Northern Ireland come very close to agreement on the restoration of the political institutions.

To our disappointment, and for reasons that are well known, we did not get over the line on that occasion. When the results of last year's election became known, many believed it would never be possible for the two main parties involved to work together. I did not share that pessimism, first because political leadership carries responsibility to make things work. Following my meeting with the DUP at the embassy in London in January this year, the first such meeting

between the DUP leadership and the Government on political matters, I was convinced that the DUP recognised this responsibility and wished to pursue a solution. In the months that followed, the Government pursued a new relationship with the DUP and worked closely with it and the other parties in this new environment. Second, the story of the peace process has been that the dynamic of the Good Friday Agreement inevitably draws people from opposing viewpoints to the centre ground. By offering equality and partnership to both communities, the agreement narrowed the scope for disagreement.

After several months of tentative engagement at Lancaster House in June of this year, the two Governments identified four critical issues which had to be resolved as part of any comprehensive agreement. They were a definitive and conclusive end to all paramilitary activity; the decommissioning, through the IICD, of all paramilitary weapons to an early timescale and on a convincing basis; a clear commitment on all sides to the stability of the political institutions and to any changes to their operation being agreed within the review of the Good Friday Agreement; and support for policing from all sides of the community and on an agreed framework for the devolution of policing.

Since then, we have spent an enormous amount of time and effort on these issues, the satisfactory resolution of which would open the way for the widest possible agreement. The package published by both Governments last week was styled as a comprehensive agreement. It is comprehensive in the sense that it seeks to address and resolve the four core issues identified at Lancaster House. It does not in any way transcend the Good Friday Agreement, whose principles and values remain the template for both Governments. However, by offering a way forward on the four core issues, the comprehensive agreement provides the key to unlock the promise and potential of the Good Friday Agreement.

At Leeds Castle in September of this year, significant progress was made in advancing these issues and in narrowing the gaps between the different sides. Following the momentum which had been created by those discussions, there was further engagement between the parties and the two Governments, including on the institutional matters pertaining to the review of the agreement. While the diverse range of issues being addressed was sometimes complex and technical, the central objective was clear, namely, to secure a complete end to paramilitary violence in all forms and the decommissioning of paramilitary weapons; to secure a genuine, lasting commitment to power sharing and partnership; and to achieve universal support for the new policing arrangements.

Sometimes in the hectic world of daily politics, it is a good idea for everyone to step back for a moment and to pause. That is what we should do

when considering what was published last Wednesday. We felt that publication of these proposals was appropriate at this time. They had been in circulation among the DUP and Sinn Féin since the middle of November. We were concerned that time was slipping by and that other parties and the wider public were entitled to a full accounting of the efforts that had been under way. Both Governments made it clear in publishing the proposals that, while considerable progress had been made, not all elements were agreed. Nonetheless, we expressed the hope that the people of Northern Ireland would reflect on what was in prospect and the opportunity which the agreement, if accepted in its entirety, represented.

The proposals of the two Governments address the ending of all paramilitary and other illegal activity. The draft statement would commit the IRA to support the comprehensive agreement, to move into a new mode conducive to and consistent with a peaceful society and, consistent with this, recognise the need to uphold and not endanger anyone's personal rights and safety and give instructions to its members not to engage in any activity that might thereby endanger the new agreement. No one anywhere on this island should turn their back on the prospect of achieving such an outcome.

We have always been clear and it was commonly understood throughout this entire period of engagement that the ending of all paramilitary activity must also encompass all other illegal activity. The IRA statement on Thursday, while confirming its intentions in regard to that organisation moving to a new mode, issuing instructions to volunteers and completing decommissioning to a rapid timescale, did not address this issue in the clear terms required by the Government. Clarification is required that the IRA's commitment is to a complete ending of paramilitarism and other illegal activity. We are duty bound to satisfy ourselves on this point.

**Deputies:** Hear, hear.

**The Taoiseach:** This initiative is based on this vital premise. It should be clear that any ending of paramilitary activity and other illegal activity would continue to be monitored by the Independent Monitoring Commission which was set up jointly by the two Governments last year.

On completing the process of IRA arms decommissioning in a rapid timescale, the early realisation of this part of the proposals would remove an issue which has come to dominate and impede the prospects of political progress. The proposals envisage two independent witnesses, the availability of photographs for inspection as well as their later publication. I believe that the Governments' proposals in this respect continue to represent a fair and reasonable judgment and should — in the context of an overall comprehensive agreement — have been sufficient to close the gap on this most sensitive issue.



[The Taoiseach.]

We always understood that the photographs issue would be a difficult one for the IRA. However, in the context of an overall package, it was our understanding that this proposal would be considered by it. The IRA has since said that it is unable to agree to it. A core recommendation of Senator Mitchell's report on decommissioning in January 1996 was that the process should "suggest neither victory nor defeat" and that the modalities of decommissioning should not require any party to be seen to surrender. Humiliation thus did not play any part in the Governments' proposals and cannot be part of this process. Publication of any photographs would not have taken place until the formation of the executive which would be in March, several weeks following the completion of decommissioning. If all this had worked, my own view is that a much more compelling photograph would have been one of the formation of a DUP-Sinn Féin-led executive at that time.

**Deputies:** Hear, hear.

**The Taoiseach:** I commend the continuing role of General John de Chastelain and his team on the Independent International Commission on Decommissioning. We greatly appreciate their enormous dedication, patience and commitment to their responsibilities.

The Governments' proposals seek to secure a basis for the full operation of the institutions of the agreement on an inclusive basis. The prospect, which was thought so unlikely by many, of all the political parties in Northern Ireland going forward together on the basis of the Good Friday Agreement will contribute hugely to certainty and stability. The question of changes to the operation of the institutions of the agreement has been exhaustively discussed and analysed since the review of the agreement commenced in February of this year.

From the outset, our approach was clear. We were open to sensible changes which improved the working of the institutions or which addressed operational difficulties that had been experienced between 1999 and 2002. However, the fundamental architecture of the agreement was not open to change nor was its fundamental principles. This included the key power-sharing provisions and protections of the agreement as well as the North-South partnership arrangements. The Governments' proposals envisage change in the operation of certain aspects of the operation of the Good Friday Agreement.

Inevitably, every aspect of these institutional changes will not attract total agreement from all sides. However, the Government is fully satisfied that they respect and protect the fundamentals of the agreement, that they have taken account of and been informed by the extensive discussions within the review and that they will strengthen the stability, effectiveness and accountability of the institutions in the years ahead.

Certainty and clarity are two-way streets. They apply equally to partnership politics as they do to the process of arms decommissioning. In the context of an agreement, I welcome the prospect of the DUP operating and participating in all the new arrangements, working in constructive partnership with all other parties in the Assembly and meeting its commitments in each strand of the agreement and in every other respect. I acknowledge too the support of Sinn Féin, which Gerry Adams has confirmed to me, for the political aspects of the Governments' proposals which include those relating to the review of the Good Friday Agreement.

We have agreement on the basis on which the republican community will support the new policing arrangements. This is an enormously significant and historic prospect which will bring assurance and benefit throughout Northern Ireland. I obviously welcome that during the later stage of this initiative, direct engagement between the Sinn Féin leadership and the Chief Constable of the PSNI was initiated. I hope that this signals the prospect of further such contacts pending membership of the policing board by Sinn Féin when the legislation allowing for the devolution of policing and justice is enacted. Agreement on the modalities of the devolution of justice and policing will be difficult but if enactment of the legislation can be secured as envisaged, it should allow Sinn Féin to take a positive decision on policing later next year.

Such a decision by Sinn Féin on policing would be an enormous breakthrough and radically alter the climate of confidence and trust throughout Northern Ireland. I have always believed that the completion of the policing project both in terms of securing full community support and ensuring that the policing arrangements are accountable to the devolved administration would represent the consolidation of peace and political stability in Northern Ireland.

The Governments' joint declaration of May 2003 outlines in considerable detail the many other issues that will be addressed in the context of overall closure, including moving ahead rapidly with reducing the British military presence and addressing the matter of the so-called "on-the-runs" or OTRs. In the context of assured peace, everyone will welcome Northern Ireland being progressively normalised on an accelerated basis.

I have had further copies of the Governments' joint declaration placed in the Library as it too is an important part of the architecture of the completion we are trying to secure. Under the Governments' proposals, pending the formation of the executive in March, roll-out would comprise a number of important elements throughout December, January and February.

In December, it was anticipated that the British Government would announce legislation to provide for a shadow assembly and to accommodate changes to the Northern Ireland Act of 1998 arising from the review of the Good Friday Agree-

ment. It was also envisaged there would be initial engagement with the parties on a number of issues. It was understood that decommissioning would be completed before the end of December; a shadow assembly would meet in January following completion of decommissioning; consideration of the modalities for the devolution of justice and policing would be a particular focus of attention for this shadow assembly; suspension would be lifted by the British Government in February, allowing the new First Minister and Deputy First Minister to be confirmed by the assembly in March and, early plenary meetings of the North-South Ministerial Council and the British-Irish Council were envisaged.

It was envisaged that the combined impact of our proposals would fully realise the vision of a new beginning promised by the Agreement. Compared to where we were one year ago, the Governments' proposals represent a dramatic surge towards final closure. I have made clear that the Government would play its part in addressing those areas, few in number, that are relevant to us in this overall context. A comprehensive deal is a comprehensive deal. It means all issues being fully addressed by everyone. For everything to work in the context of overall agreement, each of us, Governments and parties, must therefore fulfil their obligations, some of which, taken in isolation, present the most profound difficulties.

I said in Belfast that the proposals we published were those that had been under consideration by the DUP and Sinn Féin. I also said there were other issues the two Governments were dealing with separately. For our part, there are three such issues. I have mentioned these issues in the Dáil on several occasions, most recently last Tuesday. They are not new. I will again deal with them.

I will deal first with the case of the killers of Garda Jerry McCabe and the wounding of Garda Ben O'Sullivan. As the record of this House will show, in particular last May, I have already addressed, in a comprehensive way, the circumstances in which their release would arise. I will again repeat those circumstances. Their release could only arise in the context of a comprehensive agreement in which the International Monitoring Commission reported that all IRA paramilitary activity had ceased and the IICD reported that all IRA arms had been decommissioned. The Minister for Justice, Equality and Law Reform will address this issue further in his contribution. I said in Belfast that nothing can console those bereaved and the last thing we wish to do is to add further to the suffering these innocent families have endured. My only hope is that full knowledge of the comprehensive agreement we have been seeking to secure will help clarify the environment in which we have been working. It was always the intention of the Government that the Minister for Justice, Equality and Law Reform would meet with the McCabe and

O'Sullivan families in advance of any decision on early release. Consultation with the GRA was also envisaged.

Second is the issue of the so-called on-the-runs. These are individuals who have been on the run for crimes committed prior to the Good Friday Agreement. The two Governments agreed in Weston Park in July 2001 that these cases would have to be addressed and we went into some detail on this in the May 2003 Joint Declaration. We made clear then, as I have said many times in the Dáil, that both Governments would address such cases arising in their respective jurisdictions. Again, the Minister for Justice Equality and Law Reform will address this issue further in his contribution.

Third is the question of following-up, in an appropriate way, on the Seventh Report of the All-Party Oireachtas Committee on the Constitution. This issue has been discussed many times in the Dáil. I have frequently registered my support for the proposal to invite, on a periodic basis, Northern Ireland MPs to a committee of the Dáil on matters relating to Northern Ireland and the Good Friday Agreement, as I have in the context of inviting MEPs from Northern Ireland to attend Seanad discussions on EU matters. Both proposals are a matter for the Oireachtas and would have to be the subject of consultation and agreement with parties in this House and the Seanad. Reports on these matters have been exaggerated. The proposals would not involve granting any rights or privileges and there would be no constitutional implications or question of cutting across the architecture and operation of the Good Friday Agreement.

On Seanad Reform, I support increasing membership of the Seanad and formalising the existing ad-hoc arrangements to provide cross-community representation from Northern Ireland. This could only be done by referendum. This issue is a matter on which I imagine all parties will have views. For my part, I would like to see such a referendum before the next general election.

The scope of what is in prospect has real potential. The Kilkenny writer Hubert Butler, an Irish Protestant, reflected much on the problems of Northern Ireland and once asked the simple question: "Why have our differences been so unfruitful?" That there are differences between us, Unionist and Nationalist, British and Irish, is beyond question. But difference can be a spur to achievement. The future lies in sorting out our differences through politics and, through politics, we have come a long way. I am not prepared to let the progress we have made become bogged down at the final hurdle. The sectarian nightmare has gone on too long, and nobody has a monopoly on suffering. If the will really exists, the outstanding difficulties can be quickly put behind us. The package unveiled last Wednesday is the signpost to a shared society. What is now required is a collective decision by all concerned to leave the past behind.

[The Taoiseach.]

This is my appeal. That people resist the temptation to score short-term political points against each other and see the opportunity that is staring us in the face for what it is. The task of building a shared society is an urgent one. I do not agree with the point of view put forward by some that the *status quo* is acceptable. Agreed institutions are necessary to provide certainty and reassurance to the people of Northern Ireland. That is why another prolonged fallow period will only make the urgent task of building a new society more difficult. I read that many expeditions to climb Mount Everest hit a psychological wall with 200 metres to go and that it is common for people to turn back having got so close. However, none of us can afford to turn back now. It is my honest assessment that enormous progress has been made during 2004. It is also my firm belief that the process of trust-building can only improve when direct dialogue is established between the two parties who enjoy a leadership mandate in their communities. I look forward to the day when such engagement becomes possible.

I have worked with politicians from Northern Ireland for a long time. I admire their political commitment and believe they genuinely wish for the future to be better than the past. I am not for turning back because I believe that if all that commitment, dedication and ability is channelled into improving people's lives through politics, the differences between us will prove enormously fruitful and the future of Northern Ireland and all who share this island will be bright.

As we maintain our efforts on this initiative, everybody needs to play his or her part in creating a climate that is conducive to getting matters over the line. I ask people to reflect on the package tabled by both Governments and to study them carefully. We need everyone's support to secure this comprehensive agreement. I met a Sinn Féin delegation on Monday and, last evening, I met Mark Durkan and members of the SDLP. I also spoke with Dr. Paisley on the phone on Monday during which I was able to confirm the Government's position on the photographs issue, which I addressed earlier in my statement.

The Minister for Foreign Affairs, Deputy Dermot Ahern, will meet Secretary of State Mr. Murphy and Northern Ireland parties at Hillsborough today. US envoy Mr. Mitchell Reiss will also be present. I will have an opportunity to discuss matters with Prime Minister Mr. Blair in Brussels over the next two days. As I have said before, if we do not get agreement soon we risk major delay in the restoration of the institutions. I, therefore, strongly urge all the parties not to delay unduly and to seize this moment of opportunity and real hope.

Members will be aware I leave today for Brussels and will not have another opportunity to speak again in this House before Christmas. I thank the Opposition and Members of the House for their efforts, contributions and support on

Northern Ireland. While we may, perhaps, become somewhat frayed on particular issues at times I genuinely appreciate the support of the parties in Government and in Opposition. I also take this opportunity to wish everybody a very happy Christmas.

**Mr. Kenny:** I thank the Government for agreeing to this important debate, giving the House an opportunity to unite in its support for the ongoing efforts to reach a full and lasting settlement in Northern Ireland. In particular, it gives me the opportunity to reiterate the consistent position of the Fine Gael Party in its support for the full implementation of the Good Friday Agreement, which we have defended and promoted for six and a half years.

The House should remember that when the people voted in such large numbers to endorse this Agreement in May 1998, they did so on a number of clear understandings, including the full decommissioning of all paramilitary arms and a commitment to exclusively peaceful and democratic means by all parties to the Agreement. The House should also recall that Fine Gael's record of support for the peace process has been unequivocal and beyond question. Our party has a long history in brokering peace and fostering better relations between the parties in Northern Ireland. In 1973, we negotiated through difficult times to secure the Sunningdale Agreement. Although it did not survive in the face of Unionist hostility, the agreement contained many of the principles of devolution and power-sharing which underpin the Good Friday Agreement.

Later in the mid-1980s, the Fine Gael and Labour Government led by Dr. Garret FitzGerald negotiated and secured the historic Anglo-Irish Agreement, giving this State a direct say in the affairs of Northern Ireland for the first time. The 1994 to 1997 rainbow Government, with Deputy John Bruton as Taoiseach, delivered key initiatives, including the Framework Document and the ground rules for all-party talks, that played a large part in bringing about all-party negotiations among the Northern Ireland parties. The rainbow Government also appointed George Mitchell to chair these negotiations.

When the Taoiseach took office in 1997, my party's commitment to developing the peace process remained undiminished. We supported the Government in the difficult negotiations, culminating in the 1998 Good Friday Agreement. We campaigned vigorously for its endorsement in the subsequent referendum. The principles underpinning the Agreement are the same as those we have espoused for many years: devolution, power-sharing, mutual respect and understanding, and the absolute and total rejection of violence as a means to achieve political objectives. Since then, we have supported all efforts to see the full implementation of the Agreement. I, and several of my colleagues, have undertaken visits to Northern Ireland to urge all sides to make the necessary compromises. I have also avoided criti-



cising the Government's approach when difficulties arise, like the Taoiseach's comments on Monday last. What would the situation have been then if the boot was on the other foot?

Fine Gael's record on the peace process has been one of strong support, both in government and in opposition, in public and in private. The Government must note that we will take no lectures on bipartisanship from the Fianna Fáil Party, which did everything to undermine the historic Anglo-Irish Agreement in 1986, including sending representatives to the United States to persuade the Irish-American community to oppose it. Some Ministers need to learn that bipartisanship works both ways. If the bipartisan approach to Northern Ireland was broken, it was broken by Fianna Fáil when the Taoiseach did his secret side-deal with the republican movement to break his word to the people on the murderers of Detective Garda Jerry McCabe. Until yesterday, I had received no briefing of any description from the Government on Northern Ireland issues for over 14 months. When I received briefings during 2003, the Taoiseach's plan to release these common criminals was never once mentioned.

The Government can count on Fine Gael's continued support for its effort to secure a final settlement. However, it cannot ask us to write a blank cheque or expect retrospective approval for secret deals. Most of all, it cannot expect this party to remain silent when the institutions of the State need to be defended from forces that have never shown allegiance to it.

**Deputies:** Hear, hear.

**Mr. Kenny:** Some members of the Fianna Fáil and Sinn Féin parties have questioned my democratic right to ask questions in this House. Such has been the similarity of their reactions that one could be forgiven for wondering if the putative Fianna Fáil-Sinn Féin coalition is already taking shape.

The secret deal to release those who shot and killed Detective Garda Jerry McCabe and injured his colleague, Detective Garda Ben O'Sullivan, while in the service of this country, goes to the heart of democracy. In 1998, when supporting the endorsement of the Good Friday Agreement, my party strongly supported the Government's decision to specifically exclude these four killers from the early release provisions of the Agreement. When the people voted their approval of the Agreement, they did so on the understanding that these individuals would not benefit from it in any way. Internal Government papers make it clear that the reason these people were excluded was to help ensure public support for the Agreement.

These commitments to the electorate before the referendum were followed by even more specific and expansive promises to Detective Garda McCabe's family, the Garda Representative Association and the people in the following years. These written and verbal commitments

were not accidental. They were designed to convince the public that the Government was holding firm to its promises. Following the conviction of these men on the lesser charge of manslaughter, the Taoiseach offered the opinion that they were murderers. He subsequently assured the Dáil that while Sinn Féin negotiators had raised this issue in talks, they had been told in no uncertain terms that it would not and could not be considered. The letter from the then Minister for Justice, Equality and Law Reform, Deputy O'Donoghue, to Mrs. Anne McCabe went even further, assuring her that these killers would not be released under the terms of the Good Friday Agreement or on any other basis.

The breaking of his word undermines the Taoiseach's authority and diminishes the credibility of his office. Despite his protestations to the contrary, the Taoiseach never volunteered information about this secret arrangement until after it had been leaked to the media in May of this year. It had been conceded in the negotiations with Sinn Féin as early as March 2003 and appears to have been part of the aborted deal of October 2003. Never on any occasion did the Taoiseach or his officials consult me or inform me about this arrangement.

All Members will be conscious of the strong public outrage at the notion that these criminals, who were completely disowned by the republican movement at the time of the killings, could now benefit from early release. Most right-thinking people believe these killers deserved longer sentences for the capital murder of a Garda and that they only secured lighter sentences through the intimidation of key trial witnesses. Right-thinking people are also outraged that the Taoiseach of this sovereign State chose to capitulate to a terrorist organisation which refused to fulfil any of its commitments under the Good Friday Agreement unless his solemn word was broken in secret.

I have listened to the verbal gymnastics of the political representatives of the republican movement in recent days. These same people had no problem signing the Good Friday Agreement in 1998, knowing that the killers of Jerry McCabe were specifically excluded. These same political representatives claim the Adare operation was not authorised by the IRA but by an authorised person. These same political representatives smiled as they posed for photographs with this gang inside Castlereagh Prison in September 2003, seeing no humiliation in that photograph. They also expect people to believe that republican activists are not involved in any criminal activity despite the unambiguous findings of the Independent Monitoring Commission and others. While the hypocrisy of these utterances is transparent, there is one lie which must be nailed.

Sinn Féin has repeatedly claimed that the High Court and Supreme Court ruled that the killers of Detective Garda McCabe are qualifying prisoners under the early release provisions of the



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Good Friday Agreement. These statements come from the same party which refuses to recognise the recent court conviction of one of its members, found spying on Members of the Oireachtas. These claims are complete nonsense. The Supreme Court, on 29 January 2004, explicitly ruled that the designation of prisoners as "qualifying prisoners" under the Agreement is at the sole discretion of the Government. Sinn Féin representatives are fond of demanding that their democratic mandate be respected. My message to them is that I too have a democratic mandate on behalf of the Fine Gael Party. When we stand up for decent, right-thinking people, we do so without fear or favour.

I refer to the political impasse in which we currently find ourselves and make some observations as to how the process might be moved forward. The Taoiseach is correct when he speaks of the danger of positions unravelling in the event a political vacuum is allowed to open up. The most recent round of negotiations managed to achieve a substantial degree of co-operation between the parties on majority of issues. This progress was achieved despite the fact that no face-to-face negotiations between Sinn Féin and the DUP have occurred. To achieve a proper understanding of the remaining issues, they must be effectively trashed out directly between the parties involved, and I call on the Democratic Unionist Party to agree to engage directly with the representatives of Sinn Féin who have requested this.

I say to the DUP that it has agreed to the principle of sharing power with Nationalists and republicans, and the time has come to begin the process of face-to-face contact. I also say to the DUP to be far more temperate in its choice of language in the future. While I do not believe that Dr. Paisley's outburst in Ballymena ten days ago was the sole reason for failure to reach agreement, it certainly did not help the process. That type of inflammatory language has no place in an era in which we are seeking to achieve a historic settlement between the divided communities in Northern Ireland.

I acknowledge the significance of the major moves made by Sinn Féin over the past ten years, but it must now complete its journey to fully democratic politics. The republican movement must provide a clear commitment that all criminal and illegal activity will end. We cannot have a democratic system where one political movement reserves the right to engage in and benefit from crime while all others operate within the constraints of the law. I have serious concerns about the rights and safety of citizens in this regard. I question the performance of the Minister for Justice, Equality and Law Reform in dealing with the multi-million euro cross-Border illegal business in smuggling diesel, whiskey, petrol and cigarettes, which is rampant in many areas. I live in the real world and I know of smuggling on roads

where tolls are extracted and embargoes are placed on the building and sale of houses. All these illegal and criminal activities must stop. I say to the republican movement that there is no difference in illegal acts between republican activists and republicans. It appears in some cases as if the money instead of the ideal has become the driving force.

As the process moves forward, it is crucially important that the other northern political parties are more closely involved in the negotiating process. It is particularly disappointing that the SDLP, a party which has stood for constitutional nationalism for so many years, feels excluded from the negotiations on the implementation of the Agreement, which it was so instrumental in bringing about. I understand the difficulties facing the two Governments in trying to manage a multilateral set of negotiations but it is important that the SDLP and the Ulster Unionist Party, as parties which are entitled to seats on the new executive, are involved in the talks, particularly those pertaining to changes in the operation of the Agreement. It is also important to have more transparency in the side-deals being struck between the two Governments and individual parties.

In recent weeks, we have seen the hurt and anger caused by the Government reneging on its commitments in regard to the killers of Detective Garda Jerry McCabe. It seems that all the key parties to these negotiations have their red line issues, the Irish Government, the British Government, the DUP and Sinn Féin, but no one seems to be interested in the view of the public who endorsed the Agreement in the first place. If the republican movement's demands on this issue had been the subject of public debate at the time it was put on the table by Sinn Féin, the reaction would have been so strong that the Sinn Féin negotiators would have realised that this is a red line issue for the Irish people. In calling for more transparency on these deals, I am conscious that some aspects may be sensitive from the security perspective and these sensitivities, of course, have to be respected.

As I said, agreement has been achieved on a large number of issues and I do not underestimate the scale of the challenge facing the Governments in overcoming the remaining obstacles. I strongly suggest to the Taoiseach that serious consideration should be given to inviting someone from abroad to act as a facilitator for what, I hope, will be the final round of negotiations. When George Mitchell was invited to do this previously, after some initial difficulties he won the respect of all parties for his handling of the Good Friday negotiations. Perhaps a person of his stature could help to break the logjam now. Despite the current set of difficulties, I believe progress can be made towards a successful conclusion in the Good Friday Agreement. It will only be achieved, however, if those who now hold the keys to unlocking these obstacles show cour-

age and are prepared to take the risks involved in the interests of all the people of Ireland, North and South.

I assure the Taoiseach that, in so far as the full implementation of the Good Friday Agreement is concerned, he will continue to have the full support of the Fine Gael Party because we are fully committed to achieving a lasting settlement which will bring terrorist activity on this island to an end once and for all. I have given him credit in the past for the extraordinary amount of time he and the British Prime Minister have put into this business, and I wish him well in his endeavours. In so far as this party can support the implementation of the Agreement, it will offer that support. Please keep in contact with us.

I echo the Taoiseach's concluding sentiments in wishing the Ceann Comhairle, the Cathaoirleach and all the Members of the House a happy, holy and peaceful Christmas and better prospects for 2005.

**Mr. Rabbitte:** In some of what I have to say in this debate, I intend to be critical of the process and some aspects of the outcome of last week's announcement of a set of proposals for a comprehensive agreement. I intend to praise where I can and criticise where I must. I will do so because it is my duty as the leader of a party in opposition to do so. I will do so in the interests of proper democratic accountability and, above all, in the interests of standing by the Good Friday Agreement and its potential, a potential that is to some extent still not realised. I am conscious of the fact that whenever any aspect of the peace process is criticised, however legitimately, whenever any question is asked, however relevant, the person who asks the question runs the risk of being described as unhelpful or even obstructive. I listened to the Taoiseach on Sunday last, for instance, suggesting that some people were not playing the game. Playing the game, it seems, is to be defined as supporting everything that is announced as uncritically as possible, never raising doubts or fears, never seeking to go behind the often obfuscatory language in which many of these agreements are couched.

I am aware that many unfounded and unfair accusations have been levelled against a Member of this House, Deputy Kenny, because he asked an entirely legitimate and proper question about whether an agreement had been reached in regard to the killers of Detective Garda Jerry McCabe. Suggestions have been made that I too was not acting in the national interest by seeking the publication of side agreements relating to this and other matters. Such accusations, whether made against Deputy Kenny, me or other Members of the House, amount to no more than attempted political blackmail. They are an attempt, in effect, to prevent the Opposition doing the job it is required to do in a democracy. Despite such attempted political blackmail, whether it comes from the Government or the

leadership of Sinn Féin, we will continue to do our job. This is our country too.

Today is the 11th anniversary of the Downing Street Declaration, a document which has come to be regarded as the first formal step in what is known as the peace process. In that declaration, in clear and direct language, the British and Irish Governments agreed that the central idea behind the peace declaration is that the problems of Northern Ireland, however deep and intractable, however difficult to reconcile, have to be resolved exclusively by political and democratic means. The British Government went on in that document to declare that it had "no selfish strategic or economic interest in Northern Ireland", and to agree that it is for the people of the island of Ireland alone, by agreement and between the two parts respectively, to exercise their right of self-determination on the basis of consent, freely and concurrently given. For its part, the Government declared: "The democratic right of self-determination by the people of Ireland as a whole must be achieved and exercised with and subject to the agreement and consent of a majority of the people of Northern Ireland."

Those three principles, the commitment to exclusively political and democratic means, the right to self-determination and above all the principle of consent have underpinned the peace process ever since. The referenda which adopted the Good Friday Agreement were an expression of self-determination concurrently undertaken by the people on both parts of this island and that agreement effectively enshrined the principle of consent in our Constitution.

What has bedevilled the peace process, from the moment the Downing Street declaration was signed until right now, has been the failure to arrive at a point where every political party is seen to operate on the basis of exclusively political and democratic means. The consequence of that failure has been the collapse of institutions that were set up on an inclusive basis, and an increasingly polarised society, especially within Northern Ireland. None of the difficulties of recent years would have arisen if that first principle had been accepted.

To say that is not to deny that much has been achieved, in terms of stability at least, in the 11 years since the Downing Street declaration was signed. Perhaps as many as 1,000 people are alive today, who might be dead were it not for the peace process. Families no longer suffer the fear of a knock on the door in the dead of night, or the anguish when a loved one disappears without trace. The economy of Northern Ireland has undergone a revival, and it is now a friendly and welcoming place to visit. Indeed, it can be argued that the stability and relative peace enjoyed by the whole island has been no small contributor to the progress made within our own economy.

It remains true, however, that reconciliation has not happened. Violence has been removed from the conflict, as my predecessor former

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Deputy Dick Spring remarked, but the conflict in some ways remains as bitter as ever. Too many communities are divided, not only by physical barriers but by those of hate and intolerance. Too little trust exists in the politics of Northern Ireland and the root cause of that is the use of violence and the pursuit of undemocratic means.

The only one of the major parties that has been unable to accept the first principle of the Downing Street Declaration has been Sinn Féin. I do not say that in any way to score a point. It is a simple fact that for Sinn Féin, the road to exclusively political and democratic means has been long and difficult. I have praised the leadership of that party before for its role in undertaking that journey, and for the courage and discipline required. However, when one traces the difficulties of recent years, they all go back to that one source, the difficulty of establishing an adherence to exclusively political and democratic means.

One of the ironies of that situation, of course, is that the longer the journey that Sinn Féin undertakes, the more they become the centre of attention for both Governments. Similarly, the more polarised society in Northern Ireland becomes, the more people cast their votes for parties at the extremes of the political spectrum. The consequence is that we have now arrived at a point where the development of a framework for a comprehensive agreement essentially has become an exercise in seeking to address and reconcile the concerns of two parties, Sinn Féin and the DUP, even if that is at the expense of all others.

The process of engagement that led to the peace process was, throughout most of its history, an inclusive one. Indeed the notion of inclusion could be described as the central strategy of the process, the idea that everyone should be seen as part of the solution rather than part of the problem. It is unfortunate and potentially dangerous that latterly, the process has become more and more exclusive. One may instance, as referred to by Deputy Kenny, that it was only on Monday of this week that the Government found it possible to brief my party on the outcome of last week's events, and I gather that other parties were only briefed yesterday. It is far more to the point, however, that increasingly, a number of political parties whose history and contribution should place them at the heart of this process are becoming more and more marginalised.

There would not have been a peace process in Northern Ireland, indeed democracy itself would have struggled to survive, without the immense contributions of the SDLP and latterly the Ulster Unionist Party. These parties remain true to the objective of reconciliation, and have established track records to prove that. Similarly, some of the other parties in the process, including the Alliance Party, which have made many thoughtful contributions to the negotiating process, the PUP, the Women's Coalition and others have

played significant roles. They have rejected any attempt at triumphalism, often sacrificing their own expedient interests, and seeking to engage all the time in the interests of bridging the divide within and between communities. All these parties, it seems, are now to be expected to swallow whatever will bridge the gap between Sinn Féin and the DUP.

The single greatest manifestation of this new exclusion is to be found in annex B of the proposals, and especially in paragraph 9, which proposes a fundamental change in the way Ministers are to be selected for the new executive. When the executive was originally established under the Good Friday Agreement, and as a consequence of the operation of the d'Hondt system, Ministers were appointed in direct proportion to the mandate their parties received, and on no other basis. That process enabled Sinn Féin, for instance, to abstain on the election of Mr. David Trimble and Mr. Séamus Mallon as First Minister and Deputy First Minister, while still occupying ministerial posts in the executive as of right. The DUP actually voted against the establishment of that executive, but went on also to occupy two ministerial posts as of right.

Now the rules are proposed to be changed. The new "comprehensive agreement" significantly alters provisions for electing the First and Deputy First Ministers and the nomination of ministers to the executive that will penalise those parties which wish to register legitimate dissent at the entire process or at the nominations of certain individuals to particular posts. Previously, the only vote required was for the joint election of the First and Deputy First Ministers. The DUP demanded this be changed and that the First and Deputy First Ministers and the entire executive be elected together by the Northern Ireland Assembly. Their motivation was simply to save themselves the embarrassment of having to approve the nomination of Dr. Ian Paisley and Mr. Martin McGuinness in the one vote.

The net result is that should the SDLP or the Ulster Unionist Party abstain on the election of Dr. Ian Paisley and or Mr. Martin McGuinness as First and Deputy First Ministers in protest at the way the process has been managed, they would now lose their automatic right to have ministers nominated to the executive. This procedural alteration means that parties which wish to object formally to any individual holding a particular post may do so only if they are prepared to forfeit their right to participate in the executive.

This transforms the situation as it was, merely because the DUP wishes to claim to their constituency that they have substantially altered the agreement and Sinn Féin and the Irish Government have acquiesced. As Mr. Mark Durkan put it in a piece in *The Irish Times* yesterday:

You can be a bigot and hold ministerial office. You can have a criminal conviction and hold Ministerial office. But if you dare not to vote for Sinn Féin and DUP as First Ministers,



you are automatically excluded from office. How democratic is that?

I would ask this. Would the two Governments have accepted such proposals had the Ulster Unionist Party and the SDLP sought them, to ensure that Sinn Féin either voted for the First and Deputy First Ministers or lost their two ministries, or to force the DUP to endorse the entire executive rather adopt their "half-in, half-out" approach? They certainly would not. They would have told the SDLP and the Ulster Unionist Party that they were advocating exclusion. Sinn Féin and the DUP would have been raving to anyone who would listen about how the two main parties were denying them their right to join the executive.

The Ulster Unionist Party and the SDLP in particular, which put inclusion at the heart of the Good Friday Agreement, will be the first to be excluded should they wish to register their dissent at the antics of the DUP and Sinn Féin. The Irish Government has allowed that to happen. It will be said that strand one is principally a matter for the British Government and that there was nothing the Irish Government could do to prevent this happening. Everyone who has been involved in the peace process at intergovernmental level over the years knows that this is no more than an excuse. The truth is that both governments have acquiesced in the false proposition that there are only two protagonists who matter. The proposed agreement and the democratic structures of Northern Ireland are the poorer for that.

I now turn to the two most serious issues arising from the proposed agreement. Many people on this island would have been baffled last week to be told that one party was prepared to put peace at risk over the demand for a photograph of decommissioning and that the other party was prepared to put peace at risk by refusing it. The more one reflects on the matter, the more it has to be said that there is a great deal more justification in demanding verification than there is in refusing it. For that reason, I find it all the more surprising that the Taoiseach was so ready to resile from that aspect of the proposed agreement, apparently at the behest of Sinn Féin, until it was clearly pointed out to him that he had undermined the fabric of his own negotiated document. The IRA has made it clear that it regards the process of putting arms beyond use as part of its contribution to a comprehensive agreement which will see the transition to a totally peaceful society. However, it refuses a demand that this contribution be photographed and thereby reduced to "an act of humiliation".

The analogy seems to be with the forced disbanding and disarming of a defeated army, following an act of surrender. In the European and wider international context, it is nothing of the sort. Sovereign and undefeated states regularly bind themselves, as part of their contribution to peaceful international relations, to international

agreements on arms proliferation, arms control and arms disposal. Confidence building and compliance processes requiring notification, inventory listing, information exchange, inspection and peer verification are embedded in such agreements. To give just one example, I refer briefly to the Conventional Armed Forces in Europe Treaty, which applies to NATO and Warsaw Pact countries. That treaty deals extensively with decommissioning, inspection and verification issues. The treaty states that:

Inspectors shall have the right to take photographs, including video, for the purpose of recording the presence of conventional armaments and equipment subject to the Treaty.

If the countries of NATO and the Warsaw Pact did not consider themselves humiliated by agreeing to such procedures, then what is so special about the position of the IRA?

Perhaps the most serious issue to have arisen since the publication of the proposed comprehensive agreement is that of criminality. Since the publication of the documents, there has been considerable confusion around this issue. It is fair to say that had the documents been signed last week, the Government would have fought very hard to conceal the clear division within the Cabinet on the handling of this issue. That division has served a useful public purpose, because it has thrown light on an issue that needs to be confronted. We all want peace in Northern Ireland. We want to be sure that paragraph 13 of the Joint Declaration of April 2003 is accepted and will apply. For the sake of avoiding confusion, let me quote that paragraph:

Paramilitarism and sectarian violence, therefore, must be brought to an end, from whichever part of the community they come. We need to see an immediate, full and permanent cessation of all paramilitary activity, including military attacks, training, targeting, intelligence gathering, acquisition or development of arms or weapons, other preparations for terrorist campaigns, punishment beatings and attacks and involvement in riots. Moreover, the practice of exiling must come to an end and the exiled must feel free to return in safety. Similarly, sectarian attacks and intimidation directed at vulnerable communities must cease.

Most interested citizens believe that terms like "full and permanent cessation of paramilitary activity" mean precisely what they say. There are now attempts by senior Sinn Féin spokespersons to qualify this by adding terms like "an end to all activity that would endanger the agreement".

There are several aspects of ongoing paramilitary activity, north and south, that may not directly impact on the agreement, but that nonetheless endanger our democracy. The most corrosive of these activities, to which we in this House cannot turn a blind eye, are the forms of behaviour used to assert and maintain control in certain communities, not just in nationalist areas



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of Northern Ireland, but in some of the communities in this jurisdiction, especially where disadvantage is concentrated. There is only one way to be satisfied that the blithe assurances offered by Sinn Féin spokespeople on this whole issue of illegality can be taken seriously. Sinn Féin has always strenuously opposed the work of the Independent Monitoring Commission, just as it opposed its establishment. Perhaps this is not surprising, since the first IMC report found that there was a link between IRA and Sinn Féin leadership, that the IRA continued to be active and that the leadership controlled the level of that activity. However, let me quote from last week's statement from the Sinn Féin president:

I believe that Sinn Féin can say yes to the political package, as now presented. There has been a singular focus, particularly by the DUP, on silent IRA arms. Resolving this issue of arms is a matter for the IICD and the armed groups. Sinn Féin has used whatever influence we have to see guns taken out of Irish politics. Martin McGuinness and I have been to the IRA. I am not prepared to go into the detail of these discussions. That organisation will take its own council and make its position clear in its own time.

The political package as now presented, referred to by Gerry Adams, includes a timetable. That timetable in turn proposes an interim report by the IMC in December and a full report in February next year. If Sinn Féin, in accepting the political package, is also indicating clearly that it is accepting the role of the IMC in monitoring and reporting on all illegal activity associated with paramilitarism, then that would help to generate some confidence in this area. In the absence of such agreement, it is difficult in the light of my own experience and in the experience of many Members of this House, to take assurances of good behaviour too seriously.

There are a great many additional aspects of the present situation to which I would like to refer if the time was available to me. There are major issues to be addressed, such as policing and the Taoiseach's own speech admits as much. Despite the legitimate criticisms I have felt obliged to express, I continue to hope for a successful outcome to the negotiations. I urge the Government in its fresh efforts to seek to be as inclusive as possible. I hope a truly comprehensive agreement, still based on the three principles of complete adherence to exclusively political and democratic means, self-determination by all the people of Ireland and above all the principle of consent, will not be long in coming.

**Caoimhghín Ó Caoláin:** Cuirim fáilte roimh an díospóireacht seo. Is annamh a bhíonn plé ar phróiseas na síochána agus ar cur i bhfeidhm Chomhaontú Aoine an Chéasta sa Dáil seo. In ainneoin na bhfadhbanna uile sa phróiseas le seachtain anuas creidim go bhfuil dul chun cinn

déanta agus gur féidir linn uile dul ar aghaidh go dtí ré nua i saol ár dtíre.

In the current fallout from the stalled peace process no-one should lose sight of the tremendous progress made and the potential for further progress. There is a need for renewed efforts by both Governments and all parties to reach agreement. My colleagues in the Sinn Féin negotiating team are sparing no effort and this morning have been in further talks in Belfast. I pay tribute to the Sinn Féin negotiators and to all those who played a positive role in negotiations. They have not failed and their work is not over.

The fundamentals of the Good Friday Agreement, including its power-sharing, all-Ireland and equality provisions, have been consistently and successfully defended. Key aspects of the Agreement have been strengthened.

The overall political package that was reached had a range of significant measures and each is important in its own right. They included the reinstatement of the Executive, the Assembly and all-Ireland structures, including the all-Ireland Ministerial Council; the removal by legislation in Westminster of the British Government's ability to suspend the institutions; a stronger pledge of office by Ministers to ensure that they participate fully in the Executive; a requirement on Ministers to engage with the all-Ireland structures; devolution of policing and justice powers to the Assembly; Six County representation in the Oireachtas; a programme of demilitarisation and measures to address the issue of people "on the run" in both jurisdictions. These would be major steps forward by anyone's reckoning.

Are we really expected to believe that the DUP walked away from a prospective deal because of the absence of a photograph or album of photographs? The DUP has campaigned in successive elections against the Good Friday Agreement. It still doggedly refuses to meet Sinn Féin, contrary to the falsehood so often heard this past week which claims that the two parties will not speak to each other. Let there be no mistake about it. Sinn Féin has been and is prepared and is anxious to meet and talk to the DUP. I believe the DUP lacked the courage and political will last week to sign up for a deal. That it came so far represents real progress, in spite of last week's setbacks. Time and patient negotiation will bring the party further and I believe that can happen sooner rather than later.

Last week, in this Chamber, I was condemned for paying tribute to the IRA for its initiative. Not only do I make no apology for the tribute, I repeat it today. The commitment the IRA was prepared to give on the issue of arms was huge, historic and unprecedented. Surely that is clear to all Members of the House. The IRA is committed: "to support a comprehensive agreement by moving into a new mode which reflects our determination to see the transition to a totally peaceful society". It decided to instruct all IRA volunteers

not to engage in any activity which might thereby endanger that new agreement.

The IRA dealt in an unprecedented manner with the issue of arms when it committed to conclude the process to completely and verifiably put all its arms beyond use and to agree with the IICD the completion of this process speedily, if possible, by the end of December. To further enhance public confidence, the IRA agreed to the presence of two clergymen as observers during this process.

Anyone who knows anything about republican history and the history of the peace process must acknowledge the huge significance of the IRA initiative. The IRA deserves credit for taking this difficult and courageous step. While a wide spectrum of opinion will welcome it, many republicans will also have deep concerns. However, I believe the IRA has once again shown leadership and bravery in its efforts to achieve justice and peace.

Those who have been loudest on the issue of silent IRA arms have had little or nothing to say about loyalist weapons and British army weapons that are still in daily use on the streets of the Six Counties, as was recounted in the requests made in the Dáil earlier today under Standing Order 31. It is folly to believe that the historical physical force tradition in Irish politics can be ended easily, speedily or outside the context of real political progress. Every side of this House knows that; Members need only look at their parties' histories.

Fianna Fáil won the 1932 election with the active and open assistance of the IRA and its first act in Government was to release IRA prisoners from Arbour Hill. The Fine Gael tradition holds fast to Michael Collins, a former IRA leader who, as leader of the Free State, encouraged the IRA to direct its energies northwards. This is the party that not only had a paramilitary wing in the 1930s but which amalgamated with the Blueshirts and adopted the name Fine Gael.

The Labour Party claims as its founder James Connolly — although I doubt he would recognise the party today — who co-founded an armed group, the Irish Citizen Army. What of the party within a party, the remnants of the Workers' Party leadership which is now the leadership of the Labour Party? Its former associates were the so-called Official IRA. How many weapons did it put beyond use?

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

**Caoimhghín Ó Caoláin:** When did it cease its extracurricular activities and did it ever disband? Much of the feigned outrage we have heard inside and outside this House has been about the electoral rivalry between Fine Gael and the Progressive Democrats. Many believe that Deputy Kenny carefully and deliberately chose budget day to put the question to the Taoiseach about the release of the prisoners in Castlereagh convicted of the killing of Garda Jerry McCabe. When the political

deal stalled last week, the Progressive Democrats weighed in and raised the bogus issue of criminality.

I reject criminality from any source. I reject any attempt to criminalise republicans or the republican ideal to which I have given my wholehearted support and allegiance. In sections of the media and by some Members of this House, my party and my colleagues have been falsely accused in a most scurrilous manner. However, we will not be distracted by the bleating of political sheep. We have our eyes on the big picture.

There is a way forward from the most recent impasse. This should include direct dialogue between the DUP and Sinn Féin. The DUP owes it to its electorate to give leadership by entering that dialogue. There is a comprehensive agreement and a real achievement on the table and Sinn Féin is determined to make progress on that basis. For Sinn Féin and, I hope, for most Members of the Dáil, all of this is in the context of the unfinished and ongoing project to which we have given our wholehearted allegiance and commitment to achieve the reunification of our country and its people. Republicans are as determined as ever to achieve that goal.

**Mr. Sargent:** D'iarr mé féin ar son an Chomhaontais Ghlais agus go leor daoine eile ar an Rialtas go mbeadh an díospóireacht seo ar phróiséis na síochána agus cuirimid fáilte roimpe anois. On 21 October 2003, General de Chastelain, when he appeared on television, could not answer some of the questions he was asked about weapons decommissioning. The uncertainty that ensued and the lack of clarity that has bedevilled the process to this point has caused a faltering, if not a failing, in the process. It must be resolved today among all the parties that this faltering and lack of clarity cannot continue.

The Green Party lives by seven principles, one of which is that violence can never be used to further political aims. However, members of An Comhaontas Glas, North and South, are avid supporters of the Good Friday Agreement. With all its faults and difficulties, we want it implemented. Our international structures mirror strands one, two and three of the Good Friday Agreement. The Green Party in the North deals with strand one. While it has no MLAs, it has local authority representation and is part of an international movement at the same time. Green Party members, North and South, work on all-Ireland policy areas. Many of them are obvious, such as energy, agriculture, tourism and the need for an all-island environmental protection agency.

We also work with parties on the other island through our green island network, the Green Party in Scotland, England and Wales, which takes in strand three and deals with issues that range from Sellafeld and fisheries to INTERREG projects. We are aware of the urgency of the peace process, not just between people but with the earth itself. Like the Good Friday Agreement, the Green Party is focused on

[Mr. Sargent.]

an educational revolution with political implications. When we consider the parties and the political point scoring that often goes with the talks, we often forget that an educational change is being worked on. We must be reminded from time to time that we are talking about all our people rather than simply reconciling political parties. Part of the process is the building of trust and humiliation can have no part in that.

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

**Mr. Sargent:** Dr. Paisley's Ballymena speech was regrettable and quite damaging. While he may have been speaking in Biblical analogies, he was clearly in the business of humiliation.

Whatever its political aspirations, and I particularly cite Sinn Féin, no party may cherry-pick the law North or South. The law stands on the basis of the legitimate Government in existence in whatever part of the island. I heard Mr. Gerry Adams speak on the radio last night about how Irish law was based on English law. It is very distressing to hear any questioning of the legitimacy of the law in either part of the country. One might also talk about St. Patrick's Britishness, but we have moved beyond that. We live in the present with the realities that obtain and must move on politically to make whatever changes are required. Flouting of the law is unacceptable. In that context, I think of the need to investigate the killing of solicitor Pat Finucane and many other unresolved cases and of the Dublin and Monaghan and Belturbet bombings that we discussed this morning and yesterday.

While the mystery surrounding those events must be investigated, it is imperative to remind people that the law must apply to everybody. Oil smuggling, illegal dumping, diesel laundering and protection racketeering continue. While people dissociate themselves from those activities, somebody is behind them. According to the reports I have received, some of those activities are extremely well organised from a political point of view. A matter that cannot be left unresolved is the extent to which it seems the writ of certain political voices runs where the police writ does not. The activities I have outlined must cease and be clearly deemed unacceptable. I am not convinced that the Good Friday Agreement covers the killers of Garda Gerry McCabe and it must be asked whether they accept the rule of law in all parts of this island. It is only when the law has parity of respect that there can be parity of esteem and it is only when there is parity of esteem that there can be parity of trust.

Sadly, the Good Friday Agreement has failed to prevent the growth of tension at interface areas. What we are engaged in is not a proper review of the Agreement, but rather an attempt to keep the show on the road. A proper review will have to take into account the work of the civic forums North and South and the need for proper designation that allows people, such as

Green Party members, to describe themselves as they wish culturally and politically in terms not restricted to "Nationalist" and "Unionist". A review must move us beyond sectarian structures in schooling and majoritarianism in the assembly. These are prizes worth striving for to enable us to rise to global challenges while harnessing the full potential of all the people on the island.

**Mr. J. Higgins:** The peace process is a shambles and might be characterised as degenerating rapidly into farce were it not so tragic. Does anybody believe Sinn Féin and the DUP, which are based on ongoing sectarian divisions in Northern Ireland, can have a stable relationship? They cannot even agree on the production by the IRA of a photograph while the Reverend Paisley, one of the most bigoted leaders loyalism has produced in many generations, feels free to bully prime ministers and anyone else while demanding that the IRA don sackcloth and ashes. The Taoiseach could have been helpful on the ashes front as I have noticed he wears them himself once a year. It may not be that painful. As he wears only clothes by Louis Copeland these days, I do not think he could help with the sackcloth.

**The Taoiseach:** Deputy Higgins is looking well himself.

**Mr. J. Higgins:** Nevertheless, the Taoiseach might have a few old anoraks left from the days before he became a socialist, which could serve in place of the sackcloth.

**The Taoiseach:** Deputy Higgins would not wear them.

**Mr. J. Higgins:** It was inevitable this crisis would happen. The process will experience ongoing crisis because it is based entirely on the fallacy that one can base the solution to deep-seated national, social, political and economic questions on the institutionalisation of sectarianism. That is exactly what the Belfast Agreement does. As I said six years ago, the terms drawn up reflect the stunted politics that have dominated Northern Ireland for generations and the work of politicians and political parties, most of which are hopelessly sectarian or right-wing or both.

Republican and loyalist political parties will continue when it suits them to play the sectarian card if they see a threat to their own electoral or other positions. They do not have to call for pogroms on the street. Coded messages are sent all the time by these parties to ring-fence support on a sectarian basis. I have many Socialist Party colleagues in the North who have been elected to responsible positions in trade unions that represent the Protestant and Catholic workers among whom they live. They will confirm that there is greater polarisation between communities now, especially in a geographical sense, than there was when the Belfast Agreement was signed. What respite is there for the generality



of people in Protestant and Catholic communities who want to live peacefully but suffer ongoing heavy tactics by paramilitary organisations within their own communities quite apart from cross-community violence? It seems some republicans want to go only as far as beating their guns into baseball bats. What proposals are there to get the loyalist guns and weapons of terror off the backs of the people in their communities?

The Belfast Agreement presumes arrogantly that the communities of Northern Ireland will be permanently divided into sectarian camps and finds it inconceivable that working class people can come together on the basis of the many problems they face. The lasting solution to the problems is an economic, social and political alternative to mobilise working class people across the sectarian divide as they have borne the brunt of suffering in the course of the Troubles. An alternative based on democracy and socialism would unite the communities and lay the basis for moving on to address a resolution of the national issue and take British imperialism, the historic cause of everything we are discussing, out of the equation.

In his closing remarks, will the Minister for Justice, Equality and Law Reform tell us more about the economic package that was to be delivered? A description of the package was the one thing that was not published. Is the sum involved €100 million or €1 billion?

**Minister of State at the Department of the Taoiseach (Mr. Kitt):** I am pleased to contribute to this important discussion. In my previous role as Minister of State at the Department of Foreign Affairs, I had the privilege of working with the Taoiseach, Deputy Cowen, Deputy McDowell and other colleagues in the talks process. In the light of that experience, I regard the comprehensive draft agreement launched by both Governments last week as a landmark document. It addresses and has the capacity to resolve the four key outstanding issues identified by the two Governments at Lancaster House in June.

The draft agreement proposes to end definitively paramilitary activity, to complete the process of arms decommissioning, to ensure the future stability of the institutions and to complete the policing project. It is extremely impressive that both the republican movement and the DUP have signed up to the package except on the questions of the form of transparency to be applied to the decommissioning process and the required clarity and certainty about ending criminal activity. It is a truly remarkable achievement that ought to be acknowledged and which must be fully secured. They must be resolved if we are to obtain the clarity and certainty needed to ensure public confidence that definitive closure is being brought to the paramilitary activity and capability of the IRA. The Taoiseach addressed those issues in detail in his contribution. I simply express the hope that with the necessary political will and a modicum of generosity and flexibility,

it should be possible to satisfactorily close the gaps on these remaining issues.

As a member of the Irish Government team that first met the DUP delegation in London in January and as a participant at the talks in Leeds Castle, I am especially aware of the complexity and difficulty of the issues that had to be tackled, not least in regard to the question of changes to the operation of the Agreement.

The DUP was an avowedly anti-Agreement party and had campaigned on the basis of achieving wholesale changes to the Agreement. Its manifesto called for substantial changes under the headings of stability, accountability, effectiveness and efficiency. At the outset, many feared that any attempt to reasonably accommodate the DUP was doomed to failure.

From the beginning, the position of the two Governments was very clear. Through the medium of the four year review, which was due to take place this year in any event, we were willing to contemplate sensible changes that responded to difficulties experienced in the operation of the institutions. However, we were adamant that the fundamentals of the Agreement, including its key power-sharing provisions and protections and the North-South structures, were not open to renegotiation.

From my involvement in that review, I know at first hand the huge investment of time and effort that went into discussing and analysing how such an accommodation between the pro-Agreement parties and the DUP could be made. In framing the papers on strands one to three of the institutions that form part of the comprehensive agreement, the Governments took careful account of the contributions made by all the parties in the review.

I am aware that not every party is happy with every aspect of the strands papers. From direct experience in the review, my frank assessment is that such an outcome of total consensus, however ideal in principle, would never have been possible to achieve. In the final analysis, and taking full account of the exhaustive discussion on the subject and the requirement to comply with the fundamentals of the Agreement, the Governments had to make an assessment of the changes to the operation of the institutions that would be broadly acceptable to the parties.

The strands paper represents that assessment. In the view of the Government it is a fair and reasonable judgment and, crucially, its provisions are fully compliant with the fundamentals of the Good Friday Agreement. I welcome the fact that Sinn Féin has acknowledged the outcome of the negotiation as a good deal that reflects accurately these fundamentals.

I appreciate that the SDLP has reservations about particular aspects of the package such as the revised arrangements for the election of the First and Deputy First Minister. While I do not agree with that analysis, I hope the SDLP and the Government will share common ground in



[Mr. Kitt.]

acknowledging the incontrovertible gains that have been made with regard to other aspects of the package, for instance, the new procedures for attendance at meetings of the North-South Ministerial Council that obviates the scope for obstructive tactics in this area.

In my view, the essence of this package is that, without damage to the fundamentals of the Good Friday Agreement, the DUP is now part of the landscape of the Agreement. It has signed up to power-sharing in inclusive devolved government. It has agreed to fully participate in the North-South and east-west structures of the Agreement. It has subscribed to the vision of a society in which there is respect for the rights and equality of all the citizens of Northern Ireland.

I welcome the fact that, in this negotiation, the DUP and Sinn Féin shared at least one negotiating objective, the achievement of a peace dividend that would help transform deprived communities in Northern Ireland, both loyalist and republican. I have walked the ground in these areas and met the people who live and work there. Whether in the Short Strand or on the Newtownards Road, I am very conscious of the need to make these communities stakeholders in the new society of partnership we are seeking to establish in Northern Ireland.

The full acceptance and implementation of this comprehensive agreement would be a huge step towards the transformation of life on the ground in these communities. For that reason, and many others, I fully support the comprehensive Agreement, commend all those who worked so hard to achieve it and urge all concerned to fully secure its promise and potential.

**Mr. Crawford:** I thank my party leader, Deputy Kenny, for giving me the opportunity to speak on this vital issue. Peace in Northern Ireland and the Border region means more to my constituents in Cavan-Monaghan than to those in any other part of Ireland, with the possible exception of Donegal. The Northern Ireland troubles cut off communities and parishes. Roads closed or blown up, army and police checkpoints and other issues caused serious problems over the years, not least that more than 3,000 people lost their lives. We must also mention all those who were maimed for life and those who died from cancer and depression caused by the unreal pressure from over 30 years of conflict.

Fine Gael has a proud record in that it led the way towards a peaceful settlement of the Irish question, first through our former Taoiseach, Mr. Cosgrave, and the Sunningdale Agreement, followed by former Taoiseach, Garret FitzGerald, and the Anglo-Irish Agreement, and in latter years by the former Taoiseach, John Bruton, with the Framework Document and his appointment of Senator George Mitchell, to whom I will refer later. He played a major role in this issue.

While I was not involved in national politics at the time of the Anglo-Irish Agreement, I will never forget the efforts of the Fianna Fáil Party at the time in sending personnel to the United States and elsewhere to rubbish that Agreement, only to fully implement it when it came into Government in 1987. That speaks volumes.

The British-Irish Interparliamentary Body was set up as part of that Agreement and I am proud to have been involved in it for the past ten years. Many new friends were made between members of the London and Dublin Governments. It is a pity that the Unionist Party has not yet joined that body but I hope it will do so soon. There is a vacuum in that its voice is not being heard at the meetings of the body.

Deputy Kenny spoke at length about the Detective Garda Jerry McCabe issue. I have never witnessed such revulsion as I saw when I attended that funeral in Limerick.

I want to raise the issue of photographs because it is of such importance at this time. A photograph of the killers of Detective Garda Jerry McCabe was taken in Castlerea by our colleague, Deputy Morgan, as he stated at a meeting of the British-Irish Interparliamentary Body, to which there was serious reaction at the time. It was useful propaganda. That begs the question, therefore, why there is such a stand-off regarding photographs now. I pose that question because I do not believe any agreement should fall on such an issue.

A business colleague of mine asked me recently why Michael O'Leary spends so much money on advertising to get the Taoiseach to approve the building of another runway at Dublin Airport when he believes that a call to Gerry Adams could solve the problem, as it seems to do in other issues. I do not say that in a flippant way. The issue in question is very serious. The Jerry McCabe issue will not go away.

I welcome the most recent efforts by the Taoiseach, Prime Minister Blair and all the parties concerned. Both Sinn Féin and the DUP have come a long way and there is no going back. It is difficult to believe that Dr. Ian Paisley is now clearly involved in the Good Friday Agreement. There may be a slight change to it but that is the principle and it represents a major step forward.

It is six and a half years since we voted on that Agreement, under which all prisoners would be released within two years and decommissioning by both IRA and loyalists would take place. I make no apology for raising the loyalist issue because it is equally important. This matter does not relate only to arms. There are other issues to be dealt with similar to those on the IRA side, to which other speakers referred. I heard recently about attempts to take protection money on that side as well as on the other side. All prisoners were released but decommissioning did not happen.

My party leader put forward a number of proposals today, the first of which is that somebody

like Senator George Mitchell should be appointed to try to draw the strands of this issue together. That would be a step forward. There was also a proposal from the leader of Sinn Féin that face-to-face talks should take place. That is the only way this issue will be sorted out. Nobody can step back from this process. It is vital that we get agreement because none of us wants to go back to what I witnessed at the graves of both loyalists and Nationalists. Their tears are no different and we cannot go back to that situation again.

**Ms McManus:** I can think of no better time to restate the fact the Good Friday Agreement belongs to all the people, North and South, who voted for it in May 1998. The Taoiseach and the Prime Minister, Mr. Blair, alluded to this during the press conference following the publication of the comprehensive agreement last Wednesday. However, to observe the manner in which the entire process has been managed in recent years, and especially in the period since the end of the Leeds Castle talks in September, one would think that only issues that concern the DUP and Sinn Féin were being addressed in the negotiations.

The danger in attempting to fix a deal between two parties exclusively is that you allow them to dominate the agenda of discussions as they attempt to trade off each other and win more and more concessions from the two Governments, which they claim they need to bring their constituencies with them. The DUP, therefore, comes to the negotiations determined to change voting arrangements for the nomination of Ministers to the executive, regardless of the damage this does to the Agreement, simply to save them the embarrassment of electing Mr. Martin McGuinness as Deputy First Minister. Similarly, Sinn Féin enter talks with their own shopping list, namely, the need to protect the self-image of the IRA on decommissioning, securing the release of the McCabe killers and agreement on an amnesty for “on the runs”.

Issues that were never part of the initial negotiations become central to any new deal. Policing is one of the fundamental issues in the North that, regrettably, remains unresolved in light of republicans’ failure to endorse the new policing arrangements. While this was a key issue in the Hillsborough talks of April 2003, it has fallen off the agenda slightly in recent times. The explanation for this, we are told, is that Sinn Féin has embarked on a journey that will eventually see it come on board on policing. The recent negotiations and the details in the comprehensive agreement provide a draft timetable for this alongside the devolution of responsibility for justice and policing to the assembly. However, on close inspection, the policing commitments, while appearing positive, give both the DUP and Sinn Féin plenty of wriggle room on the modalities involved. Was it not a little naive to think that agreement would have been reached on the devolution of these powers by the end of Febru-

ary, as the timetable suggests, given the atmosphere that existed between the parties?

As ever, electoral concerns are to the fore and in the absence of firm commitments this time around it seems unlikely that expecting Sinn Féin to endorse policing and the DUP to agree to open up the possibility of a Nationalist as Minister for Justice in the new year, ahead of Westminster elections, was a little ambitious.

In fact, the sections of the agreement on policing were extremely woolly. There were Sinn Féin promises to “refer the issue” to their ard-comhairle, and references to the DUP resolving to “dedicate” itself to reach agreement, but no firm commitments.

We are told Sinn Féin continues to meet with PSNI Chief Constable, Mr. Hugh Orde, and the relationship is warm. We are not told precisely when they will endorse the new policing structures. We are told that the DUP, as a devolutionist party, wants to see policing and justice devolved to the assembly, but why do they continue to scaremonger in the Unionist community with images of Nationalist Ministers for Justice?

Meanwhile, in the background, policing continues to be one of the success stories of the entire peace process. In recent days we have had the 12th report of the oversight commissioner which states that the degree of policing change in the North is “remarkable and unparalleled in the history of democratic policing reform”. I pay tribute to those people from both communities who have engaged in the policing structures in Northern Ireland. Some of them have been subject to violent attack and they have shown great courage in the face of this intimidation. It is important that this Parliament pay tribute to their commitment to a peaceful and democratic resolution of the problems of Northern Ireland.

While there is still significant work to be done on policing, one of the main hindrances to achieving across the board support for the PSNI remains Sinn Féin’s selfish party political decision to remain outside the policing board. In recent days there has been much talk of criminality and the need for the IRA to signal a complete end to all illegal activity by its members. Surely a firm, unequivocal commitment that they agree to the new policing structures must go hand in hand with any declaration on criminality.

If we are ever to see an end to real criminality — no one can describe it as bogus — extortion, violent attacks, smuggling and illegality, which must come to an end, we must hear that declaration being made. We must also see Sinn Féin members on the policing board and real policing to be comprehensive in Northern Ireland.

**Mr. Connolly:** I propose to share time with Deputy Finian McGrath.

There is no diminishing the profound sense of disappointment in the wake of the latest failure to restore devolved government in Northern Ireland, with the tantalising prospect of power being shared equally between Unionists and their

[Mr. Connolly.]

Nationalists neighbours. Opposing poles of unionism and nationalism came so agonisingly close to clinching a historic deal that was unthinkable a short time ago.

There was considerable nervous tension on both sides in the negotiations as they moved forward, ever closer to the prospect of cutting a deal. On the Unionist side, a major demotivator was the 2005 UK general election with a major disincentive to accept any settlement prior to the election. The Irish and UK Governments strove valiantly to bring together a broad church of less than moderate Unionists and Nationalists, with both of them looking over their shoulders at their electoral bases.

Decommissioning of their arsenal of weapons by the IRA, as they have undertaken to do, would officially and verifiably end the longest guerrilla war in Europe. Hard line Unionists like Mr. Ian Paisley and Mr. Ian Paisley junior, sought photographs of decommissioning. Mr. Paisley even wanted an album but the only things produced were negatives. Perhaps Horse Racing Ireland should be called in to resolve what must be the longest drawn out photo finish in history, with two horses deadlocked at the finishing line but each unable or unwilling to put its nose across to claim the prize. Perhaps they just need that little prod to take the extra step.

Photographs of guns and arsenals being decommissioned would have been no more or less convincing evidence than a report from the internationally respected General de Chastelain and a practical synod of multid denominational clerical observers from all sides. The result of the DUP's reluctance to trust eyes rather than a camera lens will be that the unique picture of Sinn Féin and the DUP sitting at the Government table will be missing. Had there not been a request for a photograph of the decommissioning there is no doubt that a pictorial record of the event would have surfaced and been kept for posterity. Nevertheless, photographs were demanded and duly refused. The end result was that the deal which we are led to believe was within reach evaporated in the cold December air.

**Mr. F. McGrath:** I thank the Chair for the opportunity of speaking at this important time in the history of our island.

Last week in the House, I called for decisive leadership and cool heads. I was under the impression that we were moving towards a settlement. I still hope and pray that we are, as we owe that to the people of the island. I am, however, dismayed and disappointed at the way the two Governments seem to be dancing to the DUP tune. I urge caution, as it is the national duty of the Government always to protect and defend the interests of its citizens while respecting the Unionist tradition in moving towards a democratic peace settlement.

I was deeply saddened by some of the parties in this House who tried to score political points

over our peace process. When the words "criminality" and "photos" were used I was deeply concerned that we were moving the clock back. I remember Mrs. Thatcher and the criminality debate as a young teacher and H block activist supporting the five demands of Mr. Bobby Sands MP and the hunger strikers. Their bravery, integrity and dignity flashed across the world and the people of Fermanagh-South Tyrone put an end to that criminality debate. Let us not go back on this issue and let us remind ourselves of that cul-de-sac politics. Mrs. Thatcher is gone so let us not hark back to those days. Many Nationalists and republicans find this very offensive.

The photograph issue is a political red herring. I trust General John de Chastelain. Both Governments seem to be undermining him. I trust the two clergymen witnesses, one Protestant and one Catholic. What is the problem? I urge people to wake up to this DUP red herring and I urge the Government to be more proactive in pushing the interests of the Irish people.

It is also time for Members of this House to wake up to that reality and see that we are on the brink of resolving this issue with the declaration of peace by the republican movement. The Government should stand back and think about it. I urge all political groups to open their hearts and minds to that reality. When the republican movement moves in the peace process, people should not try to kick it to score a few lousy political points before the next election. Humiliation can never be part of a peace process.

I also urge the same caution and sensitivity on the victims issues. Over recent weeks I have spoken to victims of the Troubles, many of whom find it offensive and sad that political parties and sections of the media find some victims more important than others. Victims should never be used to score political points. I wish all those involved in the conflict resolution process well.

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

**(Mr. McDowell):** I thank all the Members who participated in the debate, which has been a useful exercise. The Taoiseach indicated I would deal with issues known as the OTRs or "on-the-runs" and the position of persons serving sentences for the killing of Jerry McCabe and the wounding of Ben O'Sullivan.

Most fair-minded observers will agree that if the elements of an agreement published by the Governments last week were signed up to fully by the parties and faithfully implemented, they would represent, at long last, the definitive closure of the conflict on this island. While full agreement has not proved possible, we should not underestimate what has been achieved to date. The history of the peace process has shown that, over time, ideas that were once rejected out of hand by some of the parties were finally faced up to and embraced by them. The people on whose lips the phrases "Not an ounce, not a bullet" and "No surrender" once featured have moved on.



There can be understandable public exhaustion and, sometimes, indifference to what looks like a labyrinthine process but, as public representatives, we have a duty to do what we can to ensure future generations are not condemned to live their lives in the shadow of the gunman and the hatreds that have bedevilled the people on this island and our nearest neighbours for so long.

The absence of armed conflict does not of itself bring about peace or ensure a stable future. The establishment of properly functioning democratic institutions in Northern Ireland should not be seen as some form of optional extra. It is a vital, central part of a settlement. I pay tribute to the Taoiseach who has been tireless in his efforts to bring about a resolution of all these issues and I believe that when the history of these times is written, his contribution will be seen to have been indispensable. The same will also be said of Tony Blair who, despite all the issues he had to deal with both domestically and on the world stage, will be seen as the British Prime Minister who was the greatest friend to all the people of this island. No British Prime Minister since Gladstone has devoted so much time and effort to the Irish question.

Thousands of people have died in the course of the Troubles while countless others were brutally wounded, psychologically destroyed or devastated by grief. There is no hierarchy of victims but, as Minister, I must be especially mindful of those members of the Garda who laid down their lives for the State over the past 35 years. They were called on to make the ultimate sacrifice to protect the people and our democratic institutions. Against that background, it is entirely understandable that the issue of the possible release of those prisoners who cold bloodedly shot Jerry McCabe to death and wounded his colleague, Ben O'Sullivan, has caused such widespread concern and, in some quarters, revulsion.

The reality is only one party in this House wants to see those prisoners released. I do not believe members of any other party in the House would agree to it in any circumstances, save with the greatest reluctance and the deepest reservations. Some Members say they would never agree to it and I do not question their good faith, but I ask them two questions. First, does anybody believe the Taoiseach, myself and our Government colleagues would authorise their release if there was a conceivable alternative? It would be simpler and politically popular and it would be everyone's preference that the justice administered in their case should be carried out to the letter. Second, are people saying the agreement last week should not go ahead if it means addressing the issue of the release of those persons? I do not say it is an invalid point of view but we should be clear that if that choice confronted the Taoiseach and the Government, would the hand of history be seen to have guided to us if we said we would walk away from this particular opportunity at this point in time?

The Government has been clear and unequivocal that the Adare killers were never comprehended by the Good Friday Agreement. We fought that point in the courts and, despite mendacious claims that the Supreme Court decided otherwise, we have been vindicated at every hand's turn on that matter. That is the solid position of the Government which has not and will not change. However, six and a half years after the people of this island voted on the Agreement, it became apparent that acts of completion were necessary on all sides to bring an end to the conflict on this island. In some cases, such acts were not directly and explicitly provided for but implicitly expected by those who signed up to and voted for the Agreement. For example, it was a requirement that the parties to the Agreement should use their best endeavours to secure the total decommissioning of all weapons within two years, but one party regarded that as something which simply required them to use their best endeavours and thought other actions had to be taken to bring about that situation.

The Government never put the release of Jerry McCabe's killers on the table as an inducement. We never put it down for discussion and we never raised the issue. The only thing that convinced the Government that the matter had to be considered was our mature judgment that getting the provisional movement in its entirety to abandon violence completely, enter the political process as equals and become eligible to participate in the executive in Northern Ireland was not politically possible as long as some of its number remained in prison. That is our judgment and it is on that basis alone that we came to the conclusion that, in certain circumstances, we were prepared to consider reducing the sentences imposed on those killers by the courts.

This is not a day for recrimination or point scoring but I was struck recently by the claim that the killing of Detective Garda Jerry McCabe and the wounding of Garda Ben O'Sullivan was authorised at a low level within the structures of the IRA. These men were protecting social welfare payments as they were moved around Ireland and they were cut down mercilessly by a hail of machine gun fire with no chance to defend themselves. How low can one go in authorising such activities?

The second point has been made that the use of the term "criminality" is degrading or demeaning to those in the provisional movement who have engaged in a campaign of violence all these years. It has been suggested that criminality only arises if the crime is committed out of base motives. However, to break a leg with a baseball bat is a crime in anybody's language. Somebody who is shot in the head or the leg is a victim of crime in anybody's language. There is no such thing, despite the intricacies of provisional ideology, as a killing or mutilation on this island which has not been a crime.



[Mr. McDowell.]

The second point we must bring home is that what I have said, both publicly and in this House on a number of occasions, is true. I said that there has been a sustained campaign of criminality coming from the IRA since the signing of the Good Friday Agreement. I said this not just about so-called policing of Nationalist and republican areas in Northern Ireland, but about criminality of the worst kind, theft and robbery. It has been orchestrated by senior members of the provisional hierarchy on a sustained basis.

I will not go into details, but I was asked on one occasion to either put up or shut up on this issue. On my honour I say, this country has been the victim of sustained criminality by leading members of the provisional movement. It is not just people's limbs being broken and people being exiled or threatened. There has been sustained criminality right across the Border, and it must end.

The point was made that the IRA said that its volunteers would be instructed not to do anything that would endanger the Agreement. Are we to take it that it is now accepted that breaking people's legs, stealing container loads of cigarettes and engaging in the countless unspeakable acts of barbarity that have taken place since 1998 endanger the Agreement? Would we not be met with the same answer, that it has nothing to do with the institutions in Northern Ireland or the Agreement if the odd container load of cigarettes is stolen to sustain the provisional movement? Of course we would. The same applies to smuggling and the Border roads, where it costs £400 sterling to move a tanker of oil up and down a road because the tax must be paid to a certain movement.

Let us be clear about what we are talking about. We are talking about a prize of enormous value. We are talking about an end to all that. We are talking about a society where none of that is tolerated at any level and where no political party is allied to any organisation which engages in or even equivocates about that.

Deputy Ó Caoláin spoke eloquently today about these issues. However, I remind him of his rare inarticulacy on the day he was asked by a radio interviewer whether he would recommend those who had information about the identity of the perpetrators of the Omagh bombing to go to the PSNI or the Garda Síochána. Then, because of the difficulties of the provisional position, he ended up obfuscating on the issue and failed to give the common decent response that of course anybody with that information should report it to the authorities on either side of the Border.

The other day we all noted that a copy of the 1916 Proclamation was sold for an enormous sum of money. Oscar Wilde said that a cynic is a man who knows the price of everything and the value of nothing. If we read the text of the 1916 Proclamation, which hangs in the hall of this House, we read towards the end the demand of the leaders

and signatories of it that no dishonour should ever be brought on their arms. If we think back on some of the occasions where those arms have been used to threaten young men to lie on the ground while other people smash their legs with concrete blocks because they stole a car or did something to offend the powers that be in the places in which they live, we must think how different that is from the values of the signatories of the 1916 Proclamation. There is much food for thought in that.

There is only one State and one republic on this island. It is the republic of which this is the democratic assembly. There is only one Óglaigh na hÉireann on this island, that is the permanent Defence Forces established by this House and maintained by it under the 1937 Constitution. Others may live in a world where they think there is another republic. Some people may think that Robert Emmet's republic is alive and well in some shoe box in a corner somewhere. There is only one set of institutions on this island republic and that is the institutions in which we serve.

It all comes down to a simple choice for the provisional movement. It must ask itself has it arrived at the point where it can, as a movement, turn its back on all the activities described in paragraph 13 of the joint statement between the Taoiseach and the British Prime Minister. The provisional movement should tell us whether it has arrived at that point. This is an issue on which we cannot budge and the provisional movement cannot fudge. There will be no deal if there is not clarity.

I acknowledge there was a time when constructive ambiguity moved people together. However, we have now reached the stage where ambiguity on that issue is destructive. We have reached a moment of truth where the prize is huge. It is the end of conflict and the normalisation of politics on this island. It is a huge and valuable prize that is within our grasp. It requires courage and statesmanship from all quarters to bring us over this last line. It requires sacrifice and humility. People do not have to be humiliated, but they must be humble, in some respects, about some of the choices involved. People must be willing to make concessions and to see the big picture. We are just there or thereabouts. It now requires that all politicians playing a part in this process should rise above the rank of politician and come on to the plain of being statesmen. We are almost there.

The issue of on the runs, the people who have never been dealt with by the justice system, must be dealt with also. If we make decisions with regard to some of them, it would be anomalous to take the view that others would have to remain in prison. This is one of the difficulties the Government has had to face. There will be a process whereby those people against whom there are outstanding matters to be dealt with by the systems of justice on both sides of the Border will

have those debts to society effectively cancelled. That is inevitable. All this is available.

Now is not the time for mutual recrimination. It is not the time to score points at the expense of others, and I have not done so in this House. Now is the time for clarity and courage. It is time to grasp what the people of Ireland want us to do, to transform the political realities on this island from a reality in which the Good Friday Agreement has not yet released its full potential to one where the people can view sectarianism and violence as a thing of the past and can build, in the two parts of this island, a partnership which can, in the fullness of time, give reality and bring a sense of achievement to the endeavours of the signatories of the 1916 Proclamation. That is the prize, and we should not allow it slip from our hands. It requires everybody to show their responsibility in this regard.

The Government is absolutely united on this. There is not a chink of difference between us. Anybody who thinks, for whatever purpose, that he or she can bring a crowbar to shift us apart in our determination to bring this matter forward is making a big mistake.

*Sitting suspended at 2.20 p.m. and resumed at 2.30 p.m.*

## Ceisteanna — Questions (Resumed).

### Priority Questions.

#### Child Support.

24. **Mr. Stanton** asked the Minister for Social and Family Affairs the number of former spouses, and in the case of unmarried applicants, the other parent of the child, currently paying maintenance towards the support of their child; if he has satisfied himself that the maximum number of such liable relatives is contributing; the number of staff working in the recovery unit; his further plans to ensure that the maximum number of liable relatives contribute; and the action that he intends to take as a result. [33732/04]

**Minister for Social and Family Affairs (Mr. Brennan):** Payment of maintenance is a private matter for the persons concerned and, if they cannot resolve the issue, for the family law courts. Under social welfare legislation, there is a statutory obligation on spouses to maintain each other and their children and on parents to maintain their children. Applicants for one-parent family payment are required to make ongoing efforts to seek adequate maintenance from their former spouses or, in the case of unmarried applicants, the other parent of their child. Normally, such maintenance is obtained by way of negotiation or by court order. In recent years, separated couples

have increasingly used my Department's family mediation service to resolve differences.

Since 2001, one-parent family payment claimants are allowed to retain 50% of any maintenance received without reduction in their social welfare entitlements. This arrangement arose from a recommendation made in a review of the one-parent family payment scheme carried out by my Department in the context of the expenditure review programme which was designed to improve the incentive to seek maintenance.

Current records indicate that approximately 7,000 one-parent family payment recipients are in receipt of maintenance from their spouse or the other parent of their child. Where social welfare support is being provided to the one-parent family, the other parent is liable to contribute to the cost of this payment. In every case where a one-parent family payment is made, the maintenance recovery unit of my Department seeks to trace the liable relative involved to ascertain whether he or she is in a financial position to contribute towards the cost of the one-parent family payment. This follow-up activity takes place within two to three weeks of award of payment.

All liable relatives assessed with maintenance liability are notified by the Department and issued with a determination order setting out the amount of contribution assessed. The Department requires regular, normally weekly, payment of the contributions assessed in this way. The process of securing maintenance contributions from liable relatives can, however, be difficult and protracted. This is also the experience of all countries with similar systems in operation.

Nonetheless, my Department has realised significant savings through this system. There are 1,835 liable relatives contributing directly to my Department. As a result of maintenance recovery unit activity, savings of €8.5 million were achieved in 2002, €14.2 million in 2003 and savings for 2004 are estimated to be €14.9 million. As a result of maintenance recovery activity in 2004 to date, a total of 646 one-parent family payments were cancelled while a further 426 payments were reduced.

Legislation allows my Department to seek recovery from liable relatives through the courts in appropriate cases. To date, a total of 152 cases have been submitted for court action from 2001. The majority of these cases have resulted either in orders being written against the liable relative in court or in the liable relative agreeing to pay a contribution to either my Department or the lone parent. Further cases are in the course of preparation by my Department for court action.

The maintenance recovery unit of my Department is kept under review. A total of 12 staff work on maintenance recovery activity while a further five staff work on follow-up maintenance recovery-related work in the one-parent family payment scheme. The staffing levels in the unit are kept under review in the context of work priorities generally and available resources.

**Mr. Stanton:** How does the Department's maintenance recovery unit determine the amount of maintenance in each case? Has the Department worked out a formula and does it take into account time spent by a child with the other parent? In some cases children spend, for example, two days a week with the other parent.

Is account taken of the sensitivities of these issues in that there is a danger of driving fathers further away from their children and there is also a danger of revisiting hurt and pain as a result of a non-amicable break-up? Is the Minister satisfied that enough staff work in the Department? Does he intend to carry out any research in this area to see if there is a more progressive and up-to-date way of dealing with this issue?

**Mr. Brennan:** The method of assessment is based on a number of factors, including, for example, the minimum wage and the circumstances of the person who is liable to make a payment. If, for example, he or she is on social welfare, payment would not normally be required.

In many cases there is no trace of the other parent. A recent survey of 20,000 one-parent families revealed that 12% of single parents said there was no trace of the other parent. A further 13% of liable relatives were on social welfare. In 14% of cases the other parent was unknown. It was considered that no contribution was due from 47%. This category would include people in low paid employment. Determination orders were made in just 14% of the 20,000 cases. Approximately 20,000 cases are assessed every year. In round figures, the total number of individuals in receipt of lone parents allowance is 80,000. They are not all single parents in the sense of being unmarried. The figure also includes widows.

We take into account the sensitivities of the matter. I am keen to have further research undertaken in this area and to have a more focused and caring lone parents system. I have some reservations about the social benefit of the manner in which it is structured at present.

**Mr. Stanton:** I thank the Minister for his comprehensive reply. Has an estimate been established of the number of people who could contribute but are not doing so? I note that the position from the point of view of the Exchequer has improved in recent years, although I do not want to focus on the monetary aspect as much more is involved in this issue. Will the Minister inform the House of how many cases have been dealt with by the family mediation service to which he referred? Are there plans to extend the role of the service in the area of child support? Is the Minister aware of the major difficulties and problems which have occurred in other jurisdictions in this area which have led to pressure being placed on fathers in particular, some of which have led to suicides? Will the Minister take such considerations into account when he addresses the issue to ensure a balance is achieved?

**Mr. Brennan:** The question asked by the Deputy is one of which I am trying to get to the bottom. Approximately 80,000 people are in receipt of lone parent allowances. If one allows for a figure of approximately 9,000 or 10,000 who are not the type of lone parents referred to here, but will still be on benefits such as widow's allowance and so on, approximately 70,000 individuals are involved. According to the survey of the 20,000 people, determination orders were made in respect of 14%. That does not sound like much but, when one deducts the other figures to which I referred, it ends up at 14%. The figure of 14% applied to the 70,000 people results in perhaps 10,000 people who, at this distance, should be liable and required to make payments, some of whom already do so.

The Deputy has assumed that when the 12% of people who cannot be traced are tracked down, they will all be liable to pay. However, one might find that when they are traced, the same percentages apply in regard to those who are unable to pay. Nevertheless, some 10,000 people should probably come forward and make a better effort. We need to get to the bottom of the issue. I spoke about this issue at a number of conferences and it is clear this is not merely a matter of finance but rather the connection between the child or children and, usually, the father. That connection must be supported by the State.

I do not have a figure for the number of people who attended mediation but I will supply it to the Deputy, although I do not think it is hugely significant. We have all spoken at length recently about the role of fathers and I am anxious that we correct the balance so that mothers and fathers have equal access to children as far as possible and are equally respected. Only in the past decade or so has society begun to recognise the role fathers play with their children. For a long time we only recognised the valuable role played by mothers.

#### **Social Welfare Code.**

25. **Mr. Penrose** asked the Minister for Social and Family Affairs if he will report on the conclusions of his review of the social welfare cut-backs announced in 2003; the estimated cost to his Department in one year of these changes; the likely impact on social welfare recipients of the recent amendments; and if he will make a statement on the matter. [33545/04]

**Mr. Brennan:** As Members of the House will already be aware, I began a review of the measures announced in November 2003 to assess their impact. During the course of the review to date, I listened carefully to the views expressed by Members of the House, the social partners, voluntary groups and others I have met since becoming Minister for Social and Family Affairs.

The new arrangements are as follows. The transitional payment for recipients of one parent family payment is being restored and will now be available for a period of six months where a



recipient's income exceeds €293 per week. The qualifying period for the back to education allowance is being reduced from 15 months to 12 months and, in addition, the cost of education allowance is being increased by €254 to €400. The income limit for entitlement to half-rate child dependent increases for unemployment, disability and related schemes will be increased by €50 per week, to €350.

The saving of €700,000 arising from last year's money advice and budgeting service supplement measure is being redirected to the MABS service to enable it to further improve its services. A sum of €2.3 million, an amount equivalent to the savings achieved by the discontinuation of crèche supplements, is now being made available to ensure that vulnerable families can continue to have access to crèche supports, for example, in cases where a social worker or public health nurse deems this necessary as part of his or her work with the family. I am consulting my colleagues, the Tánaiste and Minister for Health and Children and the Minister for Justice, Equality and Law Reform about the most appropriate way to channel this funding.

The diet supplement has been restored and €2 million is being made available to improve the diet supplement arrangements. Some €19 million in funding from the rent supplement scheme is being transferred to the local authorities as an initial measure to enable them to put long-term housing solutions in place. The six-month rule for entitlement to rent supplement has been abolished and has been replaced by new measures to ensure that bona fide tenants who experience a change of circumstances are not disadvantaged. Rent supplement will now remain in payment unless a third offer, as distinct from a second offer, of local authority accommodation has been refused. I am not raising the minimum contribution for rent supplement this year.

In addition, the measure relating to half rate payments for widows and widowers and allied payments has already been amended. These measures, combined with the remaining measures, will continue to be the subject of specific reviews in the coming months. Given the demand-led nature of the schemes involved, it is not possible to be definitive on cost but the full year estimate for all the measures I have detailed above is estimated at approximately €36 million.

**Mr. Penrose:** A sum of €55 million was taken away last year but €90 million has yet to be found to deal with the imposition of the savage 16 cut-backs, which were visited last year upon the people who could least afford them, namely, the marginalised and those with no resources. In that context, I thank the Minister for his reply and for what he has done. It would be churlish not to recognise the efforts he has made. The Minister has our support in trying to ensure the cutbacks will be reversed in full.

The Minister announced that the qualifying period for the back to education allowance is

being reduced from 15 months to 12 months. He gave an undertaking or a commitment that he would try to ensure that period would be further reduced to nine months. Will he confirm that this is the case as it is very important and would be welcomed by many people?

In 1994, one-parent families or lone parents accounted for one in 20 households in consistent poverty but, by 2001, they accounted for one in five. This group forms the largest proportion of those in consistent poverty of all welfare categories. One of the cuts has been fully rescinded, ten have been amended and five have remained unchanged. Of the five which have remained unchanged, is it not the case that four of them relate to PRSI contributions and access to social insurance payments? Does the Minister agree that these changes will impact negatively on those who are made redundant and seek a social insurance payment? These obstacles to obtain a full rate of payment devalue the worth of the PRSI contribution.

Does the Minister agree with the recent assessment of the Irish National Organisation of the Unemployed that the PRSI system is a misnomer because not only is the amount one receives from the social insurance fund system no longer pay-related, it is difficult to obtain a full rate of payment? Does the Minister agree that one must earn more and be in employment longer to get the full benefit which impacts negatively on those involved in part-time work or seasonal employment? I am surprised that the social partners have not focused on this important area. What review will take place in respect of those cuts to try to ensure they are rescinded or brought back into line because they placed severe impositions, hardships and restrictions on people who have already paid their PRSI contributions?

**Mr. Brennan:** I confirm what I stated last night to Deputy Penrose. I am examining the back to education allowance with a view to seeing if I can identify the funding to bring the period back to nine months from 12 months. As the Deputy knows, I reduced the period from 15 to 12 months. Overnight, I made some calculations in preparation for today and the additional cost of reducing the period from 12 months to nine months is €1.4 million. That is the amount for a full year although that sum rolls on for the number of years spent in college. I have undertaken to identify that sum conscious we have time to do so given the academic year begins in September. I am not in a position to confirm the sum to the House today but undertake to report back on the matter as soon as possible.

The remaining changes are PRSI related. I want to ensure all the schemes are structured in a way that makes the transition from unemployment to full-time and part-time work or to education straightforward. While the system has improved in the past decade, it previously locked people into a situation which prevented them from getting out of the welfare system because to



[Mr. Brennan.]

do so cost them too much money. It is important our schemes are transition-based to enable people to move seamlessly from unemployment to work or education. That is the principle I am trying to apply. Any review of the PRSI system will be informed by decisions taken in that regard.

The Deputy referred to PRSI as a misnomer. It is a social fund and is not operated in the same manner as an ordinary pension fund whereby moneys are invested by trustees and people live from profits made from the fund. PRSI is not a commercial fund. The State makes decisions in terms of moving around the levels of benefit from that fund based on considerations other than the size of the fund. While size is a major consideration, it is not a major one as would be the case were it a commercial fund. While the system may need to be reviewed, its basic principles are fairly sound.

**Mr. Penrose:** Does the Minister agree the money advice and budgeting service supplement is important in the context of its assisting people to get out from under the grip of moneylenders and thereby enabling them to reorganise their financial affairs in such a way as to ensure they do not fall prey to such people? How does he see the €700,000 additional funding being spent by MABS? Of what benefit will it be to those who lost the mortgage supplement payment which was critical to ensuring they planned their way out of debt?

**Mr. Brennan:** MABS does a superb job in providing financial advice and support to people under financial pressure. Rather than indicate how it should spend the additional €700,000 — the amount lost by it last year — I have allowed MABS to decide where the money could best be focused. There was some indication that the €700,000 previously granted was being used to top-up money paid to financial institutions rather than on removing pressure from clients. Given money was available, the financial institutions were being more aggressive in their claims. The money is now better directed and will be used wisely by MABS. The sum of €700,000 is in addition to MABS's normal budget of €12 million. Also, a further €300,000 is provided for other purposes. I am confident MABS will spend that money as best it can.

### Social Welfare Benefits.

26. **Mr. Crowe** asked the Minister for Social and Family Affairs his views on whether serious hardship is being caused by the fact that temporary free travel passes which are granted to persons with serious ongoing illnesses and in other exceptional circumstances are granted for a six-month period only on a once-off basis regardless of a person's ongoing illness or the continuation of the circumstances for which a pass was orig-

inally granted; and if he will review the restrictions on such passes with a view to the removal of the six-month limit. [33546/04]

**Mr. Brennan:** It is a long-standing feature of the free travel scheme that peak time access restrictions apply on Dublin Bus and Bus Éireann provincial city services in Cork and Limerick. The operators apply these restrictions owing to pressure on bus capacity at peak commuter times. The times involved are 7 a.m. to 9.45 a.m. and 4.30 p.m. to 6.30 p.m. Monday to Friday inclusive, with a restriction also applying from 4 p.m. to 7 p.m. on Fridays on Bus Éireann long distance services within a 20 mile radius of Dublin, Cork and Limerick. There are no time restrictions on the DART, other rail services or Luas.

My Department, in consultation with CIE, has arranged in a small number of exceptional cases to issue a temporary unrestricted pass for a limited period of up to six months to facilitate unavoidable hospital appointments and to enable the passholder to re-arrange appointments outside peak hours. This arrangement is sustainable on a limited basis only for a small number of individual cases. Therefore, when the customers' temporary unrestricted pass expires, the normal travel pass is issued.

The question of extending the arrangement for customers with special needs has been discussed with CIE. However, the company continues to experience capacity problems in providing peak period services and with bus traffic flow at peak time. I will continue to keep this issue under review to examine the scope for extending the current arrangements as soon as this can be done.

**Mr. Crowe:** I thank the Minister for his reply. The difficulty is that the people who receive the pass do so based on exceptional circumstances such as attendance at hospital appointments. Those who receive such passes are usually seriously ill. I have received representations from a man whose pass will expire on 2 January 2005. The person concerned obtained the pass based on his medical situation. He has cancer and must attend two hospitals for treatment. It has been suggested that he and other people have their appointments rescheduled. However, the Minister is aware given the situation in our hospitals that it is not a realistic option.

I had anticipated the Minister's reply as I am aware of the difficulties being experienced by Dublin Bus and Bus Éireann. However, in this case we are dealing with people with exceptional needs given their serious illnesses. I am asking that the Minister re-enter negotiations with the two companies concerned to outline the serious needs of those involved. These people who may be on the road to recovery are being told that following a six month period, they will receive a restricted travel pass only. That creates great difficulties and results in many seriously ill people having to pay for taxis or the required bus fare.

I am aware of the positive steps taken by the Minister in this area. Will he re-enter negotiations with Dublin Bus and Bus Éireann to seek an extension of the scheme? We also need to address the manner in which people are given information regarding the restricted travel pass. The number of people involved is not enormous. I do not accept the argument of pressure on bus capacity at peak times. There is room to cater for the small number of people involved.

**Mr. Brennan:** The total number of people in the State in receipt of free travel is 616,000. I do not have a difficulty with what the Deputy has to say on the matter. It is not a matter of finances. CIE has informed me — a company about which I know a little given that I worked with it for some years — that it cannot physically take on additional capacity at peak time. If required to do so, we would have to pay the company substantially more than we do at present. My Department pays CIE for travel by the 616,000 concerned at a formula-based price which is attractive to the taxpayer. It is also an attractive formula from the point of view of the Department of Social and Family Affairs. I will keep the matter under review. I would like to apply the same benefits applicable to Luas and the DART whereby people are permitted unrestricted free travel. I would like that system to apply across the board. As CIE has many new buses, we will talk with it again to see if there are any other possibilities. The answer does not lie in building a bureaucracy based on issuing passes and then rechecking them to see if people are genuine in claiming to have hospital appointments. Such a scheme would only work in the short term. If it grew into a massive scheme, it would be an awful waste of resources. We are better off extending it to everyone rather than cherry-picking those with pressing needs which would require an army of officials just to manage it. I am interested in making progress on this issue, if the physical capacity matter that CIE informs me it has can be overcome.

### Departmental Surveys.

27. **Mr. Stanton** asked the Minister for Social and Family Affairs the actions he is proposing to take following his comments at the launch of the report, *Strengthening Families through Fathers*; and if he will make a statement on the matter. [33733/04]

**Mr. Brennan:** This report in question was commissioned under my Department's families research programme and funded by my Department with the support of the Family Support Agency. Last month at the launch of this valuable report, I stated the findings from this research project were a valuable contribution to broadening our understanding of the role of fathers in an ever changing and challenging society. The findings make it clear that we should re-examine our

attitudes to some fathers and their role in the family.

The report's findings and recommendations will be considered by all relevant Departments and will be taken into account in the development of the strategy on families, the preparation of which is co-ordinated by my Department. However, the changes affecting families are such that an adequate and effective response in Government policy is difficult to achieve through separate responses in individual policy areas. A strategic process is required that will facilitate the integrated development of policies to support and strengthen families in meeting the challenges they face.

One significant issue that has arisen is the position of fathers in situations of separation and family breakdown and their role, generally, in a changing society. Until recently, the predominant family formation consisted of the father as the breadwinner, with the mother full-time in the caring role. This is changing and, in the view of many commentators, is unlikely to be the norm in the future. More mothers are opting to participate, or continuing to participate, in paid employment, with the opportunities to develop their own careers and achieve financial independence this affords.

The perceived need for fathers to be more directly involved in the rearing of children is also an issue which needs to be considered. The UN Convention on the Rights of the Child states:

State parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child.

Until recently, shared parental responsibility for children usually meant the father having the role of sole breadwinner and the mother of sole care giver. One profound social change is the increasing female participation in the workforce, resulting in both parents becoming joint breadwinners. However, the necessary adjustments in attitudes and in practical arrangements have been slower in bringing about more joint care giving. Research and consultation has shown particular difficulties exist in the case of families where the parents are separated.

There is no single solution to this. It raises issues relevant to many policy areas including, employment, income support, child care and related services. The purpose in developing the family strategy is to identify all key issues and to develop an appropriate response to the changes affecting families and family life generally. I intend to bring forward the strategy in the first half of 2005.

**Mr. Stanton:** I intended to ask the Minister when the strategy would be brought forward but he has given a date in his answer.

Is the Minister aware that the 2001 Government research document, *Fathers and Families*:

[Mr. Stanton.]

Research and Reflection on Key Issues, contains the same recommendations as this report? I am concerned that nothing is done on these reports' recommendations. Will the Minister give two practical initiatives he wants to see occurring in this area shortly? What type of interdepartmental co-operation exists in this area? Several key Departments such as the Departments of Health and Children, Social and Family Affairs and the Environment, Heritage and Local Government have a bearing on this matter. Will the Minister agree that fathers are being excluded in many cases from the rearing of their children? Will he agree that more shared parental responsibility is needed and that the State and Departments have a role in this? Instead of allowing these reports sit on departmental shelves, gathering dust, what practical steps does he intend to take in the near future on their recommendations?

**Mr. Brennan:** I am still getting my head around some of these issues as they are emotional, personal and complex. I suspect the Deputy is doing the same.

Yesterday, when I spent several hours meeting fathers' groups, I put the same questions to them. What can the State do in this area? Where is the law not satisfactory that I can amend in legislation? What instructions can I give officials in my Department that will make it better for fathers? What changes, by way of regulation and legislation, can I ask the Minister for Justice, Equality and Law Reform to introduce to make it easier for fathers? The groups undertook to examine these issues and to inform me in more precise terms what I can do for them.

This is a major cultural issue with no single solution. In the short term, I want the joined up Government approach to this issue rather the welfare one. This involves many issues, including employment, income support, child care, justice, guardianship, access and custody and maintenance. From what fathers' groups have told me, in the case of separated families, access to children is a critical issue and should not be linked to whether support payments have been made. Access is not a financial issue but a parenting one. If one is jointly parenting, one must have proper access to the children. I want to examine what can be done in the legal area to improve access for fathers to their children.

Many court hearings involving this issue are held *in camera*, as Deputy Penrose knows from his legal background. It may be possible, without breaking the *in camera* rule or intruding on individual privacy, to get statistical information on access. Rightly or wrongly the courts are perceived by fathers' groups to automatically favour the mother in these cases. Statistical information would prove if the perception is true or not. If it is true, then the need for the Legislature to bring about changes to social policies would be highlighted. I am examining whether court clerks could provide this information in an anonymous way.

This area is fraught but I am glad it has emerged from the shadows and is now being openly discussed. Shared parenting must become the order of the day and mothers and fathers must be equally respected with equal access to their children. Shared parenting must be supported by the State. I do not have all the answers in this area but look forward to working with the groups involved to improve their lot.

**Mr. Stanton:** The Minister wants joined up Government. Will he establish an interdepartmental working group with a deadline to respond on this issue? It is one thing to say he would like to see something happening but another to say what he will do. Does he agree that the role of fathers is crucial in providing male role models to young boys when growing up? He has called for support services to be more sensitive to the rights of fathers. Has the Minister issued an instruction in that regard to his Department or other officials working in this area?

**Mr. Brennan:** The Family Support Agency and the division in my Department which deals with family policy are extremely sensitive to these issues. In so far as I can encourage them to be even more sensitive, I will do so. I will ask them to take note of what was said at the various fathers' conferences held recently. I would like to be informed of lack of sensitivity.

**Mr. Stanton:** The Minister called for it.

**Mr. Brennan:** I will address any insensitivity that exists. However, it has not been brought to my attention that insensitivity exists, but I take the point the Deputy is making.

I will consider what the Deputy said about joined up Government. I do not know whether it is the most urgent way forward. There are many interdepartmental groups within the Department, including working groups on issues such as maintenance and so on. I do not want to set up another working group just for the sake of it. I need to review the working groups that exist so that we can bring about a Government response to this issue. I share the Deputy's view that the role of fathers must be more respected and that access must be improved. I take the Deputy's point on the role model for boys, even though I am sure the position is not much different in the case of daughters and fathers. However, we will not get into that argument or we will never finish it.

**Mr. Stanton:** I agree.

#### **Social Welfare Benefits.**

28. **Dr. Cowley** asked the Minister for Social and Family Affairs if he will extend free travel to older Irish emigrants, at the very least to Irish pensioners living in the UK, when they return here on their holidays (details supplied); and if he will make a statement on the matter. [33766/04]



**Mr. Brennan:** The free travel scheme is available to all people living in the State aged 66 years and over. It is also available to carers and to people with disabilities who are in receipt of certain social welfare payments. It applies to travel within the State and cross-Border journeys between here and Northern Ireland. There have been a number of proposals for extending entitlement to free travel to people living outside Ireland, including a proposal in the report of the task force on policy regarding emigrants, which was submitted to the Minister for Foreign Affairs in 2002.

This issue was examined in the review of the free schemes, which was published by the Policy Institute, Trinity College, Dublin, in 2000. The review considered that the main objective of the free travel scheme is to encourage older people and people with disabilities to remain independent and active within the community, thereby reducing the need for institutional care. It noted that extending the scheme to visitors would have significant administrative and cost implications, even if it was confined to those in receipt of Irish social welfare pensions. In 2000, it was estimated that the extension of the free travel scheme to EU pensioners could incur expenditure in the order of between €10 million and €19 million, depending on the level of concession granted.

The free travel scheme, in conjunction with the Northern Ireland concessionary travel scheme, provides free travel on cross-Border routes for pass holders of both jurisdictions. This scheme applies to cross-Border journeys and not to travel exclusively within either jurisdiction. There is a commitment in the programme for Government to put in place an all-Ireland free travel scheme for pensioners resident in all parts of this island. Implementation of the scheme will require detailed discussion and agreement with the relevant authorities and transport providers in both jurisdictions.

My predecessor met the Minister of State at the Department for Regional Development in Northern Ireland to explore the potential for co-operation between the two Departments in regard to the proposal. They discussed the options and scope for co-funding the scheme and considered various technical issues that arise. Shortly after taking up this post, I wrote to the Minister indicating my wish to move the issue forward. I recently received a response and I am considering its contents.

The Deputy's proposal to make free travel available to persons in receipt of Irish pensions, but living in the UK, would have to be examined in a budgetary context, taking account of the other demands for extension of the free travel scheme, the cost, administrative and legal, and the possible wider implications involved. However, I am mindful that this matter has been raised in the House a number of times recently and I will continue to examine carefully the issues involved.

**Dr. Cowley:** I thank the Minister for his comprehensive response. The usual reasons given for not doing something in this regard are economic reasons. Our people who went abroad as economic migrants never used the excuse of a budget or economic circumstances to forget us, even though they had every reason to do so. Between 1975 and 1995, in excess of £2 billion sterling was sent back in emigrants' remittances, which is a lot of money. On the administrative aspect of the scheme, people are receiving pensions, partial pensions and pre-1953 pensions, therefore, they are already in the system. I recently met a delegation of older people from the DUP in Northern Ireland who travelled down here free of charge, while an impoverished group of people from London who travelled to Ireland this week had to pay for their travel. That is wrong considering the wonderful contribution these people made to this country.

On the issue of EU citizens, the reason for non-inclusion of these people should be overlooked. There is a common travel area between Ireland and England. We got an EU derogation in that regard, as did the UK, because of the arrangement that already existed. This arrangement enabled our emigrants to travel to Britain to help that country to run its farms and factories and build its roads, rail network and so on. The derogation should also allow our citizens to return to Ireland. There are compelling reasons the free travel scheme should be extended to these people.

The task force report recommended strongly that the scheme should be widened because it would be of symbolic significance. Article 2 of the Constitution provides a new definition of the Irish nation. It provides an opportunity to put in place a new approach to looking after Irish citizens. Does the Minister believe that, as the task force suggests, Irish citizens are being denied their constitutional rights if this facility continues to be refused to them?

**Mr. Brennan:** I pay tribute to Deputy Cowley for his well known work with emigrants and his leadership in this area, which is much admired. I said in my reply that I will continue to examine the matter. I do not have a closed mind on the matter, I just need to do some more homework on it. Some figures would help us to move the matter forward. The number of Irish people throughout the European Union in receipt of Irish pensions is approximately 40,000, about 30,000 of whom live in the UK or Northern Ireland. The cost of including these people in the scheme would be in the order of €10 million to €20 million. The aspect that must be considered is that free travel in this State is universal. Everyone over the age of 66 is entitled to free travel, irrespective of their means or whether they are in receipt of a pension. If one were to move in this direction, one would have to limit free travel to the 40,000 pensioners living abroad. One could not make free travel available to each citizen over



[Mr. Brennan.]  
the age of 66 throughout the European Union who travels here.

Another issue arises as to whether the EU would permit us to apply limitations outside Ireland that we do not apply in Ireland. I must research this matter because it is a tricky legal issue. In Ireland, free travel is not confined to pensioners, any citizen over the age of 66 is entitled to it. Confining free travel to 40,000 people at a cost of up to €20 million is obviously a policy option for the Government. The legal issue I must examine is whether we would be permitted to stop there. I do not think anyone would want to extend the scheme further, not that people would turn up in large numbers. I am conscious of the example the Deputy gave and I would like to facilitate emigrants who return home for particular reasons.

To clarify the issue, as there is a residency requirement, residents of the country are entitled to free travel in any event. Leaving aside the €20 million and the capacity of transport companies, the basic question is whether one can ring-fence the provision on a satisfactory legal basis, which is the issue I would like to research.

### Other Questions.

**An Leas-Cheann Comhairle:** I remind the House that under Standing Orders, supplementary questions and answers are limited to one minute each.

### Social Welfare Benefits.

29. **Mr. Naughten** asked the Minister for Social and Family Affairs the maximum level of rent which a person may incur and still qualify for a rent supplement as determined by each health board; and if he will make a statement on the matter. [33506/04]

88. **Mr. Stanton** asked the Minister for Social and Family Affairs the way in which he intends to keep the minimum contribution of all recipients of the supplementary welfare allowance rent and mortgage supplement under review; and if he will make a statement on the matter. [33489/04]

**Mr. Brennan:** I propose to take Questions Nos. 29 and 88 together.

The supplementary welfare allowance scheme administered on my behalf by the health boards provides for the payment of a weekly or monthly supplement in respect of rent or mortgage interest. This supplement is intended to assist with reasonable accommodation costs of eligible people who are unable to provide for their accommodation costs from their own resources and who do not have accommodation available to them from any other source.

Rent and mortgage interest supplements are subject to a means test. They are normally calculated to ensure that after payment of rent or mortgage interest, an eligible person has income

equal to the rate of basic supplementary welfare allowance appropriate to his or her or the family circumstances, less a minimum contribution. The minimum contribution is €13, which each recipient is required to pay from his or her resources. I have decided not to increase the minimum contribution this year. I will review this again in the context of next year's budget, taking account of the real value of increases in social welfare payment rates and developments in the local authority social housing sector.

There has always been a limit on the level of rent an applicant may incur and still qualify for a rent supplement. The limits take the household size and other relevant circumstances into account. This is to ensure that the rent is reasonable and that the health board is not subsidising the cost of overly large or overly expensive accommodation. As Deputies are aware, regulations were introduced in November 2002 which provided for holding the maximum rent levels until the end of December 2003 at the values that had been set by the health boards at that time. Further regulations, signed in December 2003, set out the maximum reasonable rent levels to be used as the basis for calculating the amount of rent supplement payable to various family sizes for the period from January 2004 to 30 June 2005. These range from €85 per week to €115 per week in the case of a single person, and from €693 per month to €1,200 per month in the case of a family with two children. I have arranged for my Department to send details to the Deputy of the levels appropriate to the different family sizes across all health board areas.

Any changes that might be required in the level of the maximum reasonable rent limits will be considered during the first half of 2005. As was done on previous occasions, the views of each health board will be sought regarding the operation of existing limits within its functional area. Consideration will also be given to the information supplied by the boards about cases where rent supplements were awarded in exceptional cases where the maximum rent limits were exceeded. Data from the Central Statistics Office relating to rent levels in the private rented sector will be examined, and any views from relevant interest groups will be taken into account in reaching a decision on the appropriate limits.

**Mr. Stanton:** Does the Minister agree that rent levels in some cities, especially Dublin, have reached very high levels and that the type of property available to people in the bracket he has noted who qualify for that level of rental income would usually be in very bad condition and inappropriate? How soon will the Minister have the revised scheme ready? It is urgently needed because people are experiencing hardship as they cannot afford to rent appropriate accommodation because rents are too high.

**Mr. Brennan:** The review will be completed during the first half of 2005. For my own sake as

well as that of everyone else, it is worth putting on the record that rent supplement recipients account for approximately 40% of the private rented market. That means that by a long shot, the State is the largest player in that market. It will be appreciated that accounting for such a percentage of the entire sector can distort a marketplace. The market will almost certainly follow whatever cap we put on the relevant allowances, so we must be very careful in putting a figure on rent, for example in allowing €1,200 per month for a family with two children. Once such a figure is allowed for, that 40% of the private rented sector will almost automatically pitch the rent at that level. If we allow a figure that is too high, there is substantial evidence, particularly since we are such a large player in the market, that such a level of rent will be set. The Government is not just a rent payer in the marketplace, but is a rent setter.

Last night I informed the House that rental costs had fallen by about 3% between January 2004 and November 2004. Facts and figures are available which show that rental costs are coming down because of the substantial supply of apartments for rent. One can see blocks of apartments everywhere now and there is close to an excess of supply in the private sector. We must therefore be careful how we set the figures.

**Mr. Boyle:** Is the Minister aware of the practice, and the extent to which it may exist, of landlords setting official and unofficial rents whereby those in receipt of rent supplements pay their official rent supplement and their personal payment as part of the rent, but are asked by the landlord for an unofficial rent top-up? Is the Minister's Department taking any account of this practice and, if so, are there any measures in place to stop the practice?

**Mr. Brennan:** We are aware of such allegations. To date we have no hard evidence that such activity exists but from anecdotal evidence we believe it does. The structure of the system also lends itself to the sort of the practice of which Deputy Boyle speaks, given that the State accounts for about 40% of the entire rental market. We continue to examine that issue to see if we can tighten it up.

### Hospital Charges.

30. **Mr. Connaughton** asked the Minister for Social and Family Affairs if his attention has been drawn to the report, *Sick Children, Money Worries*, published in June 2004 by Children in Hospital Ireland; his views on the proposal to establish a non-means tested scheme, that is, the assistance for hospitalised children scheme, to provide up to €40 per day in cases in which the hospitalisation of a child is prolonged or repeated so as to help cover costs; and if he will make a statement on the matter. [33501/04]

**Mr. Brennan:** I am aware of the report referred to by the Deputy. I am particularly interested in

the survey of 110 parents on the costs of having a child in hospital. The report found that almost all lower income families surveyed were under financial strain because of the hospitalisation of their child and half of the parents in the higher income group experienced financial strain.

The report makes a range of recommendations including, for example, assistance with travel expenses and parking fees and the introduction of a specific scheme of assistance for parents whose children experience long or frequent spells in hospital. While my Department does not operate any specific scheme of financial assistance for parents in these circumstances, I acknowledge that there is an income maintenance issue which needs to be examined further. A possible source of such assistance at present would be by way of an exceptional needs payment through the supplementary welfare allowance scheme. These payments can be made to help meet essential once-off exceptional expenditure which a person could not reasonably be expected to meet out of their weekly income. My officials are undertaking a review of this scheme, phase two of which is due to be completed by the end of 2005. I have asked that this report be examined further in that context and I am also arranging to invite the report's authors to meet Department officials to discuss the findings. In addition, I will discuss the matter with my colleague, the Minister for Health and Children.

**Mr. Stanton:** I thank the Minister for his response and I support him in any action he takes on the matter. Is the Minister also aware that according to the report, only five of the parents surveyed said that they received any help from community welfare officers? Could the Minister do anything to make that area more flexible in the short term? Does the Minister agree that the role of his Department is to alleviate hardship, financial hardship in particular, especially among low income families? Does the Minister agree that it is bad enough to have a child regularly sick in hospital without having to incur what in many cases can be financial hardship involving travel, overnight stays, paying for food and so on?

**Mr. Brennan:** I am happy to suggest to community welfare officers that they might be helpful in this area. I will draw to their attention what we have been saying on both sides of the House. I said in my reply that an exceptional needs payment might be possible. It is up to a community welfare officer to take a view. We will see what can be done about a broader scheme but, clearly, many issues are involved. I have invited the authors of the report to meet Department officials and I look forward to the outcome of that discussion to see what is practicable.

**Mr. Boyle:** Has the Minister's Department a role in terms of capital expenditure in this area? I cite the example of the Knights of Columbanus who have built accommodation in connection

[Mr. Boyle.]

with Cork University Hospital to allow for the accommodation of the family members of medium and long-term patients. They eventually got funding, but it is uncertain whether such funding should come through the Department of Health and Children or the Department of the Environment, Heritage and Local Government. Given that it involves family support in the long run, perhaps this might be a role for the Department of Social and Family Affairs.

**Mr. Brennan:** I take the broad point the Deputy makes, but we are referring here to a particular report, which makes a number of recommendations, all of them in the current area, so far as I can determine. These include a recognised scheme of assistance towards non-medical costs of hospitalisation on a non-means tested basis, personal medical card in respect of any child covered by a domiciliary care allowance and free parking for parents of children hospitalised for long or multiple periods and so on. It lays down what the possible criteria might be for the future and the particular thresholds which could trigger this type of assistance, for example, serious ongoing medical conditions, distance from a child's home etc., with no means test required. The report did not explore the area of capital to any great extent. When the authors present the report to the Department, I shall ensure that this is discussed with them to see what is envisaged in that area.

#### Departmental Expenditure.

31. **Mr. McCormack** asked the Minister for Social and Family Affairs the amount paid for agency services in 2003 and to date in 2004; the bodies involved; the amount paid to each; and if he will make a statement on the matter. [33502/04]

72. **Ms Enright** asked the Minister for Social and Family Affairs the amount paid for agency services in 2003 and to date in 2004; the amount paid to each body and the work carried out in each case; and if he will make a statement on the matter. [33503/04]

**Mr. Brennan:** I propose to take Questions Nos. 31 and 72 together.

Payments for agency services are made for services provided to my Department by medical practitioners and by An Post and De La Rue-Smurfit Limited. Medical practitioners provide medical certificates to insured persons in support of illness related claims. The Department makes payments to them for the costs incurred in issuing certificates and in the completion of medical reports where these are required for the administration of illness related schemes.

Payments to An Post are in respect of the payment service operated by the company for the encashment of social welfare payments. An Post has provided these services to the Department

over a long number of years. Their extensive networks have ensured that customers in all areas receive suitable encashment services. The payments which An Post provides include non-contributory pensions, child benefit, pre-retirement allowances, disability allowances, one parent family allowances and unemployment allowances. In addition to these social assistance payments which are Exchequer funded, An Post makes social insurance payments, including old age contributory pensions, widow's contributory pensions, disability benefit and unemployment benefit. The fees paid to An Post cover both the Exchequer funded and social insurance funded schemes.

Payments are made to De La Rue-Smurfit in respect of the printing and production of personalised pension order books and child benefit order books which are presented for encashment by customers at post offices. Some 1.7 million books were produced in 2003 and the Department estimates that 1.8 million books will be produced in 2004. The total expenditure for agency services in 2003 amounted to €53.173 million. This included €29.099 million paid to An Post in encashment fees in respect of social assistance payments. A sum of €2.443 million was paid for the production of order books by De La Rue-Smurfit and €21.631 million to medical practitioners for medical certificates and reports.

Expenditure to the end of November 2004 amounts to €53.566 million. This is made up of €26.535 million paid to An Post for the encashment of social assistance payments, €2.245 million paid to De La Rue-Smurfit for the production of order books and €24.786 million for medical certificates and reports provided by medical practitioners.

A sum of €20.844 million was paid to An Post in respect of social insurance scheme payments in 2003 and €19.528 million in 2004, to November. These payments are made from the social insurance fund.

**Mr. Neville:** I thank the Minister for his response. As regards medical practitioners, when people have to go for medical examinations, appeals and so on, is that cost included and, if so, will the Minister give a breakdown of the costs?

**Mr. Brennan:** The current fee payable from 1 July to a medical practitioner is €8.25 per certificate and €44.44 per report. The total cost of this is €21.6 million for medical certificates and reports, inclusive.

#### Child Care Services.

32. **Mr. Morgan** asked the Minister for Social and Family Affairs if, in view of the Government's position that child benefit remains the best way to help parents with child care costs, consideration has been given by him to the inclusion of a child care supplement for children under five



years of age as a top-up to child benefit. [33318/04]

49. **Ms Burton** asked the Minister for Social and Family Affairs his views on the introduction of a child benefit supplement as recommended by NESC and other statutory agencies; his further views on whether such a payment would target additional resources to children and families in extreme poverty; and if he will make a statement on the matter. [33443/04]

79. **Mr. Durkan** asked the Minister for Social and Family Affairs the extent to which the level of payments in respect of child benefit equates to child care costs in cases in which both parents work outside the home; if he has examined the possibility of increasing the level of payment to a more realistic level; and if he will make a statement on the matter. [33529/04]

**Mr. Brennan:** I propose to take Questions Nos. 32, 49 and 79 together.

Child Benefit is paid to 520,000 families in respect of approximately 1 million children, at a total cost of almost €1.916 billion in a full year. This includes the extra €136 million provided in the budget. Child benefit delivers a standard rate of payment in respect of all children in a family regardless of income levels or employment status. It supports children and assists those on low incomes in relative terms. It helps to contribute to the cost of raising children, regardless of the household's income or employment status. Child benefit does not distort parental choice in respect of labour force participation and contributes towards alleviating child poverty. The concentration of additional resources in child benefit avoids the employment disincentives associated with increased child dependant allowances and has underpinned the policy of successive Governments since 1994.

Over the period since 1997, the monthly rates of child benefit have increased by €93.51 at the lower rate and €115.78 at the higher rate, increases of 246% and 234% respectively, compared to inflation of 26.9%.

This level of increase is unprecedented and delivers on the Government's objective of providing support for children generally while offering real choice to all parents. In addition, the 2005 budget provided for a €10 per month increase, or 7.6%, in the rate of child benefit payable in respect of each of the first two children and €12 per month, or 7.3% increase in the rate payable in respect of the third child and subsequent children. These increases will take effect from April 2005. The introduction of an age-related payment structure for child benefit has been proposed on a number of occasions in the past. However, in recognition of the increased expense encountered by larger families, with younger and older children, rates have been structured towards payment of the higher rate in respect of the third child and subsequent children. This policy pro-

vides a consistent level of support for parents regardless of the age of the child.

The child benefit payment fulfils a number of roles, the most important of which are assistance to all households in recognition of the higher cost incurred and the alleviation of household poverty associated with children, without adding to labour market disincentives. The very substantial increases in benefit in recent years can make a significant contribution to meeting those costs.

Responsibility for child care issues generally rests with the Department of Justice, Equality and Law Reform. As regards a more targeted child income support such as a child benefit supplement, the partnership agreement, Sustaining Progress, recognises the importance of child income support arrangements, with a specific commitment to examine the effectiveness of current arrangements in tackling child poverty.

In the context of this commitment, the National Economic and Social Council, NESC, has agreed to undertake a review of child income support and in particular the possible merging of family income supplement and child dependant allowances into a second-tier child income support payment. This review, which NESC expects to complete in 2005, will inform the development of future policy in this area and I look forward to receiving the report in due course.

**Mr. Crowe:** Parents across the State are struggling to balance work and family life. Most families do not have the luxury of one parent being able to stay at home. In its budget submission, Sinn Féin focused on the whole question of child care and supplements for children under five years as a top-up to child benefit. We believe this would be a significant step towards addressing the extra financial burden faced by parents of a child below school-going age. Given that the Government has outlined its position on more than one occasion to the effect that child benefit remains the primary instrument for assisting parents with child care costs, will the Minister give serious consideration to this proposal? Such a supplement will not discriminate against families where one of the parents decides to stay at home but will enable them to make such a choice. If the Minister is unwilling to proceed with such a proposal, will he outline clearly the measures with which he intends to tackle the real difficulties being faced by parents of young children because of the rising costs of child care?

**Mr. Brennan:** There are a number of issues to be addressed here. I am aware of the Sinn Féin proposal and will certainly take a look at it as regards the child benefit structure affecting toddlers of up to five years, which I believe is the Deputy's general concern.

There is a discussion on whether it is appropriate to have child benefit based on age. It is currently based on the number of children in a family. We could have a good debate on whether children under the age of five are more expensive



[Mr. Brennan.]  
than children from age ten to 15. I have a fair idea of the answer to that. The NESC is looking at this area and we will see where that goes.

Child benefit is not focused primarily on child care costs. It is an income payment on behalf of the child in question. Child care is a broader issue, which has been led by the Department of Justice, Equality and Law Reform and which involves taxation issues and supply issues. Long before any of us in this House ever heard of the concept of child care, children's allowances were being paid. It would be wrong of the Government to pretend that child benefit is our response to the child care issue. We need to respond to the child care issue across the different Departments, including the Department of Finance, the Department of Education and Science, the Department of Health and Children and my Department.

**Mr. Penrose:** Would the Minister consider making a submission to the National Economic and Social Forum? The Department of Education and Science and the Department of Justice, Equality and Law Reform have both made submissions. It would be prudent if the Minister's Department made a submission. Child care is scattered everywhere and we must get it focused into one agency. The Minister is probably right to say that it is not within the remit of his Department. Child benefit is income support for children. The One Parent Exchange and Family Network stated that it was delighted that child benefit was going up each year as it would go towards child care, but that it could probably do with a bit more. Deputy Crowe was right when he stated that people actually use it to finance child care which is crippling families all over Ireland. A positive way to end our discussions on this area would be for the Minister to get his officials to make a submission on that. It might be helpful in this debate.

**Mr. Brennan:** We will certainly work closely with the NESC and will make proposals and submissions to it. I referred to the possible merging of the family income supplement and the child dependant allowance into a second tier child income support payment. There are very exciting possibilities in this area to focus on child poverty and I look forward to the report.

**Mr. Stanton:** Are there any proposals to have joined up Government in this area? The Department of Health and Children, the Department of Justice, Equality and Law Reform, the Department of Education and Science and the Minister's own Department are all involved in the care and support of children and families. One Department seems to fob off the responsibility to another. Is there anything happening so that we can have a form of joined up Government, whereby one co-ordinated approach can be taken? Has the Minister any plans to lead something like this?

**Mr. Brennan:** I have a feeling I will regret using that phrase.

**Mr. Stanton:** I will keep reminding him.

**Mr. Brennan:** I think the Deputy has got to like it. We asked the NESC to carry out this review of child income support and to review the idea of merging these two allowances. Child care is being led by the Department of Justice, Equality and Law Reform. There are a number of groups at official level right throughout the whole area. There have been a number of studies, meetings and presentations made to the different Departments, but the Department of Justice, Equality and Law Reform is leading it as it has substantial funds under this heading. Other Departments mentioned, including my own support it.

**Mr. Boyle:** In view of the recent Cabinet decision to regularise the citizenship of foreign nationals, will the Minister now give consideration to restoring universal child benefit for all children who are born in this country and who are living here at any given time?

**Mr. Brennan:** There are a number of issues here which extend beyond my responsibilities. Many of the issues relate to the Department of Justice, Equality and Law Reform. There is a two year habitual residence clause and the Minister for Justice, Equality and Law Reform and I will continue to keep that under review in the context of issues within my Department. At the moment I do not have any proposals to make any changes in that area.

*Written Answers follow Adjournment Debate.*

### Adjournment Debate Matters.

**An Leas-Cheann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy McHugh — that the Minister provide adequate resources to the pain service department at University College Hospital, Galway (details supplied); (2) Deputy Ring — to ask the Minister when an application for funding for a school (details supplied) was first received and the current position on it; (3) Deputy Kirk — that the Minister bring forward hardship alleviation measures for the liquid milk production sector; (4) Deputy Deenihan — the need to advance stages 2 and 3 of the extension to a school (details supplied) to provide proper facilities for autistic children; (5) Deputy Ó Caoláin — the threat to the future of the chain of ESB retail outlets around the State and Finance Electric; (6) Deputy Paul Kehoe — to ask the Minister when a Garda station (details supplied) will get a replacement Garda car; (7) Deputy Ó Snodaigh — if the Minister will provide ring-fenced supplementary estimates for 2005 and multiannual

funding from 2006 to ensure adequate financial support for front-line services for survivors of violence against women; (8) Deputy Lowry — to discuss the employment crisis in North Tipperary which has been losing out on inward investment in recent years; (9) Deputy Costello — that the Minister elaborate on his proposals for processing the applications of the non-national parents of Irish born children; and (10) Deputy Naughten — if the Minister will outline her plans to protect the public during the industrial action by ambulance drivers in the Western Health Board region.

The matters raised by Deputies Naughten, Kirk, Kehoe and Costello have been selected for discussion.

#### Message from Select Committee.

**An Leas-Cheann Comhairle:** The Select Committee on Justice, Equality, Defence and Women's Rights has completed its consideration of the Transfer of Execution of Sentences Bill 2003 and has made amendments thereto.

*Sitting suspended at 3.45 p.m. and resumed at 4.15 p.m.*

#### Housing (Miscellaneous Provisions) Bill 2004 [Seanad]: Second Stage.

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** I move: "That the Bill be now read a Second Time."

While this is a short Bill, it is an important step forward in the Government's policy of assisting first-time purchasers of affordable housing. The purpose of the Bill is to make statutory provision to enable housing and planning authorities to secure the clawback which applies in the event of a resale of an affordable house where it was first sold or made available by them to eligible persons at a discount from market value. Specifically, the legislation is required to allow private lending agencies to provide mortgage finance to affordable housing applicants. It will also facilitate the direct sale of affordable units by a builder under Part V to persons nominated by a planning authority.

The Government's general approach to the housing market is to seek to ensure conditions allow the market to respond as effectively as possible to demand while recognising that some individuals require specific support to address their accommodation needs. In the context of the unprecedented demand arising from the economic growth and demographic changes of the 1990s, the focus has been on increasing supply. The policy is working. It is likely that by the end of this year more than 400,000 new housing units will have been built since we came into office in 1997. Total housing stock will have grown by more than a third since the early 1990s. It is a significant achievement that we are delivering

new housing at six times the rate of our neighbours in the United Kingdom.

While the construction industry deserves credit for the record levels of output, the Government has also done its bit. Without the range of actions taken to relieve the bottlenecks that were seriously retarding supply in the mid-to-late 1990s, current output levels would not have been achievable. Record levels of housing output are partly a reflection of significant investment in infrastructure, increased residential densities and major increases in throughput by the planning system. It is even the case that some commentators have recently wondered about a danger of over supply in the housing market.

**Mr. Cuffe:** Not if one is living in a hostel.

**Mr. McCormack:** Not if one is living in Galway.

**Mr. N. Ahern:** It is sensible to plan for long-term sustainable levels of output to avoid the cycles that have, at times, disrupted housing markets in various countries. For the foreseeable future, we must maintain output at a high level as demographic and economic factors continue to underpin strong demand for housing.

It is worthwhile dwelling for a moment on the demographic changes that have contributed to the unprecedented demand for housing. While the general population grew by approximately 8% between 1996 and 2002, there was much greater level of growth of 18% in the key household formation age group of 25 to 34 years. These statistics explain a great deal of the pressure on the housing market. Concurrently, average household size in Ireland has steadily declined. The impact of population growth and social change, including marital breakdown and the greater tendency of elderly people to live alone, indicate that Ireland is moving closer to EU norms of household size. The trends continue to have an impact on demand for housing. When these factors are combined with economic growth, rising employment and income levels and historically low interest rates, it is unsurprising to find the demand for housing has risen sharply.

While we may not see the same level of escalation in future, demographic factors point to a continuing need to increase Irish housing stock. The national spatial strategy seeks to quantify and plan for the increase over the long term. It is worthwhile to note that the projections underpinning the strategy suggest the number of households in 2020 will be approximately double the level they were a mere 12 years ago in 1992. A continuing challenge is to ensure that this growing stock is delivered in a sustainable manner. The Government remains committed to the continued implementation of measures to boost housing supply and improve affordability. The Government will continue to assist low-income groups and those with social housing needs through a range of targeted social and affordable housing programmes.

[Mr. N. Ahern.]

The facilitation of access to affordable housing by first-time buyers is a very important objective of Government policy. We will continue to monitor and review housing developments and policies as necessary to achieve this aim. Our policy has been to make housing supply more responsive to demand to moderate house-price increases and improve the affordability of and access to housing, especially for first-time buyers. There is clear evidence that the measures introduced by the Government to boost supply are having effect. It is likely that 2004 will prove to have been the tenth year of record overall house completions. The latest figures available indicate that more than 60,000 units were built in the first ten months of the year. From 2001 to end of October 2004, more than 240,000 units were completed in the State.

Increased supply supported by Government measures has led to the supply of houses in many areas by the market at affordable prices. Furthermore, survey data available to the Department indicates that first-time buyers are active in the market and have purchased 43% of new houses. The changes to the stamp duty regime in this year's budget will help to improve access to the second-hand housing market for first time buyers. The changes will also reduce the dependence of first time buyers on the new house market and ultimately impact on house price inflation in new homes at the starter end of the market.

In addition to measures to support a market response to unprecedented demand, the Government has emphasised the delivery of targeted schemes of affordable housing. The affordable housing initiative under Sustaining Progress and the Part V mechanism are major elements of the Government strategy for the provision of affordable housing and are expected to deliver substantial output over the coming years. Part V is fully operational in all local authorities and all relevant residential planning applications are subject to a Part V agreement. However, the pace of activity in particular areas and, *inter alia*, the provision of Part V housing units are dependent on the level and commencement of private sector residential development and the nature of the Part V agreements entered into.

On the basis of returns to my Department on the provision of housing units, land, sites and financial contributions to date, it is clear that activity under Part V is gathering momentum. Provisional figures for the first nine months of 2004 indicate that a total of 4,500 social and affordable units are planned or proposed. I expect the number of units acquired by local authorities this year to exceed 500 while more than 1,000 acquisitions are forecast for 2005. A significant milestone has been reached under the affordable housing initiative with the release of further State lands. This brings to more than 70 the number of projects on which it is now planned to proceed. Together with projected affordable activity under

Part V, these projects will facilitate the achievement of the 10,000 unit target proposed by the parties to the Sustaining Progress pay agreement.

**Mr. Cuffe:** Have any been built yet?

**An Ceann Comhairle:** The Minister of State, without interruption.

**Mr. N. Ahern:** Obviously, before one starts building, one must acquire the sites.

**Mr. Cuffe:** Have any been acquired?

**An Ceann Comhairle:** Allow the Minister of State to speak.

**Mr. N. Ahern:** Construction has commenced at a number of sites and a number of projects have been advertised seeking expressions of interest.

**Mr. Cuffe:** Has planning permission been sought?

**Mr. N. Ahern:** These initiatives will collectively yield 760 units. While no units have yet been completed on the State lands in question, it is an established fact that it can take a number of years from identification of a site through the various planning and construction processes before new housing units are finally delivered. All projects are being progressed as a priority and activities are being paralleled as necessary with a view to the early delivery of units.

**Mr. Cuffe:** Will any be provided next year?

**An Ceann Comhairle:** Deputy Cuffe will have an opportunity to speak and will be heard in silence and afforded the courtesy to which any Member should be entitled, including the Minister of State.

**Mr. Morgan:** I might say something.

**An Ceann Comhairle:** The Minister of State to continue.

**Mr. N. Ahern:** It is envisaged that more than 11,000 units will be delivered through the various affordable housing schemes between 2005 and 2007.

The Bill has three sections. Section 1 deals with the sale of properties under the 1999 affordable housing scheme while section 2 deals with the sale of units or land under the Part V mechanism. Section 3 contains the usual general provisions on the short title and citations. Section 1 enables a housing authority to place a charge on an affordable housing property it proposes to sell under the 1999 scheme. Until now, the charge was registered against the mortgage deed and this allowed the local authority, as lender, to enforce it. However, where the local authority is not the lender, it would have to pursue the purchaser directly for payment of the clawback. That would



be both difficult and expensive. This amendment will allow the local authority to enforce the clawback as necessary.

Section 2 is a similar provision and will enable a planning authority to place a charge on a house or land provided under Part 5 of the Planning Acts. I will explain briefly to the House the way the clawback operates in practice.

Where affordable houses are sold at a discount from market value, a clawback applies. The clawback is an anti-profiteering mechanism and provides that where a dwelling purchased at a discount under the affordable housing schemes is resold within 20 years of the date of purchase, a percentage of the proceeds of sale, based on the percentage discount received, shall be paid to the housing authority. The amount payable reduces by 10% for each complete year after ten years of occupation.

Until now, mortgage finance for affordable housing has been provided exclusively by local authorities through the Housing Finance Agency and this source of funding will continue. That is because the clawback provision has not been acceptable to the private financial institutions as a first charge on the property and, consequently, has acted as a constraint up to now on lending by them. However, my Department has been in discussions with representatives of a number of financial institutions and it has been agreed in principle that the mortgage should be registered as first charge on the property, with the clawback as second charge. This has allowed substantial progress to be made in agreeing arrangements for the provision of such finance by the commercial lending sector.

A number of matters still remain to be resolved, however, including the need to give local authorities the power to apply the clawback as a charge on an affordable property, which is being dealt with in this Bill. I am satisfied that when the final arrangements are agreed, the State's investment in the affordable property will be fully protected.

The House will be aware that Bank of Ireland Mortgages has pre-announced a product it proposes to provide for affordable housing applicants when the discussions with the Department have been finalised. I understand also that the Educational Building Society is at an advanced stage of negotiations and that other financial institutions have also expressed an interest in entering this segment of the market. I welcome the competition as it is important that consumers have choice when they are seeking mortgage finance.

The clawback which applies in the event of the resale of an affordable house is necessary to prevent profiteering. The Bill will enable the clawback to be secured, whatever source of finance is used to purchase it. I look forward to the debate and commend the Bill to the House.

**Mr. O'Dowd:** Fine Gael supports the Bill. Following the report on the banks and their lack of

support for many of their customers, it is welcome that they and the other financial institutions will get involved in looking after that section of the community which hitherto would not have been able to get a mortgage. It is part of a strategy which everybody hopes will be successful but the points made by my colleagues on this side of the House were clear. The number of houses being built for people on local authority waiting lists is inadequate. The last time the figures were counted there were approximately 50,000 people on the waiting list and the figure has grown significantly over recent years. We should compare that to the fine output of houses nationally this year. Over 80,000 units were built, which is a large increase. There is high demand for the construction of houses generally but poor people cannot afford to buy those expensive houses and many of those who are investing in the new housing market are buying a second house. The market must adjust but it needs Government intervention to create a situation where ordinary people can afford to get their own homes, either by way of affordable housing programmes or getting a social house.

The Government policies in that respect have had poor results up to now but I have spoken to a number of county managers and they accept that more affordable housing will come on the market and that permissions will be granted in the future. However, that does not allow the Minister of State escape from the fact that there has been poor progress to date.

This generation of young people is probably the first who are unable to say they can get married and buy their own home because a significant number of them cannot afford to do that. Even with two incomes they are unable to buy a home, which previous generations had the opportunity to do. When the local nurse, teacher, garda or tradesman meets the person they want to live with they can no longer look forward to buying a house in the near future. It is impossible for them to do so in many cases and they defer having a family until later in life. With the Celtic tiger there was never so much wealth in the country. We have never been so well off, yet young people starting off in life with their partners have never been so disadvantaged. That is a dreadful waste of resources in what the Ministers call one of the most successful economies in the world. We are failing our young people and that issue must be addressed further.

I welcome the provision in the budget to allow stamp duty be reduced for those who buy a second-hand house under a certain amount. The difficulty, however, is that the price of the average second-hand house in Dublin is the same as the figure for the ceiling to which the stamp duty exemption applies. The price of an average house in Dublin is €318,000. There are dearer and cheaper houses but the average home costs €318,000, which is the price at which the stamp duty kicks in.



**Mr. N. Ahern:** That is not the average starter home.

**An Ceann Comhairle:** Minister, allow Deputy O'Dowd to continue without interruption.

**Mr. O'Dowd:** It may not be but the statistics that were supplied to us are from the Minister of State's budget speech which referred to the average price of a home. I am quoting the Minister's figures. If he wants to give me others, I will be happy to examine them. I am quoting the Minister of State and I hope he can stand over what he said.

I discussed with the Minister the problem of putting together a deposit and he accepts that it is a real problem. One of the measures Fine Gael believes should be introduced, and I ask the Minister of State to respond to it when replying to the debate, is a special savings scheme for young people who intend to buy their first home. It would be similar to the SSIA scheme but young people could save to purchase their home. It could be tied down with all the necessary regulations to ensure that is where the money would go but it would give them the opportunity to have their savings added to, in the same way that people currently can get a very good return from the special savings scheme. Fine Gael supports that and we will introduce such a scheme in government. It is important to encourage young people to save and that would be a useful way of doing it.

Fine Gael believes that young people buying their own home should have the mortgage interest relief spread over the lifetime of the mortgage. An average loan is approximately 20 years and the mortgage interest relief is spread over those years, but we would argue that if that mortgage interest relief was spread over the first ten years or whatever, young people would have resources available to them at an earlier stage. As children grow up it is a very expensive time for families but if mortgage relief was spread over the first ten years rather than the first 20, it would make a difference in terms of the money they would have to pay out. As time goes on, their incomes will increase and they will have the capacity to pay more.

**Mr. N. Ahern:** That happens already.

**Mr. O'Dowd:** It does not happen in the way we would like it to happen. We would like the relief to be given in the first seven years.

**Mr. N. Ahern:** A mortgage holder pays most of the interest in the early years and the capital sum in later years. Tax relief is given only on the interest. What the Deputy proposes is already happening.

**Mr. O'Dowd:** The Fine Gael policy document shows that significant savings would be made in the first seven years and mortgage holders would

be left with more disposable income. They would pay more off their loans because mortgage interest relief would be front-loaded. They would pay almost nothing off their interest but would pay back the capital. Our proposal would attack the present financial difficulty. I will be happy to flesh out the details of the policy with the Minister of State during later discussions on the Bill.

I know the Government is looking at the possibility of releasing State resources into the community for the building of houses. Cautionary notes must be struck with regard to the use of land adjacent to health board property, particularly as it may be needed for hospitals or other health service requirements. One must always be cautious about selling State resources. Nevertheless, we should be proactive in encouraging local authorities and other State organisations to release land for affordable and social housing. That will be a critical policy.

I am impressed by the work done by the community in the Poolbeg Quay housing scheme. A state-of-the-art block of apartments has been built which, in the commercial world, would each cost between €400,000 and €500,000 each. The community is able to sell them for €140,000 each.

**Mr. N. Ahern:** The sites were subsidised.

**Mr. O'Dowd:** I am about to make that point. The community acquired the land from the local authority with support from the State. That is a worthwhile and useful model.

**Mr. N. Ahern:** It is.

**Mr. O'Dowd:** I know the Minister of State will agree that we should encourage such initiatives and be even more proactive. I acknowledge that the Bill will help communities to promote schemes like the Poolbeg Quay scheme by helping them to access cheaper money from different sources.

We have voluntary housing organisations such as Respond and initiatives like the Poolbeg Quay scheme. Perhaps local authorities need a publicity campaign to promote such schemes and to showcase successful operations such as Poolbeg Quay so that everyone in the country can see what can be done. It would make a major difference to people's views if local authorities promoted such initiatives and encouraged people to get involved in them.

I am amazed at the success of the members of Poolbeg community. They developed the housing scheme themselves. As I looked at the fine apartment block they had constructed, I told them they had done more than most politicians I know of, and I was not excluding myself. They have built something real and tangible and of tremendous benefit to their community. The scheme will keep people in their own community who would otherwise have been unable to buy homes in their own area. They would have had to move to places such as Drogheda, Balbriggan or Navan to find

houses they could afford. Society cannot do enough to encourage organisations such as the Poolbeg Quay housing co-operative. Their commitment and voluntary work is also realistic and practical and has the support of the local authority behind it.

The Bill is important because the financial institutions are now getting involved. The capacity to claw back in the event of profiteering is welcome because these houses are intended for the people who live in them. A clawback of 1% per annum will kick in after ten years. In the past difficulties were experienced with housing finance agency loans which remained at a fixed rate of interest and people found they would never own their houses. We have seen many housing schemes. However, the principle of affordable housing is the way forward. We cannot put enough effort into it or encourage it enough. It allows people to take their future into their own hands and provides them with resources, guidance and help. The Bill and the involvement of the financial institutions will be helpful, particularly for young couples.

**Mr. Gilmore:** It never ceases to amaze me that Ministers can come into the House and give us selective figures regarding what has happened since 1997. The Minister of State, correctly I presume, tells us that more than 400,000 new housing units will have been built since the Government came to office in 1997. He does not tell us what has happened to house prices since 1997, particularly in the large urban areas, and what has happened to housing affordability. He does not tell us that the Government has presided over a transformation whereby working people with secure jobs and incomes can no longer buy their own homes. That is the legacy of this Government. When it came into office working people could afford to buy a home of their own. When the Government leaves office, and the sooner the better, working people will not be able to buy a home from their own resources. They will be relying on money from a parent or from a parent's pension scheme or they will have to travel far from their places of work and their own communities.

This is not the only area where the Minister of State has been economical with the truth in recent times. On Monday last, the Minister of State welcomed an announcement by the Taoiseach regarding the making available of State lands for affordable housing. In the first paragraph of his statement he welcomed, "the 10,000 unit target figure being reached". He was referring to the target figure in Sustaining Progress. In the second paragraph he told us the 10,000 unit target had been met, and by the fourth paragraph he had told us the 10,000 unit target was being exceeded.

**Mr. N. Ahern:** What point is the Deputy making?

**Mr. Gilmore:** The point is that the target will not be met until the houses are built.

**Mr. N. Ahern:** Absolutely. As I answered Deputy Cuffe, the first thing to be done is to identify the sites.

**Mr. Gilmore:** That is not what the Minister of State told the public. He told the public the target had been met——

**Mr. N. Ahern:** In relation to sites.

**Mr. Gilmore:** ——and by the time his exaggeration had got the better of him in paragraph four, it was being exceeded.

**Mr. Durkan:** It is getting better.

**Mr. Gilmore:** Not one of the houses promised under Sustaining Progress has been built or even designed. All we have got from Government is, for the fourth time since the scheme was announced, another announcement from the Taoiseach——

**Mr. N. Ahern:** Of extra sites and extra land.

**Mr. Gilmore:** ——that land is being made available.

**Mr. N. Ahern:** The announcements do not refer to the same sites.

**Mr. Gilmore:** Not since Moses turned back the sea has so much land been made available as is being made available for the affordable housing scheme, yet not a single unit has been provided. We have heard a great deal about Part 5 and I have examined the Minister of State's figures relating to the number of housing units built since 2001. A total of 240,000 units have been completed in the State and I acknowledge that is a remarkable achievement and performance by the construction industry. However, Part 5 should have been operational since 2001.

**Mr. N. Ahern:** Why does the Deputy only refer to Part 5? He accused me of being selective but he is being selective.

**Mr. F. McGrath:** There should be no heckling.

**Mr. Gilmore:** Under Part 5, 20% of housing units should be made available for social and affordable housing and, therefore, 48,000 units should have been constructed since 2001. Given that many of those houses were one-off houses or were part of schemes of less than five houses, which do not come under this Part, other houses were built under permissions granted prior to 2001 and a number of agreements entered into by local authorities would have provided for money rather than houses or land, I will be generous and say we might have expected that out of the potential 48,000 units, 20,000 should have materialised

[Mr. Gilmore.]

since 2001. According to the figures supplied by the Minister of State, between 300 and 400 affordable houses have been provided under Part 5 and almost 70% of those have been provided by one local authority.

**Mr. Durkan:** In the Minister of State's constituency.

**Mr. Gilmore:** The Minister of State says Part 5 is operational in all local authorities but, if so, they have not produced the dwellings. In reply to a parliamentary question on this issue recently, he stated that eight or nine local authorities had managed to construct dwellings under the Part 5 scheme.

**Mr. Durkan:** Most of them are on the plans but one cannot live in a plan.

**Mr. Gilmore:** I had been of the view that the failure of Government to produce dwellings under Sustaining Progress or the number of units that might have been expected under Part 5 related to incompetence or a lack of interest in the provision of affordable housing. However, I have revised my opinion because the Government has a plan. The Minister of State indicated that 11,000 units will be delivered under the various affordable housing schemes between 2005 and 2007. It remains to be seen whether this number will be delivered but a general election will take place between 2005 and 2007. Since the maturation of the SSIA is expected to give fair wind to the Government, the game plan is to release affordable houses that were deliberately and cynically held back by the Government to boost its electoral prospects. I can think of no other reason the Government has failed to deliver on Sustaining Progress and Part 5 commitments.

I refer to comments by the Minister for the Environment, Heritage and Local Government on social housing in recent times. Social housing is a serious problem. Approximately 60,000 people are on local authority housing lists while the output of housing units in this area is between 4,000 and 5,000 per year. It would, therefore, take 12 years to clear the current waiting lists.

Instead of taking responsibility for this, the Minister and the Minister of State have decided that local authorities should be the fall-guys in this area. I welcome the publication of local authority performance indicators, which is positive, but a Government, which suddenly comes to the conclusion after seven and a half years that local authorities were not delivering on their housing programmes and that there was a variance in what local authorities were doing, needs a wake up call. I told the Minister of State this would happen six years ago. I pointed out, as did other Members, that there was a problem in local authorities regarding the delivery of the housing programme because there were shortcomings in pro-

fessional support and project management and, critically, in the larger urban areas, in the availability of building land.

I tabled motions in which I proposed the establishment of a national housing authority, which would provide the professional and managerial back-up to local authorities to enable them to meet their targets. I argued that local authority housing needed to be put on a more professional basis. The Minister of State should wake up to the real world regarding the lack of performance by local authorities. Deputy Roche is Minister with responsibility for housing as well as local government. I agree a number of local authorities have not performed in the delivery of the housing programme over recent years. Why did successive Ministers not address this issue? Why has the Minister suddenly decided local authorities will become the fall-guys for the non-delivery of the social housing programme?

The Minister of State might be tempted to point out that the local authority responsible for the constituency I represent was at the bottom of the league table. However, I predicted this would happen when the former Minister, Deputy Noel Dempsey, decided to run a motorway through the only land available to the local authority for housing. I attended the public inquiry at the time and predicted that if the route the Minister advocated was selected, there would be a problem delivering the local authority's housing programme. If my advice had been taken, the Carrickmines Castle problem would not have emerged, but that is another day's work.

I wrote to the Minister following the public inquiry and I will put the letter on the record the next time the Minister, Deputy Roche, or the Minister of State tries to silence me on housing issues by stating that Dún Laoghaire is bottom of the league table. I will publish the letter I sent to the former Minister, Deputy Noel Dempsey, at the beginning of 1998 in which I pointed out that the construction of the motorway would freeze the last available site in the ownership of the local authority and would halt its housing programme. Since the motorway was constructed, the local authority has been scrounging around trying to find space here and an infill site there to fulfil its housing programme. Local authorities, including the one in my constituency, have not delivered on their housing programmes but they had plenty of help from Ministers and the Department who have put obstacles in the way of the delivery of such programmes.

While I agree with this Bill and see the necessity for it and for private lending institutions to make loan finance available to people trying to acquire houses under affordable schemes, I find it a little ironic that the Minister of State is so exercised about the prospect of profiteering on the part of home buyers. Perish the thought that somebody buying an affordable house might profit from it. It is understandable that the Minister of State wants to include a clause in the agreement stating

5 o'clock



that the benefit being conferred on the home buyer by way of public policy will be clawed back in the event of a resale. However, we do not get the same idea of claw-back with regard to other profiteering that is taking place in the housing market, particularly the profiteering on development land.

The Minister of State, with some justification, says there are parts of the country where dwellings are being built and put on the market at reasonably affordable prices. By the same token there are parts of the country where the reverse is the case and where housing is unaffordable. In the main those areas are the major urban centres, especially Dublin. The biggest problem in those urban areas is the availability and price of building land. This Government has been squatting on that problem for two years. First it took the issue to an all-party committee. When the all-party committee, which incidentally met through the summer of 2003 to address the problem, eventually produced its report in April 2004, the Government ignored it and refused to debate it in the House. It also buried the consultants' report commissioned on the issue of building land in Dublin. It will do anything rather than address the problems.

**Mr. N. Ahern:** I will give it to the Deputy for Christmas.

**Mr. Gilmore:** I will look forward to that. I am hungry for any response, any morsel of comfort or any indication or hint that the Government will do something about building. I look forward to the day the Minister of State gets as concerned about profiteering and building land as he apparently is that the purchasers of affordable houses might profit from their sale.

**Mr. Cuffe:** I wish to share time with Deputies Morgan and Finian McGrath.

**An Ceann Comhairle:** Is that agreed? Agreed.

**Mr. Cuffe:** This is a week in which spin doctoring was brought to a new low by the Minister of State. I do not know if that spin doctoring was paid for or if it came from the hands of a civil servant or was penned by the Minister of State. However, I cannot believe that he is so deluded that he believes an announcement of housing is an actual achievement of a target. How can the Minister of State speak about reaching the targets for the Sustaining Progress affordable housing initiative when not one unit has been built? The units have not been built or occupied. They are not under construction, apart from one scheme in the Minister of State's constituency. I am not even sure that scheme is part of the Sustaining Progress target.

The Minister of State, however, is prepared to say the targets will be met by 2006. He needs a serious reality check on the provision of social and affordable housing. He must start building

houses as opposed to pontificating about numbers that may or may not be delivered on in one, two or five years time.

Today the National Economic and Social Council has come up with a report on housing which looks quite distinctly at performance and policy and is concerned about the level of inequality in housing. It is also concerned about sustainability. What is the Minister of State going to do about this inequality? Will he continue building 300 houses under Part V or will he continue to build 10,000 virtual houses under the Sustaining Progress scheme?

It is time for a reality check. We want the Minister of State to build houses and homes. We do not just want private homes or homes the profit from which goes to those who hang out in the tent at Ballybrit, but homes for people with real needs who have been on the housing list for years. Housing lists are getting longer and local authority completions are nowhere near the high levels we had in the past.

The Minister of State is responsible for this. How dare he suggest we are reaching targets? How dare he indulge in such spindoctoring and how dare the taxpayer pay for such spindoctoring by his Department? The Minister of State needs to get out and see what is being built. He must realise that people on the housing waiting lists are not getting what they deserve. They are not getting homes. This Christmas, like last Christmas and the one before, we will see few housing completions in the social and affordable sector. As always, we will see a high number of private completions, but these do not benefit people on ordinary incomes, the ordinary couple with a double income who cannot get onto the first rung of the housing ladder.

Can the Minister of State do anything to ensure the level of housing starts and completions rises? Will he cease talking about virtual completions through which he is deluding himself and others that targets have been met when he has not sought planning permission, engaged in a tendering process, completed any units or had any occupied? He must get real and have those housing units completed, not tomorrow or next year, but now. The NESC report says 8,000 social and affordable housing units should be built each year. We are not reaching even a fraction of that. The responsibility lies with the Minister of State.

**Mr. Morgan:** Sinn Féin objects to the manner in which this Bill is being rushed through the House and to the fact that all Stages are being taken together. The most objectionable element of the matter is that the legislation is being rushed through the Oireachtas at the behest of a private bank that is only interested in increasing its profits. This Bill has clearly been brought forward to facilitate Bank of Ireland's new affordable housing mortgage, the launch of which even attracted the Taoiseach.

Sinn Féin supports claw-back measures, with regard to so-called affordable housing, which



[Mr. Morgan.]

seek to prevent profiteering in this area. I am concerned, however, about the implications for low income home buyers of the opening up of the so-called affordable housing mortgage market to private institutions. Surely the terms of the Housing Finance Agency could be amended to meet the same objective. The Minister of State has told us that this will provide competition and consumer choice in this area. However, we must ask who will gain from these moves. The banks will certainly gain. We should not kid ourselves into thinking there is any philanthropic motive behind the banks' desire to enter this market. We know that is not the case.

This legislation is being held up by the Minister of State as a measure to increase the ability of low income families to secure housing. Rather than tackling the housing crisis through the provision of necessary increased levels of social housing and taking real measures to tackle house and land prices, the Government is appeasing bankers and developers by introducing measures which may result in over borrowing.

It may not be popular to say so but there is a good reason why private financial institutions are normally permitted to lend only 92% of the cost of a house and not the 97% that the Housing Finance Agency can lend to purchasers of affordable housing or tenant purchasers of local authority housing. It is easy in a favourable economic climate to forget the dangers for those who over borrow of any significant rise in interest rates. They will end up paying mortgages way beyond their means and facing the threat of repossession. If the house price bubble bursts, they will end up with negative equity. A person who borrows from a local authority has, at least, a far greater degree of security in terms of repossession. When speaking in the Seanad on the profits developers made in the past eight years, the Minister of State with responsibility for housing said: "It is not fair if developers get the huge dividends from the fall in interest rates, however, that is life." That is life. If there is a rise in interest rates, will his response to the repossession of houses of low income families be to shrug his shoulders and tell us "That is life"? That is simply not good enough.

This House should have been given the time necessary to consider all of the implications of this legislation. The eventual aim of the legislation is to replace the role of the Housing Finance Agency with private financial institutions. The Bill represents a further step down the road to complete removal of local authority responsibility for housing.

The Government's position on housing is so ridiculous that it amounts to the person in charge of this area telling us, as he did again in the Seanad earlier this week, how lovely are some houses in Balbriggan. The Minister of State has the nerve to tell the 48,000 families on social housing waiting lists about the endless amount of over-priced rental accommodation which can be

rented from landlords, the majority of whom are avoiding the terms of the new tenancy legislation. Apparently nothing is happening on that front. He also told those who have little hope of affording their own homes that the Government approach to meeting their needs is clearly working.

The Minister of State does not differentiate between the construction of housing which might, for example, include high levels of second homes. Rather than deal with the amount of social housing being constructed, the Minister of State seeks to bury the truth in the middle of a muddle of figures relating to the overall number of houses constructed. That mixed up broth of figures which the Minister of State had wheeled out here on every occasion he comes before us is over used at this stage. Those figures are well past their sell-by date. It is time he got real figures on these issues. They are fooling nobody except him.

**Mr. F. McGrath:** I welcome the debate on the Bill. Housing is an important issue and we have to face up to the major housing crisis. Before I address the details of the legislation we need to look at what is happening, especially in regard to social and affordable housing. I have attended many public meetings of residents associations and community groups. Sadly, there is a negative response to references to social housing. I have seen Deputies and councillors run for cover on many occasions because of this issue. There appears to be a negative image and an element of snobbery in regard to social housing. Perhaps we should look at some of the suggestions from people like Deputy Durkan who proposed to bring back the term, "local authority housing", because of the negative image of the term "social and affordable housing" among residents and community groups. This kind of fear and snobbery must be dealt with on a local level. Politicians must face up to this issue.

It is important to look to what philosophers and others have said on this matter. Henry Thoreau said, the measure of a society is the care it takes of those unable to care for themselves. This makes me think of the 48,000 people on local authority waiting lists and the young couples that cannot afford to buy a house in their own cities and towns, which is the sad reality for many young couples, particularly in Dublin city, where they are unable to buy a home in their own neighbourhood, or even within five or ten miles of where they were born and bred. This is very sad as many of them want to remain in the communities in which they live.

I will put forward a few constructive suggestions to the Minister of State. We need a vision and a plan for housing. The plan must be carefully worked out. The Government must acknowledge that everyone has a right to appropriate accommodation and it should develop policy from this perspective. The Minister of State must acknowledge that there is a housing crisis. He should set a target of reducing the time

spent on waiting lists to a maximum of six months by 2008. The Minister should provide the resources to local authorities and to the voluntary and non-profit housing sector to make substantial progress towards reaching this target.

I support the resourcing and active implementation and enforcement of the 1992 legislation with respect to the private rented housing sector. We should also provide sufficient resources to eliminate homelessness in the coming year. The Minister should provide sufficient resources to the rent and housing supplement programmes to ensure that both programmes are adequate to meet current needs.

Resources must also be provided for the security and management of local authority housing. This issue is regularly brought to the attention of backbench Deputies and councillors. We must also give special attention to tackling issues concerning accommodation for refugees and asylum seekers. We need to provide the resources required to ensure implementation of the Travellers accommodation programme. As part of this vision and plan we need to resource the establishment of a national housing authority as proposed in the National Economic and Social Forum's report on social and affordable housing and accommodation.

I welcome the increased allocation to local authority and social housing programmes in the budget. However, it will not adequately address the current needs. I also welcome the increased grant to the task force on special housing aid for the elderly. This is a progressive step. The allocation to local authorities to ensure accessibility to public amenities and buildings is a positive step for people with disabilities. However, I regret that there has been no increase in resources to eliminate homelessness in the coming year. While I welcome the amended criteria to ensure that those who are vulnerable do not become more disadvantaged, I regret that no additional resources were allocated to tackle issues concerning accommodation for refugees and asylum seekers. I look forward to the National Economic and Social Council's study of housing policy. I trust that its conclusion will form the basis of Government decision and actions in the coming years.

We need to tackle effectively a range of problems. On the one hand we have land owners, developers and speculators making large windfall profits from the rezoning of land while at the same time private housing costs have risen dramatically. These issues are intrinsic to the debate.

The Bill proposes to allow private financial institutions access to the affordable housing mortgage market and will facilitate the direct sale of affordable housing units provided under Part V of the Planning and Development Act 2000 and the amended 2002 legislation to eligible persons nominated by the planning authority. The main aims of the Bill are to amend and extend the

Housing (Miscellaneous Provisions) Act 2002 and the Planning and Development Act 2000. The Bill specifically makes provision for housing authorities to place a claw-back charge or anti-profiteering measure on an affordable housing property sold under the affordable housing scheme. Second, it provides for the planning authority to place a claw-back charge or anti-profiteering measure on an affordable housing property provided under Part V. I welcome this aspect of the legislation.

Overall, there are positive aspects to the legislation but the Government still has to take the housing crisis seriously. The 48,000 people on the waiting lists must be looked after and young couples must be guaranteed that they can buy a home of their own in their own city or town. I welcome the debate and look forward to some constructive proposals emerging from it.

**Mr. McCormack:** The Minister of State, in his contribution both in the Dáil and Seanad, once more endeavours to give the impression that he is doing everything in his power to reduce the price of housing while the exact opposite is the case. One only has to look back to the budget presented by the previous Minister for Finance, former Deputy McCreevy. On that occasion he added 1% VAT to building materials, bringing the total VAT on building materials to 13%, thus pushing up the price of housing even further. He abolished the first-time buyer's grant for new houses. Several other measures taken during the year also added to the price of housing for young people.

The budget presented by the Minister went some way towards redressing this matter by abolishing stamp duty on secondhand houses up to a value of €317,500. However, the small print of the budget does not tell one where one might find a house for €317,000; very few are available on the open market at that price. Where a house exceeds €317,000, a sliding scale of stamp duty is not applied, rather it is charged at 3% on the full amount. Very little has been done to improve the position of first-time purchasers.

The purpose of the Bill is to extend the controls, in other words a clawback, on the resale of certain houses provided under the various affordable housing schemes to be registered as a charge against the individual properties. This proposed clawback charge would be self-implementing as it will be impossible to sell the property without securing the release by the local authority of the clawback charge. These provisions go further than the current position, whereby one must obtain the consent of the local authority for the resale of a tenant-purchased house. However, if this Bill is enacted as presented, there will be a charge on the deeds of the house, which will be far more restrictive than the current position. This is being done to facilitate the building societies which want to become eligible to provide mortgages for affordable housing. The Bill is

[Mr. McCormack.]  
more geared to facilitating lending institutions than it is the owners of the houses.

**Mr. Durkan:** That is correct.

**Mr. McCormack:** Many people who live in affordable housing would like the opportunity of trading up after a few years, perhaps moving to a different area or type of house as the size of their families increase. However, this opportunity will no longer be available owing to the restrictions and clawback provided for in this Bill.

Like Deputy Morgan, I am always suspicious of legislation which is introduced to the House in the days before Christmas as some Members are not as alert to it on these days as they might be normally. For example, I was present in the Seanad on 18 December 1987 when the rod licence Bill was rushed through on the last day of session. It took people like me and others in Galway and elsewhere three years of work before the Government agreed to abandon the foolish legislation, all Stages of which were rushed through the House. The Government repented at its cost while trying to redress the problem over the proceeding three years.

I am equally suspicious about the Health Bill, which will come before the House tomorrow. I cannot dwell on the matter at this stage because it is not part of the Bill but I am suspicious of any Bill which is introduced on the day before the Dáil is due to rise for the Christmas holidays. In my experience in this House, rushed legislation has never made good legislation, of which I would be very aware if I was the Minister of State.

In his speech, the Minister of State stated he wished to explain briefly to the House how the clawback provision operates in practice. He explained that, where affordable houses are sold at a discount from the market value, a clawback applies. He described the clawback provision as an anti-profiteering mechanism which provides that, where a dwelling purchased at a discount under the affordable housing scheme is re-sold before the expiration of 20 years from the date of purchase, a percentage of the proceeds, based on the percentage discount received, shall be paid to the local housing authority. The amount payable reduces by 10% for each year after ten years of occupation. Does that mean that, for the first ten years of occupation, the full clawback applies? Furthermore, is it only after a family has been in their house for ten years that the clawback will be reduced by 10% every proceeding year?

**Mr. Durkan:** It is another rip-off. Rip-off Ireland once again.

**Mr. N. Ahern:** That is the way it is.

**Mr. McCormack:** That is why I am suspicious of this legislation. If that is the current position, why is it provided for in this Bill?

**Mr. N. Ahern:** All the loans are to be provided by private industry.

**Mr. McCormack:** Will the clawback be retrospective in respect of people already living in affordable houses or will it apply from the time the Bill is enacted? The Minister of State need not answer me now; he can take all the time in the world.

**Mr. Durkan:** He does not know the answer.

**Mr. McCormack:** He will probably know the answer before he replies to the debate this evening and I will be in the House to listen when he does so. I have little time and many Members on this side wish to speak on this important Bill; they are lining up to share my ten minutes but I hope they will get their own time as they have many hard questions to ask of the Minister of State. The Minister of State can reply to me when he responds to the Bill.

The Minister of State stated that his Department has been in discussion with representatives of a number of financial institutions. Now it is becoming clear to me why this legislation is being rushed through because the lending institutions and the new mortgage companies which will be allowed to enter the market are not doing so for the good of their health; they are entering it to make a profit from purchasers of affordable housing by offering loans to them.

**Mr. Durkan:** Hear, hear.

**Mr. McCormack:** These institutions will get the first charge on the house, while the poor local authority will only get the second charge in the form of a clawback provision. The building societies and the fat cats will be protected at all stages.

**Mr. Durkan:** It is a product of the tent in Ballybrit again.

**Mr. McCormack:** What will happen if the value of a house falls because, for example, the residents default on their mortgage payments due to financial problems, the condition of the house deteriorates since it was purchased owing to a number of young children, or its value falls in line with a reduction in the value of a particular area? The lending institution will not be happy not to receive repayments and will put the house up for sale over the heads of the resident family. The Bill does not provide protection to the owners of affordable houses in such circumstances.

I am concerned that the legislation is being rushed through the House. I only received the Bill this morning and Deputies have not had an opportunity to study it thoroughly or seek advice on it. I am suspicious of legislation which is rushed through the House and I am concerned that it might leave owners of affordable housing at a greater disadvantage when enacted than is the case at present. I am also concerned that the



Bill's provisions might discourage people from pursuing the valuable goal of affordable housing. Few people intend to stay in their first house but rather to extend it or move to a bigger one when families increase or move to a different area when children begin school or college. Will the Minister clarify if this opportunity will be denied to people buying affordable housing?

I was only asked to speak on it in the past few minutes and I will read the Bill more carefully now. As we are, unfortunately, taking Committee and Report Stages this evening, I will come to the House and express my views again if I get the opportunity. There is more to this Bill than meets the eye.

**Mr. Ring:** I agree with Deputy McCormack. He is quite correct. I hate to see legislation being introduced to the House in the week before Christmas. Last year before Easter or Christmas, legislation introduced by the Department of Social and Family Affairs to change rent supplement provisions was rushed through the House. A year later, the legislation had to be reversed. I do not like emergency legislation.

**Mr. N. Ahern:** That is not true.

**Mr. Ring:** It is true. The provision had to be reversed this week.

**Mr. N. Ahern:** The provision was not rushed through at the last minute, it was part of the Social Welfare Bill.

**Mr. Ring:** It is not acceptable to rush legislation through the House at the last minute. As Deputy McCormack said, the same will happen tomorrow on the Health Bill which seeks to take money from elderly people.

**Mr. Durkan:** Rip-off Ireland again.

**Mr. Ring:** Banks, building societies and councils are all involved in housing issues. The Minister of State, in his capacity as Minister with responsibility for housing, allocated money for housing to local authorities which failed to implement Government policy. Much of the money was sent back to the Department. It is time, given the local authorities are unable to deal with housing matters, that somebody else took it on board. The situation is serious when thousands of people have to remain in rented accommodation because they cannot purchase a home. The State is providing money for house construction but the local authorities are returning it. It is no wonder a crisis exists in terms of housing. The Government is now proposing to bring banks and building societies on board. The financial institutions do not have a great record. We are all aware from the recent reports on banking that if financial institutions are good at anything, they are good at ripping off customers.

Rip-off Ireland is at its best when it comes to the banks.

The financial institutions owe it to the people to provide low cost loans to first-time buyers. For the past few years, they have ripped off the poor and the business sector. However, banks are professional institutions and we are not permitted to speak out against them. I have continuously said in this House that there are two laws in this land, one for the rich and one for the poor. I do not know if the Government's proposals will work. We saw what happened when the Government introduced the 20% levy on builders. They lobbied hard at the race meetings in Galway last year to change the minds of the Minister and the Minister of State on the amount of housing they would be required to provide in that regard. Their record is not good. We would be far better off if the State took on these builders who are hoarding land throughout the State. It is the builders who are controlling the housing market in terms of how many units will be built every year. The Government and local authorities have failed to address that problem.

We learned from a report published last week by the Department of the Environment, Heritage and Local Government of the amount of money returned by local authorities. That is not good. Local authorities are empowered to do a job and they should do it. It is a simple task to purchase land and employ builders using State money. It is sad to note the amount of money returned to the Department last year. The recent changes announced in the budget will not assist first-time buyers. The situation is similar to that which pertains to the nursing home subvention. When the Government increases the subvention, nursing homes increase their prices. What we need is the construction of more houses by the State and the private sector and, with less objection from State agencies, the construction of more rural houses.

Many people in rural areas trying to build a home are informed of an objection from An Taisce on the day their planning permission expires. These people are not asking anything of the State. They merely want to build a home on their own land in their own area. However, these agencies do not object when a person from Dublin, Germany or the United Kingdom purchases a site and seeks planning permission. They only object to local people building on their own land.

**An Leas-Cheann Comhairle:** The Deputy appears to be straying from the matter before us.

**Mr. Ring:** I am speaking about housing issues though what I have to say may be sore. We must assist first-time buyers to get into the housing market. Many of my constituents who have good jobs are unable to get into the market given the lack of houses and the fact that a number of people control the availability of land. I do not know how banks and building societies will respond to the Government's proposals. If they come on board, they will not do so for nothing or



[Mr. Ring.]

for the good of the State or young people who need a home. Has the Minister or officials from his Department spoken with the institutions? Have they given guarantees they will play fair and do what is necessary for the State? The financial institutions owe young people and the State, given their behaviour during the past 30 years, an opportunity to get into the housing market.

I would like to see young people being able to purchase their own homes and get into the housing market. However, they are being out-bid by those purchasing second and third homes, another issue which the Minister and his Department must address. The time has come to provide young people with an opportunity of getting into the housing market. We must address the issue of those competing against them and buying a second or third home. Priority should be given, in a situation where two or three people are bidding on a house, to the person who has never before owned a home.

It is all very well to speak of a free market but all is fine if that market is fair. However, it is not a fair market when builders are purchasing and storing land, a practice which is ongoing in my area also. Not alone are builders buying the land around them but they are buying land some miles away and planning to store it for 20 years in an effort to control the housing market.

Something must be done to break that monopoly. Such a monopoly could be broken by the State taking a hands-on interest in this issue, taking control of the land and building more houses. Issues such as supply and demand determine the price of a house in this State. The more houses we build, the more people who will be housed and the better chance young people have of getting into the housing market.

The Government has introduced many measures to deal with the housing crisis. I will always support measures which assist people to get up and running in the housing market. Young people are frustrated by the system, the banks and local authorities. They do not want the State to build homes for them, they are prepared to do so themselves if given the chance. The recent budget provided the Government with a major opportunity to assist first-time buyers to get into the housing market but it did not take that opportunity. Young couples with good jobs are unable to get into that market. Deputy Paul McGrath in a recent response to a parliamentary question was told that the Government gets €28,000 of every €100,000 spent on the purchase of a house. That amounts, on a house costing €200,000, to €56,000.

**Mr. Durkan:** What a disgrace. The Government is ripping off the people.

**Mr. Ring:** That is not helpful. The State receives such moneys by way of direct taxation. The Government could address that situation immediately. It could assist first-time buyers through the tax code but has not done so. The

Government talks the talk with the help of spin-doctors but does not react to people's needs. Young people want to buy a home. They are prepared to help themselves but the market is being controlled by too few people. The Government must address that issue.

When allocating his budget to local authorities this year, the Minister of State must ensure that any local authority that does not spend the money given to it pays a price for not doing so. There is demand for housing in every county. If the State and State agencies are unable to deliver what is needed the Government will have to consider other methods of doing so. Something must be done to address the situation whereby local authorities are not spending money provided by the State. Like Deputy McCormack, I look forward to contributing to the debate on Committee Stage. We all want to see as many people housed as possible. We do not want to see the builders getting richer, not knowing what to do with their money at the Galway Races but to throw it at the Fianna Fáil Party in the tents there.

**Mr. Durkan:** It is crazy and mixed up.

**Mr. Boyle:** I wish to share time with Deputies James Breen and Ó Snodaigh.

**An Leas-Cheann Comhairle:** Is that agreed? Agreed.

**Mr. Boyle:** Once again we are dealing with a Christmas surprise from the Government due to its lack of effectiveness in providing social housing. This time last year, it changed the rent supplement scheme and, the year before, it introduced the Planning and Development (Amendment) Act which scuttled any pretence at providing social housing which was the original Act's intention. Now, the House is expected to give the briefest and most cursory considerations to this emergency legislation. It is not good enough and does not even constitute a fig leaf to cover the Government failure's on social housing.

Since 1997, the Government has gone from one fashionable fad and philosophical approach to housing to another. Any consistent approach towards the earliest possible provision of land for social housing has seen no immediate Government response. There have been three Bacon reports and the Kenny report is 30 years old. The report of the All-Party Committee on the Constitution, the Kenny report for slow learners, is now a year in existence but still no Government response has been forthcoming.

To respond to this problem properly, the core of it must be tackled. Such a response means that those who have benefited from how housing has been provided over the past ten years would fail to benefit in the same way. Government housing policy in its totality bears this out. An inequitable tax relief system in housing exists allowing some individuals earning over €1 million a year to avoid paying any tax. Approximately 40% of

housing in the private rented sector is paid by the State itself through the supplementary rent allowance scheme. Treble and quadruple subsidies go to individuals who support the political parties in Government. Due to this linkage, we will not get the reforms needed in housing policy.

The Bill represents a public private partnership approach to deal with a problem the Government has failed to resolve. There is no guarantee that this approach will be any more successful than any of the others. The Minister of State, Deputy Noel Ahern, must ask why a public partnership approach has not been adopted. In 1987, I bought my house through the housing financing agency for the princely sum of £24,500 and which is now worth approximately €250,000. Why has this avenue not been kept open to housebuyers? Why is the national pensions reserve fund not being used as a lender of first resort to ensure housing is provided through existing State assets? By doing so, not only will the immediate infrastructure be provided but so also will a payback to the fund. Why is a private sector lender needed in this equation? It is because the Government is so caught up, philosophically and politically, with such interests that it is not willing to look at the public approach. Public private partnerships have failed to provide infrastructure from schools to transport. Why is the Government is going down such a road that has obviously failed in so many facets of public policy?

In the next few years, the special savings incentive accounts will mature, acting as a feeder for higher house prices. This has been known for several years, yet the Government repeats the mantra that 80,000 housing units have been provided in the past year, the highest ever in the State's history. However, the Minister of State knows that over half of those units are second houses and holiday homes.

**Mr. N. Ahern:** That is not true.

**Mr. Boyle:** It is true. The Minister should examine the statistics. Over recent years, we have been told that to provide housing for everyone who needs it, a rate of house building in excess of 50,000 units a year has been needed. The building of housing units has been in excess of the 50,000 figure for several years, while housing waiting lists in local authorities are at that very figure. If anything highlights the disgrace of the Government's lack of a housing policy, it is the mismatch of the large number of units being built not being accessible to those who need housing.

In continental Europe, it is not just a question of providing a housing unit and hoping that someone will fill it and it will meet their needs. We need to have a developed housing policy that talks about housing systems such as feeder housing. No policy is in place that meets how people go through their lives in different types of accommodation and according to their needs in any given stage of life. The Government throws its hat at it saying the market will provide.

**Mr. N. Ahern:** No, competition will provide.

**Mr. Boyle:** Such an approach only stores problems for the future.

An assessment published today stated the national population will increase by 25% in the next 20 years. If we are not meeting current housing needs, how can the Government provide a policy in which the public can have confidence? The Government has failed in this area. The Bill does not add to any sense of confidence that the gap in the housing market will be met. While the Bill will not be opposed by the Green Party, it does not meet the immediate short-term needs for the hundreds of thousands who are not adequately housed.

**Mr. J. Breen:** I welcome the introduction of the Bill because it will allow financial institutions to enter the affordable housing mortgage market. This scheme will benefit both the Government and young people trying to get a leg up on the housing market. It will protect Government investment and allow the individual investing in property cheaper rates than going through the market. The built-in anti-profiteering mechanism will stop those hoping to make a profit by buying into affordable housing schemes and selling them on the open market at a higher rate several years later. In the example of a house purchased with a grant of €50,000, if the house is sold within ten years of purchase with a difference between the affordable and market value, the full costs must be returned to the local authority. At the end of year 11, the purchaser would have to pay €45,000, a reduction of 10%. In year 12, there would be a further 10% reduction. This pattern follows through for ten years until the clawback disappears. The benefits to the individual person is that if they wish to sell the property, they get to keep the difference.

The Bill allows room for those crippled by exorbitant rents by giving them a chance to join the housing market which otherwise was out of their reach. Auctioneers often inflate the price of houses, particularly in private treaty sales. I have twice raised this topic with the Taoiseach. I understand the Minister for Justice, Equality and Law Reform has established a team to investigate the auctioneering business. When will the results of the investigation team be brought before the House? A system must be introduced, similar to those in operation in other countries, where the name and address of each individual bidder is recorded, allowing for more transparency and accountability. Often in a private treaty sale, a bidder is often bidding against him or herself as the auctioneer wants to up his or her profits. I bid on a house earlier this year which was sold for €15,000 less than I offered because I was bidding against myself. The Government must take control of the auctioneering business as a matter of urgency because there is no doubt that rogue auctioneers are inflating the market. Will the report by the Minister for Justice, Equality and Law

[Mr. J. Breen.]

Reform be brought before this House for ratification?

**Mr. Durkan:** I am pleased to have an opportunity to speak on this legislation and once again to review the whole housing situation. I hate to say this to the Minister of State who is a nice guy, a very affable and friendly fellow whom one can walk up to and talk to, but in regard to addressing the housing situation, he is absolutely useless. I do not want to be offensive to him because he is a nice guy. He has been hallucinating because some of what he said earlier is completely wide of the mark. It appears he is living in a different world in the Department. I know there is a rarified atmosphere, that times change and people's thinking alters with the passage of time, but I do not know whether the Department of the Environment, Heritage and Local Government and the Minister of State are fully aware of the serious problems facing young people.

This problem did not occur in recent weeks, it has been festering for seven or eight years and nothing has been done about it. Why are so many people eight, nine and ten years on the waiting list? It is because the public housing programme amounts to nil. Nothing moves, nothing changes and there are all sorts of problems, including a shortage of land. What happened to the land bank local authorities provided for up to ten or 15 years into the future, because they say they currently have no land? I will tell the House what happened. Not so long ago, it was decided to sell the land, to the highest bidder in some cases, for office blocks and various other developments. That is why there is no land available to local authorities. The land bank has gone because it was used to fund another programme at a particular time.

I listened to other speakers and it is about time we learned one thing. There are approximately 60,000 families on local authority waiting lists. These people will remain on these lists for the next ten or 12 years because there is no intention on the part of the Government to do anything about them. There is another group of people, who have middle to lower income jobs, who have been trying to get a house for the past seven or eight years, without success. Lo and behold, the affordable housing scheme was introduced with much fanfare. It was announced and re-announced. It was announced repeatedly just in case people did not hear about it the first time. What happened after all these announcements? Approximately 300 affordable houses were provided throughout the country. What an appalling performance after so much promise. What an appalling disappointment for the people who hoped to achieve something under this heading.

I and other Members spoke repeatedly in this Chamber about this issue. When in God's name will someone recognise the magnitude of the problem and do something about it, because it is an absolute disgrace. Not a day nor a week goes

by that someone is not forced into emergency housing such as hostels to be put on the emergency waiting list so that they can get a house. It is the only way people can get a house in my part of the country. I do not know why it has become fashionable to explain that away by simply saying there are other competing factors, as if we are a bunch of idiots who do not understand these issues. I suppose it is different in the tent in Ballybrit. I bet not so many people on local authority waiting lists are buttonholing Ministers and asking them to do something about the problem.

It appears the legislation proposes to facilitate the banks becoming involved in affordable housing while at the same time accommodating the clawback. I recently examined the clawback aspect, which I cannot understand. Part of the clawback aspect in this area was that, first, the site would cost the potential householder €20,000 or €30,000. The house would then be built by a builder on the site at cost price or whatever, at a small profit. There is now the price of the house and the price of the site, so what is the reason for the clawback? Is it intended to penalise the person more for having got into the market at great difficulty? Is it intended to hammer them for the next ten years to make sure they do not rise up from the ground again? What happens if a spouse passes on and one might have to sell the house in two or three years' time? Is there provision in that instance to allow that situation to be dealt with compassionately, which was always the case? I live in a constituency where clawbacks were used in the 1960s and 1970s. In such circumstances, compassion was to the fore and there was provision whereby, in extenuating circumstances, if one had to move for job purposes or whatever, a lenient view was taken of the situation.

Another aspect that makes me laugh is the system whereby a person applies for a shared ownership loan. A shared ownership loan is probably the most expensive loan anyone can avail of because, at best, one only buys half the house or thereabouts and the rest is rented. How soon one opts to buy the second half of the equity will determine the extent to which one pays through the nose in the foreseeable future. However, I cannot understand the formula. If one takes two people, one of whom is on €25,000 or €28,000 and the other of whom is on €24,000 or €25,000, which gives them a theoretical income of €92,000 at the maximum, once they go over that amount, they are not catered for. These people will not get a mortgage from a bank because it will not facilitate them, and I am not sure this legislation will facilitate them. I do not think it will because there is not much difference between the person who reaches €92,000 on this formula and the person who has €96,000 on the same formula. People on €96,000 will not be much better off because they will not get a loan from the banks or local authorities. They will get nothing so they will have to remain on the local authority housing list.



The only thing these people can do is travel to Ballybrit next July or August and buttonhole the Minister. They can meet all the other housing applicants in Ballybrit. I am sure provision will be made for them because socialism is now the order of the day. I presume there will be a grand meeting of all the socialists who will be there together, and Ballybrit will be the better for it.

**Mr. Gilmore:** It is the people's race meeting.

**Mr. Durkan:** It is the people's race meeting and it must be the fashionable place to go. I do not know what the rest of us will do because only a select group will be there.

I worry about the pulverisation of a group of people who have been hoping and waiting on housing lists for the past seven or eight years. Their children were not born at the time or, if they were born, they are now seven or eight years of age. By the time these people get a local authority house, their children will be of marriageable age given the Government's progress on the housing programme. There is no chance these people will get a house unless there is a serious attempt by local authorities to build houses. The Government keeps praising itself for introducing the housing purchase scheme, but individuals pay for these houses. They get a discount for each year of tenancy but they will have been paying rent in the meantime. Given people's so-called high incomes, they will pay a fairly high rent. People are not receiving charity. They will walk away at the end of the process having perhaps paid twice for their house. Unless there is a serious change in attitudes, and unless the Minister of State stops hallucinating and gets everyone around him to stop hallucinating, even though he may be a nice fellow, we will have serious problems.

**Mr. S. Ryan:** For the few minutes I have this evening, I will refer to the thrust of the Bill and what is envisaged in it. I do not want to get into the area of social housing at this stage though I would love to have time to deal with it in greater detail with regard to the scandals that exist, the numbers on local authority housing lists throughout the country, identifying those responsible for the situation and trying to get action.

We are dealing with affordable housing. The Minister of State is aware that I have been keenly concerned about the implementation of the affordable housing scheme under the allocation procedures of social and affordable housing outlined in section 98 of the 2000 Act. The Minister of State will also be aware that I brought up the issue in a number of Adjournment debates. Even in early 2003 I brought home to the Minister the major problems and anomalies that existed for people who were unable to get on to the affordable housing list and were thus not able to avail of such housing.

The people primarily responsible for the financing of affordable housing under the 2000 Act were the private lending institutions. Since then there has been a problem regarding the clawback. The local authorities on behalf of the State demanded that the clawback arrangements be put in place while the financial institutions said it was not possible and that they wanted first call in the event of a problem arising.

In so far as the Minister of State has returned this evening with a Bill that makes him and the Department happy that a compromise has been reached, I too am relatively happy because for the first time we can begin to deal with affordable housing under the Planning and Development Act 2000. I acknowledge the improvements made in local authority loans. The qualifying income limit for a single income household will be €36,800 and for a two-income household will be €92,000. That has improved the situation regarding local authority house purchase loans. However, there is a major anomaly. The Minister allowed for some flexibility in the scheme by means of his recent announcement, but by and large, a couple going over the €92,000 limit to perhaps €94,000 or €95,000 would be deemed ineligible for affordable housing by the local authority in the context of the local authority house purchase loans.

Legislation already passed and this legislation indicate that under the 2000 Act there are different criteria for affordable housing. The Act does not refer to an income limit. It states that affordable housing may be sold or leased to eligible persons. The Act defines an eligible person as one in need of accommodation and whose income would not be adequate to meet the payments on a mortgage for the purchase of a house to meet his or her accommodation needs because the payments calculated over the course of a year would exceed 35% of that person's annual income after income tax and PRSI are deducted. In determining the eligibility of a person, the planning authority must take into account half the annual income nett of income tax and PRSI contributions.

In the current context we need to clarify this. If the Oireachtas passes this legislation, individuals or couples who would be refused a loan in normal circumstances by the banks or financial institutions would be eligible for placement on an affordable housing list. My local authority has said it will take the route covered by the 2000 Act but will go by the local authority house purchase loan guidelines, and assess eligibility for affordable housing in that way. It is no use for the Minister of State to say it is the responsibility of the local authorities. If we pass this legislation, the buck stops at the Minister's desk. People earning a joint income of €93,000 or €94,000 per annum should be eligible for affordable housing under the 2000 Act. It might cause difficulties, duplication and two lists running hand in hand in local authorities, but county managers will be required to implement this legislation and to put in place

6 o'clock

[Mr. S. Ryan.]

a facility to enable the contents of this legislation to be enacted and to apply to people who meet the criteria. I would like the Minister of State to make a commitment that the provisions of the 2000 Act will be implemented and that he will direct local authorities to implement them.

To date, the finance for affordable housing under the local authority schemes has come from local authorities. The situation will now open up as lending institutions are to become involved. Will the Minister of State outline the procedure by which suitable individuals or couples will be identified? Must such people go to the lending institutions or will their applications be processed through the local authorities? That decision will be important. In fairness to all concerned, a uniform list or two if required should be operated by the local authorities, to whom applicants would go to be directed to the financial institutions.

One of the great problems under the legislation that I want to put on record is concerned with meeting the planning criteria for 10% or 20% of social and affordable housing. There is no accountability, good, bad or indifferent, as regards the context in which that process is operated. I am not saying that the officials throughout the country who are reaching agreements with developers are doing anything wrong. However there is always the possibility of something going wrong unless there is accountability. I ask the Minister to look at that area.

**Acting Chairman (Mr. Sherlock):** Because the Deputy used his full ten minutes the House will now hear Deputy Connolly followed by Deputy Timmins after which the Minister of State, Deputy Noel Ahern will reply. I want to explain to Members that this is all the time for this debate. Deputies Connolly and Timmins each have five minutes, with five minutes for the Minister of State.

**Mr. Connolly:** I have reservations about this Bill which will allow various financial institutions to enter the affordable housing market. For many years the dream of buying a home has become less and less of a reality. Prices have gone through the roof in the past ten to 15 years. There was a time when the marker for a housing loan was the principal earner's salary multiplied by 2.5. If that is equated in terms of today's average industrial wage, which is €28,500, somebody on this income level would qualify for a loan of approximately €70,000. That would not go far in today's housing market.

Two people on the average industrial wage would find it difficult to afford a house. Often professionals married to each other cannot afford their own house for some period of time. The market is somewhat crazy and there is a great need for some level of affordable housing. For those who are fortunate enough to be financially equipped to buy sound, desirable housing at an affordable price, it is becoming a rarity. The

definition should be sound, decent-quality housing that does not absorb more than 30% of a household's gross monthly income for rent or mortgage and utility payments. Housing co-operatives have come together in the past to build homes, albeit on an ecological design, using affordable local materials as well as energy conservation. In this way many were enabled to create real cost savings in areas such as land, finance, building and professional fees. When this is contrasted with an architect who designs one's home, the savings involved are truly significant, depending on the level of finish and location.

Community building in this way can create real savings, using clustered modular building methods and based around a series of design templates created by the community and using the advantages of self-build principles. Our shortage of affordable housing is more than a problem for thousands of families in Ireland today. It also affects individual businesses and local communities. Several factors have combined to create our current housing emergency. It is nothing short of a national emergency that 50,000 families are on the housing list countrywide. Wages have not kept pace with housing costs. Relatively low-paid sales and service jobs proliferate when housing options for those so occupied are minimal. Builders provide a lower quality and quantity of housing at lower price levels. Builders have costs and develop property based on an expected return on revenue, with predictable costs. Since affordable housing lowers the developer's revenue it means this type of development is less profitable. This results in decreased amounts of affordable housing being built.

The Celtic tiger years created premium demand for housing. One hears of a developer paying €86 million for eight acres of prime land, and this trend appears set to continue. To buy a small site in my town, Monaghan, costs in excess of €200,000 and a house must be built on it after that. Land values remain high and the level of housing production is failing to meet demand. It is a far cry from the 1970s when the Government set a target of 25,000 local authority houses for each year. It was said it could not be done, but the Minister of the day pressed on and succeeded in exceeding the target of more than 100,000 houses in four years. I believe the figure was in the region of 110,000 houses in a four-year period.

If that could be done in the early 1970s when there was no Celtic tiger driving the economy, I cannot understand why it may not be done at present. Where there is a will, there is a way. Up to now there has been little serious attempt to make inroads in the affordable housing crisis which has been with us for more than a generation. Affordable housing should be provided and targeted at reducing the massive numbers on housing lists throughout the country.

The non-affordability of housing has for too long been a blight on young families. It is one of

the largest investments that people have to make and it is very difficult for them to get a foot on the ladder initially. The associated banks and other financial institutions are not entering the affordable housing market from a philanthropic angle. Their primary motivation is to maximise their profits and year on year results clearly indicate just how successful they are in this regard. They are not bearing gifts for those seeking local authority, social and affordable housing. What happens if negative equity occurs or the long-anticipated housing crash happens? The local authority will only have second call on the proceeds of a sale. For most families the home is their most valuable asset. If the equity is minimised they will be lucky to be stuck with the home, regardless of its value.

This is rushed legislation and the House should have more time to reflect on it. This practice of rushing legislation is not good. Sufficient time has not been allocated to the Bill for discussion. Rushed legislation does not make good law.

**Mr. Timmins:** I agree with the principle of this Bill. However, I agree with the previous speaker that rushed legislation gives rise to difficulties. It is the same at the end of every term. The Bill is straightforward. This may not be the Minister of State's remit, but I would like his officials to take on board the concept of a clawback as regards industrial sites sold by local authorities. I have seen significant abuses in this area. Obviously, it is the bailiwick of the Department of the Environment, Heritage and Local Government, though perhaps not this Minister of State, as regards the sale of industrial sites by local authorities to developers. They come along, build their units or sell them to someone else. The clawback should be built into the industrial sites.

I am in favour of affordable housing, but it appears to have within it what I refer to as the "Bermuda triangle" concept. I ask the House to bear with me for a moment. Let us say I am a builder and I have 50 houses, ten of them affordable, that is 20% of the development. I build the ten affordable houses and they are sold for €150,000 each, for example, to those who qualify. If a person who buys one sells it in the morning, he or she will get the market value of €250,000 or whatever, equivalent to a dramatic increase. The clawback goes back to the local authority. However, builders and developers have not dropped their expectations of what their profits should be, so where has the apparent loss to the developer gone, that is, the difference between what was sold initially as affordable housing and what was obtained on the open market? It is gone on to the prices of the remaining 80% of houses built in the development. Members should bear that in mind. There is no magic formula here. Someone is paying for the difference and it is the other house buyers who have bought the remaining 80%.

I want to make a couple of relevant points. The Minister of State in his speech stated that the key

focus is on supply. In Wicklow we have an archaic rule — I raised this with the Minister for the Environment, Heritage and Local Government before. It is the "locals only" concept on areas outside Bray, Delgany, Greystones, Wicklow and Arklow.

This does not apply just to one-off housing in an area of outstanding natural beauty but to housing drawing on services. There was a policy, which I believe was instigated by the Department of the Environment, Heritage and Local Government and based on the strategic planning guidelines, whereby if houses were built in Roundwood, Rathdrum, Blessington, Tinahely or wherever, only people resident in Wicklow for a year and in a permanent job or who were permanent native residents could purchase those houses. This was crazy because someone in Rathvilly, which is in my constituency, looked to buy a house in Blessington in the same constituency and could not do so. Despite this, someone from outer Mongolia could come to Rathvilly and buy a house. In the previous development plan which was adopted a few weeks ago, a proposal was put forward to drop this to a 50:50 ratio, which is better than what was in place previously. However, the principle is still wrong.

I met a man from Blessington who had bought one of the houses in Woodleigh, the controversial estate beside the illegal dump. His ancestors had come from Wicklow, but he lived in Dublin so he did not qualify for the housing. When I asked him how he had managed to circumvent the system, he told me that he had not done so. A local person from somewhere else in Wicklow bought it off the plans and sold it to him at a substantial profit. That is a crazy system.

The Minister of State might argue that this is not the policy of the Department but rather that of the local authority. However, a submission was made to the county development plan by a civil servant in the Department of the Environment, Heritage and Local Government who was involved in the national spatial strategy. The civil servant claimed that the policy proposed was the correct one. This has not happened in Meath or Kildare, so I would like the Minister to re-examine it.

The Minister should also put an onus on either builders or local authorities to inform buyers of new houses of future plans in the area. Such plans could include developments or any other items that may have a major impact on their housing. It was shown on "Prime Time" that there was an illegal dump in Woodleigh in Blessington a few yards from the housing estate. It was known by the authorities that the dump was there, albeit after permission for the housing development was granted. Some people, whether it was the auctioneer or the builder, knew the dump was there, but people bought houses there after it became common knowledge because they did not know about the dump. That loophole must be tied up by giving the buyers a copy of the local area plan.



[Mr. Timmins.]

The buy back for local authority houses is a maximum of 30% — 3% each year up to ten years. I have come across individuals who have tried to buy their houses which have been valued at €130,000 or €140,000, whereas their neighbours bought their houses for €50,000 or €60,000 three or four years ago. These people cannot buy such houses at current prices. I know Deputy O'Dowd has the following idea in mind for our party's next general election manifesto, so I hope the Minister of State can beat us to it. This buy back should be changed to 3% over 20 years. People have paid for these houses in the past.

The clawback should also be built in. At present, if people sell their local authority houses, they must sell them to people who qualify. That system is being abused in that people buy a house for a certain amount under the ten-year rule and sell it on for a substantial profit to someone who has circumvented the system. A clawback should be built into that as well. There are families who had houses built in the 1970s and whose children have now grown up. Such people want a home for their children but want to hold on to their family home. They cannot buy in the current climate and a case should be made for them.

Any tax that is inequitable will not stand the test of time. The levy system is a sore point with some Government Deputies and it is an inequitable tax. One cannot expect a percentage of people to pay for infrastructure from which everyone will benefit. Wicklow County Council tried to circumvent this by putting in place a second set of levies. I was glad to see that An Bord Pleanála overturned this second set of levies in the first case in which it adjudicated on the matter. The levies in Wicklow are unsustainable in meeting the infrastructural requirements as the current guidelines stand. On budget day, the Minister gave out money left, right and centre. We did not hear anything about all these other charges. The issue is local government funding, and something must be done about it. We cannot expect a small minority to pick up the tab for it.

I congratulate the Minister of State on providing the funding for central heating in local authority housing. I would like to see that rolled out as much as possible as it is very beneficial. He might ask local authorities to look at breaking up one bedroom flats with steep stairs into two or three bedrooms. I also believe that the income level for affordable housing should be raised. I have come across people who cannot afford a house in their own area but do not qualify for affordable housing because their income is too high.

**Minister of State at the Department of the Environment, Heritage and Local Government (Mr. N. Ahern):** I thank Members for their general support for the Bill, which is welcome. A number of people tried to read things into the Bill that are not in it. The current clawback is in place, as is affordable housing. The system is that

local authorities grant all the loans. Deputy Timmins spoke the truth when he said that some people cannot obtain affordable housing because they are just over the income limit. This Bill will allow financial institutions to give them a loan for an affordable house.

We are building around 5,000 local authority houses and 1,700 housing association houses, which is a total of just under 7,000 new houses. The waiting list of 48,000 families is too long. Of these, 30% are headed by single parents and another 32% are lone parents with one child. When we compare that figure with what it might have been ten years ago, then we are often not comparing like with like. A number of years ago, one could not get on a local authority list unless one was a senior citizen. Some Deputies said that there should be a national housing agency. If we take any more power from local authorities, we will rightly be criticised for it. Housing is one of the key functions of local authorities and we want that to remain the case.

The National Economic and Social Council, NESC, report on performance and policy was published today. I welcome it and it will give everyone an opportunity to discuss issues such as social housing supply and sale schemes. There are different views on that latter issue as some people believe in the sale scheme while others do not. Such people are on different ends of the spectrum and there is a section in the NESC report on that issue. The NESC has made a number of recommendations that the Government will consider carefully. Undertakings have been given that we will discuss the report at the All-Party Committee on the Constitution as well as the Goodbody report when it becomes available. A number of reports are relevant to this discussion. We have already received the ninth progress report from the All-Party Committee on the Constitution. I am also publishing the report by Goodbody economic consultants which considered the economic rationale for and the impact of one specific proposal aimed at accelerating the supply of building land based on the principle of use it or lose it. This report is a useful examination of the issues involved, although it did not identify a clear base for such a scheme.

A special task force has recently been established involving the managers of the four local authorities in Dublin with input from other managers in the region to advise on issues that will further assist in delivering a speedy supply of affordable housing in the Dublin area. That is where the problem exists. I see affordable homes built and sold at very reasonable prices in many parts of the country when compared with Dublin. The problem is very much in the Dublin area. There are now four affordable housing schemes. There were 2,600 affordable houses built last year under the shared ownership scheme of 1999. The others will come on stream. Approximately 500 have been produced this year under Part V and 1,800 are under construction. Most of those, if not

all, will be delivered next year. There are approximately 2,000 under discussion under Part V agreements. Many things are happening.

A number of Members referred to supply. The supply is significant and we are slowly approaching a situation where buyers have a better opportunity to purchase. Ten years ago, 22,000 houses were built per year but 68,000 were built last year and more than 75,000 will be built this year. The situation is changing and there are better opportunities for people.

However, there are many more people in the market. One of the problems in this area is demographic change. The population of the country increased by 8% in the six-year period but the population aged between 25 and 34 increased by 18%. They are the people seeking houses. If that population increase had occurred in the newborn category, it would not have put any pressure on the housing market. Everything must be considered in that light.

I believe we have broken the back of the problem. Many other points were made which I do not have time to answer. However, I thank Members for their general support of the Bill. We are simply extending what already exists. The concerns expressed by Deputy McCormack already exist in the current system. The financial agencies can now offer loans below the €36,800 threshold and above it. I expect them to opt mainly for the people above it for the houses and apartments that will become available under Part V and where there had been a problem with how they would be financed anyway.

**Acting Chairman:** As it is now 6.30 p.m., I am obliged to put the following question in accordance with an order of the Dáil this day: "That the Bill be now read a Second Time."

Question put and agreed to.

**Acting Chairman:** When is it proposed to take Committee Stage?

**Mr. N. Ahern:** Now.

### **Housing (Miscellaneous Provisions) Bill 2004** [*Seanad*]: Committee Stage.

#### NEW SECTION.

**Mr. Morgan:** I move amendment No. 1:

In page 3, before section 1, to insert the following new section:

"1.—(1) Section 5 of the Housing (Miscellaneous Provisions) Act 2002 is deleted and replaced by the following section:

"5.—In this Part —

"cost-price house" means a house made available for sale in accordance with this Part by a housing authority at a price equal to the cost price of the construction of that house

and "cost-price housing" shall be read accordingly;

"shared ownership lease" means a shared ownership lease granted by a housing authority under section 3 of the Act of 1992."

(2) The Housing (Miscellaneous Provisions) Act 2002 is amended by the deletion in each place where it occurs of the term 'affordable house' and the insertion on each occasion of the term 'cost-price house'.

(3) The Planning and Development Acts 2000 to 2002 are amended by the deletion in each place where it occurs of the term 'affordable house' and the insertion on each occasion of the term 'cost-price house'."

This Bill was published late last week but Deputies did not have an opportunity to see it until Monday of this week. In my case, it was 7.30 p.m. on Monday, when I got home, that I first saw a copy of the Bill. Given that I had to rush to a meeting at 8.30 p.m., the time available to study it was restricted.

On a number of occasions, in the course of being corrected by the Ceann Comhairle, I have been reminded by him of the long-standing traditions of the House. Sometimes one might think one was on the Garvaghy Road with these long-standing traditions. However, I understand there is a general rule of thumb that ten days should intervene between when legislation is published and its introduction in the House. This affords Members of the Opposition an opportunity to research the Bill, prepare amendments and examine the implications of the legislation. That did not occur on this occasion, which is most unfortunate. The amendments were required to be submitted by 11 a.m. yesterday so preparing them and examining the Bill in such a short time meant burning the midnight oil for myself and Caoilfhionn Ní Dhonnabháin.

The second issue is the rushing of this legislation through the Houses. A number of speakers mentioned this. Rushing legislation through the House is one thing but doing so at the behest of a bank is something else, particularly when there is a substantial number of Bills awaiting scrutiny in the House. The ground rent Bill is one meritorious example.

The implications of this legislation are enormous. The Bill will encourage people to borrow beyond their means. That is fine in the current low interest rate environment. However, what will happen if that environment changes quickly and substantially? There is the prospect of homes being repossessed. The banks, as we know, are merciless in this regard. We have recently seen how they behave. At least where people borrow for their home from local authorities, some humanity and consideration for the family needs are shown in that situation. Unfortunately, however, the banks will move mercilessly.

Let us consider the consequences of that. Consider the number of court cases that will arise.

[Mr. Morgan.]

The courts will be clogged with banks taking proceedings to repossess homes. Where will the occupants of those homes go? It will not be to social housing given that there are 48,000 on the waiting lists at present and 6,500 people are homeless. It will create an enormous difficulty. At present, people in that situation are housed by local authorities in bed and breakfast accommodation. The Minister will have to start a programme of rapidly building bed and breakfast accommodation if that is the means of dealing with this problem. There is already insufficient bed and breakfast accommodation to cope with the current situation.

I tabled this amendment because of the ambiguity surrounding the term "affordable". What does "affordable" mean? The use of the term is extremely misleading. It can mean different things to different people. The Minister suggested that a house is affordable if it costs less than the house next door. That is some description. The Minister is shaking his head but that is what he said. It is the Minister's thoughtful reflection on what "affordable" means. Perhaps he will accept this amendment and deal constructively with the issue.

Let us consider how local authorities deal with affordable housing. Dún Laoghaire-Rathdown County Council recently made a scheme of so-called affordable houses available for qualifying people. The price range for the houses started at €200,000 and rose to €345,000. That is what is described as "affordable". The question the Minister must answer in responding to this amendment is to whom those properties would be affordable. It is certainly not working people in this State.

The Housing (Miscellaneous Provisions) Act 2002 defines affordable housing as follows:

"affordable house" means a house made available for sale in accordance with this Part by a housing authority at a price less than the market value and "affordable housing" shall be read accordingly.

Anything short of market value, according to the statute, is what defines affordable housing. Imagine the case, therefore, where a house has a market value of €600,000. If the builder offers it to the local authority at a price of €580,000 or €590,000, it qualifies as an affordable house. When one sees the nonsense of such a situation, one sees why the definition of "affordable" must be examined. I hope Deputies will reflect on the nonsense that currently prevails with regard to the concept of affordability. The inadequacy of the definition is at the root of the problem we face. I propose, therefore, to insert the term "cost-price" in place of the word "affordable". My amendment seeks to provide that "cost-price house" means a house made available for sale in accordance with this Part by a housing authority at a price equal to the cost price of the construction of that house and "cost-price housing" shall

be read accordingly;". I invite the Minister of State to reflect on which is the more realistic option for dealing with the issue of affordable housing. Is it the bland, daft provision which currently obtains or is it the specific, tight wording of my amendment?

**Acting Chairman:** The Deputy has exceeded his time.

**Mr. Morgan:** Do we have only a few minutes? I thought on Committee Stage one could——

**Mr. O'Dowd:** Talk rubbish forever. One cannot.

**Acting Chairman:** Deputy Morgan has not confined himself to the amendment. He may continue to make his point.

**Mr. Morgan:** I heard Deputy O'Dowd say he thinks we are talking nonsense.

**Mr. O'Dowd:** Absolute rubbish.

**Mr. Morgan:** Clearly he is happy with the current affordability scenario and the blandness surrounding it.

**Mr. O'Dowd:** I am not.

**Mr. Morgan:** Part of the difficulty we face is that the two main parties in the House agree to the current level of nonsense. It means we will always find it difficult to make significant progress on this issue.

In the context of affordability, we all place a reasonable level of emphasis on Part V and the provisions thereof. The scenario was much better before the previous Minister came in with his scalpel and tore it apart. The most effective way to make the issue of affordability relevant to Part V is to introduce the idea of cost-price housing. Affordable housing is different from social housing, although one would not think so from the figures the Minister of State outlined earlier. He referred to 240,000 units and 60,000 units, but he failed to deal with the issue of affordable housing. He informed the House that the affordable housing initiative under Sustaining Progress and the Part V mechanism were major elements of the Government's strategy for the provision of affordable housing. If that is the case, little difference will be made.

The issue of affordable housing was touched on in the NESC report which was published today. While the report states that a high level of ambition is appropriate for social and affordable housing, such ambition is invisible in the current Government strategy, which is most unfortunate. The report finds that the major contraction in the provision of social housing from the late 1980s to the early 1990s is a significant contributing factor to soaring house prices, the great numbers on the social housing list and the chronic shortage of



social housing. I welcome the recommendations in the report as their adoption would lead to a more proactive approach to the acquisition of land and the provision of compulsory purchase powers to local authorities to enable them to provide social and affordable housing. Unless that is done, there is no possibility we will truly deal with the issue. The Minister of State referred to the ninth progress report of the All-Party Committee on the Constitution, which dealt specifically with compulsory purchase powers for local authorities. If the Government wants to address the issue of affordability, it should address the recommendations in the reports.

**Mr. Gilmore:** I am conscious of the time and know colleagues want to contribute to Committee Stage. I will not speak for very long. I record my dissatisfaction that Committee Stage is being taken immediately after Second Stage with no interval. I am also dissatisfied at the short time provided. I am not opposed to the general aim of the Bill to allow banks and private lending institutions to make loan finance available to people who want to buy affordable housing. There are advantages in the provisions as the interest rates charged on local authority and housing finance agency loans are considerably in excess of those charged by commercial institutions.

We have not been given an opportunity to examine the provisions of the Bill in detail and the Government will have to take responsibility if it transpires in due course that there is a flaw in the legislation, whether technical or unintended. I would like the Minister of State to inform the House in his response when the Government came to the conclusion that the Bill was necessary and to explain why it was felt necessary to take all Stages immediately. Why was it not possible to deal with the legislation in the normal course of parliamentary business?

**Acting Chairman:** Before I call on Deputy Cowley and while I hate to mention it at this stage, the last two speakers went outside the scope of the amendment.

**Dr. Cowley:** I congratulate Deputy Morgan on being able to table amendments to the Bill. It was a wonderful achievement given the guillotine which has been imposed and the short time available for discussion. We have seen an increasing number of guillotined Bills, which is not in the interests of democracy. I question also the wisdom of rushing Bills through in a rapid sequence of Stages. No good can be achieved by the process beyond the simple passing of legislation for whatever reason.

The notion of cost-price housing as set out in the amendment seems a great deal more logical than the notion of affordable housing. To speak about a cost-price house is more specific. People assume the term "affordable house" refers to a house they can afford, which is how it should be, but that is not always the case. A house which is

affordable is better than a house one cannot afford. The problem is that people cannot buy houses at present despite the Irish ethos of house ownership to which everyone aspires. It is in that context that affordable and social housing is valuable.

There has been a significant failure to realise the full potential to provide such housing. A defined revenue funding scheme for housing for older people has long been sought. There have been difficulties in funding social housing and an inability to provide adequate supports to keep people out of nursing homes. A number of reports have demonstrated recently the value of maintaining people in their communities. The provision of social and affordable housing is the way to achieve that goal. There was an increase in the amount of money available for social and affordable housing this year, bringing it up to 9%, which is welcome and necessary. However, the money available for other projects such as the community facilities fund has increased by only 3%, which is much less than what is required. The capital assistance scheme has been used for the provision of special needs housing but that figure must be increased. It is hoped that will allow the national development plan target of 1,625 units under the capital assistance scheme to be realised in 2005.

There appears to be competition between the local authorities and the voluntary housing movement because it is often difficult to get house starts in the voluntary sector. That potential will be realised if the defined revenue funding scheme is introduced. I hope that happens because it will allow the full potential in terms of social housing to be achieved and ensure that people are kept out of profit-driven and non-community nursing homes. There is nothing wrong with that but the community sector deserves attention also and that potential must be realised. We have a low stock of rental accommodation here compared with other EU countries and there is potential in the defined revenue funding scheme to address that problem.

As regards Part V, greater potential could have been achieved in that respect if a buy-out clause had not been included. I will not delay the House because time is of the essence but every obstacle appears to have been put in the way of communities getting together and taking these initiatives because of planning problems and the difficulties in the system which appears to favour private rather than community developments. It is time that ended. The national bidding agency should be a source of revenue for the voluntary housing sector but there appear to be obstacles in the way of that happening, which is regrettable. I am sorry there is not more time to debate this important Bill.

**Acting Chairman:** I remind Deputies that they are expanding the scope of the amendment.

**Aengus Ó Snodaigh:** In terms of cost-price housing, which is the subject of the amendment, some might express concern that developers would not be interested, but whether it is affordable or cost-price housing, developers make their profits on the rest of the scheme. In this case we are trying to ensure that the part which is supposed to be affordable is affordable but there is nothing affordable about a €500,000 home. There is a concern that young couples are over-extending themselves and are being facilitated by the banks in a fraud. How can young people afford to spend €200,000 or €300,000 on a home unless they each earn €70,000 or €80,000? Banks give a mortgage of three times the salary of the principal earner and the amount of the salary of the second earner. The banks facilitate that yet these are the same institutions which have been involved in many scandals and have ripped off the State time and again. The same goes for the developers but we are not taking away the profits of the developers in this measure. I wish that were the case. We are taking away the profits to be made under the Part V measure to make housing more affordable.

We are talking about cost-price housing. We should not facilitate the banks in terms of the affordable housing market. Why did we not amend the legislation to allow local authorities have more scope in this area and ensure that we provide cost-price housing rather than super-affordable or affordable housing, which is the terminology being used? There is only one way of making housing available and that is to reduce the building costs.

**Mr. J. Higgins:** The Government insults the Dáil and the tens of thousands on housing waiting lists or who are priced out of the housing market by coming before Dáil Éireann with this legislation as if it were a major contribution or even a contribution to the problems we face. It beggars belief, especially in a week when we see the outrage of the orgy of speculation in which the pillars of the establishment indulged in Stillorgan and from which they made a profit of €53 million having simply sat on land for four years. There is a conspiracy of silence about it in the media and elsewhere. It should be seen as a despicable, anti-social bout of profiteering and speculation that will be hung around the necks of hundreds of young first-time buyers who must buy the houses on that land in mortgages for the next 30 years. The Minister of State comes into this House and presents this legislation as some kind of contribution to the problems we face.

I want to make it clear that I support anti-profiteering measures but those measures are already included in the local authority clawback schemes. I fully supported those schemes and I was one of the first people in Fingal County Council to demand that they be included as part of the schemes planned years ago when these ideas first came about. To say that the affordable housing

market is now opened up to private banks, as if that will make a major contribution, is an insult.

**Acting Chairman:** Does Deputy McCormack want to make a contribution?

**Mr. McCormack:** I want to make a contribution relevant to the amendments.

**Acting Chairman:** We are debating amendment No. 1 which seeks to insert a new section.

**Mr. McCormack:** In my Second Stage contribution I asked the Minister about the registering of the charge against a property. Will that be retrospective in terms of people in affordable houses under their current mortgage regulations or if they had to remortgage the house for any purpose?

**Minister of State at the Department of the Environment, Heritage and Local Government**

**(Mr. N. Ahern):** On amendment No. 1, I spoke earlier about the definition of affordable housing. I cannot accept the amendment which effectively seeks to change the definition of the housing units sold under the 1999 affordable housing scheme and the housing units provided under Part V from affordable to cost-price. The amendment would severely limit the ability of a housing authority to adapt, where necessary, the sale price of the housing units in line with the incomes of persons on their affordable lists to reflect their ability to repay. Under current law, the local authority can sell the affordable houses to different clients at different prices if they so wish. Changing it from affordable to cost-price, which appears to be a reasonable idea in some cases, would deny them the flexibility to sell to different clients at different prices.

**Aengus Ó Snodaigh:** They would never sell them under cost price.

**Mr. N. Ahern:** Under the current arrangements, authorities may reduce the sale price of housing units below the cost price by way of site subsidy under the 1999 scheme and by use of moneys received in lieu in respect of those housing units provided under Part V. We give site subsidies of up to €38,000.

**Aengus Ó Snodaigh:** There is not one affordable house under cost price.

**Mr. N. Ahern:** They have that flexibility. To answer Deputy Gilmore, the position is that, until now, the charge was registered against the mortgage deed, which allowed the local authority, as lender, to enforce it. There was no particular problem. Under the new set-up, where the housing authority is not the lender, it would have to pursue the purchaser directly for payment of the clawback, which would be difficult and expensive. This only came about when we made the arrange-

ment with the financial institutions. We saw that the clawback could not be protected. It was different when it was a local authority loan. I regret that I cannot accept the amendment.

**Acting Chairman:** As it is now 7 p.m., I am required to put the following question in accordance with an order of the Dáil of this day: "That the sections undisposed of and the Title are hereby agreed to in Committee and the Bill is accordingly reported to the House without amendment; Fourth Stage is hereby completed; and the Bill is hereby passed."

Question put.

**Deputies:** Vótáil.

**An Ceann Comhairle:** Will the Deputies claiming a division please rise?

*Deputies Cowley, Crowe, Ferris, Joe Higgins, Gregory, Finian McGrath, Morgan, Ó Caoláin, and Ó Snodaigh rose.*

**An Ceann Comhairle:** As fewer than ten Members have risen, I declare the question carried. In accordance with Standing Order 68, the names of the Deputies dissenting will be recorded in the Journal of the Proceedings of the Dáil.

Question declared carried.

#### Message from Seanad.

**An Ceann Comhairle:** Seanad Éireann has passed the Road Traffic Bill 2004 without amendment.

#### Private Members' Business.

#### An Post: Motion (Resumed).

The following motion was moved by Deputy Broughan on Tuesday, 14 December 2004:

That Dáil Éireann,

- recognising the critical importance of a vibrant universal public postal service;
- alarmed at the repeated failure of the Minister for Communications, Marine and Natural Resources to clearly set out the Government position on the future of the universal postal service and to clarify the deep confusion on the financial outlook of An Post and its subsidiary, SDS;
- deeply dismayed by the refusal of An Post management to award the workers of An Post their due pay entitlements under Sustaining Progress and to pay the linked cost of living rises to the An Post pensioners;

—disappointed by the unilateral decision of An Post management to close the State SDS parcel and courier company without debate in this House and abandon a strategic recovery plan agreed with the workforce and its trade union representatives;

—noting the challenges posed to the An Post workers and management by the development of e-commerce and market deregulation; and

—opposed to any attempt to dismantle or privatise the universal public postal service;

calls on the Government to:

—ensure that the management of An Post immediately pays the arrears due to An Post workers under Sustaining Progress and the linked arrears due to the An Post pensioners;

—suspend the closure of SDS pending a departmental investigation of the financial record and outlook of the company and full consultation with the trade unions and workforce;

—utilise the 1990 Industrial Relations Act to request the Labour Relations Commission to urgently investigate the present crisis at An Post and to provide a platform for its resolution through agreed industrial relations procedures, including the full involvement of the workers and their trade union representatives in the CWU, CPSU and PSEU trade unions; and

—prepare a Government White Paper on the future development of the postal service and on the economic means to enable An Post to discharge its universal service obligation, including any necessary State supports to postal services as with other critical universal public services.

Debate resumed on amendment No. 1:

**An Ceann Comhairle:** To delete all words after "Dáil Éireann" and substitute the following:

- recognises the:
- critical importance of a vibrant universal public postal service;
- commitment of the Government to the postal network as set out in European Communities (Postal Services) Regulations 2002 which explicitly provide for the universal service obligation in relation to nationwide postal deliveries at uniform tariffs and, in recognition of the universal service obligations on An Post, the designation of part of the postal market as reserved to An Post;
- difficult financial situation faced by An Post in recent years with losses of over €24 million



[An Ceann Comhairle.]

between 2001 and 2002 and a loss of €43 million in 2003;

- challenges posed to the postal service by electronic substitution, potential liberalisation by 2009 and the entry of strong international operators into the Irish postal market;
- need for An Post to develop a customer service ethos and to offer a range of high quality, competitively priced services and products to customers who increasingly will have a choice of postal provider;
- difficult issues arising in SDS, the parcels division of An Post, arising from the loss making situation of €12 million in 2003 and expected losses currently being dealt with in the National Implementation Body; and
- difficulties caused to An Post pensioners by the non-payment of Sustaining Progress.

notes the:

- work already undertaken by the Labour Relations Commission in brokering a proposal in regard to restructuring An Post collection and delivery processes;
- progress made by the LRC in facilitating agreement between An Post unions and management in agreeing Christmas mail arrangements;
- work being undertaken by Mr. Peter Cassells under the auspices of the National Implementation Body in resolving issues arising from the SDS closure; and
- work undertaken by the Labour Court in resolving issues between An Post management and the AHCPS.

urges:

- management and unions to continue to finalise these talks as a matter of urgency and in a spirit of partnership and expects that on agreement that both sides will honour all aspects of that agreement in spirit and letter.

and commends:

- the commitment of the Government to the renewal of An Post as demonstrated by the decision of the Minister for Communications, Marine and Natural Resources to meet the An Post Board and the CWU this week to outline the Government's views on the future of the postal service."
- (Minister for Communications, Marine and Natural Resources).

**Mr. Deenihan:** The debate is most opportune, as it is taking place one week after the spectacle of 8,000 postal workers marching on the Dáil. I spoke to a number of them and their morale is at an all-time low. Many who have dedicated their

working lives to the postal service are disillusioned. The company has made it absolutely clear it will not pay all members of staff their cost of living increases, which have been refused for the past two years, and the 5% pay increase they are due under Sustaining Progress until changes are agreed and, even then, payment will depend on the regulator granting a price increase.

From a rural Deputy's point of view, the proposed changes on which this increase will be based are worrying. Five years ago major restructuring of the company was carried out. Fianna Fáil Members assured the House no sub-post offices would be closed. There were 1,900 sub-post offices at the time whereas now there are 1,400. This issue concerns the delivery of the postal service and not only the closure of such offices. I am convinced that if the restructuring proposals go through, people in all parts of the island and particularly in rural areas will be at a considerable disadvantage and will be exposed to a lack of service and hardship not previously experienced.

I refer to a number of the proposed changes, about which I am worried. Local postmen will no longer be assigned on a long-term basis to an area. In other words, the postman to whom we are accustomed calling to our doors will no longer do so on a regular basis. The connection, friendship and trust built up and enjoyed between customers and postmen will be no more. This is especially the case for people who live alone in isolated rural areas and in urban areas. The postman may be their only contact with the outside world and that bond may be broken if the proposals are implemented within the overall context of saving money and achieving a rationalised service. Reference has been made to social capital and social imperatives but the management of An Post and, ultimately, the Minister and the Government are not taking those concepts into consideration in regard to the postal service.

That is why the debate is helpful and I thank the Labour Party for tabling the motion. There is also a need for a broader debate on the future of the postal service and its importance. This issue is being highlighted because people have taken it for granted for years but it is under threat. People are becoming aware of what will happen if these proposals are implemented.

The extensive use of roadside boxes and the replacement of postmen with contract delivery personnel have been proposed. The issue of roadside boxes highlights the problem facing people living in isolated areas up long boreens. They have no contact with the outside world or they may be incapacitated in various ways. In many cases, the postman delivers their shopping and he or she provides other services but that will not happen if roadside boxes are introduced. Recently I read a magazine article which pointed out the US is retaining its postal service in public ownership in recognition of its strategic importance for the economy. The Government should

consider what has happened in the US, where almost everything has been privatised but where the postal service is considered important.

The postal workers deserve immediate payment without conditions under Sustaining Progress. It is also important that major public debate takes place throughout the country on the future of our postal service. The universal service obligation must apply to postal services in the same way it applies to other State agencies. I am sorry I do not have more time. However, it is important that this debate is taking place now.

**Mr. Blaney:** I wish to share time with Deputy Healy-Rae and a number of Fianna Fáil Deputies. I thank him and those Members for sharing time.

**Acting Chairman (Mr. McCormack):** Is that agreed? Agreed.

**Mr. Blaney:** Our postal services are about to enter what might be described as a new era. This could be detrimental to rural postal services as we know them if the dispute between An Post and its workforce is not handled with extreme care. Some basic infrastructural needs are required to sustain rural Ireland as we know it, namely, the retention of local schools; the retention of local Garda stations that are fully maintained and manned, and local post offices with postal services as they are today. These are the basics for any rural community to survive.

If I had more time, I would develop the argument on the important role of the postman and what he contributes to local communities. Postmen and post offices are important aspects of the fabric of rural areas. Their services will be greatly diminished if An Post continues with its current proposals.

I wish to put two points to the Minister. No other semi-State organisation would put up with the treatment currently being dished out by An Post management to its workers who deserve their increase and must earn their living like everybody else. I urge the Minister to intervene to ensure they receive their wage increases immediately. Second, by 2006 some 44% of An Post mail revenue will be exposed to competition. This is in complete contrast to the rest of Europe where the average is much less. The competition will be in urban areas resulting in much loss of revenue for An Post. This means An Post will have to pick up the pieces in rural Ireland, leaving it in a position where postal services will not be financially viable.

If An Post implements its current strategies, there will be thousands of job losses. This has the potential to give one of the biggest blows to rural areas in the history of the State. We should not underestimate the consequences of such a scenario. With this in mind, I urge the Minister to intervene and ensure the future of An Post and its workforce is secure. By doing this the Minister

will ensure we retain the backbone of rural Ireland.

**Mr. Healy-Rae:** I thank Deputy Blaney and the Deputies from Fianna Fáil for sharing time. I am concerned at the current situation regarding postmen and post offices around rural Ireland. An Post employs over 10,000 people directly and many thousands more, including postmasters, on a contract basis. Morale among staff is at an all time low. Many of them who have given their working lives to the postal services are disillusioned.

As already stated, by 2006 An Post mail revenue will be exposed to competition. The private sector companies will undercut An Post. They will cherry pick the profitable city and town business and leave the loss making rural areas to An Post. If this is allowed to happen, the delivery of mail in rural areas will be unviable and An Post will probably not deliver it. The local postmen will no longer deliver to local areas on a consistent basis. The personal touch will be gone for people living alone or in isolated areas. In some cases postmen are the only contact these people have with the community. This is not just a sentimental point, but a real part of rural Ireland. As such, it should be valued.

The public has an affection for the local post office which is a well regarded institution and important part of the daily life of people from all walks of life. Unless a consensus of national agreement by all social partners is sought and achieved, there will be a major strike. This must not happen as it would be a disincentive to investment in the country. A stable and predictable regulatory environment is required so that investment decisions and business strategies can be pursued with confidence.

The United States has retained its postal services in public ownership as it recognises their vital importance and strategic value for the economy of the country. I urge the Minister to take immediate action to prevent a strike and do something to help postmen and postal services which we are in grave danger of losing.

**Mr. Finneran:** I am pleased to have the opportunity to speak on this important matter. I have spoken on the issue in public on a number of occasions over recent years, in particular during the past weeks.

It is unacceptable that a public service worker is denied his due entitlement to his wages. This is what has happened with regard to postal workers. There is no point in An Post blaming its workers for any financial difficulty in which it now finds itself. The blame must be fairly and squarely laid on the desk of successive management teams at An Post over recent years. They have caused the financial difficulty in which they find themselves. Everybody knows the deficiencies at management level are a disgrace. If those deficiencies existed in any private organisation, management would have been sacked long ago. The public ser-

[Mr. Finneran.]

vice workers in An Post are entitled to their pay rise and should get it. Otherwise, there cannot be any movement forward with regard to how the workers can engage in meaningful discussion with management.

I have had ongoing discussions with people in my area who work in the SDS unit in Athlone. It is hard to understand how an operation dealing with 35,000 parcels per week could be closed on the basis that it is uneconomical or inefficient. There is surely something seriously wrong with management that can make such a decision. I know the people who work in Athlone and I assure Members they are the finest and hardest working people one could find. They worked in the system and were proud of it. I found it hard to understand that for a time private operators were able to accept parcels, send them through the post and get them delivered by An Post after taking their cut. There is something wrong with a management that allows that.

I have had a great interest in universal postal services over the years. The universal postal service is enshrined in European and Irish law. Those laws provide that we have a service to every address in Ireland and across Europe. For that reason, I recently placed a motion before my parliamentary party calling on my Government colleagues, the Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey, and the Minister for Community, Rural and Gaeltacht Affairs, Deputy Ó Cuív, to bring forward a financial package to computerise paper based post offices. Approximately 400 post offices here still use a paper based system. I urge An Post and the Government to be forward thinking and consider a computer based system which will be more cost effective in the long term. Many rural and regional post offices provide communities with a social dimension where people can gain access to social welfare payments and banking services. The services offered by An Post have become essential for many people living in rural areas. These services would only improve with computerisation. An Post has argued that the introduction of computerisation is not commercially viable. I take that with a pinch of salt.

I urge my colleagues to become the front-runners in considering adoption of a package similar to the one being brought forward in the UK, which I believe would improve the social aspect and accessibility of rural post offices.

**Mr. McGuinness:** I compliment the previous Minister in that Department, Deputy Dermot Ahern, on the work he did and the challenge he made to An Post management in regard to the inaccurate figures it brought forward. I also compliment the new Minister, Deputy Noel Dempsey, on his work. Both men have been the recipients of unfair criticism in this House. Deputy Broughan should have more respect for the work they did on behalf of An Post and the

postal service to ensure continuity of service into the future. Perhaps we should direct our positive energies to asking——

**Mr. Broughan:** The Government has had eight years to sort this out.

**Mr. McGuinness:**——the workforce and management to pursue the matter through the Labour Court to ensure a satisfactory outcome. That is the direction in which we should go, rather than playing around with negative politics.

I come from the transport industry and I find the closing down of SDS staggering, particularly given the growth in that industry here and worldwide. It is time to acknowledge what is due to the workers and to resolve the dispute. An Post employees have been complimented by all speakers on the way they have contributed to the postal services and to ensuring efficiency of service delivery in every town and rural area.

The former chief executive, Mr. Hynes, and the management came before a committee of the House and said An Post would make money. Instead of being profitable in that year the company lost a substantial amount of money. It is difficult to project the figures for this year because it depends on what way one adds or subtracts the figures as to whether the company will be on the right side of profitability. We will have to await the outcome of those figures to make any judgment on the performance of management in this instance.

Over the years management has been appalling. There was a recent decision to move the sorting and distribution section from Kilkenny to a neighbouring county. This led to great inefficiencies in terms of the management. I urge that this decision be reviewed. The postal workers who deliver post have a far better understanding of how this matter should be managed but their contribution has been largely ignored. I urge management to reconsider its position.

The Minister should examine what has taken place in regard to the UK's postal service. I understand more than £600 million has been invested in the automation of post offices there. We have 450 paper-based post offices throughout the country that should be automated. It would require an investment of €3.2 million with an annual service charge of €1 million.

The income of postmasters and postmistresses ranges from €8,000 to €15,000. We should look at supplementing this income. Post offices are far more than just that, they are part of a social network providing social infrastructure within rural Ireland. They are absolutely essential in today's society in terms of what they deliver in social capital. In acknowledgement of that, we should not be afraid to invest in the same way as did the UK in terms of automation and in supplementing the income of those people who work in the postal service.

We should negotiate with a substantial financial institution to ensure we can add to the ser-



vices already being provided. We should also look at the transaction costs involved. It is ludicrous to pay someone 30c to 50c on a transaction. We should look at the value of our post offices, the payment on those transactions and ensure the staff get fair play.

The post offices get one third of the €50 million paid for the social welfare contract but do two thirds of the work. A serious overhaul and investment in our post office infrastructure is required.

**Mr. Nolan:** I welcome the opportunity to speak on this motion. As previous speakers have outlined, nobody in the Oireachtas is unaware of the commitment and dedication of the staff who have worked with An Post over the years. It is regrettable that we now have great unease and distrust between An Post staff and management.

I spoke to union members in Carlow and it is fair to say there is a total conflict of interest between the figures we are getting from An Post management and those provided by An Post staff. The financial projections the board has given to the Minister are in complete contrast with the financial advice the union got from its financial advisers. Some balance should be brought to try to discover where the truth lies because unless we, as Members and legislators, know where the truth lies, it is very difficult for us to come down on one side or the other.

Both sides admit that the SDS service was haemorrhaging large amounts of revenue from An Post and that something had to be done to stop that. Competition was one of the major factors in that case. The new Minister must look at the overall picture. We have a tradition of a first class postal service for more than 150 years. It would be a sad state of affairs if we were to do anything to allow that service to deteriorate or find itself in an inferior position when the market opens up in four years time. The Minister and the Government should look seriously at the difficulties being experienced by An Post.

Initially, pensioners of An Post contacted me and highlighted the fact that their pensions had not increased. I note that the Minister said he would speak with the Minister for Finance to try and overcome that difficulty. In doing that, he has to be mindful of the dedicated workforce in An Post and he should try and resolve that problem as well. It will not go away, it is something that will have to be addressed. The sooner it is sorted out the better.

**Dr. Devins:** I am delighted to have the opportunity to speak on this Private Members' motion. I commend the Labour Party for tabling it.

An Post is a vital service that extends into all aspects of life in Ireland. Very few services have the same impact as An Post. It is interesting to note that the universal postal service is enshrined in Irish and European law and provides for a postal service to every address in Ireland and in Europe. At present, An Post has the benefit of having normal letter post deliveries solely

reserved for the company. However, in future, liberalisation will be introduced, which will bring competition. Currently the delivery of letters accounts for 61% of overall turnover in An Post. In future there will be increased competition and it is essential that An Post deliver on its assets, the main one of which is the nationwide delivery network of letters and parcels.

An Post now has the equipment and staff to deal with this aspect of its service. It is essential that all this is utilised to secure the future. There is no doubt that the future holds promise but it would be foolhardy to imagine that there can be success if all players are not singing from the same hymn sheet. To that end, I urge the unions and management to engage in constructive dialogue so that their future can be safeguarded. Increased competition will become a fact of life, with which they can deal together. However, if they are isolated from one another, the future will be very bleak. If that happens, the main losers will be the public. Like most Deputies, I have met the unions recently and there is no doubt that there are serious difficulties between its members and the management, but I urge all parties to engage with the industrial relations mechanisms available to them so that this essential public service, the nationwide delivery of mail, can be secured into the future.

The Government is committed to a viable and sustainable rural post office network. As a representative of a predominantly rural constituency, I support this commitment. In that regard, the fact that the Government invested €12.5 million in modernising the postal network in 2003 is to be welcomed. I have no doubt that future injections of money will be available to ensure the continued modernisation of the services An Post offers. At present, more than 95% of An Post's counter business is delivered through the automated network. More than 1,000 automated post offices deal with 95% of An Post's business throughout the country. It is a moot point as to whether further automation will lead to increased business. However, I have no doubt that, should evidence be produced to the Minister that further automation of the 475 non-automated post offices will lead to increased business, he will look kindly on such investment. An Post is a national asset and its management and staff must work together to ensure that the future of this national treasure is secured into the future. I commend the amendment to the House.

**Mr. Cassidy:** The matter before the House is a very serious one, on which I welcome the opportunity to say a few words. As a former postman who worked in the bad old days, I have not seen much improvement in the way An Post and its predecessors treated workers in the 40 years since I began work in County Westmeath. Nothing surprises me about how workers are treated by An Post. The company seems to have gone out of its way in the past 40 years to treat workers in the manner it has. At no time did it provide an incen-

[Mr. Cassidy.]

tive to or demonstrate an appreciation of a group of people who have provided such an essential service throughout the length and breadth of the country. As an employee of An Post's predecessor, it was a miserable experience. I appreciated the job for the £3 17s 6d which I was paid in the 1960s, but I worked six days a week for it, riding a push-bike 28 miles, half of it on untarred roads, as well as delivering an evening post in Castlepollard.

I agree with speakers on all sides of the House, no Deputy from any political party wants to see the door to door postal service, which has been in existence since the foundation of the State, interfered with by any Minister, union or employer. We want to see this service continued in its present state. If there is to be a trial period for the private sector, it should be undertaken in the centre of the cities because I will not allow it to interfere with rural Ireland.

**Mr. Broughan:** The Deputy can leave the cities alone too.

**Mr. Gregory:** It will not be done in the cities.

**Mr. Cassidy:** I am speaking on behalf of the people who elected me. I have not seen many city Deputies who put their shoulder to the wheel when rural Ireland needed a break.

**Mr. Broughan:** We always did so.

**Mr. Cassidy:** While I am here, I will not allow this to happen under any conditions. It took a great deal for 1,000 men and women to take a day off at their own cost to let politicians know there was a serious crisis with their employment.

**Mr. Broughan:** The Deputy should vote with us. That is a challenge to him.

**Mr. Cassidy:** I do not want to be interrupted by the Deputy or anyone else.

**Mr. Broughan:** Vote with us tonight.

**Mr. Cassidy:** I am not vote-catching here.

**Ms Shortall:** Stop the hypocrisy and vote with the motion.

**Mr. Broughan:** Stop the hypocrisy.

**Mr. Cassidy:** Deputy Broughan has no experience of what goes on.

**Mr. Broughan:** The Deputy should put his money where his mouth is.

**Mr. Cassidy:** The postal workers' harvest were the two weeks before Christmas, about which the Deputy would know nothing. For them to give up one of their days at their own cost sounds alarm

bells to me because I understand how serious and important it is.

I cannot understand the management of An Post. There is a big growth in direct marketing on television throughout the world. In America, it is in this area that the postal sector is growing. For God's sake, let the management take a flight and see how it is done in the United States. A 48-hour trip would demonstrate to them what is happening. Television marketing is a new concept, which has only become big in Europe in the past year and a half. RTE television is now embracing it. We have all seen advertisements for greatest hits collections on CDs and various new inventions are promoted through the post, even to the golfing fraternity.

**Mr. McHugh:** Foster and Allen.

**Mr. Cassidy:** Now that I have made my case, I will stay positive. However, the concept of this not being a profitable business is a joke. I do not know what is going wrong. When multi-national companies around the world encounter difficulties because of recessions and so on, they deal with it. We do not have a recession in Ireland. Moreover, the CSO has informed us that there will be another million people in Ireland in 15 years' time. Therefore, the market base will be there.

An Post management cannot state that the workforce is expensive because it has been one of the most poorly paid for the past 40 years, which I know from personal experience, and I am not trying to score points. There is nothing but opportunity in regard to what can be achieved by the workforce and the management.

I do not know what happened in the past but we must always look to the future. It behoves us all to try to do whatever we can. I have made my voice heard to the Minister, who is new to his portfolio. Moreover, a part of County Westmeath which I have represented will be represented by him after the next general election. I will make my voice heard as strongly as possible to him in regard to the problems and the challenges that exist.

**Mr. Sherlock:** The Deputy should vote with the motion.

**Mr. Cassidy:** It is good to be given an opportunity. If ever I was found wanting before, I was always found to be a person who could deliver. I will take this cause as one of my priorities in the coming months.

**Mr. Broughan:** Vote with us tonight.

**Mr. Gormley:** I wish to share time with Deputies Ryan, Crowe, Gregory, Cowley, McHugh, Finian McGrath and Breen.

**An Leas-Cheann Comhairle:** Is that agreed? Agreed.

**Mr. Gormley:** I welcome the opportunity to speak on this very important motion and I commend the Labour Party for tabling it. The postal workers will breathe a sign of relief having listened to Deputy Cassidy; they will know they are in good hands.

**Mr. Cassidy:** Thank you, Deputy.

**Mr. Gormley:** They know he will make them a priority and that he will save them. It is wonderful to know that.

**Mr. Cassidy:** I thank the chairman of the Green Party for saying so.

**Mr. Gormley:** I am sure they appreciate it. Deputy Cassidy should stay in the House and listen to what I have to say because I am not quite sure if he can deliver. He might have delivered leaflets in his time but I do not think he can deliver this with the Government.

**Mr. Cassidy:** We are on the inside looking out.

**Mr. Gormley:** I agree with many of the points made by Deputy Broughan at the outset of the debate. In general, An Post workers have delivered a very good service for many years. I thank the postal workers in my area who deliver leaflets and letters to my constituents in Dublin 4, 6 and 2. Anyone who has done this work knows it is a difficult task. Many people trivialised postmen's complaints some years ago that letter boxes were too low. Anyone who has done that type of work knows they were right. The type of damage that can be done to one's back from doing such work should not be dismissed and neither should their concerns.

The industrial relations problem must be seen in the context of the continuing debate about the liberalisation of services. There is a tendency to equate private with progress and public with outdated work practices. The right-wing agenda of this Government has seen us become the most open and globalised economy in the world. We have embraced neo-liberal values with a vengeance. Is it really about better services for the public or is about making major profits for the few?

Deputy Healy-Rae correctly stated that the US has protected its postal services. It is interesting that the people who pushed for liberalisation are not the big bad neo-conservatives of the US but the European Union. We know that from the leaked documents from the World Trade Organisation. US consumer and environmental groups have raised concerns that the services negotiations could open the door for private sector firms to take over many Government services. The response from one of George Bush's sidekicks, US Trade Representative, Mr. Robert Zoellick, was that the Bush Administration opposes the privatisation of postal delivery, higher edu-

cation, water services and other governmental functions as part of the WTO talks.

We always view the EU as the good guys and the US as the bad guys. However, in this case that simply is not true. When we speak of the new European constitution and the Charter of Fundamental Rights we must also consider the section which enshrines neo-liberal values in that constitution. It is clear from the leaked documents that the issues being considered are privatisation, deregulation of public energy and water utilities, postal services, higher education, alcohol distribution systems, the right of foreign firms to obtain US Government small business loans and extreme deregulation of private sector service industries such as insurance, banking, mutual funds and securities.

Many of the services listed in the leaked documents are regulated in the US at local or state level yet state and municipal officials are excluded from these closed door negotiations. The leaked documents are European Union demands on other countries to privatise public services and to deregulate the services sector as part of the WTO General Agreement on Trade in Services. I ask my Labour Party colleagues to look at this issue. While some of us are pro-European, there are things in this document that cannot be overlooked. We cannot suggest this came out of no place, it came from the European Union. The European Union has led the charge in this case.

I am on record as saying during a previous debate that the political philosophy of Fianna Fáil and the Progressive Democrats is not about socialism, rather it is about cynicism. Those parties know the price of everything and the value of nothing. We should not ignore the value of the 1,500 post offices and sub-post offices which are an invaluable part of the rural communications network. The manner in which management at An Post has treated workers is disgraceful.

**Deputies:** Hear, hear.

**Mr. Gormley:** The pay commitments should have been honoured. Postal workers have modest incomes. If Deputy Cassidy wants to deliver for them he will defend their rights to the last.

**Mr. Cassidy:** I have just done so.

**Mr. Crowe:** "Sold Down the Swanee" was one of the captions on a placard carried at the recent protest by postal workers outside Leinster House — a play on the letters SDS in terms of the closure of the parcel service which also accurately reflects what is happening to An Post in general. It has been sold down the Swanee. Short-sighted, dysfunctional and shameful might be an even better description of management and Government's handling of the mounting crisis in SDS and An Post.

That it took thousands of postal workers to march on Leinster House to get the Minister's



[Mr. Crowe.]

urgent attention on such a matter of strategic national importance is a scandal. The Minister told us last night that all is not lost. An Post management is taking steps to integrate its parcel service back into main business thereby saving 180 jobs. It would be nice if that were the case. However, a letter sent by An Post to its SDS customer base indicates rather than having a point-to-point parcel service, customers would have to process their packages over the counter at their local post offices. That is not the same as a modern day parcel service and I cannot see many business people queuing up to take advantage of such a service. It is a sham offer.

An Post management spokesperson, John Foley, made a little jibe at the Communications Workers Union and Sinn Féin in a recent radio interview. In a feeble attempt to be sarcastic he said the CWU were a little like Sinn Féin. If being a little like Sinn Féin means the Communications Workers Union is prepared to stand up for the rights and interests of its members, the taxpayer and general public then what of it?

It could be argued that the current crisis facing An Post is primarily one of serious mismanagement. How can a projected €1 million profit turn into a loss of €43 million in a matter of months? How can that be when inflation was rampant across so many sectors of Irish life? Why had An Post management not requested price increases for almost 11 years? Why the rush to shut down An Post's SDS parcel service when it is considered the one area of the delivery service with potential for financial growth and customer expansion? These and other questions should be considered by the Committee of Public Accounts.

The company has failed to honour its commitments under Sustaining Progress and payments have not been made to workers and pensioners of An Post. The Minister said he very much regretted that. Regret will not put food on the table. What message is sent to the private sector when a semi-State company cannot or will not meet pay agreements? The role of the Government has been one of utter neglect. As with all other semi-State companies developed over the decades with taxpayer's money and which have served the Irish people well, there is a tremendous rush to cut An Post loose and to let the entrepreneurial vultures pick over the more succulent bones.

Much was made by the Minister and others yesterday of the need to take a partnership approach to the issues involved. Unfortunately, such calls are completely meaningless when one considers the record in this area. The only partnership arrangement agreed between workers and management in the recent past was that relating to owner-drivers at SDS. Workers could be forgiven if they are sceptical about entering another partnership considering what happened then. We are told sacrifices have to be made. Why is it always the workers who have to make the sacrifices?

The Government, as Deputy Gormley said, seems to know the cost of everything but the value of nothing. This issue is not just about a postal delivery service or about getting a letter from a profitable point A to a profitable point B. It is about much more than that. The postal service is a social and community service as much as it is a commercial interest. In many instances it is a vital link between local and rural communities.

**Mr. Gregory:** In the time available, I wish to put on record my support for the just demands of the postal workers. I worked with postal workers at Christmas time many years ago. They perform a vital social service delivering mail to all parts of the country. Sub-post offices are at the very heart of local communities and their closure has a major impact on people's lives. Such a service cannot be judged on the basis of commercial profitability. If senior management at An Post got their way they would turn the company into one staffed by temporary, casual workers providing a minimum service with all profitable business being handed over to private companies. That must not be allowed to happen as it would destroy An Post as a public service.

It is an outrage that the cost of living increases, due since November 2003 under Sustaining Progress, have not been paid to approximately 10,000 employees, while many thousands of  
8 o'clock An Post pensioners have not received the €11.25 increase due to them. These pensioners gave 40 years of loyal service to the people. It is no wonder the workers feel a deep frustration and anger at the failure of both management and the Government to secure the future of the postal service.

I join those who reject any attempt to dismantle or privatise this national public service. I reject any attempt to reduce the level of pay and conditions of postal workers. During the past two years, the postal workers were forced to pay for senior management's incompetence. The refusal to pay the most basic cost of living increases has left the postal workers behind all others and that is unacceptable. The treatment of the pensioners must also be condemned and the payments due to them must be paid.

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

**Mr. Gregory:** The unilateral decision to close the parcel service, SDS, with a loss of 270 jobs has been another factor in the crisis. I support this motion.

**Dr. Cowley:** The Committee of Public Accounts must look at the recent shenanigans in An Post. I know from my constituency clinics that An Post is conducting a campaign by stealth of closing down every rural post office. Vacancies in the service are only advertised in the local areas concerned. People have come to me, disappointed that they did not know the vacancy had

arisen. They expected it to be advertised in the national or regional media rather than the local media. I am aware of the shenanigans regarding appointing those who apply for positions in An Post. There is no transparency in the process. The remuneration for a postal worker in a rural area, working a six day week, who must carry the key to operate the office computer, is inadequate. When services are lost, people in communities are too. If a community has no place to post a letter or see a doctor, it only leads to a vicious circle. It is the same as the Hanly and Hollywood reports leading to centralisation of services, which is unacceptably anti-person and anti-rural.

**Mr. McHugh:** Last Tuesday, I raised the issue of An Post on the Adjournment debate. On that occasion, I argued there was a total breakdown of trust between unions and management in An Post. Events since have borne out my claim. I also asked the Minister for Communications, Marine and Natural Resources to take a hands-on approach to ensure normal relations and services are provided. I am glad the Minister will meet the unions and management this week to bring sanity to the situation and applaud him for doing so.

However, it must be remembered that the future must be worked out between the unions and management. We can only look to the future with confidence if relations are based on respect and trust. To create that trust, several issues need to be addressed. The company's financial position needs to be clarified. Mr. John Hynes's forecast of €1 million in 2003 does not equate with Mr. Donal Curtin's forecast of a €46 million loss in the same year. We need to know who is right. Is management's story about SDS or the unions the true one? Will a subvention be paid to An Post to enable it to perform its universal service obligation? I object to the privatisation of rural deliveries. Postal workers should be retained to provide rural deliveries in the professional manner they have done down the years. The retention of rural post offices is vital to rural communities. The Minister should state his position on the payment of wage agreements, the retention of rural post offices, the payment of subvention to retain rural deliveries and the financial position of An Post.

**Mr. F. McGrath:** I support the postal workers in their dispute against multiple breaches of working agreements. As the son of a postman, it is my national and civic duty to support the staff of An Post. I commend the unions in how they are handling the dispute, particularly with their 91% mandate from the workforce for industrial action. I am dismayed by the refusal of An Post management to award postal workers their due pay entitlements under Sustaining Progress and to pay the linked cost of living rises to An Post pensioners. This is simply unacceptable. I am dis-

appointed by the decision of An Post management to close the SDS parcel and courier company without debate in the House and abandon a strategic recovery plan agreed with the workforce and trade union representatives.

Rather than this type of disastrous approach to management, common sense is needed. I call on the Government to prepare a White Paper on the future development of the postal service and the economic means to enable An Post to discharge its services. That is the only way forward. People must take their heads out of the sand and stand up to defend our postal workers and service. I speak as a regular customer of An Post, a taxpayer and an elected public representative. The citizens are seeking justice and fair play for the staff, while having a quality and effective postal service with deep roots in the community. This is at the heart of this debate and the reason I support the workers. It is about people and a grave injustice to the staff and pensioners. The motion is about doing something constructive for the postal service and staff. I urge all Members to stand up and be counted in supporting the motion.

**Mr. J. Breen:** I support the motion. I am deeply shocked by An Post management's refusal to pay An Post workers the increases to which they are rightly entitled and believe they have been unfairly treated. The dispute has been ongoing since March 2003. It must be resolved and payments of increases should be made to postal workers with the retention of postal services.

An Post's financial results for 2003 showed a deficit of €29.7 million and an operational loss of €43 million. Urgent measures to stabilise the situation were included in the strategic recovery plan, submitted to the shareholders in September 2003. Non-payment spending was targeted as a vital element in resolving the cash crisis facing the company. Since mid-2003 the level of spending has been reduced by €8 million, resulting in 2004 non-payment spending of 2% less than that in 2002, despite service inflation running at 6%.

A ban on recruitment, restrictions on overtime and the non-payment of Sustaining Progress wage increases has ensured that pay costs in 2004 are the same as 2002, a saving of €35 million against budget. It is imperative that the processes are initiated by January 2005, at the latest, if An Post wants to stay on course to deliver the targets in the recovery plan.

ComReg commenced independent monitoring of An Post quality of service in January 2003. This has led to a continuing dispute with the company over measurement mechanisms. Other issues including the SDS issue arose during the first 12 months of the implementation of the recovery plan. Despite SDS having a separate recovery plan, implemented in mid-2003, it failed to reach its target. The increasing unacceptable

[Mr. J. Breen.]

losses continued, leading to the decision of the board of An Post to close the service down and reintegrate its core operation into An Post's mail business. People in rural areas are entitled to the same level of services as those in urban areas without privatisation of the rural postal service. Why segregate those in rural areas who pay their taxes just like those in urban areas? This is a matter of national importance. It would be a shame to see one of the first modern means of communication go under for the nation as a whole.

**Ms Shortall:** I wish to share time with Deputies Paul McGrath, Lynch, Penrose, Rabbitte and Seán Ryan. I welcome the opportunity to contribute to the debate.

I commend my colleague, Deputy Broughan, on tabling the motion. The current difficulties at An Post require an urgent response from both management and the Government if our postal service is to be secured into the future. The postal service is a crucial element of the social and economic infrastructure of the country. Whether it is a business person in Dublin 1 or a pensioner in the Aran Islands, we all depend heavily on the postal services. The public has a deep appreciation of the central role postal workers play in our lives.

Crucial to the Labour Party's views about the public service is the belief that everyone should be guaranteed access to a universal postal service in the form of a daily service delivered through uniform rates of postage. Last night, the Minister committed himself to a universal service but, crucially, did not specify it would be public. A myth which is widely held within the Government is that services can be provided more cheaply by the private sector. This thinking is being applied across many of our public services. It is based on two premises which the Labour Party utterly rejects. The first is that decent, secure public service jobs can be jettisoned in favour of "yellow pack" short-term contracts with little or no security. The Government needs to come clean on the downgrading of workers' rights and conditions and stop hiding behind the public sector managers as they wield the axe. The much lauded introduction of competition generally amounts to no more than cherry-picking the profitable aspects of the business by private sector interests determined to get a share of the action.

In the case of the postal service, such a move would be disastrous for much of rural Ireland. If a national postal service like An Post cannot afford to continue to provide a universal service obligation itself, how can a private, self-employed contractor afford to do so? This will be the beginning of the end for the rural postal service in Ireland. The Government must accept that if we are serious about supporting rural Ireland and

ensuring some level of balanced regional development, those elements of our social services on which rural Ireland depends must be subsidised. Just as rural transport services are not profitable, and it is accepted that they must be subsidised, so too with our postal service deliveries and our post office network. It is time for the Government to engage in a public debate on what kind of postal service we need. The Government cannot opt out of this. It is scandalous what management is doing to the workers, but the Government has a clear role to set out policy in this area.

**Mr. P. McGrath:** I thank the Labour Party for sharing time and compliment Deputy Broughan on tabling the motion. As time is short, I will make just a few points.

I heard my constituency colleague, Deputy Cassidy, speak in glowing terms about An Post and the services provided by it. I hope he will follow through on his lovely talk on how successful and great An Post is. I hope he will have the conviction to vote for the motion supporting An Post workers, postmen throughout the country and all the matters about which he spoke. Will he have a nice talk on local radio and for the local newspapers but with the footnote missing that he voted against the postal workers? He will omit that from his public relations stunt when he goes to Westmeath. That is disgraceful. We will test him this evening to see what he will do.

I want to record my tribute to An Post workers. Postmen have been the backbone of this country as rural services have disappeared. At some Garda stations, one communicates with the nearest manned station by using the "green man" system. While many schools have closed down and amalgamated, the postman is still the person who provides a service to each home in Ireland, usually on a daily basis. This is something we must preserve. We should open up a wider debate on the issue to determine what people want from An Post. What is it they require and for what are they prepared to pay? I believe the people are prepared to pay for a postal service which will deliver to them the quality service provided in the past. They do not want a "yellow pack" service. They do not want workers to be exploited. They do not want the private sector to do a makeshift job instead of a job currently so well done by the postal workers. In supporting the motion, I hope we can open up a wider debate on the future of An Post.

**Ms Lynch:** I express my appreciation to Deputy Broughan for tabling the motion. I will make just a few points because time has been greatly curtailed as a result of the vote at 7 p.m.

For a semi-State company such as An Post, in which the Government should have a direct input, to treat its workers in this fashion is disgraceful. Words cannot describe how shabbily



these workers have been treated. The people who deliver the post must get up at 5 a.m. to go to work and then lug several heavy bags to various drop-off points from which they deliver the post. These people often cover eight or ten miles a day without a break. That appears fine because there is an illusion that people who deliver the post, whether men or women, and there are now as many women as men entering the postal service, work in spring weather when people have a spring in their step. That is not the case. These people must go out to work in weather when none of us would go out without an umbrella or a taxi to pick us up. These people must deliver the post during storms, snow and awful rain for just €350 to begin with and increasing to €450 after nine years. This is slave labour which should not be allowed.

To add insult to injury, last week, middle to upper management received a productivity related bonus amounting to several thousand euro each. It must have been a difficult pill to swallow for people seeking what the Government considers to be the central pillar of the success of the economy, namely, centralised pay bargaining, to witness the company, which is part and parcel of Government, reneging on its side of the bargain while hearing that its management, which is screwing people into the ground, received a productivity-related bonus.

Last Wednesday, An Post workers took the day off at their own expense to come to Dublin. These are workers who depend on overtime to supplement their wages, which no one should have to do. On that day, Gerry Browne, the president of the Communications Workers Union, and John Foley, the public relations officer for An Post, took part in a radio broadcast in Cork. The latter said that the CWU reminded him of Sinn Féin. The CWU was deeply offended by that remark because the implication was that it did not have a plan or a strategy and it did not know where it was going. Gerry Browne was deeply offended, as was everyone who heard the remark, because the union stood up for its workers and, at the end of the day, it is the only defence the workers have because they cannot rely on the Government to ensure they receive a decent wage. Therefore, they must rely on overtime.

**Mr. Penrose:** I am pleased the Labour Party and my colleague, Deputy Broughan, raised this issue on Private Members' time. This issue resulted in more than 7,000 marching last week at their own expense. It must be asked why they marched. They did so because they are being treated like second-class citizens by the management of An Post. They have been disregarded by a Government which has a right-wing agenda and which failed to invest in An Post or to ensure that it was allowed necessary price rises. It allowed An

Post to be run into the ground at the expense of workers.

I can tell the House about the workers in An Post. I know all of them in my area. My brother-in-law has worked for An Post for 25 years. He has three children and earns a gross weekly pay of €445, €350 nett. That is what he has for rising at 6 a.m. and delivering to every byway and highway across north Westmeath.

It is no use to have Deputy Cassidy coming to the House full of platitudes and nonsense. I am sick to the teeth of such platitudinous nonsense. Bluff, bluster and blather is the hallmark. It is time for the Government to put its money where its mouth is. The Government failed to invest in the company because it has a right-wing agenda driven by the idea that everything must be privatised. It wants to contract out the routes and it gives damn-all wages to the ordinary workers who get up in the morning, the 10,000 postmen and postwomen across the country. The Government did not even tell the workers the truth. The management could not say what was a profit or a loss. What was a profit of €1 million one day turned into a loss of €46 million the following day. Primary school children would be given an "NG" grade in maths if they behaved like that.

The Government should be aware that it has disregarded Sustaining Progress with all the partnership agreements. It has given the Harvey Smith salute to the partnership process and will not give a miserable 5% rise to the workers. As Deputy Lynch said, An Post can find time and money to give to the executives who presided over all of this, and give them a bonus — for what? As Deputy Michael D. Higgins said last night, we are committed to universal provision by the State or semi-State bodies, of which we must have control in this country. The Government idea is to package it all in a system whereby nobody will know when they will ever get a letter. It could arrive two or three days down the line. We forget altogether in this country the vital service provided by those people who travel down long boreens perhaps to spinsters living in remote areas, and return on that person's behalf with the odd message for the doctor, the local newsagent or anyone else on that person's behalf. They are providing vital services and keeping those people in touch with the outside society. People have forgotten about that and as Deputy Lynch said, about people rising at 6 a.m.

Those people should be entitled to a decent wage. They are entitled to full and unvarnished information about the company which accurately reflects the true position. It is sad to see 8,000 pensioners deprived of the few halfpence they get. No civilised society would countenance what has been done to the workers of the company and to the pensioners who contributed to it.

What about SDS? Part of it operates in my area in Athlone and also on the Naas road, in the

[Mr. Penrose.]

area of my party leader, Deputy Rabbitte. The idea was to run down SDS so that it could be sold off to get the money for property, to get capital onto the balance sheet, so that An Post could say it had done a good job. They were going to get the money for the premises and the lands. I spoke to SDS workers in Athlone and to CWU representatives across Westmeath. SDS has never been as busy and has never had so many letters and parcels to deliver. I heard Deputy McGuinness, a fairly vocal Government backbencher, say that he could not understand how SDS could be disposed of at this point. If one looks underneath, there is always an agenda. The company wanted to get rid of it. The workers made agreements. The management used all sorts of fudges and obfuscations about overtime. Workers were prepared to deal with those issues. When one deals with someone who tells you that today is Wednesday, and who might tell you the next day that it is Friday, you are in serious trouble. One does not know where one is going with people like that.

I applaud the workers. It is a long time since my grandmother supported the lock-out of 1913. If there is a lock-out at An Post I will be there shoulder to shoulder with the workers. It is time that people went back to the streets to fight for their rights. There is too much molly-coddling. It is also time for the trade unions to get off the perch of cosy relationships with employers who do not honour agreements. It is time to take the fight to them because that is what was fought for in 1911. That should never be forgotten. The Labour Party and I are prepared to fight again for decent pay and decent conditions for workers, especially for the An Post workers and their families who are getting nothing, as well as for the unfortunate pensioners who did not even get the few halfpence they were seeking.

**Mr. Rabbitte:** I thank colleagues on all sides of the House who spoke in support of a decent postal service and decent conditions for the workers employed in it. I thank my colleague Deputy Broughan for bringing this motion to the parliamentary party because it raises fundamental questions for our society.

We are told we live in a time of remarkable affluence. We live in a time of relative wealth when the catchwords are competition, liberalise, privatise, deregulate and so on. The reality is that more and more people are asking questions about what kind of society we are creating.

Fundamental issues are raised by the street protests of the postal workers. What kind of society are we creating? We believe in the concept of a public realm, in the provision of clean water, in public parks, spaces and libraries, in public art and culture. We believe in the universal obligation to provide a service like the postal ser-

vice because it is at the heart of the concept of citizenship, about which my colleague Deputy Michael D. Higgins spoke last night.

The Minister, Deputy Noel Dempsey, cannot resist his inclination to sneer at people on this side of the House. He began his mealy-mouthed speech by saying that the Labour Party did not bother to do its homework, and that if it had it would have recognised that universal service obligation was at the heart of the approach of this Government. Deputy Broughan then gave me the prospectus for the company. I will read one sentence from it: "An Post is a commercial company and must operate like one, without any social obligations to rural communities."

**Mr. Penrose:** The right-wingers are there.

**Mr. Rabbitte:** Is there a need to say more? How does the Minister reconcile that with what is happening in the company? That is its view of its mandate. That is how the Government sees it. It thinks it can run away from the implications of this debate. It passes the buck to An Post. Very little can be raised directly in this House without the buck being passed by the Minister to some quango or other. If one wants to raise a question about a road being built through the Hill of Tara, that is not considered a matter for the House, but for the National Roads Authority. So it goes. Matters such as those for which a Minister could be held accountable in this House even ten years ago do not arise and the Minister cannot be held answerable. The matters are deemed to be the business of some quango or another.

I am not arguing for a bad management or for bad work practices. I am not opposed to the modernisation of the postal service. The bottom line is that if we are required as a society to communicate with our citizens through An Post, to provide a universal service, whether one is on the top of a mountain or in the densely populated part of urban Ireland, the obligation is on us to provide that service. If that means that at the end of the day a subsidy is needed to assist a modern, professionally run, efficient company, then so be it.

There are some aspects to the quality of life which are not open to bargain. I could not be here earlier as I was at a meeting. However, I watched on the monitor the number of colleagues behind the Minister of State who came in to make eulogies and tributes, which I am sure are sincerely felt, to the men and women of the postal service. So well they should, when one looks at the job they do, which Deputy Lynch reviewed for the House a few minutes ago, and when one realises that two postmen may be obtained for a week for the price of one Ms Monica Leech for a day, one has to ask what are our priorities. It is little wonder Members on the Government side of the House should make such tributes to the postal workers in circumstances where a Minister

can recruit somebody for €1,200 a day, whose role and purpose is unclear and who seems to be superfluous to the services already at his disposal in the Department. We are told we cannot pay the pensioners in An Post their entitlements. What type of Government runs away from that commitment?

The Government is a main partner to Sustaining Progress. It will not implement the terms of Sustaining Progress unless on its terms, but even then the pensioners are to be victims. I say to the people who came in here tonight from Fianna

Fáil, the Fianna Fáil Independents and so on that I heard their fine speeches and take them at face value. I believe they mean them genuinely when they pay tribute to the significance of the postal service and the contribution of the postal workers. Now is their opportunity to put their money where their mouths are by supporting Deputy Broughan's motion when the Ceann Comhairle calls the vote.

**Deputies:** Hear, hear.

Amendment put.

The Dáil divided: Tá, 62; Níl, 58.

Tá

Ahern, Michael.  
Ahern, Noel.  
Andrews, Barry.  
Ardagh, Seán.  
Blaney, Niall.  
Brady, Johnny.  
Brady, Martin.  
Callanan, Joe.  
Carey, Pat.  
Carty, John.  
Cassidy, Donie.  
Cooper-Flynn, Beverley.  
Cowen, Brian.  
Cregan, John.  
Curran, John.  
Davern, Noel.  
Dempsey, Tony.  
Dennehy, John.  
Devins, Jimmy.  
Ellis, John.  
Fahey, Frank.  
Finneran, Michael.  
Fitzpatrick, Dermot.  
Fleming, Seán.  
Gallagher, Pat The Cope.  
Glennon, Jim.  
Grealish, Noel.  
Hector, Máire.  
Jacob, Joe.  
Keaveney, Cecilia.  
Kelleher, Billy.

Kelly, Peter.  
Killeen, Tony.  
Kirk, Seamus.  
Kitt, Tom.  
Lenihan, Brian.  
McDowell, Michael.  
McEllistrim, Thomas.  
McGuinness, John.  
Moloney, John.  
Moynihan, Donal.  
Moynihan, Michael.  
Mulcahy, Michael.  
Nolan, M. J.  
Ó Cuív, Éamon.  
Ó Fearghail, Seán.  
O'Donnell, Liz.  
O'Donovan, Denis.  
O'Flynn, Noel.  
O'Keeffe, Batt.  
O'Keeffe, Ned.  
O'Malley, Fiona.  
Power, Peter.  
Sexton, Mae.  
Smith, Brendan.  
Smith, Michael.  
Treacy, Noel.  
Wallace, Mary.  
Walsh, Joe.  
Wilkinson, Ollie.  
Woods, Michael.  
Wright, G. V.

Níl

Allen, Bernard.  
Boyle, Dan.  
Breen, James.  
Breen, Pat.  
Broughan, Thomas P.  
Burton, Joan.  
Connolly, Paudge.  
Costello, Joe.  
Crawford, Seymour.  
Crowe, Seán.  
Cuffe, Ciarán.  
Deenihan, Jimmy.  
Durkan, Bernard J.  
Enright, Olwyn.  
Ferris, Martin.  
Gilmore, Eamon.  
Gogarty, Paul.  
Gormley, John.  
Gregory, Tony.  
Hayes, Tom.

Healy, Seamus.  
Higgins, Joe.  
Higgins, Michael D.  
Hogan, Phil.  
Howlin, Brendan.  
Kehoe, Paul.  
Kenny, Enda.  
Lynch, Kathleen.  
McCormack, Padraic.  
McGrath, Finian.  
McGrath, Paul.  
McHugh, Paddy.  
McManus, Liz.  
Morgan, Arthur.  
Moynihan-Cronin, Breeda.  
Naughten, Denis.  
Neville, Dan.  
Ó Caoláin, Caoimhghín.  
Ó Snodaigh, Aengus.  
O'Dowd, Fergus.



Níl—continued

O'Keeffe, Jim.  
O'Shea, Brian.  
O'Sullivan, Jan.  
Pattison, Seamus.  
Penrose, Willie.  
Perry, John.  
Quinn, Ruairí.  
Rabbitte, Pat.  
Ring, Michael.

Ryan, Eamon.  
Ryan, Seán.  
Sargent, Trevor.  
Sherlock, Joe.  
Shortall, Róisín.  
Stagg, Emmet.  
Timmins, Billy.  
Twomey, Liam.  
Upton, Mary.

Tellers: Tá, Deputies Kitt and Kelleher; Níl, Deputies Stagg and Kehoe.

Amendment declared carried.

Question put: "That the motion, as amended, be agreed to."

The Dáil divided by electronic means.

**Mr. Stagg:** Given the importance of the issue and the hypocrisy of several speakers, as a teller,

under Standing Order 69, I propose that the vote be taken by other than electronic means.

**An Ceann Comhairle:** As Deputy Stagg is a Whip, under Standing Order 69 he is entitled to call a vote through the lobby.

Question again put: "That the motion, as amended, be agreed to."

The Dáil divided: Tá, 63; Níl, 56.

Tá

Ahern, Michael.  
Ahern, Noel.  
Andrews, Barry.  
Ardagh, Seán.  
Blaney, Niall.  
Brady, Johnny.  
Brady, Martin.  
Brennan, Seamus.  
Callanan, Joe.  
Carey, Pat.  
Carty, John.  
Cassidy, Donie.  
Cooper-Flynn, Beverley.  
Cowen, Brian.  
Cregan, John.  
Curran, John.  
Davern, Noel.  
Dempsey, Tony.  
Dennehy, John.  
Devins, Jimmy.  
Ellis, John.  
Fahey, Frank.  
Finneran, Michael.  
Fitzpatrick, Dermot.  
Fleming, Seán.  
Gallagher, Pat The Cope.  
Glennon, Jim.  
Grealish, Noel.  
Hector, Máire.  
Jacob, Joe.  
Keaveney, Cecilia.  
Kelleher, Billy.

Kelly, Peter.  
Killeen, Tony.  
Kirk, Seamus.  
Kitt, Tom.  
Lenihan, Brian.  
McDowell, Michael.  
McEllistrim, Thomas.  
McGuinness, John.  
Moloney, John.  
Moynihan, Donal.  
Moynihan, Michael.  
Mulcahy, Michael.  
Nolan, M. J.  
Ó Cuív, Eamon.  
Ó Feargháil, Seán.  
O'Donnell, Liz.  
O'Donovan, Denis.  
O'Flynn, Noel.  
O'Keeffe, Batt.  
O'Keeffe, Ned.  
O'Malley, Fiona.  
Power, Peter.  
Sexton, Mae.  
Smith, Brendan.  
Smith, Michael.  
Treacy, Noel.  
Wallace, Mary.  
Walsh, Joe.  
Wilkinson, Ollie.  
Woods, Michael.  
Wright, G. V.

Níl

Allen, Bernard.  
Boyle, Dan.  
Breen, James.  
Breen, Pat.  
Broughan, Thomas P.  
Burton, Joan.  
Connolly, Paudge.  
Costello, Joe.  
Crowe, Seán.

Cuffe, Ciarán.  
Deenihan, Jimmy.  
Durkan, Bernard J.  
English, Damien.  
Enright, Olwyn.  
Ferris, Martin.  
Gilmore, Eamon.  
Gogarty, Paul.  
Gormley, John.

Níl—continued

Gregory, Tony.  
Hayes, Tom.  
Healy, Seamus.  
Higgins, Joe.  
Higgins, Michael D.  
Hogan, Phil.  
Howlin, Brendan.  
Kehoe, Paul.  
Lynch, Kathleen.  
McCormack, Padraic.  
McGrath, Finian.  
McGrath, Paul.  
McHugh, Paddy.  
McManus, Liz.  
Morgan, Arthur.  
Moynihan-Cronin, Breeda.  
Naughten, Denis.  
Neville, Dan.  
Ó Caoláin, Caoimhghín.

Ó Snodaigh, Aengus.  
O'Shea, Brian.  
O'Sullivan, Jan.  
Pattison, Seamus.  
Penrose, Willie.  
Perry, John.  
Quinn, Ruairí.  
Rabbitte, Pat.  
Ring, Michael.  
Ryan, Eamon.  
Ryan, Seán.  
Sargent, Trevor.  
Sherlock, Joe.  
Shortall, Róisín.  
Stagg, Emmet.  
Stanton, David.  
Timmins, Billy.  
Twomey, Liam.  
Upton, Mary.

Tellers: Tá, Deputies Kitt and Kelleher; Níl, Deputies Stagg and Kehoe.

Question declared carried.

### Adjournment Debate.

#### Industrial Disputes.

**Mr. Naughten:** I thank the Ceann Comhairle for the opportunity to raise this matter. Last night, the on-call ambulance service in Boyle, Ballinasloe and Roscommon was withdrawn by crews due to the failure of the Department of Health and Children to approve a full, on-duty, 24-hour ambulance service. While it was to have been extended with the withdrawal of the service to Carraroe, Clifden and Belmullet later in the week, staff have ceased their industrial action pending negotiation. The issue has not been addressed by the withdrawal of the industrial action and it remains critical to resolve it.

Personnel in the ambulance service are rostered for 20-hour days and some work for up to 90 hours per week. Ambulance services in the Western Health Board region are short of approximately 40 staff. The demands of ambulance staff are fair and reasonable. They seek the establishment of 24-hour, on-duty, trained, full-time crews in place of the current on-call service and the basing of two manned ambulances in Roscommon town. The Western Health Board has sought in writing approval from the Department of Health and Children for these provisions on a number of occasions, but has received no response. An additional 43 staff are required at an approximate cost of €2.2 million per annum.

Boyle has an on-call service at night. It is on the N4, which is extremely busy, and services the N61 which is the main route from the north west to Rosslare Port. The town services north and west Roscommon and has a large elderly population. The ambulance base in Roscommon town

serves the N5 and the N63, which are very busy national routes, with one 24-hour service and one on-call service at night. The base covers north-east Galway, west Roscommon, mid and south Roscommon while providing extra cover for the ambulances bases in Ballinasloe and Boyle when they are on call. The base in Ballinasloe serves the N6, east and south Galway, south Roscommon and the critical Portiuncula Hospital, but is only an on-call service at night.

It is not unusual for people in County Roscommon or east Galway to have to wait up to three hours for an ambulance as a result of the on-call system. Scientific evidence demonstrates that a patient who gets to hospital within one hour of an incident, severe road accident injury or heart attack has a 30% greater chance of survival than someone who must wait three hours for an ambulance. It is critical for the Department of Health and Children to tackle the issue and sanction forthwith the funding for services in Roscommon and Galway. The Department has already sanctioned similar schemes in the south east and midlands. All we are asking for is equality of treatment in the Western Health Board area. We should be provided with the same level of service as the south east and midlands where the on-call service has been replaced with 24-hour, manned ambulance bases. These services are especially required given the Tánaiste's intention to downgrade and centralise emergency services. The Government is not prepared to make the necessary investment in the ambulance services which are so critical to ensure people get to hospital swiftly to receive the emergency treatment they require.

I call for approval to extend services to be granted to the Western Health Board. I do not want to see a scenario develop like that in County Wexford where the Department approved a slimmed-down service and reduced the number of ambulance bases to cut costs. As a basic mini-

[Mr. Naughten.]

mum we want the Boyle, Roscommon and Ballinasloe bases manned on a 24-hour basis by trained professional staff and not on an on-call basis, which is currently the case, with further threatened industrial action.

I call on the Minister also to ensure that the ambulance service in County Roscommon is expanded. There is a black area with regard to west Roscommon and Castlereagh, which does not have a proper ambulance service. Those areas are being serviced from either Boyle or the town of Roscommon. The Western Health Board has found the area requires that an ambulance be based there. I ask the Minister to sanction approval for the 24-hour bases in Boyle, Roscommon and Ballinasloe and to sanction the construction and development of a base in the Castlereagh-Ballinaderreen area.

**Minister of State at the Department of Agriculture and Food (Mr. B. Smith):** As Deputy Naughten is aware, the Western Health Board has responsibility for the provision of ambulance services in its area. The Western Health Board has advised that the industrial action referred to by the Deputy has been suspended. The dispute commenced on 13 December and involved the withdrawal by emergency medical technicians from the provision of on-call cover between the hours of 11 p.m. and 8 a.m. The Western Health Board had contracted private ambulance services to ensure that on-call cover is maintained during the dispute.

Sustaining Progress recognises that a stable industrial relations climate has important benefits for the public, such as the provision of uninterrupted services, improved productivity and staff morale and increased public confidence. It notes that the providers of essential services and their staff have special responsibility to ensure they have well-developed communication channels and seek to resolve problems before they escalate into industrial disputes. If a problem cannot be resolved, it is agreed by the parties to take up all available dispute resolution mechanisms. Sustaining Progress precludes strikes or any form of industrial action by trade unions, employees or employers in respect of any matter covered by the agreement.

Since Sustaining Progress was concluded, the industrial relations environment in the health service has been transformed. The new system has proved very successful in ensuring that employee grievances are resolved without recourse to industrial action and the disruption it brings to the public.

The Western Health Board emergency and patient transport ambulance service provides a service to a population of more than 353,000 people. The emergency ambulance service is provided from ten stations located throughout the board's catchment area. The past four to five years have seen a significant expansion of the service, ten additional crews have been put in place,

the number of 24-hour bases has increased from three to five while the overall hours of operation across all bases have increased significantly. The board has also improved facilities at ambulance stations in Ballina, Boyle, Clifden and Roscommon.

I assure the House that the Government is fully committed to the development of our emergency ambulance service. Much has been achieved in the development of the service and I recognise that much remains to be done. It is essential to maintain the progress which has been made and to continue the process of service development so that effective pre-hospital emergency care is accessible to those who need it most, when and where it is required.

### **Milk Production.**

**Mr. Kirk:** I thank you, a Cheann Comhairle, for the opportunity to raise this matter on the Adjournment. I raise it because it is an important and pressing issue in the agriculture industry.

It is estimated that the average price of liquid milk to the farmer is about €1.69, which is equivalent to the 1989 price. There is a threat to implement a 10 cent cut in the price of milk, which will bring the price back to 1985 levels. It is estimated that farm cost inflation over that period was in the region of 30% to 40%. The arithmetic is fairly obvious.

It is estimated that 16% of the liquid milk market in Ireland is supplied by imports, with a rumoured 100,000 gallons coming in in tankers from Scotland on a daily basis. With the free movement of milk quota between the United Kingdom and Northern Ireland, it is estimated that 10% of the UK quota has come to Northern Ireland over the past ten years, with a consequent significant increase in the levels of milk production in the six Northern counties.

The position in the Republic is clearly unsustainable. There will be a mass exodus of producers of liquid milk in the immediate period. It is farcical that the two litres of water on the supermarket shelf is more expensive than the two litres of milk beside it. That is a sad commentary on the economics of liquid milk production in Ireland today.

The need to examine the serious market distortion is obvious. It is fine to say we should have free movement of goods but in this instance it is clearly distorting the marketplace and putting dairy farmers, who work long hours seven days a week, out of business because their enterprises will be unsustainable in a loss-making situation. I exhort the Minister to immediately examine the serious difficulties that exist with a view to bringing forward alleviating measures.

**Mr. B. Smith:** I thank Deputy Kirk for raising this important issue. I have heard him outline his concern about this issue in other fora.

The price paid to farmers for milk is a commercial matter between milk producers and the dair-



ies or processors who purchase the milk. The prices paid by these processors are a function of a range of factors, including the efficiency of these organisations, their product portfolio and the market in which their products are sold. We are operating in a competitive market for milk and milk products and that is a reality throughout the sector at producer, processor and market level. The Prospectus study, commissioned by the former Minister for Agriculture and Food in conjunction with Enterprise Ireland and the dairy industry, clearly spelt out the need for competitive structures throughout the dairy sector in general to withstand competition.

The regulation of the supply of milk for liquid consumption is the responsibility of the National Milk Agency. The agency maintains a register of all processors of milk for liquid consumption, all drinking milk producers and the contracts made between them. By law, only milk produced under a contract registered with the agency can be used for the preparation of drinking milk. The role of the agency is to ensure year-round continuity of supply, particularly during the trough production period of the winter months.

The role of the Minister for Agriculture and Food is to ensure that an EU policy framework is in place, and EU market management measures are implemented in a manner which allows the dairy sector to continue to develop and support farmers' incomes. In this context, I am pleased to report that the year just ended has been very good from the point of view of the Irish dairy sector in general. Milk producer prices in Ireland during 2004 were similar to those last year. As part of the Common Agricultural Policy mid-term review, butter and skimmed milk powder intervention prices were reduced by 7% and 5% respectively on 1 July 2004 and producers have recently been paid a dairy premium amounting to approximately 1.2 cent per litre as partial compensation for the reduction in the intervention price levels. The international market for dairy products has been positive throughout 2004 with increased demand and reduced supply from some of our main competitors. This has allowed the producer price in Ireland for 2004 to remain unchanged from last year, notwithstanding the introduction of the dairy premium as part compensation for the reduced EU support prices.

The liquid milk sector has always been an important part of the overall dairy industry in Ireland, accounting for approximately 10% of total output. The fact that it requires all year round supply of fresh product makes particular demands on the sector but, like all other elements of the food industry, it too is subject to competitive pressures. I am aware there is some disagreement between producers and processors in price for milk and that can only be resolved between the parties involved. It is not for the Minister or the Department to become involved in such an area.

I nevertheless urge that those involved work together to safeguard the long-term future of this valuable part of the dairy industry. Milk production, whether for liquid consumption or manufacturing, remains at the centre of our competitive agriculture industry. I will ensure that the detail and the issues raised here by Deputy Kirk will be brought to the immediate attention of senior officials in the Department and all other interested parties.

### **Garda Transport.**

**Mr. Kehoe:** I thank you, a Cheann Comhairle, for giving me the opportunity of raising this important matter in the Dáil. I am disappointed that a Minister of State from the Department of Justice, Equality and Law Reform is not here to listen to me and to address this very important issue. I think no less of Deputy Brendan Smith. Nevertheless, I would have appreciated the presence of a Minister of State from the Department of Justice, Equality and Law Reform.

The Garda car from Courtown Garda station, a substation of Gorey Garda station, was involved in an accident on 17 November 2004, following an attempted robbery of a petrol station. The Garda car crashed outside the boundary of County Wexford.

Courtown Harbour Garda station is one of the busiest in the south east. The Christmas period will see large numbers of holidaymakers in the Courtown area. Gorey is an ever growing town whose population is increasing day by day. The people of Courtown are worried by the lack of visibility of a Garda car in their area, something that has become usual. A number of burglaries and robberies have occurred in Courtown in recent times. A visible Garda car can prevent many of these crimes.

I cannot understand why we must seek a replacement Garda car for such a large area. For many years, the Government has stressed its commitment to law and order but the true attitude of the Government is illustrated by the fact that the people of Courtown must wait for a Garda car. The Government pays lip service to this important issue. The supply of a Garda car to a Garda station is a simple matter.

The Courtown Garda car was crashed on 17 November and has not yet been replaced. The Minister for Justice, Equality and Law Reform, in a reply to my parliamentary question, stated that investigations must be made, an MT15 form completed and the matter investigated by the Garda fleet management section. That is all rubbish. Once a Garda car is out of commission it should be replaced in a matter of days.

I call on the Government to make sure a replacement car is provided before Christmas, one of the busiest times of the year in Courtown. The Garda must have the necessary resources to deal with drunk driving, burglaries and petty crime. The visibility of a Garda car in an area such as Courtown is vitally important. I ask the

[Mr. Kehoe.]

Minister of State to assure me that this matter will be resolved before the end of the year.

**Mr. B. Smith:** I thank Deputy Kehoe for raising this matter in the House and I respond on behalf of the Minister for Justice, Equality and Law Reform, Deputy McDowell, who is unavoidably absent.

The Deputy raised a specific question, requesting that the Minister for Justice, Equality and Law Reform outline the reason for the delay in replacing the car attached to Gorey Garda station. The Deputy's request is based on the urgency and importance of having this car in place before 23 December in time for the Christmas period.

In the first instance, I understand that the Minister provided the Deputy with a considerable amount of information in a reply to a parliamentary question on this matter only yesterday. The Minister has been informed by the Garda authorities, who are responsible for the detailed allocation of resources, that Gorey Garda district has an allocation of nine cars of which three are allocated to Gorey Garda station itself, three to Arklow Garda station, one to Bunclogh Garda station, one to Carnew Garda station and one to Courtown Harbour Garda station. The vehicle in question, a Toyota Avensis 1.6, attached to Courtown Harbour Garda station, was involved in a collision on 17 November 2004.

The procedure that follows in the event of a Garda vehicle being involved in an accident is that the Garda driver forwards a completed MT15 form to fleet management section in Garda headquarters. The MT15 is a preliminary report of the accident, which notifies Garda fleet management section of the occurrence of the accident and the circumstances surrounding that accident. The public service vehicle inspector then assesses the damage to determine the viability of repairing or replacing the vehicle. The Minister has been informed that the complete investigation file into the collision has not yet been submitted to the fleet management section but preliminary reports indicate that the vehicle is a write-off. The normal procedures that apply when a vehicle is deemed to be a write-off is that a new vehicle will be issued as soon as possible, subject to availability. If a new vehicle is not available immediately, a temporary replacement may be issued, pending the availability of new vehicles.

The Minister has been informed that one of the cars currently allocated to the Gorey district has been re-allocated to the Courtown Harbour Garda station on a temporary basis and that a replacement car will be issued to the Gorey district as soon as a suitable replacement for the car involved in the collision becomes available.

While the Minister is responsible for providing the money for investment in the Garda fleet, it is a matter for Garda management to decide upon the allocation of the vehicles. The need to allocate additional vehicles or re-allocate vehicles is

constantly assessed by the Garda authorities on an ongoing basis. Factors such as population, crime and area are taken into consideration in the process of assessing vehicle allocation or the need for extra transport.

There has been significant investment in the Garda fleet in recent years which has resulted in an increase in the size of the fleet from 1,898 vehicles at the end of 1997 to 2,076 vehicles at present, an increase of 9.4%. To date, more than €10.2 million has been spent on the purchase and delivery of Garda vehicles. The corresponding figures for 2002 and 2003 are €9.6 million and €9.1 million respectively. Further vehicles are on order and the Minister expects that the final end of year figure for the purchase of vehicles for the Garda fleet will be in the region of €14 million. This is a very significant investment in new vehicles which will maximise the safety of members of the Garda Síochána and members of the public in the variety of uses of Garda vehicles. Furthermore the delivery of these vehicles will minimise maintenance costs and improve the resale value of Garda vehicles.

The issue of safety of Garda vehicles is a subject that is always uppermost in the Garda authorities' deliberations on the purchase of vehicles for the Garda fleet. Considerable research has been conducted by the Garda Síochána into the use of various types of vehicles in police forces worldwide and the Minister is aware that there is little difference in general vehicle policy throughout police forces no matter what part of the world they operate in.

Garda management is fully aware of the safety issues surrounding vehicles for members of the force. The Garda fleet management will always endeavour to purchase the safest and most reliable vehicles having regard to national and EU public procurement guidelines and procedures. There has been substantial improvements to vehicles, both in their design and construction, in recent years and in the level of equipment fitted to vehicles to bring them to operational standards. The conspicuity of Garda vehicles has been greatly improved both in quality and design.

Already the Garda has purchased some of the safest vehicles available, including Renaults, Toyotas, SAABs, with five star ENCAP ratings. While the Ford Mondeo, which is a popular car in the Garda fleet, is not five star rated, it has achieved some of the highest marks ever achieved.

In accordance with national public procurement guidelines the Government Supplies Agency has responsibility for the central management of procurement for vehicles. The technical specifications for the supply of vehicles for the Garda fleet are agreed with Garda fleet management. In particular all vehicles purchased for the Garda fleet must comply with all current legislation and the purchase specifications will reflect this fact. The European New Car Assessment

Program scores are carefully monitored for any tender competition to purchase vehicles. Vehicles are specified with safety features such as ABS braking, driver and passenger airbags, power steering, central locking, electric windows and anti-shatter film to all glass, which minimises the injury risk to occupants from shattered glass in the event of a collision. These items are specified for all vehicles and can contribute greatly to increased safety and all vehicles purchased in the future will be required to have a minimum of four stars in the ENCAP system.

The steps being taken to ensure the provision of improvements in Garda vehicles are twofold. The Garda Síochána continuously reviews the vehicle specifications to ensure they reflect the needs of the Garda force both in terms of safety and the duties to which they will be assigned. Second, the Garda Commissioner has established a working group, which includes representatives of the GRA and AGSI, to report on the issue of the safety of Garda vehicles.

The Minister assures the Deputy that a replacement car will be issued to the Garda Gorey district as soon as a suitable replacement becomes available.

### Visa Applications.

**Mr. Costello:** This is an area of considerable importance, not least because the Minister made a statement in recent days regarding his intentions concerning applications by the non-national parents of Irish born children. Large numbers are involved following the recent passage of the Irish Nationality and Citizenship Bill and the referendum prior to that. What does the Minister mean when he says he will deal with the non-national parents of Irish-born children in a “decent, pragmatic and commonsense fashion”? He stated all applicants must re-apply but they have applied once and may have appealed. Following the L & O decision in 2003, they had to make a different application. Many of them, therefore, have been processed since January 2003 with various numbers granted asylum or refused asylum and deported.

Will those who have been deported be given the opportunity to re-apply given that their Irish-born children had to leave with them? Will those whose applications for asylum have been refused since January 2003 but who have not yet been deported be given the opportunity to re-apply? That is not clear from the Minister's comments. He stated decisions will be made on the basis of the proof of identity, period of residence in Ireland and the relationship of applicants to their Irish citizen child. Does this cover all non-national parents of Irish-born children who have made asylum applications prior to the enactment of the Irish Nationality and Citizenship Bill on 1 January 2005 or does it merely refer to the children born prior to the Supreme Court decision in the L & O case in January 2003? A figure of 17,000 applicants has been bandied around. Does

that relate to both parents and children or the individual applicants or the entire family?

Clarification is needed on many issues. However, the number of non-nationals applying for asylum is rapidly diminishing. In the first ten months of 2004, 3,443 new applications were received compared with 6,758 in the equivalent period in 2003, which is a substantial decrease. The Irish Refugee Council stated approximately 4,000 cases are in the pipeline whereas others have suggested 10,000 cases have not been fully processed. We do not know, therefore, how many cases are involved and whether they will all be tossed into the pool again to be processed.

The system is costly and slow. The cost to the Exchequer was €179 million and this almost doubled to €353 million in 2003. The reason for the increases is the significant backlog of cases and not an increase in cases. The system has not been streamlined even though the numbers are declining rapidly. Something needs to be done. I would appreciate it if the Minister of State could elaborate on the Minister's proposals regarding the non-national parents of Irish-born children.

**Mr. B. Smith:** I thank the Deputy for raising this matter. On behalf of the Minister for Justice, Equality and Law Reform, I will outline to the House the proposals for revised arrangements for processing applications for permission to remain in the State from the non-national parents of Irish-born children. The Government yesterday approved proposals for these arrangements.

The legislation, namely, the Irish Nationality and Citizenship Bill 2004, which is the necessary precursor to these proposals, is with the President and has yet to be enacted. Subject to that, the Minister hopes to be in a position to commence the legislation in January 2005. The new processing arrangements will be introduced after the enactment and commencement of the legislation.

I cannot give an exhaustive description of the proposed new arrangements. Details are being finalised in the Minister's Department and full details of the new scheme will be given in January 2005. Application forms will be made widely available at that time and applicants will be required to complete their application forms and submit them by 31 March 2005. This will give them more than two months in which to state or re-state their claim with up-to-date and relevant information. No applicant will be able to say that the matter was considered on the basis of information which was out of date.

The intention at this time is give people advance notice of the details that will be required of them and to give them the maximum time to acquire the necessary documentation such as passports and birth certificates which will be required by them in making their applications. The identity of the applicant must be established in each application. This will require each applicant to supply a passport from his or her country of origin. If a potential applicant does not have



[Mr. B. Smith.]

one, he or she should take the necessary steps to acquire one as soon as possible.

Applicants will be required to show their relationship with the Irish born child. The birth certificate of the child must be supplied. There may be cases where, for example, the father's name is not included on the birth certificate. It will be a matter for the father to establish his paternity and to provide proof of this to the Department. It will also be necessary to show that parents are living with and taking care of the Irish citizen child.

The new arrangements are intended to deal with those parents who have been living in the State with their Irish citizen child. An applicant must establish that he or she has been ordinarily resident in the State since the birth of the child and will have to give satisfactory evidence of this. Applications will not be accepted from persons who are abroad or who have not been ordinarily resident in the State. Before granting permission to remain to a person, the Minister wants to be sure that an applicant has not been involved in criminal activity and is of good character. If the person has used other identities while in the State, the Minister wants to know the details.

The onus will be on the applicant to provide all details required and to provide the necessary supporting evidence in the new process. Before permission to remain is granted to a person, applicants will be required to make a statutory declaration to the effect that the details supplied are true, that they will attempt to become economically viable in the State and that they will take appropriate steps to that end, such as participation in training or language courses. If permission to remain is granted to a person, he or she will be allowed to enter employment or to engage in business or a profession. The Minister wants to ensure people who benefit from these new arrangements make a genuine effort to become economically viable and do not become dependent on the State. In the proposed statutory declaration, the applicant will also be asked to

acknowledge that permission to remain, if granted, will not give rise to an expectation that any other person, whether related or not, will be allowed to enter the State. There will be no entitlement for a person granted permission to remain under this scheme to be joined by family members from abroad.

In granting permission to remain to people who satisfy the conditions, the Minister intends to grant permission for an initial period of two years. After that time, if the person can show he or she has been law-abiding and has become economically viable, the permission will be extended for a further three years. After five years in the State the person will be entitled to apply to be naturalised as an Irish citizen.

The Minister said in this House in recent weeks that he would deal with applications from persons seeking permission to remain on the basis of their parentage of an Irish-born child in a decent, pragmatic and commonsense way. This is what he proposes to do. Some people have called for an amnesty but he is not prepared to do that. There will be no blanket granting of permission to remain and each case will be considered individually. The parents of an Irish-born child who have been continually resident in Ireland looking after the child, who are of good character and have not been involved in criminal activity and who are willing to make the necessary statutory declaration can expect to be granted permission to remain.

All reasonable people will see that the proposed arrangements represent a generous approach to the resolution of the issue. They also contain necessary safeguards to ensure permission is not granted where it is not appropriate. I ask Deputies to advise interested parties to await the details of the scheme and the application forms, which will be published in January, and to take the necessary steps to obtain proof of identity and other necessary documentation in the meantime.

The Dáil adjourned at 9.40 p.m. until 10.30 a.m. on Thursday, 16 December 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 11, inclusive, answered orally.*

*Questions Nos. 12 to 23, inclusive, resubmitted.*

*Questions Nos. 24 to 32, inclusive, answered orally.*

### Departmental Schemes.

33. **Mr. Costello** asked the Minister for Social and Family Affairs if he has completed his review of the free telephone allowance; the outcome of the review; and if he will make a statement on the matter. [33446/04]

**Minister for Social and Family Affairs (Mr. Brennan):** Expenditure on the household benefits package which includes the telephone allowance, the electricity-natural gas allowance and the free television licence is estimated at €280 million this year. My Department undertakes negotiations to obtain the best commercial terms and value for money for this very sizeable annual expenditure on the household benefits.

The structure of the telephone allowance operated by my Department was changed in 2003 to make it a cash credit on bills and not attributable to any particular component of the bill. Previously the allowance had covered the line and instrument rental charges specifically, along with a small element of call costs on each two monthly client bill.

This change in the structure of the telephone allowance was designed to make it easier for eligible clients to choose from a range of participating service providers as the newly standardised allowance can be applied to phone bills from any service provider irrespective of the tariff components. Currently, there are four service providers, including Eircom, participating in the telephone allowance scheme and three more have expressed an interest in participating.

In conjunction with this change, a special bundle rate, the Eircom social benefits scheme was introduced by Eircom, which provides telephone allowance customers with line and equipment rental plus an enhanced call credit of up to €5.35 worth of free calls per two month billing period. The cost of the bundle represented better value for money for the ongoing expenditure on these services.

Subsequently, the Commission for Telecommunications Regulation approved a price increase application from Eircom of 7.5% in line rental, effective from 4 February 2004. A lesser percentage increase was applied to telephone instrument rental where applicable.

Following detailed discussions between my Department and Eircom, it was decided that the increase in the Eircom social benefits scheme would be limited to the rate of the consumer price index — 1.9%. This added a total of 94 cent to the two monthly bills, 11% per week, of Eircom customers who are recipients of the telephone allowance. Other Eircom customers have incurred an increase of 7.5% or €3.48 per two months. Eircom has also offered to give low use customers up to €10 worth of calls free per two month bill, by offering them its separate low users scheme in addition to the social benefit scheme.

Claimants of the telephone allowance are free to choose the service provider which they feel gives them the best value for money. Depending on which service provider is chosen, the €20.41 per month paid by the Department can cover line rental and instrument rental in full as well as providing a set value of free calls. One provider participating in the scheme provides full cover for line and instrument rental and €5 free calls per month for the €20.41 paid by the Department.

As I advised the House on 21 October last, I had asked my Department for a report on the telephone allowance scheme to assess the implications of the changes in the scheme. I recently received this report and am currently considering it.

### Family Support Services.

34. **Mr. McGinley** asked the Minister for Social and Family Affairs the way in which the €900,000 for the expansion of the family mediation service as announced recently will be used; and if he will make a statement on the matter. [33498/04]

40. **Mr. Timmins** asked the Minister for Social and Family Affairs the way in which his Department supports and promotes marriage and families; and if he will make a statement on the matter. [33527/04]

70. **Mr. Coveney** asked the Minister for Social and Family Affairs the way in which the €600,000 additional funding for marriage and family counselling as announced recently will be used; and if he will make a statement on the matter. [33497/04]

**Minister for Social and Family Affairs (Mr. Brennan):** I propose to take Questions Nos. 34, 40 and 70 together.

My Department has a key role in the direct provision and ongoing development of income support services to individuals and families, especially in ways that facilitate and promote employment participation, the most effective route out of poverty. The structure of the Departments' payment schemes reflect the need for additional support for family members through increases in payment rates in appropriate circumstances and the child benefit scheme which provides support for children in families.

Through its office for social inclusion, my Department also has a key co-ordinating role in

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developing a joined up policy approach to the provision of all the services that provide economic security to individuals and families.

The family support agency, which was established in May 2003, draws together the main family related programmes and services developed by the Government since 1997. These are designed to promote continuity and stability in family life, help prevent family breakdown, support ongoing parenting relationships for children and local community support for families.

Some €7.61million was made available by the agency for the scheme of grants to voluntary organisations providing marriage preparation courses, marriage and relationship counselling and other family supports. This year over 500 voluntary groups nationwide will receive financial support for the provision of these services to strengthen and support families throughout the country.

This Government's families first approach is illustrated by the expansion and continued success of this scheme. This year's funding is more than six and a half times the allocation in 1997. The focus of the scheme is on support for the voluntary sector with the development of counselling and support services in the community for families, to enhance stability in family life, and to assist family members to deal with difficult periods which they may experience. The aim is to ensure a larger and more accessible service, to ensure the highest level of service possible and that the service is delivered at a low cost to the client.

In the budget, I allocated a further €600,000 to the Family Support Agency for the marriage and relationship counselling grants. This increase in funding will allow for a general increase of approximately 5% in grant payments to the voluntary and community organisations providing counselling services. It also allows for an increase in the number of applications which has been the case in recent years. The increase will also facilitate the provision of an accessible nationwide counselling service provided by voluntary and community groups.

It will require policy development in a number of policy areas, including employment, income support, care services, especially child care, housing, education, health and travel.

The family mediation service which is also under the aegis of the Family Support Agency, is a free, professional, confidential service that enables couples who have decided to separate to reach agreement on all issues related to their separation. It assists couples to address the issues on which they need to make decisions, including post-separation living arrangements, finances and parenting arrangements to enable children to have an on going relationship with each parent.

The benefits of family mediation as a non-adversarial approach to resolving the issues that arise on separation are increasingly being recog-

nised worldwide. Over the last seven years, the family mediation service has increased from two centres in Dublin and Limerick to 14 centres throughout the country. In 2005, additional family mediation centres will be opened in Portlaoise and Letterkenny.

A total of €2,445,000 was allocated to the family mediation service in 2004. The increased allocation of €900,000 will allow the service to: maintain existing levels of service; consolidate the service, that is, upgrade a number of existing centres and improve staff structures to take account of increased demand for the service; and proceed with the necessary upgrade of the computer system which is in place since 1995.

One of the key issues raised by participants at the series of regional fora on the family, which my predecessor hosted last year, were the benefits of this service for families and the need for additional centres.

There has been a dramatic increase in the number of couples seeking mediation, as the benefits of mediation become more widely known. Last year the service helped over 1,403 couples. This compares with an average of 250 couples per year who used the service from 1986 up to the end of 1997, before its nationwide expansion. I pay tribute to the professionalism and hard work of the family mediators who have made a significant contribution to the promotion of the service over the years.

With the establishment in May last year of the Family Support Agency, the development of the service has been taken one step further. The agency now provides a solid and secure base from which this important family service can grow and develop in the future.

The Family Support Agency brings together the programmes and family support services formerly administered directly by my Department. These include services to support families in times of difficulties, including the family mediation service, support for voluntary organisations providing counselling and other family supports and a family resource centre programme, which supports and develops local communities. The Family Support Agency is responsible this year for a budget of over €20 million for the provision and development of its services.

### **Social Welfare Code.**

35. **Mr. Ferris** asked the Minister for Social and Family Affairs his views on the findings of the report on the one parent family payment, *Living on the Book* (details supplied). [33319/04]

76. **Mr. O'Dowd** asked the Minister for Social and Family Affairs the situation with reference to the review of income support arrangements for lone parents as per the commitment in his Department's statement of strategy; and if he will make a statement on the matter. [33507/04]

85. **Mr. Neville** asked the Minister for Social and Family Affairs the progress that has been



made in relation to the NESF recommendation that a system of tracking lone parents be devised in conjunction with the main delivery agencies and data gathered on programme participation and completion; his further plans in this regard; and if he will make a statement on the matter. [33505/04]

**Minister for Social and Family Affairs (Mr. Brennan):** I propose to take Questions Nos. 35, 76 and 85 together.

A review of the income support arrangements for lone parents has commenced in the context of the preparation of the strategy for families in a changing society, which is also currently underway. In this review particular account is being taken of my Department's review of the one parent family payment, the NESF reports, the OECD report on reconciling work and family life, and other relevant studies including, *Living on the Book*, published by OPEN, with the support of the Combat Poverty Agency.

These reports show that a relatively high proportion of lone parents, compared with other OECD countries, are not in employment and a relatively high proportion of lone parents and their children are at risk of poverty. The effects of this on the quality of life and the well being of lone parents and their children are well documented in the publication *Living on the Book*.

The income support arrangements and other supports for lone parents are designed to give them the choice of caring full-time for their children, or taking up employment with a view to ending welfare dependency and achieving a higher standard of living for themselves and their children. A relatively significant earnings disregard of €293 per week has been one of the main ways for encouraging employment participation under the scheme.

In addition, from January 2005, I have provided for a transitional half rate payment for six months where the earnings disregard is exceeded. One parent family recipients may also benefit from my budget improvement in the assessment of capital for means purposes which increases the capital disregard from under €12,700 to €20,000.

However, while this approach has had some success in increasing the employment participation of lone parents, they have not achieved the same levels of employment participation secured by lone parents in similar situations in other countries.

These findings may be pointing to the fact that the current arrangements may not be the most appropriate to facilitate a real choice of employment, and ultimately a better standard of living for lone parents and their children.

My Department, in carrying out the current review, will draw on available policy analysis, including from the NESF, and research findings built up nationally and internationally in recent years. In particular, consideration will be given to the NESF recommendation that a system of tracking lone parents should be developed with

a view to analysing the education, training and employment options to which they have access.

It is intended that the outcome of the review will be concrete proposals designed to better support lone parents in achieving a better standard of living, and a better future for themselves and their children.

*Question No. 36 withdrawn.*

### Departmental Estimates.

37. **Mr. Broughan** asked the Minister for Social and Family Affairs the provisions in the Book of Estimates for his Department for 2005; and if he will make a statement on the matter. [33441/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The 2005 pre-budget provisions for my Department are set out in the 2005 Abridged Estimates Volume. This volume was presented to the House and published on 18 November. The total provision for social welfare spending in the 2005 Abridged Estimates Volume is €11.42 billion. This is before the inclusion of the 2005 budget improvements and reflects the significant year on year increases that have been delivered by this Government.

In budget 2005, provision was made for additional social welfare expenditure of €834.15 million in 2005. This provision will be added to the pre-budget provisions for my Department in the 2005 Revised Estimates Volume. This volume will be presented to the House and published early in the new year.

The total post-budget provision for social welfare spending in 2005 is €12.25 billion. This is the largest allocation ever and is more than double the amount spent in 1997.

The total 2005 post-budget provision is €1 billion, or 8.8%, higher than social welfare related spending in the current year. This is due mainly to the significant increases in weekly rates and the other improvements in social welfare arrangements announced in the recent budget. The increases in weekly rates, for instance, are more than three times the expected rate of inflation in 2005.

### Departmental Schemes.

38. **Dr. Upton** asked the Minister for Social and Family Affairs if she has plans to target farm families for increased support under the farm assist scheme; and if he will make a statement on the matter. [29355/04]

**Minister for Social and Family Affairs (Mr. Brennan):** Farm assist is a means-tested scheme providing weekly income support to low income farmers. The assessment of means for the purpose of qualifying for farm assist is designed to reflect the actual net income, which is calculated as gross income less any expenses necessarily incurred, from farming. Income and expenditure figures for the preceding year are generally used as an indicator of the expected position in the following

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year. However, account is taken of any exceptional circumstances so as to ensure that the assessment accurately reflects the current situation.

For the purpose of determining the rate of farm assist payable, deductions are allowed from net income in respect of qualified children, with the balance is assessed at 70%. In this regard, the means test is more favourable than the scheme's predecessor, the unemployment assistance scheme for small-holders.

In addition, income from the rural environment protection scheme is assessed separately with the first €2,539 and 50% of the balance disregarded. Some 40% of net pay from insurable employment and almost €12,700 of capital are also disregarded.

Currently, almost 8,400 farm assist cases are in payment, receiving an average weekly payment of €145.15. Significant improvements were announced in budget 2005, which will benefit those on farm assist and other social welfare payments, from January 2005. These include a €14 weekly increase in farm assist for a single person, and up to €23.30 per week for a married person. In addition, the capital disregard in the means assessment will increase from under €12,700 to €20,000 from June 2005.

#### Social Welfare Benefits.

39. **Mr. R. Bruton** asked the Minister for Social and Family Affairs the position regarding claimants for rent supplement being referred to the local authority for an assessment of housing need in a more systematic manner, following his announcement on 1 December 2004; and if he will make a statement on the matter. [33491/04]

44. **Aengus Ó Snodaigh** asked the Minister for Social and Family Affairs if detailed guidance notes have been prepared for community welfare officers in relation to the changes in the criteria for eligibility for rent supplement. [33316/04]

51. **Mr. English** asked the Minister for Social and Family Affairs when more detailed user friendly guidelines in relation to rent and mortgage supplement will be drawn up; and if he will make a statement on the matter. [33511/04]

77. **Mr. R. Bruton** asked the Minister for Social and Family Affairs the reason he decided not to reverse the decision to refuse rent supplement to persons in full-time employment; and if he will make a statement on the matter. [33490/04]

176. **Mr. Durkan** asked the Minister for Social and Family Affairs when and if it is likely there will be an alleviation of the conditions imposed in respect of rent support in the budget of 2004; and if he will make a statement on the matter. [33782/04]

**Minister for Social and Family Affairs (Mr. Brennan):** I propose to take Questions Nos. 39, 44, 51, 77 and 176 together.

The supplementary welfare allowance scheme provides for the payment of a weekly or monthly supplement in respect of rent or mortgage interest to assist with reasonable accommodation costs of eligible people who are unable to provide for their accommodation costs from their own resources and who do not have accommodation available to them from any other source. The scheme is administered on my behalf by the health boards.

It is a condition of the scheme that an applicant must be in need of accommodation. In the past, applicants were referred to the local authority at the discretion of the health boards for an assessment of housing needs. Applicants are now referred on a more systematic basis. The intention is that local authorities will determine in all cases whether the "in need of accommodation" condition is met. I consider that it is appropriate that the housing authority rather than the health board should make such assessments.

I am satisfied that the change will benefit people in the medium term as it provides the housing authorities with a more accurate picture of the long-term housing needs of those living in its area.

A working group was established under the Sustaining Progress agreement to facilitate engagement with the social partners in relation to monitoring the impact of the changes made to the rent supplement scheme. The working group, which was chaired by the Department of the Taoiseach, included representatives from ICTU and the community and voluntary pillar as well as my Department and the Department of the Environment, Heritage and Local Government.

The group concluded that the measures introduced in the 2004 budget were not having any significant adverse impacts. It was satisfied with the exclusion of the spouse or partner of a person in full-time employment from receipt of rent supplement. It was also satisfied with the design of the measures introduced including the operation of the appropriate levels of discretion by the community welfare officers. I do not consider it necessary to amend this measure at this point in time.

I have accepted the recommendation in the report of the social partners working group that the measures should continue to be monitored and evaluated. In that regard, the group has reconvened and will advise me on any further actions that may be needed in this area.

In the meantime I recently announced two changes in the conditions for receipt of rent supplement which will come into effect from January 2005. In future, rent supplement may remain in payment until a third offer of local authority accommodation has been refused. Also, the six months rule has been abolished and has been replaced by new measures in order to ensure that bone fide tenants who experience a change in circumstances are not disadvantaged.

A formal circular, which will issue to the community welfare staff, relating to changes in the supplementary welfare allowance scheme is in the course of being drafted in my Department. This will be issued later this month.

A fundamental appraisal of the supplementary welfare allowance scheme in which all of its aspects are being examined with the aim of improving customer service and administrative efficiency is also underway in my Department at present. The question of producing more detailed user friendly guidelines in relation to rent and mortgage interest supplement will be considered in that context.

*Question No. 40 answered with Question No. 34.*

41. **Mr. Cuffe** asked the Minister for Social and Family Affairs the number of sub-post office managers who made occupation benefit contributions but have received no benefit due to the fact that they were defined as agents and not employees. [33466/04]

**Minister for Social and Family Affairs (Mr. Brennan):** My Department does not have any figures to show the numbers of sub-post office managers who were refused benefit or pension due to their paying class J, rather than class A PRSI contributions.

In general, pay related social insurance contributions are made by employers, employees and the self-employed. The rate of PRSI contribution depends on the class of social insurance applicable. This, in turn, determines the range of benefits and pensions to which contributors may become entitled.

Sub-post office managers are regarded for PRSI purposes as being employed under a contract of service and not as agents. In general they pay class A contributions which entitles them to all benefits and pensions subject to fulfilling certain contribution conditions. A small number of sub-post office managers pay class J contributions as their employment is deemed to be employment of inconsiderable extent. Contributors insured under class J are covered only for occupational injuries benefits.

Prior to 1991, employment of inconsiderable extent was defined as: one or more employments for fewer than 18 hours in a contribution week where the employed persons were not mainly dependent for their livelihood on the remuneration received for such employment or employments; or employment in respect of which the rate of remuneration of the person did not exceed €6 per week or €26 per month where the employed person had no other employment.

From 1991, employment of inconsiderable extent was defined as employment in one or more employments where the total amount of reckonable earnings was less than €25 per week. This threshold was raised to €30 in 1994 and has remained at that level since then.

### Pensions Provision.

42. **Mr. Ring** asked the Minister for Social and Family Affairs his estimate of the number of persons who left work due to the marriage bar or otherwise and who, if they had remained at work, would have qualified for the contributory old age pension; and if he will make a statement on the matter. [33508/04]

**Minister for Social and Family Affairs (Mr. Brennan):** Questions in relation to the operation of the marriage bar are a matter for the Department of Finance which has responsibility for the terms and conditions of employment and the pension arrangements for public servants generally.

In general, the social insurance class paid by those affected by the marriage bar was a modified rate which gives coverage for widows or widowers and orphan's pensions and occupational injury benefit only. This reflected their occupational pension position and general contract of service. Accordingly, even if they had continued in employment, contributions paid at this class would only have entitled them to an occupational pension and not one paid under the social welfare system.

In order to qualify for an old age contributory pension, a person must satisfy a number of basic conditions as follows: achieve a yearly average of at least ten contributions paid or credited on their social insurance record from 1953, when the unified system of social insurance came into effect, or the date of entry into insurance, if later; have paid at least 260 contributions at the appropriate rate; and have entered insurance ten years before he or she reached pension age.

The Government is committed to making contributory payments available to as many people as possible and, in this regard, a number of special measures have been taken in recent years to provide pensions for people with deficient insurance records or records comprising a mix of contribution classes. However, a requirement for a certain level of full rate insurance remains an important part of the qualifying conditions for social welfare contributory pensions.

In 1997, the average number of contributions required for pension purposes was reduced from 20 to ten, and in 2000 a special half rate pension was introduced based on pre-1953 insurance contributions. *Pro-rata* pensions are also available to allow people with mixed rate insurance records to receive a payment. These measures are of particular benefit to women who may have less than complete social insurance records.

Measures are also in place since 1994 to protect the pension entitlements of those who take time out of the paid workforce for caring duties. This scheme, known as the homemaker's scheme, allows for up to 20 years to be disregarded when a person's insurance record is being averaged for pensions purposes.

The scheme is being reviewed as part of the second phase review of the qualifying conditions for the old age contributory and retirement pen-



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sions. The review is due for completion in the new year and further development of the home-makers scheme will be examined in the light of the conclusions of the review.

### **Family Support Services.**

43. **Mr. Howlin** asked the Minister for Social and Family Affairs the action he proposes to take on foot of a recent report which calls for a father-inclusive culture and a significant overhaul of the family law and welfare systems to make them more father-friendly and recognise the role of unmarried fathers; and if he will make a statement on the matter. [33450/04]

55. **Mr. P. McGrath** asked the Minister for Social and Family Affairs the research that has been undertaken on the role of young fathers, especially in cases in which parental separation is involved; the action he intends to take in this regard; and if he will make a statement on the matter. [33524/04]

75. **Mr. Gogarty** asked the Minister for Social and Family Affairs the way in which he defines vulnerable fathers; and the measures he intends to put in place to protect them. [33468/04]

**Minister for Social and Family Affairs (Mr. Brennan):** I propose to take Questions Nos. 43, 55 and 76 together.

I welcome the report *Strengthening Families Through Fathers* which was financed under the family research programme co-funded by the Family Support Agency and my Department. Its publication is very timely and its findings are being taken into account in the preparation of a strategy for families and family life which is being co-ordinated by my Department.

This process will take account of the findings of reports such as this report on fathers, and the other reports on family related themes, published earlier under the family research programme, as well as future reports to be published under the next phase of the programme. It also facilitates account being taken in a structured way of the fruits of exchanges on policy, both nationally and internationally, and consultation with interested parties on various family issues, especially in the context of marking the tenth anniversary of the UN International Year of the Family, now drawing to a close.

One of the most significant issues that has arisen in this regard relates to the position of fathers in situations of separation and family breakdown and the role of fathers generally in a changing society. Up until recent decades, the predominant family formation consisted of the male breadwinner father with the mother full-time in the caring role. This is changing as more mothers opt to participate or continue to participate in paid employment, with the opportunities to develop their own careers and achieve financial independence which this may afford. The involvement of fathers in the rearing of their chil-

dren is also an issue which needs to be considered.

The UN Convention on the Rights of the Child provides that: "State parties shall use their best efforts to ensure recognition of the principles that both parents have common responsibilities for the upbringing and development of the child". However, the necessary adjustments in attitudes and in practical arrangements have been slower in bringing about more joint care giving and the research and consultation has shown that there are particular difficulties in the case of families where the parents are separated.

There is no single solution to this. It raises issues relevant to many Departments and policy areas including, employment, income support, child care and related services. The purpose in developing the family strategy is to identify all of the key issues and try to develop an appropriate response to the changes which are taking place affecting families and family life generally. It is my intention to bring forward the strategy in the first half of 2005.

*Question No. 44 answered with Question No. 39.*

### **Local Authority Charges.**

45. **Mr. Boyle** asked the Minister for Social and Family Affairs his views on whether his Department should play a role in helping to offset the cost of waivers given by local authorities to social welfare recipients in lieu of payment of refuse charges. [33465/04]

**Minister for Social and Family Affairs (Mr. Brennan):** Issues in relation to the collection of domestic refuse, including the question of waiver schemes, are the responsibility in the first instance of my colleague the Minister for the Environment, Heritage and Local Government and I understand that the matter is under consideration in that Department at present.

Given the wide variety of existing and proposed arrangements for waste charges, the introduction of a national waiver scheme would present considerable practical difficulties. I am concerned, however, about the effect on social welfare recipients of emerging current trends and I will consult with colleagues on the matter.

### **Poverty Measurement.**

46. **Mr. G. Mitchell** asked the Minister for Social and Family Affairs the way in which his Department measures poverty; if his attention has been drawn to or if he takes into consideration relative income poverty, relative deprivation, the combined income-deprivation measure, the budget standard approach, the food ratio method, the social security poverty line and the United Nations poverty index, as outlined recently by the Combat Poverty Agency; if any of these measures of poverty have been used in this State; if so, if he will give the most recent results

of such research; and if he will make a statement on the matter. [33500/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The Deputy is referring to the Combat Poverty Agency fact sheet on measuring poverty which sets out a number of approaches which can contribute to the development of a view of what is poverty. Due to the wide variety of perspectives which can be brought to bear on the question of poverty measurement, it is acknowledged that it is not possible to identify a poverty measure which is indisputably and universally accepted. This is particularly true for a country like Ireland that has experienced rapid economic growth over the last ten years.

A number of indicators, known as the Laeken indicators, have been agreed at EU level on which all member states must report in their national action plans against poverty and social exclusion. These include: income before and after social transfers; persistent poverty; early school leaving; jobless households; long-term unemployment; life expectancy, etc. These indicators are useful and highlight different aspects of the situation in relation to poverty and social exclusion. Two main indicators used in Ireland are consistent poverty and at risk of poverty.

The consistent poverty indicator measures the percentage of persons, below 60% of average income, who are also deprived of goods and services regarded as essential. Developed by the ESRI, consistent poverty is the measure by which the Government has set its current national poverty reduction targets. A key target in the revised national anti-poverty strategy is to reduce the numbers of those who are consistently poor below 2% and, if possible, eliminate consistent poverty by 2007. The percentage of households in consistent poverty reduced from 9.7% in 1997 to 5.2% in 2001 — the latest year for which published data is available.

The at risk of poverty indicator, measures the percentage of persons below a relative income threshold of 60% of median income. According to the latest ESRI published data, the percentage classified as being at risk of poverty rose from 18.2% in 1997 to 21.9% in 2001.

The increase in the proportion at risk of poverty arose mainly from the almost doubling of average net incomes during this period. Substantial increases in social welfare payments, which have amounted to 27% in real terms over a more recent period, 1997 to 2004, did not keep pace with the unprecedented increases in incomes generally. The at risk of poverty indicator is a useful indicator to assist in identifying those vulnerable to falling below general living standards.

There is no single best way to measure poverty. No one method can provide all the answers. My Department is aware of and informed, as appropriate, by all of the poverty measures referred to by the Deputy.

The Government has made substantial progress towards achieving the NAPS targets of €200

per week for old age pensions and €150 — in 2002 terms — for the lowest rates of social welfare payments by 2007. The €874 million social welfare package announced in budget 2005 represents a €244 million or almost 40% increase on the 2004 package of €630 million and brings the projected level of social welfare expenditure in 2005 to over €12.25 billion. That represents an increase of an additional €1 billion or almost 9% on the allocation for 2004. This level of expenditure is the highest ever on social welfare and is indicative of the Government's priority to protect and improve the living standards of social welfare recipients.

*Question No. 47 withdrawn.*

### Departmental Schemes.

48. **Dr. Upton** asked the Minister for Social and Family Affairs if she has plans to extend occupational risk benefits to farmers; and if he will make a statement on the matter. [29354/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The social insurance system in Ireland is generally based on the obligation to make PRSI contributions which in turn establish entitlement to a range of contingency based payments. The contributions to be paid are determined by reference to the nature of work. Employees and their employers generally pay contributions at PRSI class A and self-employed workers, including farmers, pay class S contributions. The contributions paid determine the range of benefits and pensions to which contributors can build up entitlement.

Farmers generally pay social insurance as self-employed workers at PRSI class S. Class S PRSI was introduced for the self-employed in 1988 and self-employed workers have been compulsorily insurable under the Social Welfare Acts since. Subject to an adequate insurance record, they are eligible for the following payments: widow's-widower's contributory pension; orphan's contributory allowance; old age contributory pension; maternity benefit; adoptive benefit; and bereavement grant.

When social insurance for the self-employed was introduced, coverage for short term insurance based benefits including occupational injury benefit, OIB, was excluded, given the difficulties of applying it to self employed workers and the financial implications associated with this.

There are no plans at present to extend coverage for short-term income support benefits such as occupational injury benefit to self-employed persons. Such an extension to self-employed contributors would necessitate a significant increase in the rate of PRSI class S contribution to fund it as well as having significant administrative and control implications.

*Question No. 49 answered with Question No. 32.*

### Departmental Schemes.

50. **Mr. Sherlock** asked the Minister for Social and Family Affairs if he will consider extending the free travel scheme to Irish emigrants returning home from abroad; and if he will make a statement on the matter. [33456/04]

56. **Mr. J. O'Keeffe** asked the Minister for Social and Family Affairs his views on the introduction of a euro travel pass giving concessionary travel facilities to pensioners and others throughout the European Union; and if he will promote the proposal. [33458/04]

**Minister for Social and Family Affairs (Mr. Brennan):** I propose to take Questions Nos. 50 and 56 together.

The free travel scheme is available to all people living in the State aged 66 years, or over. It is also available to carers and to people with disabilities who are in receipt of certain social welfare payments. It applies to travel within the State and cross-Border journeys between here and Northern Ireland.

The proposal to make free travel available to persons in receipt of Irish pensions but living abroad would have to be examined in a budgetary context taking account of the other demands for extension of the free travel scheme and the cost, administrative and legal implications involved.

Implications include the current examination of proposals for an all Ireland travel pass which would apply to all eligible persons resident in both jurisdictions. I intend to keep the issue raised by the Deputy under consideration.

With regard to the introduction of a travel pass, as far as I am aware, there are no proposals being worked on currently at EU level in relation to a common travel framework on the lines referred to by the Deputy. Any such proposals would have significant financial and administrative implications and, in the light of the variety of arrangements which currently apply, there would be major practical problems in implementing arrangements of this kind.

The issue of a senior euro pass card, which would entitle older people to concessions on various services including travel, cultural and social activities, was raised in a report commissioned by the EU Commission some years ago but no proposals in this regard were brought forward subsequently.

*Question No. 51 answered with Question No. 39.*

### Grant Payments.

52. **Mr. Crawford** asked the Minister for Social and Family Affairs the number of persons who will receive the new €1,000 respite allowance for carers not in receipt of the carers allowance or carers benefit; if old age pensioners who act as carers looking after their loved ones will be included; the means he will use to decide on the

persons who are eligible; and if he will make a statement on the matter. [33476/04]

80. **Ms O. Mitchell** asked the Minister for Social and Family Affairs the details of the employment related conditions and the number of extra persons who will benefit with reference to the recent announcement that the respite care grant will be extended to all carers providing full-time care to an older person or to a person with a disability regardless of means subject to certain employment related conditions; and if he will make a statement on the matter. [33499/04]

81. **Mr. Sargent** asked the Minister for Social and Family Affairs the measures which have been provided in budget 2005 in relation to carers. [33475/04]

82. **Ms B. Moynihan-Cronin** asked the Minister for Social and Family Affairs the way in which the recent changes to the respite care grant will be administered; the persons who will be eligible; and if he will make a statement on the matter. [33454/04]

101. **Mr. Allen** asked the Minister for Social and Family Affairs the new criteria for carers who are eligible to receive the respite grant; and if he will make a statement on the matter. [33495/04]

177. **Mr. Durkan** asked the Minister for Social and Family Affairs the number of extra carers likely to benefit from the budgetary increases; the average benefit in each case; and if he will make a statement on the matter. [33783/04]

**Minister for Social and Family Affairs (Mr. Brennan):** I propose to take Questions Nos. 52, 80 to 82, inclusive, 101 and 177 together.

Supporting carers in our society has been a priority of the Government since 1997. Over that period weekly payment rates to carers have been greatly increased, qualifying conditions for carer's allowance have been significantly eased, coverage of the scheme has been extended and new schemes such as carer's benefit and the respite care grant have been introduced.

In the recent budget, I announced a number of improvements in the supports for carers. The carer's allowance and carer's benefit are being significantly increased by €14 a week to €153.60 and €163.70 a week respectively at a total full year cost of €17.2 million.

In response to the joint Oireachtas committee which stated that the greatest need identified by family carers is the need for a break from caring, I have made provision to improve the respite care grant in three ways. First, from June next year, in accordance with the Government's commitment in its programme for Government to introduce significant increases in the value of the respite care grant, I am increasing the amount of the grant from €835 to €1,000 annually.

Second, I am extending the annual respite care grant to all carers who are providing full-time care to a person who needs such care, subject to employment related conditions. I have asked my



officials to consider the operational arrangements that will be necessary to implement this proposal. Subject to detailed consideration, the following categories of persons will be eligible for the respite care grant: recipients of carer's allowance and carer's benefit will continue to receive the grant; recipients of other social welfare payments, for example, widow's pensions, old age pensions, one parent family payment, who are also carers; and carers who are not currently receiving any payment from my Department and who are providing full time care.

The following criteria will probably apply: the carer must be providing full-time care to a person who is in need of such care for a specified period of time — probably six months; as is the case with recipients of carer's allowance, a full-time carer must not be engaged in employment for more than ten hours per week; and those who are on unemployment payments will be excluded since they are required to be available for, and actively seeking, full-time work.

It is estimated that these improvements in the conditions applying to the respite care grant will result in an additional 9,200 full-time carers receiving the grant for the first time, giving an estimated total of almost 33,000 full-time carers receiving the respite care grant of €1,000 next year.

My third improvement to the respite care grant is to pay a grant in respect of each person receiving care. This means that a carer who is providing care for more than two people will receive a grant in respect of each person for whom she or he is caring. Currently, a maximum of two grants is paid. I am doing this to recognise the particular challenges which are faced by carers who are caring for several people.

In relation to the means test for carer's allowance, I am increasing the weekly income disregards by €20 to €20 for a single person and by €40 to €540 for a couple from next April. This means that a couple with two children can earn up to €30,700 and receive the maximum rate of carer's allowance while the same couple can earn up to €49,200 and receive the minimum rate of carer's allowance, free travel, the household benefits package and the respite care grant.

It is estimated that the changes will result in an additional 1,000 new carers qualifying for a carer's allowance, free travel, the household benefits package and the respite care grant. In addition 2,400 existing carers, who are currently in receipt of reduced carer's allowance, will receive an increase in their weekly payment over and above the general rate increase they would receive in the normal way.

With regard to carer's benefit, one of the conditions attached to this scheme is that while the carer may work for up to ten hours per week, he or she may not earn more than €150 per week. I intend to improve this aspect of the scheme by increasing this income ceiling from €150 to €270 per week. This measure, which will take effect

from April, will allow those carers who are in a position to work for up to ten hours per week to earn extra income and, equally important, it may keep the carer in touch with his or her workplace.

Another condition attached to that scheme is that the applicant must have been engaged in full-time paid employment as an employed contributor for the three month period immediately prior to claiming carer's benefit. I am abolishing this condition from April to simplify the qualifying conditions for the scheme and make it easier for carers to qualify.

The specific improvements in the respite care grant, carer's allowance and carer's benefit will be implemented in the Social Welfare Bill 2005. Government policy is strongly in favour of supporting care in the community and enabling people to remain in their own homes for as long as possible. The development of the range of supports for carers will continue to be a priority for this Government and, building on the foundations now in place, we will continue to provide real support and practical assistance to the people involved.

#### Social Welfare Benefits.

53. **Ms Burton** asked the Minister for Social and Family Affairs if he will consider increases in the rate of the child dependant allowance; the reason this allowance has not been increased in recent years; the objectives of the allowance; and if he will make a statement on the matter. [33444/04]

64. **Mr. Ferris** asked the Minister for Social and Family Affairs the reason there has been no increase in the child dependant allowance in 11 years. [33320/04]

65. **Aengus Ó Snodaigh** asked the Minister for Social and Family Affairs his policy in relation to the child dependant allowance. [33321/04]

68. **Mr. Crowe** asked the Minister for Social and Family Affairs the reason no increase in the child dependant allowance has been provided in budget 2005. [33315/04]

**Minister for Social and Family Affairs (Mr. Brennan):** I propose to take Questions Nos. 53, 64, 65 and 68 together.

Since 1994, successive Governments have held the rate of child dependant allowances constant while concentrating resources for child income support on the child benefit scheme.

It is important to recognise that over that period, the combined child benefit-child dependant allowance, CB-CDA, payment has increased by more than double the rate of inflation. Child benefit is neutral *vis-à-vis* the employment status of the child's parents and does not contribute to poverty traps. For example, a person receiving an unemployment payment will lose his or her associated CDA on taking up work but retains his or her CB as long as there are qualified children.

[Mr. Brennan.]

Similar considerations arise where lone parents exceed the income threshold.

Child benefit supports all children but delivers proportionately more assistance to those on low incomes and with larger families. In these situations, the loss of child dependant allowances by social welfare recipients on taking up employment can act as a disincentive to availing of work opportunities.

Child benefit is paid to the primary carer, usually the mother, it is not taxable and is not assessed as means for other secondary benefits. It has proven to be of major benefit to families as an effective child income support mechanism when account is taken of these issues.

The Government's commitment to this policy is reflected in the substantial resources invested in the child benefit scheme since entering office, including an additional expenditure of €1.27 billion on child benefit when the current programme of multi-annual increases is complete.

We will then have moved from a position in 1994 where over 70% of child income support for a family claiming social welfare payments was in the form of child dependant allowances, to a position in 2005 where child dependant allowances will account for less than 33%.

As I stated in my budget speech, the point has been put to me to reverse current policy on child income support by increasing the level of child dependant allowances on the grounds that these payments are made only to recipients of social welfare payments and, consequently, are targeted directly at those most at risk of poverty. I concluded, however, that child benefit remains the most appropriate vehicle for tackling child poverty.

With regard to the future direction of child income support, the partnership agreement, Sustaining Progress, recognised the importance of child income support arrangements, with a commitment to examine the effectiveness of current arrangements in tackling child poverty.

In this context, the National and Economic Social Council has been commissioned to examine this area and in specifically, the implications of merging child dependant allowances with family income supplement. This review, which NESCC expects to complete in 2005, will inform the development of future policy in this area.

### **Budgetary Provisions.**

54. **Mr. Eamon Ryan** asked the Minister for Social and Family Affairs if he has recently met representatives of an organisation (details supplied); and if he has acted on its concerns in relation to the budgetary process. [33473/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The organisation in question attended the pre-budget forum which I hosted on 11 October last. The forum is designed to give voluntary organisations operating in the social services area an opportunity to express their views,

concerns and priorities with regard to the social welfare system, and on the changes and improvements which they would like to see included in the budget.

I extended an invitation at the forum to each of the organisations present to meet me individually so that I could hear their concerns directly and in more detail and see what could be done to address them.

I met representatives of this organisation on 16 November, when it outlined its aim to affect positive change and achieve equality and social inclusion for all one parent families. It explained how, through its strategic plan for 2004-06, it plans to work to achieve that aim through helping all one parent families in providing for their basic needs, advancing their rights and working to effect positive change. A wide range of issues and challenges facing lone parents were discussed, including child and family income, rent and crèche supplements, employment supports and child benefit, and the forthcoming review of income support arrangements for lone parents.

In the recent budget, I addressed a number of the issues raised at that meeting. One parent family payment was increased by €14 per week. I also re-introduced the transitional arrangements for recipients of the one parent family payment for six months. This payment entitles lone parents, who have been in receipt of the one parent family payment for at least 12 months and in employment, and whose income increases over the €293 earnings threshold to retain 50% of their one parent family payment.

Child benefit was also increased by €10 from €131.60 to €141.60 for the first and second child and by €12 from €155.30 to €177.30 for the third and subsequent children. I have also provided that those in receipt of the crèche supplement can continue to receive the supplement in 2005. New claims will be considered when referred by a health services professional, for example, public health nurses and social workers.

Discussions are also taking place with the transit and Minister for Health and Children and the Minister for Justice, Equality and Law Reform with a view to putting in place sustainable funding for community crèches.

In relation to the rent supplement, I was able to assure the representatives that where lone parents are assessed as having a genuine housing need by the local housing authority, they will continue to be catered for subject to the usual means test.

I also afforded them the opportunity to make a submission to my Department in relation to the public expenditure review of the back to education allowance which is ongoing at present.

I share the commitment of the organisation in question to achieving equality and social inclusion for one parent families. My Department is also undertaking a review of the income support arrangements for lone parents in the light of reports and emerging analysis in furtherance of

that objective, which will include consultation with interested organisations.

*Question No. 55 answered with Question No. 43.*

*Question No. 56 answered with Question No. 50.*

### **Diet Supplement Scheme.**

57. **Mr. Allen** asked the Minister for Social and Family Affairs if the report on the adequacy of application of the diet supplement by the Irish Nutrition and Dietetic Institute has been commissioned by his Department; when it will report; and if he will make a statement on the matter. [33494/04]

**Minister for Social and Family Affairs (Mr. Brennan):** Any person who is receiving a social welfare or health board payment, who has been prescribed a special diet as a result of a specified medical condition and who is unable to provide for his or her food needs from within his or her own resources, may qualify for a diet supplement under the supplementary welfare allowance scheme.

Diet supplements are subject to a means test. The amount of supplement payable in individual cases depends on which of two categories of diet, low cost or high cost, has been prescribed by the applicant's medical advisor, and the income of the individual and his or her dependants.

The basis for calculating the amount of diet supplement remained unchanged between 1996 and 2004. Increases in social welfare rates and in the cost of special diets since 1996 had been not been taken into account in assessing entitlement in individual cases.

With effect from 1 January 2004, the diet supplement scheme was restructured to take account of increases in both social welfare payment rates and the rate of food inflation since 1996. In the case of new applicants for diet supplement, the amount of supplement payable is based on increased up to date diet costs, €44 for lower cost diets or €57 for higher cost diets, less one third of the applicant's income or one sixth of the joint income in the case of a couple.

Given the increases in the social welfare payment rates were higher than inflation since 1996, the shortfall to be met by diet supplement is less than what it was in the past. People who were in receipt of a diet supplement prior to the introduction of the revised regulations on 1 January 2004 continue to receive their existing rate of supplement until such time as there is a change in their circumstances that would warrant a review of their case.

In order to inform future consideration of the scheme, my Department commissioned a study by an expert from the Irish Nutrition and Dietetic Institute. The study examined the special diets prescribed in legislation for which assistance is available through the existing diet supplement

scheme. It also considered the appropriate level of assistance required to cater for any additional costs involved in providing for necessary special diets.

The report of this study was received earlier this month by my Department. As I announced at the time of the budget, I have allocated an additional €2 million to enable the diet supplement scheme to be updated as necessary at the earliest opportunity in 2005, as soon as the research study findings have been assessed.

### **Pension Provisions.**

58. **Mr. Neville** asked the Minister for Social and Family Affairs if a partial contributory old age pension will be awarded to recipients who have less than ten years contribution in relation to the number of years contribution between five and ten years in replacement to the present situation of a maximum of 50% pension. [33314/04]

171. **Mr. Durkan** asked the Minister for Social and Family Affairs if he intends to improve entitlement to pensions in respect of self-employed contributions; and if he will make a statement on the matter. [33777/04]

172. **Mr. Durkan** asked the Minister for Social and Family Affairs the number of persons who have been refused contributory pensions on the basis of insufficient contributions; if he intends to address the issue; and if he will make a statement on the matter. [33778/04]

173. **Mr. Durkan** asked the Minister for Social and Family Affairs if he will consider introducing measures to enhance the entitlements of those who are a low rate of pension due to lack of adequate contributions; and if he will make a statement on the matter. [33779/04]

**Minister for Social and Family Affairs (Mr. Brennan):** I propose to take Questions Nos. 58, 171, 172 and 173 together.

The qualifying conditions for contributory old age pensions require a person to have paid at least 260 contributions at the appropriate rate, enter insurance ten years before pension age and achieve a yearly average of at least ten contributions paid or credited on their social insurance record from 1953, when the unified system of social insurance came into effect, or the date of entry into insurance if later. The minimum yearly average required for a retirement pension is 24 contributions and, in both cases, an average of 48 is required for a maximum rate pension.

Approximately 5,700 applications for standard rate retirement or old age contributory pensions were refused in 2003 because the persons concerned did not have sufficient contributions. However, those refused payments may subsequently qualify for a *pro-rata* pension under EU or mixed insurance provisions. Also, people who cannot meet the average contribution test for a retirement pension may be able to meet the



[Mr. Brennan.]  
less stringent conditions for the old age contributory pension.

The conditions are intended to ensure that those qualifying for contributory pensions have had a reasonable association with the social insurance system over their working lives and that the payment they receive reflects, as far as possible, their overall contribution to the system.

A number of measures have been introduced in recent years to provide minimum pensions for people who would otherwise not receive a payment. In 1997, the average number of contributions required for the old age contributory pension was reduced from 20 to ten. Also, special pensions were introduced to deal with perceived anomalies in relation to pre-53 insurance and for self employed people who were over 56 when that group became compulsorily insured in 1988. These pensions, which are based on payment of just 260 contributions, are paid at 50% of the standard rate.

As already indicated, *pro-rata* pensions are available in cases involving insurance at different rates and where contributions have been made in other EU countries and countries with which Ireland has a bilateral agreement.

In considering changes to the system, it is necessary to uphold the contributory principle which underpins entitlement. This requires that people meet a minimum contribution threshold and also that payments, as far as possible, reflect the level of contribution which individuals make. In this regard, I consider that the range of *pro-rata* and special pensions that are available give adequate recognition to the level of contributions which individuals have made. Of course, the old age non-contributory pension is also available and may be more advantageous to someone with limited means.

Further developments in qualifying conditions will be considered in the light of phase two of the report on the qualifying conditions for old age and retirement pensions which is due for publication in the new year.

59. **Mr. Howlin** asked the Minister for Social and Family Affairs if his attention has been drawn to companies that are failing to fulfil their legal obligation to allow staff to open a PRSA account; if so, the steps he is taking to ensure that these obligations are being fulfilled by all employers; and if he will make a statement on the matter. [33449/04]

**Minister for Social and Family Affairs (Mr. Brennan):** Under section 121 of the Pensions Act 1990, all employers are required to enter a contract with a PRSA provider so that access to at least one standard PRSA is available for all employees without access to an occupational pension scheme. These requirements came into force on 15 September 2003. At end September 2004, 66,486 employers had signed up with a PRSA provider under the requirements.

Responsibility for ensuring that employers are complying with their obligations in this regard rests with the Pensions Board. The board has in place a PRSA compliance strategy. As part of this strategy random audit letters are being issued and the board is also following up on whistleblow reports it receives from employees and other interested parties. To date, I understand that it has dealt with 345 cases in this way and 85% have been settled to the satisfaction of the board.

The board has also examined a database of over 170,000 employers and identified 64,000 who may not be complying with the legislation governing PRSA access. The board issued letters to these employers in September last and to date almost 50% have replied. These responses are being currently analysed and I understand that they show a high degree of compliance. Replies which are outstanding are being followed up and, in this regard, legal proceedings have been initiated against a number of employers for failing to respond to the board's inquiries.

My Department is also assisting the Pensions Board in identifying employers who are not complying with the legislation. The Social Welfare Act 2004 gives social welfare inspectors the power to make enquiries in relation to PRSA compliance while visiting employers in connection with PRSI matters. Following a comprehensive nation-wide training programme of all inspectors completed in September 2004, these enquiries are now being made and reports submitted to the Pensions Board.

I am satisfied that the control measures put in place by the Pensions Board and my Department should ensure a high level of compliance by employers with PRSA legislation. If the Deputy has a particular case that he would like investigated, he should make the details available.

#### **Departmental Expenditure.**

60. **Mr. Noonan** asked the Minister for Social and Family Affairs the amount that has been expended in 2003 and to date in 2004 by his Department in the media for the purpose of advertising programmes, schemes and other activities of his Department; the amount paid to each media outlet in the respective years; and if he will make a statement on the matter. [33504/04]

**Minister for Social and Family Affairs (Mr. Brennan):** My Department tries to ensure that people are made aware of its schemes and services through advertising, using an appropriate mix of national and provincial media, and through information leaflets, fact sheets, posters and direct mailshots. The amount of advertising in any one year is determined by the number of specific advertising campaigns which are undertaken.

The total amount spent by my Department in the media for advertising purposes in 2003 was €286,680 of which €258,572 was in respect of print media and €28,108 in respect of broadcast media.

There were no national information campaigns undertaken in 2003.

The corresponding expenditure in 2004 was €473,224 in total, €190,015 in respect of print media and €283,209 in respect of broadcast media. Advertising during 2004 included two national information campaigns. The first information campaign promoted the carer's benefit scheme. This is a relatively new scheme which benefits carers with an appropriate social insurance record. It was felt that public awareness of this scheme was low and that we should rectify this by promoting the scheme on local and national radio.

The second campaign in 2004 alerted people coming up to pension age that they should apply for their pension at least three months before they reach pension age. Delays in the payment of old age pensions arising from late applications have been an on-going issue for my Department for some time. I am keen to get the message across that early applications helps both the pensioner and my Department.

### Departmental Programmes.

61. **Mr. Perry** asked the Minister for Social and Family Affairs the number of facilitators working with the family services project and the employment support service; the location of each; the work that they do; his plans to further expand the service; and if he will make a statement on the matter. [33512/04]

**Minister for Social and Family Affairs (Mr. Brennan):** In April 2004, the jobs facilitation and family support programmes of my Department merged to form the social and family support services, SFSS. This was done to enable the resources at my Department's disposal be utilised in the most effective manner to assist the social inclusion of our most marginalised citizens and to encourage economic activation amongst those most distanced from the labour market. Job facilitators and family service project officers were renamed facilitators at that time.

Currently, 43 facilitators and ten regional co-ordinators operate in 34 locations around the country. Details of locations are set out in appendix 1. Facilitators support customers who are amongst the most disadvantaged in our society by enhancing their potential to obtain employment and by helping them ultimately become integrated into the labour market.

For many of these customers, active labour market programmes, such as FÁS training and community employment, form part of the range of supports provided and may be all that is required in certain cases. A different approach is required for customers who need access to a range of other supports. These supports may be available within my Department or across the spread of other agencies that service this area.

The SFSS, in addition to its support and activation role, is involved in the provision of an information service on the range of supports

available to customers from state agencies and the community and voluntary sector. There is a particular emphasis placed on agencies operating at a local level and on services available locally.

Within SFSS, efforts are made to provide an enhanced programme of support to customers with complex needs, for instance very young lone parents, other parents rearing children without the support of a partner, dependent spouses on social welfare payments with children and carers.

Examples of activities supported to date include: parenting projects for very young lone parents; support programmes for carers and for families of people with disabilities; and family support for Travellers. Within the overall resources available to my Department, there are no plans to increase the number of facilitators at this time.

### Appendix 1

#### Locations of Social and Family Support Service Personnel

	Number	Location
<i>Western Region</i>		
Regional Co-ordinator	1	Galway
Facilitator	1	Galway
Facilitator	1	Mayo
<i>Mid-Western Region</i>		
Regional Co-ordinator	1	Limerick
Facilitator	1	Limerick
Facilitator	1	Thurles
Facilitator	1	Ennis
<i>Midland Region</i>		
Regional Co-ordinator	1	Mullingar
Facilitator	1	Mullingar
Facilitator	1	Longford
Facilitator	1	Athlone
Facilitator	1	Tullamore
<i>North-Eastern Region</i>		
Regional Co-ordinator	1	Dundalk
Facilitator	1	Dundalk
Facilitator	1	Drogheda
Facilitator	1	Monaghan
<i>Southern Region</i>		
Regional Co-ordinator	1	Cork
Facilitators (including 2 Job Sharers)	8	Cork City
Facilitator	1	Tralee
Facilitator	1	Killarney
<i>North-Western Region</i>		
Regional Co-ordinator	1	Sligo
Facilitator	1	Sligo
Facilitator	1	Letterkenny
Facilitator	1	Buncrana
Facilitator	1	Donegal Town
<i>South-Eastern Region</i>		
Regional Co-ordinator	1	Waterford

	Number	Location
Facilitators (2 job sharers)	3	Waterford
Facilitator	1	Kilkenny
Facilitators (2 job sharers)	2	Wexford
<i>Dublin South Region</i>		
Regional Co-ordinator	1	Townsend Street
Facilitator	1	Dún Laoghaire
Facilitator	1	Bishop Square
Facilitator	1	Nutgrove
<i>Dublin North Region</i>		
Regional Co-ordinator	1	Finglas
Facilitator	1	Finglas
Facilitator	1	Kilbarrack
Facilitator	1	Nth. Cumberland Street
Facilitator	1	Blanchardstown
<i>Dublin West Region</i>		
Regional Co-ordinator	1	Tallaght
Facilitator (0.5 Job Sharer)	1	Ballyfermot
Facilitator	1	Tallaght
Facilitator	1	Clondalkin
Facilitator	1	Newbridge
Overall Total	53	

### Social Welfare Benefits.

62. **Mr. Deenihan** asked the Minister for Social and Family Affairs if he will report on the most recent review of the back to school clothing and footwear allowance; and if he will make a statement on the matter. [33510/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The back to school clothing and footwear allowance scheme assists low income families with extra costs when children start school each autumn. The scheme operates from the beginning of June to the end of September each year and is administered on behalf of my Department by the health boards.

A person may qualify for payment of a back to school clothing and footwear allowance if he or she is in receipt of a social welfare or health board payment, or is participating in an approved employment scheme or is attending a recognised education or training course, and has household income at or below certain specified levels. Under the scheme an allowance of €80 is payable in respect of qualified children aged from two to 11 years. An allowance of €150 is payable in respect of qualified children aged from 12 to 22 years.

A total of 75,807 families have received the back to school clothing and footwear allowance this year. This has benefited some 158,000 children.

As part of the expenditure review initiative underway in all Departments, a working group was established to undertake a fundamental

examination of the back to school clothing and footwear allowance scheme. The report of the working group was finalised in August 2004 and has been forwarded to the central expenditure review initiative steering committee for final consideration. I expect that this process will be completed soon, to enable publication of the report early in 2005.

In its detailed report, the review working group addressed all aspects of the efficiency and effectiveness of the scheme, including the administrative system for making payments and their timing, the identification of the target group, the level of take up of the allowance by potential clients and, the adequacy of the payment rates. It also addressed the appropriateness of the eligibility criteria and the role of the scheme in encouraging participation in education by children of low income families.

The working group analysed a number of policy options for the scheme. The review concluded that, while the scheme continued to be worthwhile in its own right in its current format, consideration should be given to subsuming it into any future development of a broader so-called second tier of child income support as proposed by the National Economic and Social Council.

Pending any such future general developments in relation to child income support, the review findings were that: the scheme should continue in its current format and be administered by the health boards; steps should be taken to publicise the scheme more; orphans' payments should be regarded as a qualifying payment for the scheme; and the scheme payment rates and income limits do not warrant adjustment, in the light of real increases in the value of the allowance and of social welfare rates generally in recent years compared to the trend of reduction in the cost of clothing and footwear. I will give the review findings full consideration when the report is finalised.

63. **Mr. Morgan** asked the Minister for Social and Family Affairs when maternity benefit will be increased to 80% of reckonable earnings in line with the commitment made in the review of Sustaining Progress. [33317/04]

**Minister for Social and Family Affairs (Mr. Brennan):** Maternity Benefit is an income support payment awarded to eligible women for an 18 week period before and after the period of expected confinement. The benefit is a social insurance based benefit whereby eligibility is determined by having the appropriate number of PRSI contributions, classes A and S, in the relevant tax year or in other years.

The rate of payment is determined by the level of earnings in the relevant tax year subject to a ceiling, of which 70% is then paid, subject to a minimum payment. This minimum rate is linked to disability benefit rates.



As maternity benefit is not subject to taxation, the figure of 70% represents what would be net pay after deduction of taxation. A recent re-examination of this issue by a social partnership working group found that, given the reduction in taxation in recent years, this figure probably overstated the level of tax due and that the 70% might be increased to 80%.

The recent mid-term review of Sustaining Progress contained a commitment to increase maternity benefit from 70% to 80% of reckonable earnings over the period of the agreement. The Government has since agreed that it can be achieved over two years, namely, in budgets 2005 and 2006.

Budget 2005 provided for the first phase of this measure to be implemented with a change from 70% to 75%. This increases the maximum possible rate of payment to 75% of the earnings ceiling of €332. This change in the percentage level of reckonable earnings limit will benefit all recipients except those whose earnings are so low that they will continue to be entitled to the minimum payment.

As rates of adoptive benefit are linked to those of maternity benefit, the Government has agreed to go beyond the immediate commitment in Sustaining Progress to amend these percentage rates in line with those of maternity benefit.

Both measures will come into effect in January 2005. It is estimated that on average the position of 8,150 women per week will be improved by this measure and that it will cost €6.46 million in 2005 and in a full year.

*Questions Nos. 64 and 65 answered with Question No. 53.*

### **Proposed Legislation.**

66. **Mr. Sargent** asked the Minister for Social and Family Affairs if he has recently met the Human Rights Commission on the expectation of that group that it should vet Government legislation. [33474/04]

**Minister for Social and Family Affairs (Mr. Brennan):** Since my appointment as Minister for Social and Family Affairs, I have not met nor received a request to meet the Human Rights Commission. In July of this year, the Government considered a report by the Human Rights Commission which contained a number of recommendations for improving the effectiveness of that body.

One of the recommendations of the report was that Government Ministers should refer to the commission, for its views, any legislative proposals which may have significant implications for the protection of human rights, as provided for under section 8(b) of the Human Rights Commission Act 2000.

It is my view that the commission's function in this respect is an important one and I intend to seek the views of the commission on any legislat-

ive proposals which may have a human rights dimension.

### **Money Advice and Budgeting Service.**

67. **Mr. Hogan** asked the Minister for Social and Family Affairs the way in which he intends to spend and disburse the once off payment to MABS as announced by him on 1 December 2004; and if he will make a statement on the matter. [33492/04]

**Minister for Social and Family Affairs (Mr. Brennan):** My Department has overall responsibility for the money advice and budgeting service, MABS, which provides assistance to people experiencing difficulty in meeting repayments on borrowings. There are 52 independent companies nationwide operating the service.

The MABS programme provides money advice to individuals and families who have problems with debt and who are on low income or in receipt of social welfare payments.

The service places an emphasis on practical budget-based measures that help people to move permanently from dependence on moneylenders and to access alternative sources of low cost credit.

MABS has been allocated €12.62 million to ensure the continued development of the service in 2005. This represents an increase of €1.22 million or more than 10% on the 2004 allocation and will help ensure that the service continues to be promoted in an effective way to help the people concerned regain control of their personal finances.

I have allocated a further €700,000 to MABS this year to address two issues. I am concerned that where hardship exists in repayment arrangements, MABS customers receive the most appropriate assistance to deal with the situation. MABS is currently considering ways in which support can be made available to MABS customers who have particular difficulties making repayments to creditors and to establish a mechanism where this can be dealt with in a practical way.

I intend to have a fully automated payment system put in place on a national basis which will allow for MABS employees to make direct payments to creditors on behalf of customers and also provide detailed statistics upon demand. These statistics will be invaluable in aiding the future development of MABS by providing a greater understanding of the issues surrounding indebtedness. This new payment system, MABSIS, will cost €300,000 to develop. It is anticipated that MABSIS will be implemented by July 2005.

*Question No. 68 answered with Question No. 53.*

### **Departmental Schemes.**

69. **Mr. J. O'Keeffe** asked the Minister for

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Social and Family Affairs the issues which remain to be resolved to clear the way for an all-Ireland free travel scheme for pensioners and others; and the indicative time frame for its introduction. [33457/04]

**Minister for Social and Family Affairs (Mr. Brennan):** Under the existing free travel scheme, pass holders who reside in the Republic of Ireland can travel free within the South. Similarly, people who live in Northern Ireland who hold a concessionary travel pass can travel free within the North. Under special cross-Border arrangements that have been in place since 1995, both Southern and Northern pass holders can undertake cross-Border journeys free of charge.

The introduction of free travel on an all-Ireland basis would enhance these existing arrangements by enabling Southern pass holders to make free onward journeys within the North. Similarly, Northern Ireland pass holders would be able to make internal journeys within the South free of charge to them.

There is considerable take up by passholders — North and South — of the existing cross-Border free travel service. Some 200,000 passenger journeys are made by passholders each year under the scheme, about half and half from each jurisdiction.

An enhanced All-Ireland free travel service would bring a useful additional flexibility to the service and should help encourage even more extensive take up by passholders on both sides of the Border.

The current annual cost to my Department of providing cross-Border free travel is €2.7 million. It is difficult to estimate the cost of an all-Ireland free travel scheme in advance of its introduction. However, experience to date with the current cross-Border scheme would suggest that the additional transport reimbursement cost of introducing this measure would be of the order of €3 million per annum.

As I advised the House on 10 November last, there are a number of technical and financial issues to be resolved in order to implement an enhanced all-Ireland free travel system. These issues will require co-operation between my Department and the Northern Ireland Department with responsibility for transport policy, as well as the relevant Northern and Southern transport operator companies.

In September 2004, my predecessor met the Minister of State at the Department for Regional Development in Northern Ireland, to explore the potential for further co-operation between the two Departments in relation to the proposal. They discussed the options and scope for co-funding the scheme and considered various technical issues that arise. Shortly after taking up this post, I wrote to the Minister indicating my wish to move the issue forward. I have recently received a response and am considering the contents.

*Question No. 70 answered with Question No. 34.*

### **Social Welfare Cutbacks.**

71. **Mr. Gilmore** asked the Minister for Social and Family Affairs if an assessment has been carried out of the impact of the social welfare cutbacks announced in November 2003; if so, if the findings of such an assessment have influenced the amendments made to the cutbacks in the Estimates for 2005; and if he will make a statement on the matter. [33447/04]

89. **Mr. Cuffe** asked the Minister for Social and Family Affairs the changes, in cash terms, affecting the welfare cuts announced in November 2003. [33467/04]

167. **Mr. Gregory** asked the Minister for Social and Family Affairs if it is his intention to reverse the 16 social welfare cuts referred to as the savage 16; and if he will make a statement on the matter. [33844/04]

**Minister for Social and Family Affairs (Mr. Brennan):** I propose to take Questions Nos. 71, 89 and 167 together.

I conducted a review of the measures announced in November 2003 to assess their impact on people. During the course of that review, I listened carefully to the views expressed by Members of this House, by the social partners and by voluntary groups and others I have met since becoming Minister for Social and Family Affairs.

As a result of that review, I concluded that while the measures were introduced for valid reasons, it was now appropriate to reverse some of them and to ease others. On budget day, I was pleased to announce the new arrangements, as follows: the qualifying period for the back to work allowance is being reduced from 15 months to 12 months and, in addition, the cost of education allowance is being increased by €254 to €400; the transitional payment for recipients of one parent family payment is being restored and will now be available for a period of six months where a recipient’s income exceeds €293 per week; the income limit for entitlement to half rate child dependant increases for unemployment, disability and related schemes will be increased by €50 per week to €350; and the saving of €700,000 arising from last year’s MABS supplement measure is being restored and redirected to the MABS service to enable it to further improve its services.

The crèche supplement has been restored and €2.3 million, an amount equivalent to the savings achieved by the discontinuation of crèche supplements, is now being made available to ensure that vulnerable families can continue to have access to crèche supports, for example, in cases where a social worker or public health nurse deems this necessary as part of their work with the family. I am consulting my colleagues the Tánaiste and Minister for Health and Children

and the Minister for Justice, Equality and Law Reform about the most appropriate way to channel this funding.

The diet supplement has been restored for new applicants and €2 million is being made available to improve the diet supplement arrangements. Some €19 million in funding from the rent supplement scheme is being transferred to the local authorities as an initial measure to enable them to put long-term housing solutions in place. The six months rule for entitlement to rent supplement has been abolished and is being replaced by new measures in order to ensure that bone fide tenants who experience a change of circumstances are not disadvantaged.

Rent supplement will now remain in payment unless a third offer, as distinct from a second offer, of local authority accommodation has been refused. I am not raising the minimum contribution for rent supplement this year.

In addition, the measure relating to half rate payments for widows and widowers and allied payments has already been amended. The full year cost of all of the measures I have detailed above is €36 million in a full year. The operation of the remaining measures is being kept under review.

*Question No. 72 answered with Question No. 31.*

#### **Social Welfare Code.**

73. **Mr. Kehoe** asked the Minister for Social and Family Affairs the way in which cohabitation guidelines in the case of lone parents are monitored, controlled and changed; his plans in this regard; and if he will make a statement on the matter. [33526/04]

**Minister for Social and Family Affairs (Mr. Brennan):** A person receiving a lone parent payment from my Department must comply with the conditions of the scheme. One such condition is that the person must not be co-habiting. If an individual receiving such a payment marries or co-habits his or her entitlement to lone parent payment ceases.

The co-habitation condition is intended to ensure equity between co-habiting and married couples. The co-habiting couple, who come within the definition of a couple living together as man and wife, are regarded as being effectively in the same position as a married couple.

There are guidelines setting out the factors to be taken into account in deciding whether a couple are cohabiting as man and wife. These guidelines are available on my Department's website and on request from my Department's information services and local offices. The guidelines are utilised by my Department's deciding officers in determining entitlement to lone parent payment.

Deciding officers who are independent in the exercise of their functions must satisfy themselves that all the statutory conditions are satisfied for

receipt of payment. In the case of possible cohabitation, they must determine whether the relationship between the two people involved is such that they should be regarded as living together as husband and wife.

Domestic, household, and financial relationships can vary widely, not just for cohabiting couples, but for married couples also. Each potential cohabitation situation must be considered in light of the facts of the individual case. The deciding officer must form a judgement on whether the circumstances of a case are sufficiently similar to those of a married couple as to constitute cohabitation as man and wife.

The person concerned is always afforded an opportunity by the Department under natural justice rules to comment on the evidence available before a formal decision is made. Where payment is refused or withdrawn, the person concerned is informed of the right to seek a review of the decision in the light of any new facts or fresh evidence and in addition the right of appeal to the independent social welfare appeals office.

#### **Postal Dispute.**

74. **Mr. Gormley** asked the Minister for Social and Family Affairs the measures he intends to put in place in the event of threatened postal disruption. [33470/04]

**Minister for Social and Family Affairs (Mr. Brennan):** My Department has a range of contingency plans to address interruption in payments through the postal or counter services. These plans are kept constantly under review to ensure that they offer the best response to any disruption to payments.

Where a disruption in An Post arises which affect the delivery of social welfare payments it is the responsibility of An Post, in the first instance, to ensure that customers receive their payment. However, my Department works closely with An Post to ensure that the most suitable alternative arrangements are put in place.

Depending on the nature, extent and length of any disruption a variety of alternative arrangements are possible. In the past, where a number of post offices have closed, payments have been transferred to other nearby post offices which continued to operate. During a two week dispute earlier this year affecting postal services in the Dublin area, my Department's local and branch offices were used as cheque collection centres.

In the recent one day dispute on Wednesday, 8 December, both letter post and counter services were disrupted. This had an impact on the Department's cheque, EIT postdraft and PPO, personalised payable order, payments. Some 93 post offices closed while nearly 1,400 remained open. Arrangements were made by my Department to ensure that EIT and PPOs due for payment on Wednesday, 8 December in the affected post offices were available for collection at post offices on Tuesday, 7 December. The majority of cheques payments due to be received on



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Wednesday, 8 December were received a day earlier.

A small number of payments due on Wednesday were not received until Thursday, 9 December. Cheque payments normally received on Thursday were received on either Thursday, 9 December or Friday, 10 December.

*Question No. 75 answered with Question No. 43.*

*Question No. 76 answered with Question No. 35.*

*Question No. 77 answered with Question No. 39.*

### **Child Support.**

78. **Mr. Kenny** asked the Minister for Social and Family Affairs when the last review of issues with regard to maintenance took place; when the next such review is expected, as recommended by the National Economic and Social Forum report no. 20 on lone parents; and if he will make a statement on the matter. [33509/04]

100. **Mr. Gogarty** asked the Minister for Social and Family Affairs the way in which he intends to ensure that unmet child maintenance payments are met. [33469/04]

**Minister for Social and Family Affairs (Mr. Brennan):** I propose to take Questions Nos. 78 and 100 together.

Payment of maintenance is first and foremost a private matter for the persons concerned and, if they cannot resolve the issue, for the family law courts.

Under social welfare legislation, there is a statutory obligation on spouses to maintain each other and their children and on parents to maintain their children. Applicants for one parent family payment are required to make ongoing efforts to seek adequate maintenance from their former spouses, or, in the case of unmarried applicants, the other parent of their child.

Normally, such maintenance is obtained by way of negotiation or by court order. In recent years, separated couples have been increasingly using my Department's family mediation service to resolve issues.

Since 2001, one parent family payment claimants are allowed to retain 50% of any maintenance received without reduction in their social welfare entitlements.

Where social welfare support is being provided to the one parent family, the other parent is liable to contribute to the cost of this payment. In every case where one parent family payment goes into payment, the maintenance recovery unit of my Department seeks to trace the liable relative involved in order to ascertain whether she or he is in a financial position to contribute towards the cost of one parent family payment. This follow up

activity takes place within two to three weeks of award of payment.

All liable relatives assessed with maintenance liability are notified by the Department and issued with a determination order setting out the amount of contribution assessed. The Department requires regular — normally weekly — payment of the contributions assessed in this way.

The process of securing maintenance contributions from liable relatives can, however, be difficult and protracted. This is the experience of all countries with similar systems in operation.

Nonetheless, my Department has realised quite significant savings through this system. There are currently 1,835 liable relatives contributing directly to my Department. As a result of maintenance recovery unit activity, savings of €8.5 million were achieved in 2002 and €14.2 million in 2003. Savings for 2004 are estimated at €14.9 million. As a result of maintenance recovery activity in 2004 to date, a total of 646 one parent family payments were cancelled while a further 426 payments were reduced. Legislation allows the Department to seek recovery from liable relatives through the courts in appropriate cases. A total of 152 cases have been submitted for court action from 2001 to date. The majority of these cases have resulted either in orders being written against the liable relative in court or in the liable relative agreeing to pay a contribution to either my Department or the lone parent. Further cases are in the course of preparation by my Department for court action.

In its report on lone parents in July 2001 — report no. 20 — the National Economic and Social Forum recommended that the issue of maintenance should be reviewed on a regular basis.

The issue of maintenance payments to lone parents, and the issue of the Department seeking a contribution where a liable relative is not paying sufficient or indeed any maintenance, had been considered as part of my Department's programme evaluation review of the one parent family payment which published its report in September 2000.

One of the recommendations of the review was that lone parents should have an incentive to seek maintenance. This recommendation was put into effect in 2001 where one parent family claimants are allowed to retain 50% of any maintenance received without any reduction in their social welfare payment.

The issues with regard to maintenance recovery are reviewed by my Department on a regular basis. The maintenance recovery unit of my Department is also kept under review. There are currently 12 staff working on maintenance recovery activity with a further five staff working on follow up maintenance recovery related work in the one parent family payment scheme.

*Question No. 79 answered with Question No. 32.*

*Questions Nos. 80 to 82, inclusive, answered with Question No. 52.*

### **Anti-Poverty Strategy.**

83. **Mr. Eamon Ryan** asked the Minister for Social and Family Affairs his views on the 300% take up of the services of the St. Vincent de Paul organisation by the most needy in society; and if he intends to respond to this trend in any way. [33472/04]

**Minister for Social and Family Affairs (Mr. Brennan):** I have been made aware of the figures released by the Society of St. Vincent de Paul, which show a significant increase in the numbers seeking the services of the organisation over the last two years. I am conscious of the invaluable contribution, which the society makes in alleviating the effects of poverty on the most vulnerable members of Irish society and the close contact society members maintain with the least well off.

Building a fair and inclusive society has been, and continues to be, a key priority of this Government. We are committed to tackling the many dimensions of poverty and social exclusion through the strategic approach set out in the 2002 revised national anti-poverty strategy and in the national action plan against poverty and social exclusion launched in July 2003.

These plans contain ambitious targets across the range of policy areas which impact on poverty and social exclusion, including social welfare, education, health, employment and housing. They include key income support targets of raising the lowest social welfare rate to €150 in 2002 terms by 2007 and of increasing the rate of social welfare pensions to €200 per week by 2007.

The €874 million social welfare package announced in budget 2005 will bring projected expenditure on social welfare to €12.25 billion in 2005, an increase of almost 9% on 2004.

These budgetary commitments are indicative of the Government's priority to protect and improve the living standards of the least well off. The €14 increase announced for the lowest social welfare rates and the €12 pension increase keeps us on track to reach the targets we have set for 2007.

The policies pursued by the Government over recent years in combating unemployment and in increasing incomes in real terms for those not in work, are improving the standards of living of the most vulnerable people in society. However, I acknowledge that increased employment and income improvements alone may not be sufficient to alleviate the position of certain groups of vulnerable people, who are having to have recourse to assistance from the Society of St. Vincent de Paul. The pre-budget submission of the society, *An Opportunity for Fairness*, highlights this reality.

Its findings in relation to the position of its clients will be fully taken into account in future policy development. This will be especially the case over the next year, as we begin the process of evaluating the outcomes achieved under the

current national action plan on inclusion, and start developing policies for its successor due to be completed in 2006.

### **Child Support.**

84. **Mr. Murphy** asked the Minister for Social and Family Affairs the action he intends to take as a result of the study commissioned under his Department's family research programme, *From Child to Adult*; and if he will make a statement on the matter. [33496/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The study *From Child to Adult* is a longitudinal study of Irish children and their families. This study was co-funded by the family support agency and the Department of Social and Family Affairs under the families research programme.

It is based on an original study undertaken in 1990 when high rates of behavioural deviance were found in children attending schools in disadvantaged areas. At the same time, a sub sample of 185 children and their families studied in more detail found that one in six of the children and one third of the mothers showed evidence of psychiatric disorder associated with economic disadvantage and lack of social support.

One of the main aims of the follow up research, conducted ten years later, was to identify if any of the negative factors identified in the earlier study were connected to long-term outcomes for the children.

The findings of the study point to the resilience of children and the study concludes that overall behavioural difficulties exhibited in the earlier study proved to be short term. The study also found, however, that children with behavioural difficulties early in life can suffer in terms of educational achievement. It indicates that those children who leave school early are also more likely to get into trouble with the law. The authors also stress the link between economic and educational disadvantage and point out that the children interviewed for this report have indeed benefited from the upturn in the economy.

The study clearly illustrates the value of taking a longitudinal approach in determining the more appropriate policies and supports for families and children. Problems identified at one stage of a child's life may not have the long term consequences anticipated, but may have other consequences that require an appropriate response. The information obtained clearly makes for more effective policy development, which is especially significant given the importance of maximising the well-being of children.

My Department and the Department of Health and Children, through the National Children's Office, are co-funding a major national longitudinal study of children, the biggest of its kind to be undertaken in this State. It is anticipated that 10,000 children from birth and 8,000 children aged nine will be recruited to participate in the study. The aim is to investigate the factors which

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contribute to, or undermine, the well-being of all children in contemporary Irish families and, through this, contribute to the setting of effective and responsive policies relating to children and to the design of services for children and families.

The study is now at the tendering stage and should commence next year. It will provide ongoing information and analysis on the progress of our children through key life stages and show how effective policies are in supporting children and their families and the further policy development and resources required.

The challenges faced by children and their families are multidimensional and require multi-policy responses. The national children's strategy is co-ordinated by the National Children's Office under the aegis of the Department of Health and Children. The provision of support for disadvantaged children and families is also a key priority of the national action plan for inclusion, co-ordinated by the office for social inclusion.

The preparation of a strategy for families in a changing society is currently at an advanced stage and being co-ordinated by the family affairs unit of my Department. This will focus on the supports families need to meet the challenges arising from the profound and rapid changes taking place, and should be well in place when the longitudinal study comes on stream.

Through these initiatives, the Government is determined to ensure that our children get the best possible start in life and adequate support along the way. A key part of this is to ensure that we have the policies to achieve that objective and that we use the resources devoted to them to best effect.

*Question No. 85 answered with Question No. 35.*

### **Special Savings Investment Accounts.**

86. **Mr. Gilmore** asked the Minister for Social and Family Affairs if he has completed his consideration of whether SSIA premiums will be included in the assessment of income for social welfare payments once they mature; the conclusions which have been reached in this respect; and if he will make a statement on the matter. [33448/04]

91. **Ms Lynch** asked the Minister for Social and Family Affairs if he will review the way in which capital is assessed in the assessment of income for social welfare payments; his views on whether the current system is unrealistic and unfair; and if he will make a statement on the matter. [33451/04]

95. **Mr. Gormley** asked the Minister for Social and Family Affairs the way in which social welfare means testing arrangements are not to be applied to earnings gained from the special savings investment accounts. [33471/04]

**Minister for Social and Family Affairs (Mr. Brennan):** I propose to take Questions Nos. 86, 91 and 95 together.

As I informed the House last month, I had requested my Department to carry out a comprehensive examination of the current arrangements for the assessment of capital, particularly in so far as they apply to SSIA's. This examination has now been concluded.

I was pleased to announce in the context of the budget that the amount of capital disregarded for means test purposes for all schemes, except supplementary welfare allowance, will be increased from €12,694.38 to €20,000, an increase of over €7,300.

It is estimated that approximately 12,000 claimants will gain as a result of the improvement. This measure, which takes effect from June 2005, will cost €5.1 million in a full year.

I introduced this improvement in the context of the overall Government strategy to encourage a regular savings culture among the population in general. As part of this strategy, the innovative special savings investment accounts were introduced in 2001 and these accounts have been opened by a very large number of people, including pensioners and other social welfare recipients.

The new arrangements are designed to ensure that the social welfare means testing arrangements do not act as a disincentive to claimants to become savers or to harshly penalise those who have been regular savers in the past.

The enhanced disregard applies to all capital regardless of where it is held, be it in an SSIA, a credit union, with An Post or any other account with a bank or other financial institution.

For means testing purposes, capital also includes stocks and shares and the capital value of property, other than the family home. The new arrangements will mean that a single non-contributory pensioner can have capital of up to €27,600 and still qualify for a pension at the maximum rate. This figure is doubled in the case of a pensioner couple. Revised and simplified assessment rates for capital in excess of €20,000 will be introduced in the Social Welfare Bill to be published early in 2005.

### **Domestic Violence.**

87. **Mr. Costello** asked the Minister for Social and Family Affairs his views on the recent report, Safe Home, which showed that more than a third of women in domestic violence situations are turned away from refuges; if it will liaise with his Government colleagues to address this situation; and if he will make a statement on the matter. [33445/04]

**Minister for Social and Family Affairs (Mr. Brennan):** This matter is proper to the social inclusion unit of the Department of Environment, Heritage and Local Government. I have made arrangements for that Department and the Department of Justice, Equality and Law Reform



to contact the Deputy with an appropriate response.

*Question No. 88 answered with Question No. 29.*

*Question No. 89 answered with Question No. 71.*

### **Social Welfare Benefits.**

90. **Ms Lynch** asked the Minister for Social and Family Affairs the number of social welfare payments which are designed to act as work incentive measures; if such social welfare payments are meeting this objective; and if he will make a statement on the matter. [33452/04]

**Minister for Social and Family Affairs (Mr. Brennan):** My Department assists and encourages long-term unemployed and other long-term welfare recipients to return to work, training or further education through a range of measures administered by the Department's employment support service. One significant measure is the back to work allowance scheme which incentivises and encourages long-term unemployed people, lone parents and certain persons with disabilities to return to work by allowing them to retain their social welfare payment — on a tapered rate over a three or four year period — when they take up employment or self-employment.

Introduced in 1993, the scheme has assisted over 110,000 long-term social welfare recipients return to the workforce. Currently, there are 11,744 participants in the scheme, almost 7,000 of whom are engaged in a wide range of self-employment options.

In conjunction with this, my Department's employer's PRSI exemption scheme provides an exemption of the employer's portion of the PRSI contribution in cases where the employer takes on a person in receipt of the back to work allowance for the first time. The period covered is two years providing the employee remains with that particular employer. Since 1995, almost 33,000 employers have been granted this exemption.

Another measure offered is the back to education allowance. This second chance educational opportunity is designed to encourage and facilitate unemployed people, lone parents and people with disabilities to improve their skills and qualifications with a view to returning to the work force. There are two strands to the scheme, second level option and third level option. People qualifying for this scheme receive weekly income support at the maximum personal rate of the qualifying social welfare payment. They also receive the adult/child dependant increases where appropriate. An annual cost of education payment is also payable and I have increased this payment from €254 to €400 effective from September 2005. To date more than 10,000 persons have benefited from the scheme.

In addition, the family income supplement, FIS, was introduced to assist low income families in the active labour force. The scheme is designed to provide income support for employees on low earnings with families and thereby preserve the incentive to take up or remain in employment in circumstances where they might only be marginally better off than if they were claiming other social welfare payments. Weekly payments are made to families with children under 18 or between 18 and 22 if in full-time education, including one parent families. Currently, there are approximately 14,500 families in receipt of FIS, receiving an average weekly payment of over €72. Following the €39 increase in FIS earnings thresholds announced in the recent budget, most FIS payments will increase by €23.40 per week from January next.

A range of other support is provided by the Department's locally based facilitators. Their primary role is to assist the long-term unemployed and other long-term welfare dependants back to work, training or further education by providing them on an individual basis with assistance to access the necessary programmes or supports which their circumstances demand. Facilitators have access to some additional services, including funding to arrange specialised training and supports for those who are distant from the labour market and who need additional help in preparing them for further training and employment.

It is important that social security programmes are developed in ways that are responsive to the needs of the unemployed and other disadvantaged while simultaneously providing opportunities to assist people to become less welfare dependent. In this context, a number of income disregards have been introduced to social security schemes, to make them more employment friendly by removing disincentives to taking employment.

My Department through its employment support and other services has been very successful in assisting people away from the cycle of long-term unemployment and back into the workforce. The services provided are under constant review and I am satisfied as to their continued relevance and flexibility in today's job market.

*Question No. 91 answered with Question No. 86.*

92. **Mr. Penrose** asked the Minister for Social and Family Affairs if he will consider an increase in the income thresholds for secondary benefits; and if he will make a statement on the matter. [33440/04]

**Minister for Social and Family Affairs (Mr. Brennan):** Social welfare programmes aim to be responsive to the needs of those who depend on income maintenance support while providing incentives to assist people to become more independent financially, particularly through employment.

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A number of measures have been introduced in recent years to remove disincentives to taking up employment and to assist in the transition from welfare to work. These measures include special means disregards and tapered withdrawal of benefits as earnings increase and employment support schemes, such as the back to work programme. In addition, there are facilitators available in my Department's local offices around the country to assist unemployed people and lone parents with the transition to employment.

The income limit referred to by the Deputy applies to people who take up employment under approved employment schemes. Such people are entitled to retain certain social welfare and other benefits, known as secondary benefits, in total or in part, for the duration of the scheme subject to certain conditions.

For most people, the most significant secondary benefit is rent or mortgage interest supplement, which is paid under the supplementary welfare allowance scheme.

An income limit of €317.43 per week applies to these supplements. While this income limit has not changed since its introduction, significant other improvements have been made to the means test. Back to work allowance and family income supplement, in cases where one or both of these are in payment, are now disregarded in the assessment of the €317.43 weekly income limit. PRSI and reasonable travelling expenses are also disregarded in the means test.

In effect this means that people who had been unemployed and who commence employment with the support of the back to work allowance can have a weekly household income significantly in excess of the €317.43 limit in question and still qualify to retain 75% of their rent or mortgage interest supplement. For example, in the first year on the back to work allowance, a single person can have combined income from the back to work allowance and wages of €418.50 while a couple with two children can have an income of up to €510.75 a week. When the latest increases in social welfare rates become effective in January 2005, the levels of income in these cases will increase to €429 and €528.25 respectively.

Other improvements have also been made to the retention arrangements. The period for which rent or mortgage interest supplement may be retained has been extended to four years on a tapered basis — that is, 75% in year one, 50% in year two and 25% in years three and four. In addition, the maximum payment limit of €317.43 per month on the amount of supplement payable has been abolished for people on approved schemes.

As a consequence of these improvements, many families retain more of their rent or mortgage interest supplement than had been the case prior to these changes taking place. In addition, people availing of an employment support scheme may opt to be assessed under either stan-

dard supplementary welfare allowance rules or under the special retention rules and will be entitled to receive payment under whichever is the more favourable option for them. In that context, I was glad to be able to increase the income disregard in the standard rules of the scheme from €50 per week to €60 per week in this year's budget.

Overall, I consider that the current secondary benefit income eligibility thresholds and disregards, coupled with improvements in the standard rules of the supplementary welfare allowance scheme, ensure that people have a financial incentive to take up back to work opportunities. I will consider further improvements in the standard rules of the scheme in the context of future budgets.

93. **Mr. Durkan** asked the Minister for Social and Family Affairs if he will increase the basic social welfare threshold to ensure that a budgetary increase does not result in a reduction in rent support for those in rent assisted accommodation; and if he will make a statement on the matter. [33528/04]

175. **Mr. Durkan** asked the Minister for Social and Family Affairs when it is likely that the basic social welfare payment will be increased; and if he will make a statement on the matter. [33781/04]

**Minister for Social and Family Affairs (Mr. Brennan):** I propose to take Questions Nos. 93 and 175 together.

The supplementary welfare allowance scheme provides for the payment of a weekly or monthly supplement in respect of rent or mortgage interest. These supplements assist with reasonable accommodation costs of eligible people who are unable to provide for their accommodation costs from their own resources and who do not have accommodation available to them from any other source. The scheme is administered on my behalf by the health boards.

Rent and mortgage interest supplements are subject to a means test. They are normally calculated to ensure that, after payment of rent or mortgage interest, an eligible person has income equal to the rate of basic supplementary welfare allowance appropriate to his or her family circumstances, less a minimum contribution, currently €13, which each recipient is required to pay from his or her own resources.

Many recipients pay more than €13 because each recipient is required to contribute any additional assessable means he or she has over and above the basic supplementary welfare allowance appropriate to his or her circumstances towards his or her accommodation costs.

I have decided not to increase this minimum contribution level this year. In addition, I have provided for an increase of €14 in the weekly rate of basic supplementary welfare allowance, effective from January 2005, which matches or exceeds

the increases in virtually all other social welfare rates.

I am satisfied that there will be no reduction in the amount of rent or mortgage interest payable in the vast majority of cases. Almost all people on rent supplement will retain the full value of their increased social welfare payment as a result. This significant increase in basic supplementary welfare allowance will also have the effect of reducing the additional amount people with other means have to pay above the minimum rent contribution level in some cases. For example, single people on rent or mortgage interest supplement who are aged 66 years or more will get a net increase of €14 per week as a result of this year's budget.

### **Family Support Services.**

94. **Ms B. Moynihan-Cronin** asked the Minister for Social and Family Affairs if his review of issues facing families today has been completed; the action proposed by him on foot of this review; and if he will make a statement on the matter. [33453/04]

**Minister for Social and Family Affairs (Mr. Brennan):** My Department is currently co-ordinating the preparation of a strategy for families and family life in a changing society. The project is intended to begin a strategic process under which issues affecting families would be addressed in an integrated way across the range of Departments and agencies currently involved in issues impacting on families.

The process commenced with a public consultation process by way of five regional fora held during 2003, an analysis of the outcome of which, entitled *Families and Family Life in Ireland: Challenges for the Future*, was published earlier this year.

A call for submissions was issued in July to interested organisations on the issues covered in this publication on families and family life to inform the deliberative process. Some 25 detailed contributions have now been received and a summary analysis completed for review and eventual publication.

An inter-departmental committee, IDC, was also established in July to prepare the strategy across the relevant policy areas. This has included a review of progress made in implementing the recommendations of the Commission on the Family, identifying the policy areas for which it has responsibility for inclusion in the strategy, the objectives and targets for these policy areas and the actions required over the coming years to meet these.

To facilitate this process, a consultant expert has been engaged to prepare an analysis on the main demographic, social and economic changes relating to families and family life today in Ireland and the main challenges these pose for Government policy. This document is nearing completion and earlier drafts are already being considered by members of the IDC.

Full account is being taken of the various reports completed under the families research programme. The final report under this phase of the programme has just been published. Account will also be taken of the outcome of the international conference in Dublin on families, change and social policy in Europe held in Dublin in May and organised by the Irish EU Presidency, with the support of the EU Commission to mark at EU level the tenth anniversary of the UN International Year of the Family.

Ireland has also directly participated in a major international study organised by the OECD entitled, *Babies and Bosses* — reconciling work and family life.

An analysis of the position in Ireland in relation to these issues is contained in volume two of the study. The project which addresses one of the major issues for both family and employment policy is currently being finalised and the outcome will be one of the main issues to be addressed at a meeting of Ministers for Social Affairs from OECD countries next April.

So far this analysis and consultation at both national and international levels has highlighted the profound and rapid changes affecting families, not least in Ireland. These changes require an integrated response across a range of diverse policy areas including income support, employment, care services, health, education, housing, family and community supports, transport and policies generally to promote social inclusion and greater social cohesion. The intention is to have the strategy completed and published during the first half of 2005.

*Question No. 95 answered with Question No. 86.*

### **Social Welfare Code.**

96. **Mr. Broughan** asked the Minister for Social and Family Affairs his views on recent figures from the CSO which show that more than one third of all births here are outside marriage; if the social welfare system is suitably adapted to meet the requirements of the changing structure of the Irish family; and if he will make a statement on the matter. [33442/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The CSO figures reveal a trend in relation to non-marital births that is occurring not just in Ireland, but in a number of other developed countries as well. In many cases, the parents of the children are living together and will parent together. A significant proportion marry soon after the birth of their first child. Others continue to co-habit for a period afterwards. CSO figures also reveal that up to 40% of co-habiting couples have children and that a significant proportion are in their 20s.

There were 154,000 lone parent families in 2002 comprising one in six of all families with 85% headed by females. In terms of marital status, 40% were headed by a widowed person, 32%



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headed by a separated or divorced person, and 24% headed by a single person. The number in receipt of the one parent family payment in 2003, was 79,296, up from 58,960 in 1997, when the scheme was introduced. There were, in addition, 13,215 lone parents with children in receipt of payments under social insurance — 8,687 widowed persons and 4,528 deserted wives.

In total, therefore, 92,511 or up to 60% approximately are receiving weekly payments under the social welfare system. The social welfare system has provided income support and other services for lone parents and has adapted to the changes in recent decades that has seen, proportionately, a decline in the incidence of lone parenthood arising from widowhood, and a growth in the incidence arising from separation and divorce and from parents being unmarried.

Cohabiting couples with children are generally treated the same as married couples for the purposes of social welfare entitlements.

The profound and rapid social, economic and demographic changes occurring are having a major impact on families and family life. They may require modernisation of Government policies to support families in order to assist them in meeting the challenges posed by these changes, not least in reconciling work, the main route out of poverty, and family life. My Department is currently co-ordinating the preparation of a strategy for families in a changing society designed to ensure that the necessary modernisation takes place on an ongoing basis. The strategy is scheduled to be published in the first half of 2005.

97. **Mr. Hayes** asked the Minister for Social and Family Affairs the situation with regard to the administration of the one parent family payment; the number and location of localised offices; his further plans and timescale to localise the remainder of these offices; the additional costs involved; and if he will make a statement on the matter. [33513/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The one parent family payment is the income support scheme for separated, unmarried and widowed persons and also for prisoners spouses who are bringing up children without the support of a partner. The scheme was introduced in 1997 when it replaced a number of schemes for different categories of lone parent.

At the end of October 2004, there were 79,797 persons receiving one parent family payment. On average, some 350 new claims for one parent family payment are received each week, equivalent to approximately 18,000 per year.

As recipients of the one parent family payment are in a relatively young age bracket, they are more likely to move in and out of employment, education or training on a regular basis or to have other changes in their circumstances. Approximately 70,000 existing claims are revised each year, mainly for these reasons.

Administrative work relating to the one parent family payment has been carried out in a central unit in the pension services office in Sligo.

A comprehensive review of the payment arrangements for lone parents was undertaken by my Department in 2000. This review recommended the localisation of the administration of the scheme to bring lone parents into closer contact with the various support services available at local level. Localisation is intended primarily to improve client service, by reducing claim processing times through closer linkage with the local investigative officer network, as well as providing more direct local contact for lone parents with the Department's employment support services.

One parent family payment claim processing commenced in my Department's local office in Tallaght in 2001. Following the success of this initial project, local offices in Finglas and Waterford began processing one parent family payment claims at the end of 2003. During 2004, a major programme was undertaken to extend claim processing to a further 16 offices.

At the end of 2004, there will be a total of 19 local offices dealing with one parent family payment claim processing. This will mean that approximately half of all new one parent family claims received each year, that is, approximately 9,000 claims, will be dealt with in local offices. Processing will be extended to other local offices on a phased basis during 2005.

The process of devolving the administration of the one parent family payment to local offices is essentially a relocation of the service from a central to a local basis. While there will be costs arising during the process relating to training, localisation of the scheme will not result in any significant increase in the cost of administering the scheme.

I am satisfied that the social welfare arrangements in place for lone parents are appropriate. The policy in this area is to provide income support for lone parents while at the same time encouraging them to consider employment as a realistic alternative to long-term welfare dependency. The position is being kept under review on an ongoing basis.

98. **Mr. Deasy** asked the Minister for Social and Family Affairs if his attention has been drawn to the recommendation of the National Economic and Social Forum to establish a welfare to work colloquium with an interest in issues relating to welfare and work transitions to explore the development of a welfare to work strategy for groups such as lone parents; his views on same; and if he will make a statement on the matter. [33517/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The NESF recommended the establishment of a welfare to work unit in my Department in its report on lone parents report no. 20 in 2001. As an initial step, it recommended that my Department should host a welfare to work

colloquium to bring together the main players with an interest in welfare to work transitions to explore the development of a welfare to work strategy for groups such as lone parents.

Progressing from unemployment through appropriate education, training and work programmes in order to gain employment is accepted as the best means of tackling social exclusion. In this context, a wide range of active labour market programmes is available designed to address long-term unemployment and facilitate unemployed people to seek work. An integral ingredient to the successful implementation of the national employment action plan is an offer of work or the availability of a programme suited to the particular needs of the individual.

Implementation of the national employment action plan has contributed to approximately 68% of those referred to FÁS under the plan signing off the live register. Overall, 84% of interviewees who had left the unemployed register were still off the register at the end of the 12th month after referral.

My Department's facilitators also advise and encourage those on social security payments such as unemployed people or lone parents to progress to employment or education-training through the range of active labour market programmes available. They also seek out job opportunities, work-skills outlets and other self-development opportunities. Facilitators work closely with FÁS and the education authorities at local level to secure an appropriate outcome for disadvantaged individuals.

The facilitators now also work with younger lone parents, families who have caring responsibilities and who therefore have more complex needs in terms of support and activation. The Department also operates a range of active labour market programmes, including the back to work scheme which encourages long-term unemployed people to take up opportunities of employment or self-employment and the back to education allowance scheme which facilitates the long-term unemployed and other disadvantaged groups in gaining access to second chance education, either at second or at third level.

The objective in this area is to raise educational and skills levels among the long-term unemployed and other disadvantaged groups in order that they will meet the requirements of the modern labour market.

I am committed to reviewing the income support arrangements for lone parents in light of reports and emerging analysis. These reports include the NESF fourth periodic report as well as the review of the one parent family payment published by my Department. Ireland has also participated in an OECD project on reconciling work and family life, which includes a detailed analysis of the position of lone parents in a comparative context. These reports will inform the review of lone parents' income support arrangements.

The question of colloquium on welfare to work or other appropriate consultative arrangements to assist in the consideration of future policy in this area will be considered in the context of the review.

#### **Social Welfare Benefits.**

99. **Mr. Stanton** asked the Minister for Social and Family Affairs the reason for the decision to reintroduce the half rate payment for lone parents in cases in which earnings are in excess of the upper threshold of €293 per week for six months and not the previous position of payment for 12 months; and if he will make a statement on the matter. [33488/04]

**Minister for Social and Family Affairs (Mr. Brennan):** Up to last year, transitional arrangements also applied whereby a lone parent who exceeded the weekly earning threshold of €293 for receipt of payment retained 50% of his or her previous payment for a further 12 months.

This transitional payment was discontinued this year. Lone parents already on the transitional payment prior to the cut off date retained their entitlement to the payment for the remainder of the 12 months period. Lone parents continued to be eligible for the family income supplement.

I am, therefore, committed to reviewing the income support arrangements for lone parents as a priority. The review will be informed by recent reports completed by my own Department and by the NESF and an OECD study on reconciling work and family life, published late last year, which gave particular attention in that context to the position of lone parents.

There will be an examination of the overall transitional arrangements under the one parent family payment scheme in the context of that review. I have provided for reinstatement of the half-rate payment for a period of six months, pending completion of the review. Lone parents, of course, continue to be eligible to apply for the family income supplement, which is the mainstream in-work benefit available to parents working in low income employment.

*Question No. 100 answered with Question No. 78.*

*Question No. 101 answered with Question No. 52.*

#### **NESF Report.**

102. **Caoimhghín Ó Caoláin** asked the Minister for Social and Family Affairs if he has received the fourth periodic report of the NESF; and if he will make a statement on the matter. [33365/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The fourth periodic report of the NESF deals with work that was published by the NESF over the period 2001-03 and attempts to assess the impact of this on Government policies and programmes. Of particular interest to my

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Department is the review of lone parent report no. 20 which was published in late 2001.

I am in the process of drawing up a strategy for families in a changing society and a key element of this strategy will relate to the issues and challenges faced by those parenting alone. I am also committed to reviewing the income support arrangements for lone parents in light of reports and emerging analysis and the NESF report is informing this review. A number of the developments in these areas are highlighted by the NESF in the review.

Progress has been made in the localisation of new claims for the one parent family payment to the local offices of my Department. By the end of this year some 50% of new claims will be made at local offices and the roll out of the localisation project is scheduled to continue in 2005.

Similarly, I am pleased to see the welcome given to the information guide for lone parents published by my Department, Comhairle and Treoir which is made available to all lone parent claimants. This initiative substantially addresses many of the information needs of those parenting alone and I am hoping to provide additional information through a new magazine type initiative next year.

The NESF was critical of changes to the one parent family payment scheme, particularly in relation to the transitional arrangements whereby a lone parent who exceeded the earning threshold retained 50% of his or her previous payment for a further 12 months. This transitional payment was discontinued from 19 January 2004.

In reviewing the adjustments which were made in last year's budget, I took particular account of the statistics which show that lone parent families are particularly at risk of poverty. Ireland has one of the highest proportions of lone parent families within the EU. Almost a quarter of such households live in consistent poverty and over 40% of such families are deemed to be at risk of poverty.

It is generally accepted that one of the most effective routes out of poverty for people in the active age groups is through paid employment. However, Ireland has a relatively low proportion of lone parents in employment, compared to other developed countries. In light of this, I decided to re-introduce the transitional half-rate payment for a period of six months where earnings exceed the upper threshold of €293 per week. The overall transitional arrangements will be further examined in the context of the review of the income support arrangements for lone parents which I have already mentioned.

The NESF has also expressed disappointment with regard to the extent to which the needs of non-resident fathers are being addressed and has recommended that greater policy priority should be given to supporting those who have ongoing and regular contact with their children. This year my Department has been instrumental in ensuring that there has been a greater focus on the

issue of family role of fathers, particularly those fathers who are non-resident. Under the special award scheme for organisations to celebrate the tenth anniversary of the UN International Year of the Family support was given to the unmarried and separated fathers of Ireland in running a national conference on fathers.

Support was also given to Amen to run a conference focusing on being a father, particularly a non-resident father at Christmas. Under the families research programme which was established by my Department two pieces of research on men were published. The report, *Young men on the Margins*, commissioned by the Katherine Howard foundation focused on young homeless men who have little or no participation in family life, community life or employment.

A more recent publication, *Strengthening Families through Vulnerable Fathers*, was produced by Professor Harry Ferguson and Fergus Hogan. This latter publication focuses on vulnerable fathers and the professionals who worked with them. The research highlighted how fathers are often excluded from child care and family support work and challenges society to create and foster an inclusive approach which encourages effective engagement and positive inclusion of fathers.

These publications will be fully taken into account in the context of the strategy on families in a changing society currently being prepared. Key elements of this strategy will focus on the issue of those parenting alone and the role of fathers in family life, especially non-resident fathers. The NESF report is also being taken into account in drawing up the strategy which should be completed in the first half of 2005.

#### Northern Ireland Issues.

103. **Mr. F. McGrath** asked the Taoiseach if he will work more closely with the Northern minority and listen to their concerns regarding the current stalemate. [33811/04]

**The Taoiseach:** I will continue to work with the SDLP, Sinn Féin and all of the political parties in Northern Ireland to secure the restoration of devolved government in Northern Ireland.

#### Health Board Allowances.

104. **Mr. Ring** asked the Tánaiste and Minister for Health and Children when persons awaiting arrears of the blind welfare allowance, due to the misinterpretation of the Blind Welfare Allowance Circular 4/79, will receive same; the date on which she sanctioned this funding to the health boards; and if she will make a statement on the matter. [34023/04]

111. **Mr. Ring** asked the Tánaiste and Minister for Health and Children further to Parliamentary Question No. 146 of 7 December 2004, the date on which additional funding was provided to the health boards in this matter; and when payment will issue to the persons affected. [33655/04]



**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 104 and 111 together.

My Department issued letters to the CEO of each health board on 6 December informing them that the funding to pay arrears of blind welfare allowance is being authorised by this Department. It is a matter for each individual health board as to how and when the arrears are issued to the individuals involved.

#### **Nursing Homes.**

105. **Mr. S. Ryan** asked the Tánaiste and Minister for Health and Children the number of legal actions health boards are currently processing against private nursing homes for breach of the legislation under the Health (Nursing Homes) Act 1990; the names of the nursing homes in question; and if her attention has been drawn the response to Parliamentary Question No. 5 of 2 December 2004. [33604/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** I refer the Deputy to my written response of 28 October 2004 to Parliamentary Questions Nos. 143 to 146, inclusive. I informed the Deputy that there was one case pending before the courts and that I was not in a position to discuss the details of the case, as by doing so might prejudice the outcome of the case itself. I have had further inquiries made of the health boards-authority with a view to establishing the up-to-date position, and will be in touch with the Deputy again as soon as this information is received.

#### **Nursing Home Subventions.**

106. **Dr. Cowley** asked the Tánaiste and Minister for Health and Children if it can be made possible for elderly returning emigrants requiring nursing care to be assessed for their medical needs and for subvention in places in which they currently live; if her attention has been drawn to the current difficulties in the area; and if she will make a statement on the matter. [33650/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** Persons applying for a subvention under the nursing home subvention scheme must undergo both a medical assessment and means test to establish if they qualify for subvention. Both tests are carried out by the health board in whose functional area the person resides. It would not be possible under the current system for a person who is living abroad to be assessed for nursing home subvention in the place of their residence. However, the assessing health board would have regard to all medical reports and financial information available on the person from whatever jurisdiction when assessing an applicant for nursing home subvention.

107. **Mr. Durkan** asked the Tánaiste and Minister for Health and Children if nursing home subvention will be offered to a person (details

supplied) in County Kildare; and if she will make a statement on the matter. [33651/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** The provision of health services in the Kildare area is, in the first instance, the responsibility of the South Western Area Health Board acting under the aegis of the Eastern Regional Health Authority. My Department has, therefore, asked the chief executive of the authority to investigate the matter raised by the Deputy and reply direct to him as a matter of urgency.

#### **Housing Aid for the Elderly.**

108. **Mr. McGuinness** asked the Tánaiste and Minister for Health and Children if an occupational therapist's report has been prepared in the case of a person (details supplied) in County Kilkenny relative to their application under the housing aid for the elderly scheme; if a scheme of work has been agreed arising from this report; the status of the report; when a decision is likely in the case; and if she will make a statement on the matter. [33652/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** The housing aid scheme for the elderly in County Kilkenny is operated by the South Eastern Health Board, on behalf of the Department of Environment, Heritage and Local Government. 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.

#### **Ambulance Services.**

109. **Mr. Ring** asked the Tánaiste and Minister for Health and Children when an application for capital and revenue funding for a project (details supplied) in County Mayo was submitted by the Western Health Board; when approval will be granted to this project; when the necessary funding will be made available; and if she will make a statement on the matter. [33653/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** Responsibility for the provision of ambulance services in County Mayo rests with the Western Health Board. My Department received a proposal from the board in March 2004, which outlined the capital project requirements of all the care programmes in the western region, including the ambulance service. The provision of a number of additional ambulance stations, including an ambulance station at Achill was included in this submission. This proposal will fall for consideration by the Health Services Executive in the context of the Health Capital Investment Framework 2005-2009.

#### **Hospital Waiting Lists.**

110. **Mr. Ring** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Wicklow can expect to

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receive an appointment for St Luke's Hospital, Dublin. [33654/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** Responsibility for the provision of services for residents of County Wicklow is in the first instance, a matter for the Eastern Regional Health Authority. My Department has asked the chief executive officer of the authority to investigate the position in relation to this case and to reply directly to the Deputy.

*Question No. 111 answered with Question No. 104.*

#### **Health Board Services.**

112. **Ms O. Mitchell** asked the Tánaiste and Minister for Health and Children if a centre (details supplied) is to be closed; and the future which is envisaged for current and potential future employees. [33656/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** A working group will shortly be established to consider options for Blindcraft and its employees and to make a recommendation on its future to the Tánaiste and the board of Blindcraft. The working group will include representation from my Department, the board of Blindcraft, the unions, the workforce, Enterprise Ireland and FÁS.

#### **Ambulance Service.**

113. **Mr. Lowry** asked the Tánaiste and Minister for Health and Children further to an adjournment debate of Dáil Éireann of 24 November 2004, the decision which has been taken to approve the proposed ambulance base in Thurles; the funds which have been allocated for the project; when she expects building work to start; and if she will make a statement on the matter. [33657/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** Responsibility for the provision of ambulance services in County Tipperary rests with the Mid-Western Health Board. My Department has received a proposal from the board outlining the capital project requirements of this development. This proposal is currently being considered by my Department in conjunction with the board. A decision will be made on this development in the context of overall capital priorities for the region and the availability of funding.

#### **Hospital Waiting Lists.**

114. **Mr. Penrose** asked the Tánaiste and Minister for Health and Children if a person (details supplied) in County Westmeath will be admitted to Mullingar Regional Hospital, to have urgent medical procedures carried out; and if she will make a statement on the matter. [33682/04]

**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.

#### **Mental Health Services.**

115. **Mr. Wall** asked the Tánaiste and Minister for Health and Children the number of applications her Department has received in each of the past three years for funding for mental health services within the South West Area Health Board region for special needs, such as those of a person (details supplied) in County Kildare; the amount of funding provided in relation to such cases; and if she will make a statement on the matter. [33683/04]

119. **Mr. Wall** asked the Tánaiste and Minister for Health and Children if the necessary funding will be provided to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [33687/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 115 and 119 together.

Responsibility for the provision of the services referred to by the Deputy 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.

116. **Mr. Wall** asked the Tánaiste and Minister for Health and Children her plans to upgrade the mental health services in the South Western Area Health Board region; the proposals that are being processed; the timescale of the proposals; and if she will make a statement on the matter. [33684/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** Funds raised by the sale of part of the land at St. Loman's Hospital will be applied to the development of mental health services in the South Western Area Health Board. This includes the re-provision of mental health services currently operating from St. Loman's campus in such a manner that it will extend the delivery of mental health services into the community via new units at other strategic locations, as well as to provide purpose built accommodation within the 8.5 acres of land to be retained at St. Loman's. A project team has been established to progress the development of the mental health facilities and a final decision regarding the scale of the developments in the South Western Area Health Board will be taken when the project team has established greater cost certainty and an indicative programme for the proposed works.

### Health Board Services.

117. **Mr. Wall** asked the Tánaiste and Minister for Health and Children the position regarding the transfer of a person (details supplied) to St. Michael's rehabilitation centre, Dún Laoghaire; and if she will make a statement on the matter. [33685/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** Responsibility for the provision of services for residents of County Carlow is, in the first instance, a matter for the South Eastern Health Board. My Department has, therefore, forwarded the Deputy's correspondence to the chief executive officer of the South Eastern Health Board and asked him to reply to the Deputy directly.

### Mental Health Services.

118. **Mr. Wall** asked the Tánaiste and Minister for Health and Children the total funding from her Department to the South Western Area Health Board for mental health services for each of the past three years; the way in which this figure compares to funding available to other health boards and their allocation of funding; and if she will make a statement on the matter. [33686/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** The total additional revenue funding provided for the development of mental health services nationally in the period 2002-2004 was in the order of €33 million. In 2002 additional revenue funding of €0.762 million was made available to the South Western Area Health Board for the development of mental health services. This funding was for the further enhancement of existing multi-disciplinary teams in Kildare, Tallaght, Blanchardstown and within community care areas 4, 5 and 9.

In 2003, additional revenue funding of €0.56 million was made available to the South Western Area Health Board for the further enhancement of multi-disciplinary teams in community care areas 3, 4 and 5 and the development of community services in Ballyfermot, Tallaght and Castledermot. While no additional funding was available for mental health service developments in the South Western Area Health Board region in 2004, additional revenue funding of €15 million will be provided for the development of mental health services nationally in 2005. The further development of services in the South Western Area Health Board next year will be considered in the allocation of funding process for 2005. The total spend on mental health services in 2005 will be in the region of €725 million.

In addition to the above, substantial additional funding was provided to voluntary organisations in the field of mental health, which provide a range of services throughout the country including the South Western Area Health Board region.

*Question No. 119 answered with Question No. 115.*

### Nursing Home Charges.

120. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children the number of medical card holders who are in private or public nursing homes in each county, who have been paying hospital charges to date and who, in view of the recent announcement by her, will now be entitled to a refund and hospitalisation; and if she will make a statement on the matter. [33692/04]

121. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children the number of medical card holders who are in private or public nursing homes in County Kilkenny who have been paying hospital charges to date and who, in view of her recent announcement, will now be entitled to hospitalisation. [33693/04]

122. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children the number of old age pension patients from County Wexford who have been charged in public or private nursing homes and who, in view of the recent announcement by her, will now be entitled to free hospital care. [33694/04]

126. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children the number of medical card holders who are in private or public nursing homes in Wexford, who have been paying hospital charges to date and who, in view of the recent announcement by her, will be entitled to free hospitalisation. [33698/04]

127. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children the number of medical card holders who are in private or public nursing homes in each county, who have been paying hospital charges to date and who, in view of the recent announcement of her, will be entitled to free hospitalisation. [33699/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 120 to 122, inclusive, 126 and 127 together.

This information must be obtained from the relevant health board-authority. Therefore, my Department has asked the chief executive officer of each health board-authority to examine this matter and reply directly to the Deputy.

123. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children the number of medical card holders who are in private or public nursing homes in County Westmeath who have been paying hospital charges to date and who, in view of the recent announcement by her, will now be entitled to free hospitalisation. [33695/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** This information must be obtained from the relevant health board-authority. Therefore, my Department has asked the chief execu-



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tive officer of the Midland Health Board to examine this matter and reply directly to the Deputy.

124. **Mr. P. McGrath** asked the Tánaiste and Minister for Health and Children the number of medical card holders who are currently hospitalised in publicly funded nursing homes and hospitals in County Westmeath; the number in each institution; and the number of publicly funded beds for nursing homes in the county. [33696/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** The provision of health services in County Westmeath is, in the first instance, the responsibility of the Midland 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.

125. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children the number of medical card holders who are currently hospitalised in publicly funded nursing homes and hospitals in County Wexford; the number in each institution; and the number of publicly funded beds for nursing homes in the county. [33697/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** The provision of health services in County Wexford is, in the first instance, the responsibility of the South 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.

*Questions Nos. 126 and 127 answered with Question No. 120.*

128. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children the number of medical card holders who are currently hospitalised in publicly funded nursing homes and hospitals in each county; the number in each institution; and the number of publicly funded beds for nursing homes in each county. [33700/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** The provision of health services in each county is, in the first instance, the responsibility of the Eastern Regional Health Authority and the health boards. My Department has, therefore, asked the chief executive officers of the authority and the health boards to investigate the matter raised by the Deputy and reply direct to him as a matter of urgency.

#### **Departmental Programmes.**

129. **Mr. Wall** asked the Tánaiste and Minister for Health and Children the progress to date in regard to the implementation of the RAPID programme for Athy; the amount of moneys made available for the implementation of the

programme from her Department for Athy; and if she will make a statement on the matter. [33701/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** Government policy has generally been that RAPID is to be funded through the prioritisation of the identified areas and the front loading to them of a significant share of the funding allocated under the national development plan. The Department of Health and Children, in the letters of determination in 2003 and 2004, requested health boards to prioritise projects in RAPID areas, within available resources.

This is the first year in which designated funding for RAPID became available. In the context of the RAPID leverage fund, the Department of Health and Children is making €2 million available, over the period 2004-05, to match €2 million being provided by the Department of Community, Rural and Gaeltacht Affairs from that fund for projects in the health sector. Effectively, this means that €120,000 is available under this fund for each RAPID strand 1 area, urban areas, and €80,000 for each RAPID strand 2 area, Athy falls within this category.

A request for proposals for funding under the RAPID leverage fund was issued by my Department in July 2004, to all health boards-authority. Project proposals, including projects for the Athy area, have been received in response to this from health boards across the country. These have been processed within the Department of Health and Children and submitted for further approval to the Department of Community, Rural and Gaeltacht Affairs.

#### **Health Board Services.**

130. **Mr. Stagg** asked the Tánaiste and Minister for Health and Children if the full complement of beds is now in use at the Maynooth community care unit; if not, the number of beds in use; the reason for the delay in bringing the unit to full capacity; and if she will make a statement on the matter. [33722/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** The provision of health services in the Kildare area is a matter for the South Western Area Health Board acting under the aegis of the Eastern Regional Health Authority in the first instance. The authority has advised my Department that 38 beds are currently in use at the Maynooth community nursing unit. The recruitment process for additional nurses is still underway and further beds will be opened as soon as sufficient additional staff are in place. A total of 44 beds will be available for patient care at the unit when all the staff are in place.

#### **Ministerial Meetings.**

131. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children if she met a person (details supplied) on 9 December 2004; the discussions she had at the meeting; the actions

that will take place as a result of the meeting; and if further meetings are planned. [33767/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** I had arranged to have lunch with Minister Angela Smith on the occasion of her visit to Dublin on 9 December on other business. Unfortunately, I was obliged to cancel the lunch appointment as I found myself scheduled to take Report Stage of the Health Bill 2004 in the Dáil on that day and was there from 1.15 p.m. I look forward to meeting with Minister Smith in the new year.

### Speech and Language Therapy.

132. **Mr. Wall** asked the Tánaiste and Minister for Health and Children if funding will be provided for a person (details supplied) in County Kildare for speech therapy; and if she will make a statement on the matter. [33799/04]

133. **Mr. Wall** asked the Tánaiste and Minister for Health and Children the options available to a person (details supplied) in County Kildare in regard to obtaining speech therapy; and if she will make a statement on the matter. [33800/04]

134. **Mr. Wall** asked the Tánaiste and Minister for Health and Children the position regarding an application for speech therapy for a person (details supplied) in County Kildare; and if she will make a statement on the matter. [33801/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 132 to 134, inclusive, together.

The provision of health services, including speech and language therapy, to people with a physical and-or sensory disability rests with the Eastern Regional Health Authority and the health boards in the first instance. Accordingly, the Deputy's questions have been referred to the regional chief executive of the Eastern Regional Health Authority with a request that he examine the matters raised and reply directly to him, as a matter of urgency.

### Services for People with Disabilities.

135. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children the position regarding the expansion of the services for persons with disabilities following Budget 2005; and if she will make a statement on the matter. [33815/04]

138. **Mr. Stanton** asked the Tánaiste and Minister for Health and Children if the allocation of an additional €205 million of current funding vote in 2005 announced in the Estimates will be ring fenced for services to persons with disabilities; if the multi-annual current funding for 2006 to 2009 of €500 million and the capital funding of €55 million in each of years 2006 to 2009 announced in budget 2005 will similarly be ring fenced to disability specific purposes; and if she will make a statement on the matter. [33857/04]

139. **Mr. Stanton** asked the Tánaiste and Minister for Health and Children the details of the 1,000 new frontline staff who are to be recruited in 2005 to provide services to persons with disabilities, as announced in her statement on the publication of the Estimates in November 2004; the details of the qualifications of such staff; the services they are to provide; the locations at which they will be assigned; when and the way in which they are to be recruited; the estimated cost of the provision of such new staff in 2005 and in a full year; and if she will make a statement on the matter. [33858/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** I propose to take Questions Nos. 135, 138 and 139 together.

The additional funding of €205 million which was provided for services for people with disabilities, including those with mental illness, in the Estimates for 2005 includes funding to meet increased pay and non pay costs in existing services in addition to revenue funding amounting to €70 million for the development of new services.

Some €40 million of the additional revenue funding of €70 million is being allocated to services for persons with intellectual disability and those with autism to provide, in 2005, approximately 270 additional residential places; approximately 90 extra respite places; approximately 400 new day places; improved specialist support services for people with major challenging behaviour; and €2 million to meet costs associated with moving people with intellectual disability from psychiatric hospitals and other inappropriate placements.

An additional sum of €15 million is being allocated to services for people with physical or sensory disabilities to provide approximately 60 new places for people with significant disabilities who are currently placed in inappropriate settings; approximately 200,000 extra hours of home support and personal assistance in line with the current philosophy of independent living for people with disabilities; additional funding of €3 million for aids and appliances; approximately 90 extra rehabilitative training places; and additional funding to voluntary organisations.

An additional sum of €15 million is being allocated to mental health services to: provide staff and an additional 14 beds at the Central Mental Hospital; further develop the child and adolescent treatment services; expand community based adult mental health teams; provide additional community residential places; open new mental health facilities; and support voluntary organisations.

Capital funding amounting to €60 million is also being made available in 2005 to provide the infrastructure to support the above mentioned developments. Detailed information on the additional personnel required to deliver these new services will not be available until decisions have been made by the Health Services Executive, in consultation with the services, concerning

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the precise details of the various service elements and those who will benefit from them. The new personnel will however include consultant psychiatrists, nurses, social care staff, occupational and speech and language therapists and other front line personnel, who will be recruited in the normal manner specifically for the new services.

The funding outlined above for 2005, together with the multi-annual investment programme for the years 2006 to 2009, is being provided specifically for services for people with disabilities. My Department is putting in place protocols governing the expenditure and monitoring of the programme which will ensure that it is spent on the targeted services.

### Accident and Emergency Services.

136. **Mr. F. McGrath** asked the Tánaiste and Minister for Health and Children the position regarding improvements in the accident and emergency departments; her further plans to remove persons from trolleys; and if she will make a statement on the matter. [33816/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** I have identified the delivery of accident and emergency services as a priority area for attention. Many of the difficulties and delays experienced in emergency medicine departments reflect system-wide issues. It is, therefore, necessary to take a whole-system approach, involving primary care, acute care, and sub-acute and community care in tackling the problems in emergency medicine departments.

Following a submission from the Eastern Regional Health Authority in June 2004 my Department approved proposals for short and medium term actions to be taken to address the problems associated with emergency departments in the Dublin academic teaching hospitals, DATHS. The cost of these new initiatives is €2.4 million in a full year and includes the appointment of specialist nurses, the establishment of rapid assessment teams, a clinical decisions unit and the provision of multi-disciplinary teams to assess patients.

Pressures on the hospital system, particularly in the Eastern region, arise from demands on emergency departments and on difficulties associated with patients who no longer require acute treatment but are still dependent. Funding of €16.8 million has been made available to the Eastern Regional Health Authority which will result in over 600 patients being discharged to more appropriate settings.

Improved and expanded accident and emergency departments are being provided. Recently new Departments have been provided at Cork University Hospital, James Connolly Memorial Hospital, Naas General Hospital, South Tipperary General Hospital, and Clonmel and Roscommon General Hospitals.

I have secured additional funding of €70 million in new current expenditure in 2005 to

implement a number of initiatives to improve the delivery of emergency services. These include improvements in the following areas: patient flows through accident and emergency departments by developing and expanding minor injury units, chest pain clinics and respiratory clinics in hospitals; acute medical units for patients with urgent medical problems; GP out-of-hours services; the physical environment for patients and staff including cleaning and security measures; direct access for GPs to diagnostic services; the availability of acute beds for emergency patients by sourcing capacity in the private nursing home sector for those patients who have completed their acute phase of treatment and expanded home care packages to support older people at home.

I am confident that the measures that I have announced will have a significant impact on the delivery of accident and emergency services. The precise measures to be taken by individual hospitals will be worked out in discussion between the incoming Health Services Executive and the individual hospitals concerned.

### Departmental Correspondence.

137. **Mr. J. O'Keeffe** asked the Tánaiste and Minister for Health and Children further to Parliamentary Question No. 222 of 30 November 2004, if a full and complete response will be made; and if she will make a statement on the matter. [33821/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** The information requested by the Deputy in Parliamentary Question No. 222 of 30 November 2004 is as follows: The ten highest composite figures paid to barrister's engaged by or on behalf of my Department in 2003 were as follows:

Barrister's Name	Amount Paid in 2003
	€
Ms Anne Dunne SC	584,016
Mr. Henry Murphy SC	425,188
Mr. Tom Fallon BL	332,915
Mr. Sean Ryan SC	111,925
Ms Karen Fergus BL	98,213
Mr. Michael Bowman BL	88,724
Mr. Daithi MacCarthaigh BL	87,015
Mr. Denis McCullough SC	79,891
Mr. James Devlin BL	72,556
Mr. John Gordon SC	55,217

The ten highest composite figures paid to barrister's engaged by or on behalf of my Department in 2004 were as follows:

Barrister's Name	Amount Paid in 2004 (1 Jan to 31 Oct)
	€
Ms Anne Dunne SC	445,320
Mr. Henry Murphy SC	360,947



Barrister's Name	Amount Paid in 2004 (1 Jan to 31 Oct)
Mr. Thomas Fallon BL	319,952
Mr. Robert Haughton SC	177,948
Mr. Michael Bowman BL	75,630
Ms Denise Brett BL	74,218
Ms Johanna Ronan Mehigan BL	71,878
Mr. Andrew Bradley SC	71,773
Mr. Denis McCullough SC	67,792
Mr. Michael Carson SC	63,855

*Questions Nos. 138 and 139 answered with No. 135.*

### Commission to Inquire into Child Abuse.

140. **Mr. Stanton** asked the Tánaiste and Minister for Health and Children further to Parliamentary Question No. 301 of 29 June 2004, if she has plans to amend the Commission to Inquire into Child Abuse Act 2001 (details supplied) which empowered the commission to inquire, through its investigations committee, into the circumstances of the legality, conduct, ethical propriety and effects on the subject of the three vaccine trials referred to in the chief medical officers report; if she will conduct inquiries into any other trials that took place during the period 1 January 1940 to 31 December 1987 in view of the fact that the Supreme Court has raised concerns regarding the *vires* of this statutory instrument; and if she will make a statement on the matter. [33859/04]

**Tánaiste and Minister for Health and Children (Ms Harney):** Following on from the judgment of the High Court which found that the Commission to Inquire into Child Abuse (Additional Functions) Order 2001 was *ultra vires*, and in line with the reply to Parliamentary Question No. 301 of 29 June 2004, the issue of the vaccine trials has been considered in detail. A number of complex issues have been considered and further consideration needs to be given to some issues. It is likely that discussions will also have to take place with the Commission to Inquire into Child Abuse before any final decision is made.

### Capital Programme.

141. **Mr. Timmins** asked the Minister for Finance when the capital framework document which outlines the details of capital expenditure for the next five years will be published; the period for which this will be applicable; and if he will make a statement on the matter. [33593/04]

**Minister for Finance (Mr. Cowen):** I announced the multi-annual capital envelope for the period 2005-09 on budget day. It provides for total investment of €36.3 billion — €32.6 billion Exchequer and €3.7 billion PPPs. The following information is the relevant extract from the 2005 budget booklet.

The public capital programme, which sets out details of the current year's public investment programme, will be published as is usual in February 2005.

### SECTION IV

#### MULTI-ANNUAL CAPITAL ENVELOPES 2005-2009

Rolling five year multi-annual capital envelopes were introduced in budget 2004. The 2004 budget envelope covered the period 2004-2008.

The capital envelope comprises a mixture of Exchequer investment and Public Private Partnership — National Development Finance Agency capital funded annually by unitary payments from the Exchequer in the relevant Departmental Votes. The latter involves design, build and operate projects which will be delivered by public private partnership and financed either by the private sector or by the National Development Finance Agency.

A key element of the capital envelope arrangements is that they permit the carryover into the following year of unspent capital up to a maximum of 10% of voted capital.

Projects which are delivered by public private partnership and which are financed by user charges are additional to the envelopes.

The envelope in this budget covers the period 2005-2009. The 2005-2009 envelope allocates the unallocated reserve for 2005 included in the 2004-2008 capital envelope and rolls out the envelope to include capital provision for 2009 to reflect Government investment priorities for the five years ahead.

The capital carryover of Exchequer capital from 2004 into 2005 is €237 million. This is additional to the envelope provision for 2005. Including the capital carryover almost €6.3 billion Exchequer capital will be available for investment in 2005.

The Table at [Annex D] summarises by ministerial group the allocations under the capital envelope for the period 2005-2009, equivalent to maintaining investment at around 4.7% of GNP over the period. Total capital investment in the envelope will amount to €36.3 billion. The funding breakdown in the Table is:

	€bn
Exchequer	32.0
PPPs	2.7
Unallocated reserve of which:	
Exchequer	0.6
PPPs	1.0
	36.3

Additional targets have been set outside of the envelopes of €1.2 billion over the period for

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public private partnerships funded by user charges.

### **Tax Code.**

142. **Mr. N. O’Keeffe** asked the Minister for Finance if a company (details supplied) which proposes to lease a unit at a business park and is in contravention of the planning regulations of the business park, is compliant with the criteria under the Finance Act 1997, under which the business park proprietors have been granted a tax designation certificate; and the measures he proposed to take to address this breach. [33603/04]

**Minister for Finance (Mr. Cowen):** The area to which the Deputy was designated for tax reliefs under the enterprise area scheme. This scheme provides for tax relief in respect of capital expenditure incurred in the qualifying period on the construction or refurbishment of certain buildings and structures in enterprise areas which are used by qualifying companies in the carrying on of qualifying trading operations.

Qualifying companies for the purposes of this scheme must be approved for financial assistance under a scheme administered by Forfás, Enterprise Ireland, the Industrial Development Agency Ireland or Údarás na Gaeltachta, or must be employed in the freight forwarding business in an enterprise area adjacent to a regional airport. The company must also have been given a certificate by the Minister for Enterprise, Trade and Employment following consultation with the Minister for Finance certifying that the company is to be treated as a qualifying company. The Minister for Enterprise, Trade and Employment may not certify that a company is a qualifying company unless the company is carrying on or intends to carry on qualifying trading operations in an enterprise area and that Minister is satisfied that the carrying of such trading operations will contribute to the balanced development of the enterprise area. The qualifying trading operations in this instance are those manufacturing activities which qualify for manufacturing relief in accordance with section 443 of the Taxes Consolidation Act 1997, internationally traded services, that is, those services designated under the Industrial Development Act 1986 and freight forwarding and certain allied services in enterprise areas adjacent to the regional airports. No application has been received by me to date regarding the issue of a certificate to the company referred to by the Deputy.

143. **Mr. Penrose** asked the Minister for Finance the exemptions from inheritance tax and stamp duty which are available to farmers under 35 years of age who have completed the requisite agricultural education courses and who will inherit the family farm; and if he will make a statement on the matter. [33688/04]

**Minister for Finance (Mr. Cowen):** Capital acquisitions tax comprises both gift tax and inheritance tax. Agricultural relief has been available for both gift tax and inheritance tax since the introduction of capital acquisitions tax in 1976. The relief has been increased substantially in recent years. The relief is now a flat 90% reduction in the market value of all agricultural property comprised in the gift or inheritance. Agricultural property means: agricultural land, pasture and woodland in the State; crops, trees and under wood growing thereon; houses and other farm buildings appropriate to the property; and livestock, bloodstock and farm machinery thereon.

To qualify for agricultural relief the beneficiary of the gift or inheritance must be domiciled in the State and at least 80% of the market value of his or her assets must be represented by agricultural property after taking the gift or inheritance. The age of the beneficiary at the date of the gift or inheritance is not relevant for the purposes of the agricultural relief.

Agricultural assets, which do not qualify for agricultural relief because the beneficiary does not meet the conditions of the relief, may separately qualify for capital acquisitions tax business relief. Business relief will apply if the person making the gift or inheritance was carrying on a farming business and had owned the farming business for a minimum ownership period. The minimum ownership period is normally two years in the case of an inheritance and five years in the case of a gift. Business relief is also now a flat 90% reduction in the market value of all business property comprised in the gift or inheritance.

There is a full exemption from stamp duty on the transfer of agricultural land to a farmer who is under the age of 35 years and holds the requisite educational qualifications at the date of execution of the deed of the transfer. This exemption applies to such transfers where the disponent is alive. Stamp duty does not arise in the case of an inheritance.

### **Departmental Properties.**

144. **Mr. Stagg** asked the Minister for Finance if the revised schedule of works for Lucan Demesne has been submitted to his Department and agreed; if he will provide details of same; the amount of grant aid being applied; and if he will make a statement on the matter. [33721/04]

**Minister of State at the Department of Finance (Mr. Parlon):** A detailed schedule of works has recently been received from the relevant local authorities regarding the development of Lucan Demesne. Accordingly a further interim payment of €1.6 million is being processed. The total funding available for the project remains at €4.7 million and a balance of €2.15 million remains available for payment in future years. The precise annual allocations will be determined by progress achieved in implementing the agreed schedule of works and the availability of funding each year.

**Tax Code.**

145. **Ms Burton** asked the Minister for Finance if he will set out the numbers of discretionary trusts notified to the Revenue Commissioners for tax purposes for each year from 1998 to date; the numbers of persons identified as beneficiaries of such trusts for each year from 1998 to date; the capital value of assets transferred to such trusts each year from 1998 to date; and if he will distinguish for each year from 1998 to date, the amount of the 1% levy included in the taxation levied on the assets of such trusts as distinct from the taxation levied on the establishment of such trusts from each year 1998 to date. [33775/04]

**Minister for Finance (Mr. Cowen):** I am informed by the Revenue Commissioners that the total yield from discretionary trust tax for the years 1998 to 2003 is as set out in table 1 below.

Table 1: Discretionary Trust Tax — Total Yield

1998	1999	2000	2001	2002	2003
€10.671 million	€13.460 million	€15.272 million	€11.028 million	€4.307 million	€53.502 million*

\* The 2003 figure includes a significant amount of tax in respect of several preceding years.

Table 2: Discretionary Trusts dealt with in Large Cases Division

	1998	1999	2000	2001	2002	2003
Number of discretionary trusts notified	9	8	8	7	6	8
Number of related beneficiaries	10	39	37	35	51	38

146. **Ms Burton** asked the Minister for Finance if beneficiaries of income from the assets of discretionary trusts, both adults and children are entitled to full personal tax allowances and credits in respect of income tax levied on income received by them from such trusts; the number of beneficiaries of such income from discretionary trusts for each year from 1998 to date; a breakdown of beneficiaries as between adults and children for each year from 1998 to date; and the amount of personal allowances of credits claimed in respect of income from such trusts and the amount of tax levied on such income received by trust beneficiaries. [33776/04]

**Minister for Finance (Mr. Cowen):** I am informed by the Revenue Commissioners that adults and children with income within the charge to income tax are treated in like manner for income tax purposes. Individuals liable to income tax in a tax year, not only on trust income but also on other income, are entitled to the full tax allowances, deductions, reliefs and personal tax credits as provided for in tax law.

In certain circumstances, the income paid to a child by a trust is deemed, for income tax purposes, to be that of the settlor, for example, the parent, of the trust and, where this is the case, it

I am also advised that the specific information requested by the Deputy regarding such trusts — number of notifications, beneficiaries, the capital value of assets transferred and the breakdown between the 1% annual tax and the 6% initial charge for each year since 1998 — is not readily available and either could not be obtained, or could not be obtained without conducting a protracted investigation of the Revenue Commissioners' records. However, some of the information requested, namely, the number of notifications and number of related beneficiaries, is available with regard to the larger trusts now dealt with in Revenue's large cases division and this is set out in table 2 below.

A number of discretionary trusts are not liable to discretionary trust tax, for example, because the settlor is still alive or because a beneficiary is under the age of 21 years.

is the settlor rather than the child who is liable to income tax on that income.

As regards the statistics requested by the Deputy, I am further informed by the Revenue Commissioners that income from the assets of discretionary trusts is aggregated in tax returns with other forms of income and cannot be separately distinguished. There is, therefore, no statistical basis on which an estimate of the statistics requested can be provided.

147. **Cecilia Keaveney** asked the Minister for Finance if tax relief is available for persons who reside in the Republic, work in Northern Ireland and have had orthodontic treatment carried out in Republic; and if he will make a statement on the matter. [33785/04]

**Minister for Finance (Mr. Cowen):** I am informed by the Revenue Commissioners that tax relief is available, under the heading of health expenses, on certain qualifying dental expenses as set out below. Qualifying expenses include those in respect of orthodontic treatment. However, the relief is available only against tax that is actually paid in the State and only to the extent that tax has been paid. Cross-Border workers whose only source of income derives from a Northern Ireland employment exercised in the North and who pay UK tax only cannot obtain tax relief in the State



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on health expenses because no Irish tax has been paid. If, however, Irish tax has been paid on employment or other income, tax relief for qualifying health expenses may be due against the Irish tax paid.

Where a married couple on joint assessment are both working with one spouse employed in the State and the other in Northern Ireland, the spouse who pays income tax in the State would be entitled to claim relief on the costs of certain qualifying dental expenses incurred by his or her spouse.

As regards tax relief under the general heading of health expenses, the relief may be claimed by an individual in respect of expenditure incurred on his or her own behalf or on behalf of his or her spouse and dependants. The relief is granted at the highest rate of tax at which the taxpayer is chargeable for the year of the claim. The person must bear the first €125 of expenses in any one year himself or herself or the first €250 if claiming relief in respect of two or more persons.

Tax relief cannot be claimed in respect of any expenditure which has been or will be reimbursed to the individual or where a compensation payment has been or will be made in respect of such expenditure.

To claim tax relief in respect of dental work the individual should submit to his or her tax office a completed health expenses claim form known as Form Med 1. This is to be completed by the individual making the tax claim. In addition, a completed Form Med 2 is to be completed by the dentist who carried out the dental work.

Routine dental care does not qualify for tax relief, that is, tax relief is not available for the cost of scaling, extraction and filling of teeth and the provision and repair of artificial teeth and dentures.

The following specialised dental treatments qualify for tax relief:

	Description
Bridgework	Dental treatment consisting of an enamel-retained bridge or a tooth-supported bridge.
Crowns	These are restorations fabricated outside the mouth and are permanently cemented to existing tooth tissue.
Tip replacing	This is regarded as a crown where a large part of the tooth needs to be replaced and the replacement is made outside the mouth.
Veneers- Rembrant Type Etched Fillings	These are a form of crown.
Endodontics — Root Canal Treatment	This involves the filling of the nerve canal and not the filling of teeth.
Gold Inlays	These are a smaller version of a gold crown (only allowable if fabricated outside the mouth).
Gold Posts	These are inserts in the nerve canal of a tooth, to hold a crown.

	Description
Orthodontic Treatment	This involves the provision of braces and similar treatments.
Periodontal Treatment	Root planing — a treatment of periodontal (gum) disease; curettage and debridement — part of root planing; gum flaps — a gum treatment; chrome cobalt splint — if used in connection with periodontal treatment (if it contains teeth, relief is not allowable); dental implants following treatment of periodontal (gum) disease, which included bone grafting and bone augmentation.
Surgical Extraction of Impacted Wisdom Teeth	Relief is allowable when undertaken in a hospital or by a dentist in a dental surgery. Certification from the hospital or dentist will be required to obtain tax relief. The removal of teeth in any other circumstances does not qualify.

Further information regarding tax relief under the heading of health expenses is available on the Revenue website at [www.revenue.ie](http://www.revenue.ie).

### Special Savings Incentive Scheme.

148. **Mr. Gormley** asked the Minister for Finance the cost to the Exchequer of SSIA's; the way in which the current cost compares to the estimated cost to the Exchequer; if studies have been conducted of the impact of SSIA's on the retailing sector if this can be quantified; if there are possible negative consequences of a sudden consumer boom when the SSIA's reach maturity; if the Government has an overall strategy to deal with SSIA money re-entering the economy; and if he will make a statement on the matter. [33786/04]

**Minister for Finance (Mr. Cowen):** The SSIA scheme opened on 1 May 2001 and entry to it closed on 30 April 2002. The accounts are due to mature between May 2006 and April 2007 at the end of the five year period. A total of 1.17 million accounts were opened during the period outlined. It was made clear from the start that the cost of the scheme depended on the take-up and that, at its inception, it was almost impossible to predict this. The actual cost of the scheme in its first full year, May 2001 to April 2002, was €198 million. Predicting the cost of the SSIA scheme in any year depends on the behaviour of the individual participants. The actual cost for the latest full calendar year, 2003, was €532 million.

My Department is not aware of any studies which have been conducted on the impact of ongoing saving through SSIA's on the retailing sector. The impact of maturing SSIA funds on consumer demand in 2006 and 2007 is hard to predict and will depend on how the accumulated SSIA savings are spent or saved, how that portion of an individual's income that was previously saved in SSIA's is used, and the extent to which savings are rolled over into other investment products.

The economic effect depends on the state of the economy otherwise in 2007 when the bulk of SSIA funds — around 55% — mature. To date,

two reports have been done regarding the impact of the SSIA's, one by Goodbody Stockbrokers and one by Lansdowne Market Research. However, there is no consensus in these reports as to how these funds may be used with both reaching differing conclusions regarding the division between consumption and saving. The ESRI, in its autumn bulletin, did not hypothesise about the likely impact on the economy of the release of SSIA funds because it believes there are too many uncertainties around the likely behaviour of fund recipients.

I have not commissioned any outside study on the impact of the release of the funds. My Department is keeping the issue under close review in the context of the normal assessment of the economic and budgetary position. However, it is important to emphasise that, as the scheme will not commence to mature for another one and a half years, there are many uncertainties regard-

ing the maturity of the SSIA's, which makes the present task of analysing the impact somewhat problematic.

#### Tax Yield.

149. **Mr. P. McGrath** asked the Minister for Finance the amount of tax payable on €1 spent on petrol, motor diesel, liquid petroleum gas, home heating oil and home heating gas. [33787/04]

**Minister for Finance (Mr. Cowen):** Taxes payable on fuel include mineral oil tax and value added tax. As the Deputy may be aware, the mineral oil tax rates are based on volume of fuel rather than price, while VAT is calculated on the price, including mineral oil tax. It is not possible, therefore, to provide the information in the terms sought by the Deputy. However, in respect of the proportion of tax in the average retail price of the final product to consumers, I am informed by the Revenue Commissioners that the details are as follows:

Incidence of Duty and VAT

	Price (a)	Excise Content	VAT Content	Total Tax Content	Tax Exclusive Price	Tax as a % of Price
	€	€	€	€	€	
Litre of Unleaded Petrol	0.98	0.44	0.17	0.61	0.37	62.5
Litre of Auto Diesel	0.94	0.37	0.16	0.53	0.41	56.6
Kerosene (Home Heating) 1,000 Litres	485.9	31.74	57.79	89.53	396.32	18.4
Diesel (Home Heating) 1,000 Litres	475.7	47.36	56.58	103.94	371.76	21.9
<i>Liquid Petroleum Gas</i>						
Litre of Auto LPG	0.80	0.05	0.14	0.19	0.61	24.0
Cylinder of Gas (11.35 Kg)	20.62	0.36	2.45	2.81	17.81	13.6

(a) Central Statistics Office National Average Retail Price as at October 2004 and Revenue Cross Border Report Nov. 2004.

150. **Mr. P. McGrath** asked the Minister for Finance the tax take on a pint of stout and beer, a measure of spirits, a bottle of beer and stout, a bottle of alcopops and a bottle of wine. [33788/04]

**Minister for Finance (Mr. Cowen):** In respect of the proportion of tax in the average retail price of the final product to consumers, I am informed by the Revenue Commissioners that the details are as follows:

	Price (a)	Excise Content	VAT Content	Total Tax Content	Tax Exclusive Price	Tax as a % of Price
	€	€	€	€	€	
Pint of Stout	3.55	0.47	0.62	1.09	2.46	30.6
Stout (6 Pack x 250ml)	6.55	1.25	1.14	2.39	4.16	36.4
Pint of Lager	3.91	0.47	0.68	1.15	2.76	29.4
Bottle of Lager (330ml)	3.93	0.28	0.68	0.96	2.98	24.3
Standard measure of Whiskey	3.35	0.56	0.58	1.14	2.21	34.0
Bottle of Table Wine (Off Licence)	9.34	2.05	1.62	3.67	5.67	39.3
Bottle of Alcopops (Pub Price) (Spirit based 275ml)	4.86	0.55	0.84	1.39	3.47	28.7

(a) Central Statistics Office National Average Retail Price as at October 2004 and Revenue Cross Border Report Nov. 2004.

### Port Development.

151. **Mr. Ring** asked the Minister for Communications, Marine and Natural Resources if a location (details supplied) in County Mayo will be retained on the list of designated pelagic landing ports on the new licences to be issued in December 2004; if not, the reason therefor. [33677/04]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** The EU introduced new arrangements for the control of certain pelagic fisheries namely, horse mackerel, mackerel and north west herring fisheries, in December 2003. The rules came into effect during 2004 and are set down in Annex IV of Council Regulation 2287/03. These arrangements include the weighing in the presence of a controller of all quantities in excess of ten tonnes landed of each of these species. The annex is implemented in Irish law by means of statutory instrument.

During the course of this year, extensive consultations took place with industry representatives with regard to the implementation of the annex. The statutory instrument currently in place, S.I. No. 530 of 2004, provides for landings at five designated ports: Killybegs, Rathmullen, Dingle, Rossaveal and Castletownbere. The ports were chosen on the basis of landing patterns for the species concerned and the resources available to comply with the requirements of the annex. These ports are specified in the statutory instrument and in future designation will be made in this manner rather than in the fishing licences for pelagic species. Regarding the location mentioned, it is my intention to look again at the ports designated in 2005 following the outcome of the December Fisheries Council and the determinations which will be reached at it.

### Telecommunications Services.

152. **Mr. Broughan** asked the Minister for Communications, Marine and Natural Resources the position concerning access to broadband in the west Cork area; and when it is envisaged that Dunmanway will have access to same. [33678/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** The telecommunications sector, including the provision of broadband services, is a fully liberalised market, with private sector companies operating under the regulation of the Commission for Communications Regulation, ComReg. ComReg's website, [www.comreg.ie](http://www.comreg.ie), now lists 130 companies offering Internet access services using one or more of the broadband delivery platforms such as digital subscriber lines, cable, fixed wireless, optic fibre or satellite. Of these companies, 62 are offering nationwide coverage.

My Department's website, [www.broadband.gov.ie](http://www.broadband.gov.ie), lists six companies which are marketing satellite based broadband in Dunmanway. Full

details of these, including prices and service levels on offer, can be found on the website.

### Legal Fees.

153. **Mr. J. O'Keeffe** asked the Minister for Communications, Marine and Natural Resources, further to Parliamentary Questions Nos. 295 and 296 of 30 November 2004, if a full and complete response will be made; and if he will make a statement on the matter. [33822/04]

**Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey):** As indicated in my reply of 30 November 2004, the information sought by the Deputy was not immediately available. It is being compiled and I expect to be in a position to issue a comprehensive reply before the end of the week.

### Harbours and Piers.

154. **Mr. O'Shea** asked the Minister for Communications, Marine and Natural Resources the proposal he has to provide finance for essential and immediately needed repairs to Helvick pier in County Waterford; if he will provide funding for Waterford County Councils plans for development of work at Helvick pier; and if he will make a statement on the matter. [33842/04]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** Helvick pier is owned by Waterford County Council and responsibility for its repair and maintenance rests with the local authority in the first instance. My Department is providing funding of €70,902.76 to Waterford County Council in 2004 towards emergency works and diving survey at Helvick pier. The county council are also seeking funding for cliff regrading and stabilisation at Helvick pier at an estimated cost of €500,000. There was no funding available for these works in 2004. The question of providing funding in the post-2004 period will depend on the amount of Exchequer funding available for works at fishery harbours generally and overall national priorities.

155. **Mr. J. O'Keeffe** asked the Minister for Communications, Marine and Natural Resources the position in relation to the ownership and maintenance of the pier at Cleandra, Ardgroom, Beara in west Cork; the amount of public funds spent thereon; and the source from which. [33843/04]

**Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher):** The pier and access road at Cleandra were constructed by the Department in 1992 to facilitate people in the locality engaged in aquaculture. The total cost was approximately €7,480. This was funded jointly by the Department and Cork County Council on a 75-25 basis. These facilities have not been transferred to the local authority concerned and responsibility for



them accordingly rests with the Department at present. The Department is aware that there has been a dispute locally on right of way issues. The Department is in the process of considering what arrangements should be made as to future responsibility for these facilities.

#### **Middle East Peace Process.**

156. **Mr. F. McGrath** asked the Minister for Foreign Affairs if he will work closely with the Palestinian people in developing their peace process. [33810/04]

**Minister for Foreign Affairs (Mr. D. Ahern):** The Government, both bilaterally and within the framework of the European Union and the United Nations, will continue its efforts to encourage progress in the Middle East peace process. The EU has constantly stated its readiness to assist the Palestinian Authority financially, technically and politically. At the UN, Ireland and the EU have repeatedly reaffirmed their support for efforts to resolve the conflict. At the European Council on 5 November, which I attended with the Taoiseach, the EU reaffirmed its commitment to the two-state solution as laid out in the quartet road map and stated its objective of relaunching a meaningful political process of negotiations.

In particular, the Government strongly supports the Council's decision to endorse a short-term programme of action in the fields of security, reforms, elections and the economy which was proposed by High Representative Solana, and the Council's invitation to the High Representative to conduct consultations with the parties and the quartet on how these political objectives can be realised, with a view to placing these proposals within a broader political perspective.

#### **Human Rights Issues.**

157. **Mr. J. O'Keeffe** asked the Minister for Foreign Affairs the steps being taken bilaterally and through the EU and UN to protest against the actions of the Government of Burma in extending the house arrest of a person (details supplied) and to highlight the need for a restoration of the democratic process in Burma. [33649/04]

**Minister for Foreign Affairs (Mr. D. Ahern):** On 2 December 2004, I issued a statement condemning, in the strongest possible terms, the decision of the Burmese Government the previous day to extend the detention under house arrest of Aung San Suu Kyi for another year. I also called on the Burmese Government to allow the UN Secretary General's special envoy, Mr. Razali Ismail, to travel to Burma at the earliest opportunity and, while there, to visit Aung San Suu Kyi. The EU Presidency also issued a declaration on 10 December 2004 condemning the continued detention of Aung San Suu Kyi.

As I have stated many times in the House, the Government has pursued a strong and consistent

line in support of democracy in Burma. Both Ireland and our EU partners remain strongly critical of the continued detention under house arrest of Aung San Suu Kyi, other activists, and a number of MPs elected in the elections of 1990. We have also been critical of the absence of political progress, serious and persistent human rights abuses and the lack of fundamental freedoms in Burma.

While I welcome the continuing release by the Burmese Government of a large number of prisoners — reports suggest more than 14,000 have been freed to date over the past month — I regret that this includes only a limited number of political prisoners.

The issue of Burma is raised in all our bilateral political contacts with relevant third countries, particularly Burma's Asian neighbours. Most recently, I raised the issue of Burma with Vice-Premier Huang Ju of China during official talks on 16 November 2004. The Taoiseach raised our concerns about Burma at the fifth ASEM Summit, which took place from 7 to 9 October in Hanoi. The Taoiseach, in his intervention, questioned why Aung San Suu Kyi has not been released, and why there has not been greater progress towards democracy in Burma.

During our EU Presidency, the Government ensured that the issue of Burma was regularly discussed in consultations with interested third countries. I am pleased that this practice has been carried forward by the Netherlands Presidency. The issue of Burma was, for example, discussed at the EU-China Summit held at The Hague on 8 December 2004.

The Government's continuing goal, and that of the EU, remains the release and restoration of liberty to Aung San Suu Kyi, the return of democracy to Burma, an end to human rights violations and the realisation of peace and prosperity for the long suffering people of Burma.

158. **Mr. P. McGrath** asked the Minister for Foreign Affairs the reason he is prepared to support the lifting of the EU embargo on the sale of arms to China in view of his concerns regarding human rights in that country. [33789/04]

**Minister for Foreign Affairs (Mr. D. Ahern):** The Government continues to examine this issue with our EU partners in the context of our overall relationship with China, our ongoing commitment to human rights and the broader regional and international context. The Government's approach has been conveyed to the Chinese authorities, most recently during talks with Vice-Premier Huang Ju on 16 November 2004, and also by the Taoiseach during his discussions with Premier Wen when they met in the margins of the ASEM summit in Hanoi on 9 October 2004.

At the EU-China Summit held on 8 December 2004 the EU confirmed its political will to continue to work towards lifting the embargo. The Chinese side welcomed this positive signal and considered it beneficial to the sound development

[Mr. D. Ahern.] of the comprehensive strategic partnership between China and the EU. The EU reaffirmed that work on strengthening the application of the European Union code of conduct on arms exports was continuing.

The matter was again discussed by EU Foreign Ministers at the General Affairs and External Relations Council of 13 December 2004 in the context of follow-up to the EU-China Summit. Ministers welcomed the outcome of the summit and agreed to continue to work towards lifting the embargo. This will involve completing work on strengthening the EU code of conduct on arms exports. In addition, the Union would hope for further demonstration by the Chinese authorities of their good intentions as regards human rights.

As has been consistently stated, Ireland and our EU partners take concerns about human rights in China very seriously. These matters are regularly and on an ongoing basis raised with the Chinese Government. Human rights issues were raised with China during the recent EU-China Summit. The leaders underlined the importance of concrete steps in the field of human rights and reaffirmed their commitment further to enhance co-operation and exchanges in this field on the basis of equality and mutual respect.

Human rights concerns are also raised at a bilateral level. Most recently, the Tánaiste, Deputy Harney, and I held official talks with the Chinese Vice-Premier, Mr Huang Ju, in Dublin Castle on 16 November 2004, during which we again raised our concerns with regard to human rights with the Vice-Premier. The Chinese Vice-Premier, in response, informed us of the measures his government is taking in the field of human rights, including the addition of an express provision on human rights to China's constitution earlier this year.

During the Irish Presidency and in conjunction with our EU partners we organised the first EU-China seminar on the ratification of the international covenant on civil and political rights, ICCPR, which took place in Beijing on 30 June and 1 July 2004. The purpose of the seminar was to provide technical assistance to China in preparation for their ratification of the ICCPR. A subsequent EU-China seminar on the ratification of the ICCPR took place in The Hague on 8 and 9 November 2004.

The EU-China human rights dialogue established in 1996 is the agreed formal framework through which the EU raises its concerns about individual human rights cases and more general issues, such as the protection of freedom of religion and expression. The most recent round of the EU-China human rights dialogue took place in Beijing on 24 September 2004. Ireland, together with our EU partners, will continue to keep these matters under review and encourage the Chinese authorities to respect fully human rights.

159. **Mr. F. McGrath** asked the Minister for Foreign Affairs if he will raise the case of persons (details supplied) with the US authorities; and if he will make a statement on the matter. [33817/04]

**Minister for Foreign Affairs (Mr. D. Ahern):** I refer the Deputy to my answer of 7 December 2004 to a question on this issue.

### **Sports Capital Programme.**

160. **Ms Enright** asked the Minister for Arts, Sport and Tourism if funding will be made available for the provision of playing fields in the schools which have a combined community use; and if he will make a statement on the matter. [33612/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** Funding has been available for some years for the provision of playing fields which also have community use. The national lottery funded sports capital programme administered by my Department allocates funding to sporting and community organisations and, in certain circumstances, to schools and colleges throughout the country. Applications from schools and colleges must be made jointly with local sports clubs or community groups and must: provide for significant levels of usage by the local community during periods when the facilities are not being used by the school — at least 30 hours per week throughout the year; and demonstrate that the facilities concerned will meet an identified deficiency in that locality, as formally agreed with other local groups and/or the local authority.

Applications for funding under the 2005 sports capital programme were invited in the press on 4 and 5 December last. The deadline for submission of completed applications to that programme is 4 February next.

### **Designated Areas.**

161. **Mr. Wall** asked the Minister for Arts, Sport and Tourism the progress to date in regard to the implementation of the RAPID programme for Athy; the amount of moneys made available for the implementation of the programme from his Department for Athy; and if he will make a statement on the matter. [33702/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** As the Deputy will be aware, the revitalising areas through planning, investment and development, RAPID, programme aims to target the most disadvantaged areas of the country for enhanced development. No additional funding has been set aside for the programme but rather these areas are prioritised for support within existing budgets. The main programmes operated by my Department where a particular focus exists on RAPID areas are the national lottery funded sports capital programme and the local authority swimming pool programme.

One of the stated main objectives of the sports capital programme is to prioritise the needs of disadvantaged areas in the provision of facilities. The programme is run on an annual basis and allocates funding to sporting and community organisations at local, regional and national level throughout the country.

Since the 2003 sports capital programme, following consultation with the Department of Community, Rural and Gaeltacht Affairs, disadvantaged areas are those that have been designated by Government for special support through the schemes administered by the Department of Community, Rural and Gaeltacht

Affairs, namely, RAPID 1 and 2, local drugs task force areas and CLÁR areas. Athy is one of 20 urban locations covered under the RAPID 2 programme.

Under the 2004 sports capital programme, three applications located in the RAPID area of Athy applied for funding and all three were successful. On account of a grant having been awarded under the sports capital programme and as the projects were also endorsed by their local RAPID area implementation team, further top-up funding was also allocated to the projects by the Department of Community, Rural and Gaeltacht Affairs. Details of the overall funding are as follows:

Grantee	Amount Sought	Total Allocation	SCP Allocation	RAPID top-up
	€	€	€	€
Athy Town	32,000	31,200	25,000	6,200
Clonmullion FC	160,000	160,000	140,000	20,000
St. Michael's Boxing Club	314,000	314,000	250,000	64,000

None of the projects above has yet progressed to the point of drawing down the funding allocated.

It is open to sports clubs and community organisations in Athy, should they wish to do so and should they have projects which satisfy the terms and conditions of the programme, to submit applications to the 2005 sports capital programme. This programme was publicly advertised on 5 and 6 December last and the closing date for the receipt of completed application forms is Friday, 4 February 2004. Projects which meet the basic qualifying conditions and are located in RAPID areas will again be prioritised under this programme.

Under the local authority swimming pool programme, projects which are developed in areas designated as disadvantaged, qualify for financial support at 90% of the eligible cost of the project subject to a maximum grant of €3.8 million. Contract documents submitted by Kildare County Council for the Athy swimming pool project are currently under consideration in my Department. Grants for swimming pools are not approved until a tender for the project has been approved.

#### Swimming Pool Projects.

162. **Mr. Stagg** asked the Minister for Arts, Sport and Tourism the position in relation to the approval of contract documents for the replacement of a swimming pool (details supplied) in County Kildare; the amount of grant funding available in 2005 for such projects; and if he will make a statement on the matter. [33719/04]

**Minister for Arts, Sport and Tourism (Mr. O'Donoghue):** Kildare County Council has applied for grant-aid under the local authority swimming pool programme for the provision of a replacement swimming pool in Naas. This proposal is one of a number of projects that are under consideration in my Department at contract document stage of the programme. The council has also applied for grant-aid in respect

of the refurbishment of the pool in Athy. The provision in my Department's Estimates for the local authority swimming pool programme in 2005 is €25 million.

#### Community Employment Schemes.

163. **Mr. Wall** asked the Minister for Enterprise, Trade and Employment the progress to date in regard to the implementation of the RAPID programme for Athy; the amount of moneys made available for the implementation of the programme from his Department for Athy; and if he will make a statement on the matter. [33703/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** Responsibility for the implementation of the RAPID programme resides with the Minister for Community, Rural and Gaeltacht Affairs. My Department's contribution to the RAPID programme is being delivered by FÁS through its various programmes. These comprise FÁS community services where the community employment programme is the major element and where RAPID areas continue to be prioritised; FÁS employment services; the local employment service and FÁS training services.

I am informed by FÁS that the following moneys were made available to support a range of services including training and employment initiatives for the unemployed:

*Support services for the unemployed*

€150,000 for a local employment services office catering for 150 persons.

€78,400 to a jobs club providing job-seeking services for approximately 120 persons.

The total cost for the local employment service office and the jobs club is €228,400.



[Mr. Martin.]

#### *Employment Programmes*

Four community employment projects, employing 84 persons in Athy at an annual cost of €98,400.

One job initiative project, employing 27 persons at an annual cost of €520,000.

The total cost of community employment projects and job initiative is €618,400.

#### *Training Programmes*

Athy Travellers training programme, providing training opportunities for 18 persons at an annual cost of €150,000.

Athy technology training programme, providing training opportunities for 12 persons at an annual cost of €152,000.

Action for employment programme for 12 persons at an annual cost of €26,000. The caring provider programme for 20 persons at an annual cost of €120,000.

The total cost of these programmes is €448,000. In total FÁS funding in the Athy RAPID area for services to the unemployed, including employment and training programmes in 2004 amounts to €1,294,800.

#### **Departmental Expenditure.**

164. **Mr. J. O’Keeffe** asked the Minister for Enterprise, Trade and Employment further to Parliamentary Questions Nos. 330 and 331 of 30 November 2004, if a full and complete response will be made; and if he will make a statement on the matter. [33820/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** In my reply to the Deputy’s questions, which related to the Department’s engaging barristers and lawyers during 2003 and 2004, I informed the Deputy that it had not been possible in the time available to collate a complete and accurate reply in the time available and that I had instructed officials of my Department to compile the details requested and to forward them to him as soon as possible. I am happy to inform the Deputy that the information has recently been dispatched to him.

#### **Job Initiative.**

165. **Mr. Crawford** asked the Minister for Enterprise, Trade and Employment his views on whether his new regulations regarding job initiative schemes, which stops the group taking on replacement workers will leave the groups uneconomic, possibly insolvent and under company law will force the directors to close down with serious implications for the workers and the groups concerned; and if he will make a statement on the matter. [33841/04]

**Minister for Enterprise, Trade and Employment (Mr. Martin):** Following the recent review of FÁS employment schemes I announced that with effect from 10 November 2004, there would be no compulsory lay-offs on the job initiative scheme, JI; participants on JI would have their

contracts renewed for a further term. People who leave JI voluntarily may be replaced by community employment participants. These arrangements are intended to ensure the maintenance of the provision of a network of valuable community services throughout the country.

#### **Diet Supplement Scheme.**

166. **Mr. Crowe** asked the Minister for Social and Family Affairs if, in view of the real hardship being caused, he will reintroduce supports for dietary supplements particularly for recipients with long term medical needs. [33547/04]

**Minister for Social and Family Affairs (Mr. Brennan):** Any person who is receiving a social welfare or health board payment, who has been prescribed a special diet as a result of a specified medical condition and who is unable to provide for his or her food needs from within his or her own resources, may qualify for a diet supplement under the supplementary welfare allowance scheme. This position has not changed and currently there are 12,726 people in receipt of diet supplement payments. Over 15,000 new cases have been awarded so far in 2004.

Diet supplements are subject to a means test. The amount of supplement payable in individual cases depends on which of two categories of diet - low cost or high cost — has been prescribed by the applicant’s medical advisor, and the income of the individual and his or her dependants.

The basis for calculating the amount of diet supplement remained unchanged between 1996 and 2004. Increases in social welfare rates and in the cost of special diets since 1996 had been not been taken into account in assessing entitlement in individual cases.

With effect from 1 January 2004 the diet supplement scheme was restructured, not abolished, to take account of increases in both social welfare payment rates and the rate of food inflation since 1996. In the case of new applicants for diet supplement the amount of supplement payable is based on increased up to date diet costs, €44 for lower cost diets or €57 for higher cost diets, less one third of the applicant’s income or one sixth of the joint income in the case of a couple. Given the increases in the social welfare payment rates were higher than inflation since 1996, the shortfall to be met by diet supplement is less than what it was in the past. However, people who were in receipt of a diet supplement prior to the introduction of the revised regulations on 1 January 2004 continue to receive their existing rate of supplement until such time as there is a change in their circumstances that would warrant a review of their case.

In order to inform future consideration of the scheme, my Department commissioned a study by an expert from the Irish Nutrition and Dietetic Institute. The study examined the special diets prescribed in legislation for which assistance is available through the existing diet supplement scheme. It also considered the appropriate level of assistance required to cater for any additional costs involved in providing for necessary special diets. I will shortly be assessing the findings of the

study. As I announced at the time of the budget, I have allocated an additional €2 million to enable the diet supplement scheme to be updated as necessary at the earliest opportunity in 2005, as soon as the research study findings have been assessed.

*Question No. 167 answered with Question No. 71.*

### **Social Welfare Benefits.**

168. **Mr. McGuinness** asked the Minister for Social and Family Affairs if the diet allowance will be awarded in the case of a person (details supplied) in County Kilkenny; and if a response will be expedited and the allowance restored in this case. [33663/04]

**Minister for Social and Family Affairs (Mr. Brennan):** Recipients of social welfare or health board payments who have been prescribed a special diet as a result of a specified medical condition, and who satisfy a means test, may qualify for a diet supplement under the supplementary welfare allowance scheme which is administered on behalf of my Department by the health boards.

The South Eastern Health Board has advised that when the person concerned applied for a diet supplement the only source of income declared was her social welfare payment. During the course of a recent review it came to attention that the person concerned is also in receipt of a private occupational pension. In the circumstances the level of her weekly income is in excess of the prescribed limit. She does not therefore qualify for a diet supplement.

### **Social Welfare Appeals.**

169. **Mr. Ring** asked the Minister for Social and Family Affairs the reason an appeal by a person (details supplied) in County Mayo was disallowed; and if he will provide the calculations used. [33667/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The person concerned made a claim for farm assist from 10 February 2004. His means were assessed at €413, derived mainly from the value of capital. The question at issue relates to the assessment of a house which is currently under construction. This property has been valued at €80,000. When this sum is taken into account the person's means exceed the statutory limit for receipt of farm assist.

The person appealed this decision to the social welfare appeals office and an oral hearing was held. Having considered all the evidence, including that adduced at the hearing the appeals officer disallowed the appeal. The appeals officer stated that it would be inequitable to disregard the capital value of the property. Under social welfare legislation decisions in relation to claims must be made by deciding officers and appeals officers. These officers are statutorily appointed

and I have no role in regard to making such decisions.

### **Departmental Expenditure.**

170. **Mr. Stanton** asked the Minister for Social and Family Affairs the breakdown of the amount spent by his Department on advertising for each of the years 2002, 2003 and 2004; and if he will make a statement on the matter. [33668/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The use of advertising is essential in ensuring that people are aware of their social welfare entitlements and are notified about improvements and changes affecting their payments and services. The amount of advertising expenditure in any one year is determined by the number of specific advertising campaigns which are undertaken.

The total amount spent by my department on advertising in 2002 was €1,319,239 of which €981,960 was in respect of the print media and €337,279 in respect of the broadcast media. Expenditure on advertising during 2002 covered a wide range of departmental schemes and services and included a number of specific campaigns including promotion of the farm assist scheme among low income farmers, and promotion of awareness of the personal public service number and its use as the key to accessing public services.

The total amount spent by my department for advertising purposes in 2003 was €286,680; €258,572 in respect of the print media and €28,108 in respect of the broadcast media. There were no specific advertising campaigns carried out in 2003. Most of the advertising expenditure in 2003 was in connection with general advertising. The corresponding expenditure in 2004 was €473,224 in total; €190,015 in respect of the print media and €283,209 in respect of the broadcast media. Advertising during 2004 included two information campaigns. The first information campaign promoted the carer's benefit scheme and the second campaign alerted people coming up to pension age that they should apply for their pension at least three months before they reach pension age.

*Question No. 171 answered with Question No. 58.*

*Question No. 172 answered with Question No. 58.*

*Question No. 173 answered with Question No. 58.*

### **Social Welfare Benefits.**

174. **Mr. Durkan** asked the Minister for Social and Family Affairs if he will consider broadening the eligibility for free schemes; and if he will make a statement on the matter. [33780/04]

**Minister for Social and Family Affairs (Mr. Brennan):** The household benefits package, which comprises the electricity-gas allowance, telephone allowance and television licence schemes, is generally available to people living permanently in the State, aged 66 years or over, who are in receipt of a social welfare type payment or who fulfil a means test.

The package is also available to carers and people with disabilities under the age of 66 who are in receipt of certain welfare type payments. People aged over 70 years of age can qualify regardless of their income or household composition.

Widows and widowers aged from 60 to 65 whose late spouses had been in receipt of the household benefit package retain that entitlement to ensure that households do not suffer a loss of entitlements following the death of a spouse.

A range of proposals has been made to extend the free schemes to other groups. These are kept under review in the context of the objectives of the scheme and budgetary resources.

*Question No. 175 answered with Question No. 93.*

*Question No. 176 answered with Question No. 39.*

*Question No. 177 answered with Question No. 52.*

#### **Pensions Provision.**

178. **Mr. Durkan** asked the Minister for Social and Family Affairs the average pension payable on foot of pre-1953 contributions; and if he will make a statement on the matter. [33784/04]

**Minister for Social and Family Affairs (Mr. Brennan):** Pre-1953 pension was introduced with effect from 5 May 2000 for people who commenced insurable employment before 1953 and who had at least 260 insurance contributions paid, comprising either national health insurance or a combination of social insurance and national health insurance. The current 2004 rate of pre-1953 pension payable is €83.70 which is the equivalent of half the standard personal pension rate. With the recently announced budgetary improvements, this amount will increase to €89.70 per week. Increases for qualified adults and child dependants, where applicable, are also payable at 50%.

There are some 28,000 people in receipt of a pre-1953 pension. Of these some 25,000 are in receipt of a standard pre-1953 pension and some 3,000 are in receipt of a *pro-rata* rate of pre-1953 pension. The average amount of standard rate pre-1953 pension is €95.80 and the average amount of *pro-rata* rate pre-1953 pension is €8.50. The annual cost of pre-1953 pension is estimated at €113.9 million comprising payments of €42.2 million to pensioners living in Ireland, €57.5 mill-

ion to pensioners resident in the UK and €14.2 million in other countries.

#### **EU Directives.**

179. **Ms O. Mitchell** asked the Minister for Transport when he intends to sign the regulations to transpose EU Directive 2003/97/EC into national law. [33671/04]

**Minister of State at the Department of Transport (Mr. Callely):** It is my intention to have regulations providing for the transposition of Directive 2003/97/EC signed into national law by the end of the year.

#### **Overflight Rights.**

180. **Mr. J. Higgins** asked the Minister for Transport the amount paid by Government to the aviation authority in respect of US military aircraft over-flying Irish airspace for each year from 2000 to 2004; and the proportion of these funds which related to US military planes travelling to and from Iraq. [33672/04]

**Minister of State at the Department of Transport (Mr. Callely):** The Irish Aviation Authority, IAA, provides air traffic control and communications services to aircraft which pass through Irish controlled airspace, *en route*, and aircraft landing and taking off from Irish airports, terminal. Only a small proportion of military flights through Irish administered airspace actually pass through Irish sovereign airspace. Irish administered airspace covers 135,000 square miles of which 32,000 square miles is sovereign airspace.

Under a Eurocontrol, European Organisation for the Safety of Air Navigation, multilateral agreement to which Ireland is a party, various categories of flights such as: flights under visual flight rules; flights performed by small aircraft; flights performed for the transport of heads of state; search and rescue flights, are exempt from paying *en route* charges. In the case of other categories such as: military flights; training flights; flights performed to test air navigation equipment and circular flights, states have the option to exempt such flights from payment of the *en route* charge. In common with most Eurocontrol member states, Ireland exempts all such flights, including military flights of member states of Eurocontrol, United States and Canada, from payment of the *en route* charge and this arrangement has applied since Ireland joined the Eurocontrol *en route* charging scheme in the early 1970s. Given this arrangement, the IAA costs in respect of military flights are met from my Department's Vote.

From information received from Eurocontrol it is understood that Austria, Finland, Switzerland and Moldova do not at present grant exempted status to US military flights. However, my Department understands that invoices issued by the above states to the US authorities in respect of military flights have not been paid.



Ireland also exempts military aircraft flights from payment of the communications charge and the IAA costs in respect of those charges are also met from my Department's Vote. Efforts to collect this charge in the early 1990s were unsuccessful and, following advice from the Attorney General, debts then outstanding were written off with the agreement of the Department of Finance and a decision taken to cease charging the communications fee to military aircraft.

The total amounts, not including VAT, paid to the Authority in the years 2000 to 2002 in respect of all exempted flights other than flights under visual flight rules are as follows: 2000, €1,139,283; 2001, €1,377,560; 2002, €1,642,541.

While it is not possible to provide an exact breakdown of these totals between military and other exempt flights, it is estimated that the latter comprises a very small proportion of the total payment. Eurocontrol has been requested to provide a more detailed breakdown, including the proportion relating to US military flights. I will revert to the Deputy when this information is to hand.

A total of €2.751 million not including VAT, was paid to the IAA for both *en route* and communications charges in respect of all exempted traffic in 2003, with US military flights accounting for approximately 90% of the total amounting to €2.48 million. The total paid between January 2004 and September 2004 amounts to €3.38 million, with US military flights accounting for approximately 86% of the total amounting to €2.9 million. The proportion of these amounts which related to US military flights travelling to or from Iraq is not known.

#### **Airport Development Projects.**

181. **Mr. Crowe** asked the Minister for Transport if his attention has been drawn to the amount of time, planning and funding invested in the proposal for the development of a second terminal at Dublin Airport; the status of these plans; and when he proposes to make a decision regarding the location of the proposed terminal. [33673/04]

**Minister for Transport (Mr. Cullen):** The background and current position in relation to the development of a second terminal at Dublin Airport was addressed in my reply and subsequent debate last week on Priority Question No. 49 of 7 December 2004. I refer the Deputy to my reply on that occasion:

I assume the Deputy is referring to the concept of an independent second terminal at Dublin Airport and, in this regard, I am not aware of any decision in support of that concept announced by the former Minister for Public Enterprise. As the Deputy will be aware, An Agreed Programme for Government includes a commitment to examine proposals for a new independent terminal at the airport and to progress such proposals if the evidence suggests that such a terminal will deliver significant benefits.

Passenger traffic through Dublin Airport is expected to grow from last year's level of almost 16 million passengers to 30 million by approximately 2018. New infrastructure capacity and facilities, both airside and landside, will be needed to cater for this growth. Further terminal capacity will be needed in the next few years. The question at issue is not whether new terminal capacity should be provided at Dublin Airport, but rather the most appropriate mechanisms for providing such capacity.

Last year a report by a panel of experts chaired by Mr. Paddy Mullarkey assessed the independent terminal concept taking account of the expressions of interest submitted to my Department on the development of an independent, competing terminal at Dublin Airport. I recognise that an early decision is necessary on this matter so that, regardless of how it is provided, adequate terminal capacity is in place at Dublin Airport when required to meet the growth in passenger traffic. In this regard, my Department is consulting the new board of the Dublin Airport Authority and I intend to bring proposals on the matter to Government very shortly.

#### **Public Transport.**

182. **Mr. Crowe** asked the Minister for Transport when the new smart card allowing passengers to use a single ticket will be introduced; if it will apply to and include a special rate for school-going children; and the amount of funding which has been made available from the European Union to support the establishment of this new system. [33674/04]

**Minister for Transport (Mr. Cullen):** I refer the Deputy in the first instance, to my reply to Parliamentary Question No. 62 of Tuesday, 7 December 2004.

The smart card system being developed will be capable of handling school child fares which at present provide a discount on normal child fares. There is no funding from the European Union involved in the delivery of the smartcard-based integrated ticketing project.

#### **Road Safety.**

183. **Mr. Crowe** asked the Minister for Transport when he expects a decision to be made by the NRA regarding the provision of central crash barriers on the M50. [33675/04]

**Minister for Transport (Mr. Cullen):** I refer the Deputy to my reply to Parliamentary Questions Nos. 47 and 48 on 7 December 2004.

#### **Public Transport.**

184. **Mr. Stagg** asked the Minister for Transport if he is in a position to approve the business case for the Kildare arrow route project; if funding will be available to proceed with the project at a cost of €400 million; and if he will make a statement on the matter. [33709/04]

**Minister for Transport (Mr. Cullen):** My Department is currently examining the proposals submitted by Irish Rail in relation to the Kildare route project. I will respond to Irish Rail shortly, when the assessment is complete.

#### **Road Network.**

185. **Mr. Eamon Ryan** asked the Minister for Transport if the National Roads Authority will carry out an analysis on the feasibility of providing a new high quality road connection between N3 near Navan and the M1 near Drogheda as an alternative route for commuters between Navan and Dublin to that proposed as part of the N3 motorway route between Clonee and Kells. [33731/04]

**Minister for Transport (Mr. Cullen):** The planning, design and implementation of national road improvement projects is a matter for the NRA and the local authorities concerned. I understand from the NRA that the route for the upgrade of the N3 was chosen following detailed consideration of the options available and the traffic, engineering, environmental, community and property severance and cost implications involved.

#### **Departmental Programmes.**

186. **Ms Enright** asked the Minister for Community, Rural and Gaeltacht Affairs further to Parliamentary Question No. 270 of 9 November 2004, if funds have become available under the 2004 programme for grants for locally-based community and voluntary organisations; if the scheme will now be reconsidered; and if he will make a statement on the matter. [33613/04]

**Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern):** I have secured additional funding for this programme recently. The application from the organisation referred to in Parliamentary Question No. 270 of 9 November 2004 has been reconsidered and I am pleased to inform the Deputy that a grant of €40,000 in respect of refurbishment of the community hall and €10,000 in respect of equipment has been approved.

187. **Mr. Wall** asked the Minister for Community, Rural and Gaeltacht Affairs the progress to date in regard to the implementation of the RAPID programme for Athy; the amount of moneys made available for the implementation of the programme from his Department for Athy; and if he will make a statement on the matter. [33705/04]

**Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív):** None of the proposals included in the Athy RAPID plan fell directly within the remit of my Department.

However, as the Deputy will be aware, earlier this year I announced details of a number of measures to be co-funded under the RAPID

programme. Funding of €20,000 was allocated by my Department, with matching funding provided by Athy Town Council to support works under the local authority housing estate enhancement scheme. Works have been completed in Clonmullion, Castlepark, Canal Walk, Towns Park and Castlepark-Greenhills under this scheme.

Under the RAPID playgrounds scheme, my Department allocated €30,000 to Athy, with a further €30,000 being provided by the Department of Health and Children, towards playground development works in St. John's Terrace and Woodstock.

In addition to funding allocated by the Department of Arts, Sport and Tourism under the sports capital programme, SCP, 2004, my Department has allocated top-up funding of €90,600 to three successful SCP projects in Athy.

Funding of €33,000 has also been provided by my Department to the Athy area implementation team to date to support them in the preparation and development of their plan and the implementation of the programme.

#### **Rural Environment Protection Scheme.**

188. **Mr. Ellis** asked the Minister for Agriculture and Food if a REPS scheme payment will issue to a person (details supplied) in County Leitrim. [33606/04]

**Minister for Agriculture and Food (Mary Coughlan):** The person named began his current REPS plan on 1 October 2003 and was entitled to apply for his second year payment in October 2004. He was sent the necessary application form before the anniversary date.

However according to my Department's records he has not yet applied for the payment. Payment cannot be made without an application. To receive the payment in full he must apply by 31 December 2004; after that, penalties for late application will apply.

#### **Grant Payments.**

189. **Mr. Connaughton** asked the Minister for Agriculture and Food the reason a farm development grant for farm buildings dating back to 1983 and currently in the Chief State Solicitor's office has not been awarded to a person (details supplied) in County Galway; and if she will make a statement on the matter. [33610/04]

**Minister for Agriculture and Food (Mary Coughlan):** Legal proceedings instituted by the person concerned are still in place regarding this matter and I am not therefore in a position to make any payment at this stage. I understand the remaining issue to be resolved is of costs and I am hopeful that negotiations on this aspect of the case will be concluded shortly.

#### **Puppy Farming.**

190. **Mr. Timmins** asked the Minister for Agriculture and Food her views on the submission

made by the Irish Dog Breeders' Association on puppy farming, via the Joint Oireachtas Committee on Agriculture and Food; when her Department received the document; and if she will make a statement on the matter. [33611/04]

**Minister for Agriculture and Food (Mary Coughlan):** My Department received a copy of the submission by the Dog Breeders' Association of Ireland to the Joint Oireachtas Committee on Agriculture and Food on 7 October. The Minister for Environment, Heritage and Local Government has established a working group to review the management of dog breeding establishments on which both the Irish Dog Breeders' Association and my Department are represented. This group is continuing to meet and it would not be appropriate to anticipate its deliberations.

#### Departmental Policy.

191. **Mr. McGuinness** asked the Minister for Agriculture and Food her policy on the development of the beef industry here; the strategies in place to pursue her long-term policies; the way in which these are benchmarked; and if she will make a statement on the matter. [33676/04]

**Minister for Agriculture and Food (Mary Coughlan):** The focus of the Irish beef industry has been to broaden and expand its market reach at EU retail level, shifting its orientation away from international commodity markets and into the higher priced internal EU marketplace. This has coincided with reduced dependence on support measures such as intervention and export refunds. This contrasts sharply with the situation that prevailed throughout the 1990s when the industry exported 50% of its products into non-EU markets. Last year, this share dropped to just 17% while the EU share increased proportionately. Non-EU markets continue to be important outlets for Irish beef and the maintenance of an appropriate export refund policy, which I keep under close review, is a key element in the sale of EU beef in third countries. I will continue to press hard for the re-opening of traditional third country markets and I was particularly pleased to announce the re-opening of the Algerian market for chilled beef in early October.

Increased sales into continental Europe coincided with the emergence of an EU market deficit in beef for the first time in 25 years together with falling production levels aligned with a strong recovery in consumption. Ireland is now well placed to consolidate this position and to move further up the value chain, having demonstrated the quality and safety of Irish beef through its broad appeal to EU consumers. A targeted approach based on quality production represents the best and most profitable way forward to the Irish industry. This is particularly the case in the post decoupling context when the market will be the sole determinant of the nature and scale of output from the sector. In such a context there will be a need for even greater emphasis on

good breeding policies, payment related to quality and sophisticated and integrated supply and purchasing systems.

In its connection, Ireland was the first EU country to formally approve the introduction of mechanical classification on a commercial scale. Three systems were approved following authorisation tests conducted under the terms of EU Commission Regulation (EC) No. 1215-2003 and the system selected by the industry is now installed in 24 meat plants accounting for almost 95% of our beef exports. The move to mechanical grading, which was provided for under Sustaining Progress and backed by a specially tailored grant scheme operated by my Department, was achieved with the co-operation of the sector as a whole. It is generally accepted that the move will help the industry become more market orientated and better positioned to exploit the opportunities for Irish beef within the expanded EU.

#### Grant Payments.

192. **Mr. Kehoe** asked the Minister for Agriculture and Food the number of farmers in County Wexford who have not received an area aid payment; the reason for the delay in payment; when payments will issue; and if she will make a statement on the matter. [33689/04]

**Minister for Agriculture and Food (Mary Coughlan):** Some 314 area aid applications for 2004 remain unclear for various reasons including the fact that a number of farmers either over-declared their area on their 2004 area aid application form or did not supply sufficient information for their applications to be processed. In many instances, where area over-declarations have been detected, it has been necessary to arrange on-farm inspections to establish the correct area for payment purposes. These inspections have now been carried out and the results are being processed as quickly as possible.

193. **Mr. Kehoe** asked the Minister for Agriculture and Food the number of farmers in each county who have not received area aid; the reason for the delay; when payment will issue; and if she will make a statement on the matter. [33690/04]

**Minister for Agriculture and Food (Mary Coughlan):** The table below sets out the number of livestock and arable scheme applications in each county where 2004 area aid applications have not yet been finalised. A number of farmers either over-declared their area on their 2004 area aid application form or did not supply sufficient information for their applications to be processed. In many instances, where area over-declarations have been detected, it has been necessary to arrange a ground inspection to establish the correct area for payment purposes. In most instances, these inspections have now been carried out and the results are being processed as



[Mary Coughlan.] quickly as possible. The remaining inspections will be undertaken without delay.

My Department has processed over 98% of area aid applications for 2004 to date.

2004 Area Aid applications

County	Livestock Premia unclear	Arable Aid Unclear
Carlow	53	9
Cavan	25	1
Clare	45	1
Cork	196	38
Donegal	114	14
Dublin	11	0
Galway	124	24
Kerry	135	4
Kildare	98	17
Kilkenny	20	3
Laois	49	5
Leitrim	36	0
Limerick	45	1
Longford	16	1
Louth	19	3
Mayo	86	3
Meath	107	18
Monaghan	15	2
Offaly	65	10
Roscommom	44	4
Sligo	49	2
Tipperary	160	27
Waterford	61	12
Westmeath	29	2
Wexford	297	104
Wicklow	76	14
Total in Country	1,975	319

Please note that there are duplications as some farmers would have applied for both arable and livestock payments.

194. **Mr. Timmins** asked the Minister for Agriculture and Food when the application forms for new entrants who wish to apply for the single farm payment will issue; and if she will make a statement on the matter. [33838/04]

**Minister for Agriculture and Food (Mary Coughlan):** Under the single payment scheme, farmers who commenced farming during the reference years 2000, 2001 or 2002, may apply to have their single payment based on the year or years they were farming during the reference period. Application forms to apply for this facility have been available for some months and may be obtained from The Single Payment Section, Department of Agriculture and Food, Old Abbeylax Road, Port Laoise, County Laois, telephone locall 1890 200113 or from any local office of the Department.

Farmers who commenced farming after the reference period, that is, after 31 December 2002, or farmers who commenced in 2002 but received no direct payments in that year, may apply to the national reserve for entitlements. Objective criteria as regards age, income and farming qualifications will apply to those applicants.

Application forms for the national reserve will be available shortly from the Single Payment Section, Department of Agriculture and Food, Michael Davitt House, Castlebar, County Mayo, telephone locall 1890 200507, or from any local office of the Department.

195. **Mr. Timmins** asked the Minister for Agriculture and Food the number of farmers who will not receive payment under the single farm payment; the number who will receive more than €200,000; and if she will make a statement on the matter. [33839/04]

**Minister for Agriculture and Food (Mary Coughlan):** All farmers who received direct payments during the reference period, 2000 to 2002, and dairy farmers who will benefit from the decoupled dairy premium in 2005 will be entitled to claim the single payment, if they are actively farming in 2005.

To date, 11 statements of provisional entitlements have issued with an entitlement value of more than €200,000.

#### **Garda Strength.**

196. **Ms Enright** asked the Minister for Justice, Equality and Law Reform if he will meet with a deputation from Mountmellick Town Council to discuss the issue of Garda numbers; and if he will make a statement on the matter. [33658/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by Garda authorities that the personnel strength of Mountmellick Garda station is five, all ranks. The station is opened from Monday to Saturday between 10 a.m. to 1 p.m. When not open PACB, public access call box, and call diversion systems are in operation and linked to the district headquarters in Portlaoise. I am also advised that the district officer at Portlaoise meets with members of Mountmellick Town Council on an ongoing basis.

Resources are augmented from within the district and division as required. The area is also patrolled by the district detective unit and the divisional traffic unit. The district detective unit at Portlaoise also assists in the investigation of serious crime. Local Garda management is satisfied that the current strength of Mountmellick Garda station is adequate to meet the policing needs of the area. I will be responding shortly to correspondence from members of Mountmellick Town Council on these issues.

In relation to Garda resources generally, I am, of course, very pleased the Government has approved my proposal to increase the strength of

the Garda Síochána to 14,000 members on a phased basis, in line with An Agreed Programme for Government commitment in this regard. This is a key commitment in the programme for Government, and its implementation will significantly strengthen the operational capacity of the force.

The commissioner will now be drawing up plans on how best to distribute and manage these additional resources. Garda personnel deployments throughout the country, together with overall policing arrangements and operational strategy are continually monitored and reviewed. Such monitoring ensures that optimum use is made of Garda resources, and the best possible service is provided to the public. In this context, the needs of Mountmellick Garda station will be fully considered within the context of the needs of Garda divisions throughout the country. Clearly, of course, the additional resources will be targeted at the areas of greatest need, as is envisaged in the programme for Government. The programme identifies, in particular, areas with a significant drugs problem and a large number of public order offences, but it will be possible to address other priorities as well, such as the need to very significantly increase the number of gardaí allocated to traffic duties as part of the new Garda traffic corps. One thing I have already promised is that the additional gardaí will not be put on administrative duties. They will be put directly into front-line, operational, high-visibility policing. They will have a real impact.

In each of the next three years there will be an intake of almost 1,100 new recruits. The advertisement campaign for this first trench of 1,100 recruits was launched on Thursday, 25 November 2004.

#### **Liquor Licensing Laws.**

197. **Ms Shortall** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 203 of 30 September 2004, if his attention has been drawn to the dramatic decrease over the past two years in the rate of prosecutions for the sale of alcohol to minors; the reason for this when the rates of underage drinking and associated anti-social activity are on the increase; the action he will take to ensure that the gardaí enforce the law more vigorously in this area; and if he will make a statement on the matter. [33659/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I can assure the Deputy that strong provisions have been put in place to combat the causes of underage drinking and anti-social behaviour. Reductions in violence and public order offences have followed the enactment during 2003 of the Criminal Justice (Public Order) Act and the Intoxicating Liquor Act, which give significant additional powers to the gardaí to deal with public order and street crime.

I am pleased to note a 22% reduction in assault causing harm and a 23% reduction in minor assaults in 2003 compared to 2002. This trend has continued in the first nine months of 2004 with a 7% reduction in assaults causing harm compared to the same period last year. The reduction in the number of offences in this category reflects an improving public order situation and a curbing of some of the excesses in the abuse of alcohol. An improving public order situation is to be welcomed by all parties concerned with the preservation and maintenance of law and order. However, I believe there is more we can do to support the gardaí in the preservation of peace and public order on our streets. To this effect I am making provision in the Criminal Justice Bill 2004 to provide for a fixed penalty procedure in respect of certain lesser public order offences. I am certain that this provision will be an asset to gardaí in maintaining order on our streets.

I can further inform the Deputy that the Intoxicating Liquor Act 2000 provides for considerable strengthening of those provisions which already existed in the Intoxicating Liquor Act 1998 with regard to the supply or sale of intoxicating liquor to underage persons, including increases in fines for breaches of the law on underage drinking. Serious penalties, including the temporary closure of a licensed premises, can result where a licensee is convicted of the offence of selling intoxicating liquor to an underage person.

Gardaí can now target a premises whose customers cause trouble and, after warning the owner, can apply for a closure order. The law relating to conduct on licensed premises has been updated and made easier to enforce. There can now be temporary closure of premises for supplying alcohol to persons who are drunk, for permitting drunkenness and for failing to preserve order.

The administration of the national age cards scheme by the Garda Síochána has facilitated gardaí, in co-operation with the licensed trade, in addressing and combating the problem of underage drinking. The age card scheme allows any person who has attained 18 years of age to apply for an age card at his-her local Garda station in order to confirm that they have attained the legal age for the purchase of intoxicating liquor. The Garda Síochána continuously monitor the scheme to ensure that it takes account of changing circumstances and adapt it as necessary.

I cannot, however, stress enough that while legislative measures, together with initiatives such as the age card scheme, can help to curtail the problem of anti social behaviour and underage drinking, they cannot be viewed as the only solution. It falls on all parties with an interest in this area to play their role in helping to address the problem of anti social behaviour, with particular regard to young people.

#### **Prisoner Transfer.**

198. **Ms Shortall** asked the Minister for Justice,

[Ms Shortall.]

Equality and Law Reform if he will accede to a request from a person (details supplied) for repatriation to a prison here in view of family circumstances; and if he will make a statement on the matter. [33660/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The primary purpose of the Council of Europe Convention on the Transfer of Sentenced Persons is to facilitate the repatriation to their home country of persons, who, were it not for their imprisonment in another jurisdiction, would ordinarily be resident there. Having considered the matter carefully, I was satisfied that the person concerned would not normally be resident in this jurisdiction, were it not for his imprisonment in the United Kingdom and, as such, I was not prepared to consent to his transfer to a prison in this country at this time. The matter was recently considered again recently. However, I was not persuaded by the additional information provided to change my position on the individual's previous application.

Finally, it should be noted that the convention does not confer an automatic right on any prisoner to be transferred nor does it confer an obligation on any State to comply with a transfer request.

#### **Garda Investigations.**

199. **Mr. Kehoe** asked the Minister for Justice, Equality and Law Reform the number of murder investigations being carried out at present; the duration of same to date; the name of each case; and if he will make a statement on the matter. [33680/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that a total of 34 murders have been recorded to date in 2004, 27 of which are recorded as detected. The Garda Síochána annual report 2003 shows 45 murders recorded and 29 detected in that year.

I am further informed by Garda authorities that for operational reasons they do not identify by name of victim which murders are currently the subject of an investigation. I understand that current murder investigations are ongoing in respect of murders recorded in this and previous years, including some murders recorded as detected.

#### **Departmental Correspondence.**

200. **Mr. Kehoe** asked the Minister for Justice, Equality and Law Reform if his attention has been drawn to the fact that his Department received correspondence from a person (details supplied) in July 2004 and again in November 2004 and that no reply has been received to date; if this correspondence will be dealt with immediately; and if he will make a statement on the matter. [33681/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** An application for permission to remain in the State based on marriage to an Irish national was received from the person concerned in November 2004. Applications of this type are dealt with in chronological order and currently take approximately 16 months to process.

#### **Departmental Programmes.**

201. **Mr. Wall** asked the Minister for Justice, Equality and Law Reform the progress to date in regard to the implementation of the RAPID programme for Athy; the amount of moneys made available for the implementation of the programme from his Department for Athy; and if he will make a statement on the matter. [33706/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** My Department has no record of having received an application or proposal under the RAPID programme in relation to Athy. The Garda authorities are represented on the Athy RAPID area implementation team and I understand that a new proposal to tackle anti-social behaviour in the Athy area is currently being developed locally with a number of agencies. I have been informed by Garda authorities that there is a Garda community policing initiative taking place, which involves the expansion of the existing neighbourhood watch scheme.

No dedicated Departmental financial allocations have been made to provide potential funding for proposals received under the RAPID programme as such. However, my Department decides on approving funding for RAPID proposals within the context of existing allocations across Votes under my Department's remit. Particular priority is given to RAPID proposals which fall within the functional areas financed under the national development plan. I can, however, assure the Deputy that any proposals received by my Department through the RAPID programme for Athy will be given full and careful consideration.

#### **Garda Strength.**

202. **Mr. Kehoe** asked the Minister for Justice, Equality and Law Reform the extra resources he has given (details supplied) for the Christmas period; and if he will make a statement on the matter. [33768/04]

203. **Mr. Kehoe** asked the Minister for Justice, Equality and Law Reform the extra resources he has given (details supplied) for the Christmas period; and if he will make a statement on the matter. [33769/04]

204. **Mr. Kehoe** asked the Minister for Justice, Equality and Law Reform the extra resources he has given (details supplied) for the Christmas period; and if he will make a statement on the matter. [33770/04]



205. **Mr. Kehoe** asked the Minister for Justice, Equality and Law Reform the extra resources he has given (details supplied) for the Christmas period; and if he will make a statement on the matter. [33771/04]

206. **Mr. Kehoe** asked the Minister for Justice, Equality and Law Reform the extra resources he has given (details supplied) for the Christmas period; and if he will make a statement on the matter. [33772/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 202 to 206, inclusive, together.

I have been informed by Garda authorities who are responsible for the detailed allocation of resources, including personnel, that the personnel strength of the Wexford-Wicklow Garda division as on 14 of December 2004 was 305, all ranks. The personnel strength of the stations within this division referred to by the Deputy as on the same date was:

Station	Strength (all ranks)
New Ross	32
Wexford	69
Gorey	39
Enniscorthy	32

As a result of the additional €4 million funding, providing an additional 140,000 hours in overtime for the Garda Síochána for high visibility policing in the eight weeks up to 31 December 2004 a number of initiatives have been implemented within the Wexford-Wicklow division involving the Garda districts of Wexford, New Ross, Enniscorthy and Gorey to provide additional crime, public order and traffic patrols during the Christmas period. These initiatives involve the deployment of district and divisional resources and inter-district operations.

I am advised that local Garda management is satisfied that to date these initiatives have proved effective.

#### Visa Applications.

207. **Mr. Gogarty** asked the Minister for Justice, Equality and Law Reform the reason a visa was refused to a person (details supplied) in County Dublin; when this person will receive formal notification of this visa refusal; and the course of action they have to appeal this decision. [33790/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** This visa application was received in November 2004. Having given full consideration to the matter the visa was refused because my Department was not satisfied on the basis of the documentation provided that an adequate relationship history existed between the applicant and the reference in Ireland. No details were provided as to how the parties met or the context in which the marriage took place. The

Department of Foreign Affairs issued a formal notification of refusal on 6 December 2004.

It is open to the applicant to appeal the refusal in writing to the Visa Appeals Officer, 13-14 Burgh Quay, Dublin 2.

#### Legal Fees.

208. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 445 of 30 November 2004, if a full and complete response will be made; and if he will make a statement on the matter. [33819/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** In the time available for answering parliamentary questions it has not been possible to compile the detailed information requested by the Deputy and I am reluctant to give the Deputy a response which could only at this stage represent part of the picture.

The information sought is being compiled at present and I will forward it to the Deputy shortly.

#### Children Act 2001.

209. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the progress made in commencing and implementing all provisions of the Children Act 2001; and if he will make a statement on the matter. [33823/04]

210. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the resources which have been made available for the implementation and operation of the Children Act 2001; and if he will make a statement on the matter. [33824/04]

211. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the impact which the Children Act 2001 will have on curbing the activities of young offenders and preventing them from embarking on a life of crime; and if he will make a statement on the matter. [33825/04]

212. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the way in which the restorative justice aspects of the Children Act 2001 are operating; and if he will make a statement on the matter. [33826/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 209 to 212, inclusive, together.

The Children Act 2001 is very complex and comprehensive legislation and, for those reasons, provisions under the Act are being implemented on a phased basis, as was envisaged at the time of enactment.

Responsibility for implementing the Children Act 2001 lies with three Departments. The Departments of Justice, Equality and Law Reform and Education and Science have responsibilities in respect of juvenile offending. The Department of Health and Children has

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responsibilities in respect of children who are non-offending but out of control. The National Children's Office is co-ordinating the cross departmental aspects of the implementation of the Act.

As regards the areas that fall within my areas of responsibility I can advise the Deputy that part 4 of the Children Act 2001 commenced on 1 May 2002, at which time the Garda diversion programme began operating on a statutory basis. 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 youth diversion projects is to bring about the conditions whereby the behavioural patterns of young people towards law and order, can develop and mature through positive interventions and interaction with the project.

Through a combination of intervention and prevention programmes, Garda youth diversion projects aim to prevent crime through community and multi-agency co-operation and to improve the quality of life within the community; divert young people from becoming involved in criminal and/or anti-social behaviour; provide suitable activities to facilitate personal development and encourage civic responsibility; and support and improve Garda-community relations.

Project co-ordinators and advisory-management committees are required to regularly review and assess the effectiveness and efficiency of the projects to ensure every effort is made to meet the overall aims and objectives of the project. The projects are particularly targeted at 12-8 year old "at risk" youths in communities where a specific need has been identified. The number of participants in each programme varies according to the level of intervention required.

There are 64 Garda youth diversion projects operating in both urban and rural areas at present.

One of the primary aims of the Children Act is to expand the options a court will have at its disposal when deciding on how to deal with a young offender. The community-based options provided for in the Act will allow effect to be given to the principle that detention for young offenders will be a last resort. Thus, the Act generally envisages committals to custody of young offenders being availed of only in situations where other alternative diversions and community-based options have been resorted to and have failed.

The successful and full implementation of the community based options in the Act will require a very significant input from the probation and welfare service. While it has not yet been possible to implement these provisions in full, I have secured 30 additional staff specifically for the probation and welfare service to implement those provisions of the Act relevant to the service, notwithstanding the public service recruitment embargo.

The probation and welfare service, as part of its planning for implementation of the Children Act 2001, engaged trainers from the Department of Child, Youth and Family, New Zealand, for the intensive training of all professional staff as facilitators for family conferences to be convened and managed in accordance with the requirements of the Act as well as providing day seminars for all probation and welfare officers. The service will provide ongoing training through its staff development unit as required.

The restorative justice aspects of the Children Act 2001 have been commenced in full and are operating very effectively. Restorative justice is a philosophical framework which considers the ways in which crime harms relationships in the context of the community. It is a way of dealing with victims and offenders by focusing on the settlement of conflicts arising from crime and resolving the underlying problems which cause it.

The court directed family conferencing provisions of the Act, section 78-87, be placed on a statutory basis on 29 July 2004. The family conference is convened by the probation and welfare service and the convening of the conference is directed by the court where it considers that the preparation of an action plan would be desirable in an individual case. The courts have directed the convening of 11 family conferences since commencement.

Section 26 of the Act provides for restorative cautioning, which provides the victim to be present at the administration of a formal caution to a child by a member of the Garda Síochána under the Garda juvenile diversion programme. This form of cautioning will allow for a discussion during which the child will have to confront the effects of his or her behaviour and, perhaps, may be invited to apologise and make some form of reparation.

Sections 29-51 of the Act provide for the convening of a conference in respect of a child who has been formally cautioned and is being supervised by a Garda juvenile liaison officer. The conference will have a remit to examine the child's problems, reasons for offending, etc., and will be able to discuss how the child might, through family support and community involvement, be diverted from crime, perhaps through the formulation of an action plan. The conference may be convened only on the decision of the director of the Garda national juvenile office, and the conference facilitator must be a member of the Garda Síochána.

The provisions concerning the age of criminal responsibility and children detention centres for 16 and 17 year old offenders have not yet been brought into force. Under the Children Act, I, as Minister for Justice, Equality and Law Reform, will be obliged to provide separate detention facilities for 16 and 17 year old males and females who are committed to custody by the courts either on remand or under sentence. The provision of appropriate custodial facilities is a

priority for the Irish Prison Service. The primary objective of these detention centres will be to provide a secure but supportive environment in which young offenders can develop the personal and social skills necessary to avoid future offending.

In line with this, a new facility for male juveniles in this age group will open at St. Patrick's Institution in the near future. This unit, which was designed by a multi-disciplinary team, will include a custom-designed facility for the delivery of education, recreation, medical and therapeutic services. The longer-term provision of a dedicated facility on a greenfield site for juveniles, with separate facilities for males and females, is now being pursued in consultation with the director general of the Irish Prison Service and the Office of Public Works.

### **Departmental Policy.**

213. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform when he expects the codification of criminal law to be complete and enacted; and if he will make a statement on the matter. [33827/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The codification of criminal law will amount to a transformation of the existing format of criminal law into a criminal code. Given the wide-ranging nature of this project it must be managed in parallel with the existing programme of criminal law reform. Codification will be undertaken on a phased basis and as such there will not be a single criminal code enacted in the one go. Due to the long term nature of this project I have obtained Government approval for the appointment of a statutory criminal law codification advisory committee to oversee the codification process and ultimately once that goal is attained to ensure the ongoing maintenance of the criminal code. Pending the enactment of the necessary legislation, I intend that the committee will be established on a non-statutory basis.

### **Garda Deployment.**

214. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform the details of any review of Garda rostering which has been carried out in the past five years; and if he will make a statement on the matter. [33828/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The Garda strategic management initiative report recommended a fundamental review of the rostering system to ensure that Garda personnel are more readily available at peak demand times. As a result of this recommendation a new rostering framework was developed following consultations and agreement with Garda staff associations.

The main benefit of the new roster is a more appropriate match between availability of gardaí for duty and demands on the service. Consequently, Garda management can ensure a greater

operational police presence on the streets at peak times.

Under the new roster system, superintendents can determine the number of members required to meet demands at peak times. Other members can be detailed for non-peak times on the early and night tours of duty.

An agreed pilot scheme was implemented in the cities of Cork, Limerick and Waterford between 20 March 2000 and 28 October 2002 in respect of those stations where the three-relief system operates, namely a shift system covering 24 hours. Consultation took place between Garda management and the Association of Garda Sergeants and Inspectors and the Garda Representative Association during the pilot roster. Having consulted with both associations, the Commissioner introduced this roster on a permanent basis in the cities of Cork, Limerick and Waterford from 28 October 2002.

In relation to the Dublin Metropolitan Region, further work on the pilot roster is being undertaken by the Assistant Commissioner, Dublin Metropolitan Region, and the organisation development unit, Garda headquarters.

### **Garda Reform.**

215. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform if, in the context of Garda reform, he has plans to implement measures which will enhance the responsiveness and effectiveness of the Garda; and if he will make a statement on the matter. [33829/04]

216. **Mr. J. O'Keeffe** asked the Minister for Justice, Equality and Law Reform if, in the context of Garda reform, he has plans to implement measures which will enhance the detection rates of the Garda; and if he will make a statement on the matter. [33830/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I propose to take Questions Nos. 215 and 216 together.

The day to day control and management of the Garda Síochána is a matter for the Garda Commissioner. That said, however, the Deputy will be aware that I am currently moving the Garda Síochána Bill 2004 before the Seanad. One of the objectives of this Bill is to reform the legislative structure under which the Garda Síochána is managed. In particular, this will involve clarification of the role and objectives of the force and a redefinition of its relationship with the Minister and Government of the day.

The Bill's proposals reflect the outcome of a review of the Garda Síochána which was carried out under the Government's strategic management initiative. Arising from the provisions of the Bill the Minister of the day, having consulted with the Garda Commissioner, will be entitled to set policing priorities and establish performance targets aimed at achieving the objective of each priority. A copy of any such priorities and performance targets will be laid before each House



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of the Oireachtas and the commissioner will have to inform the Minister of measures taken to achieve the targets and the outcome. In the same way, the Garda Commissioner will be required to submit a three-yearly strategy statement and an annual policing plan taking account of Government policy, priorities determined by the Minister and the resources expected to be available.

It is also my intention to introduce amendments to the Garda Síochána Bill to provide for the establishment of an independent Garda Síochána inspectorate. This proposal is being brought forward in the light of the first report of the Morris tribunal, and in particular the recommendation of the tribunal that the Department, in its oversight role in relation to the Garda Síochána, must be empowered by knowledge. The main functions of the inspectorate will be to ensure that the Minister and the Department will have objective information on matters relevant to the functioning of the force. The key objectives will be to ensure and promote efficiency and effectiveness in the Garda Síochána and to provide advice and support to the Minister and the Department.

#### **Garda Recruitment.**

217. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform if, in view of the announcement of plans to recruit additional gardaí, priority will be given to the deployment of gardaí in areas of most need, in particular in areas where crime levels are above average; and if he will make a statement on the matter. [33831/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am, of course, very pleased that the Government has approved my proposal to increase the strength of the Garda Síochána to 14,000 members on a phased basis, in line with An Agreed Programme for Government commitment in this regard. This is a key commitment in the programme for Government, and its implementation will significantly strengthen the operational capacity of the force.

The new recruitment campaign for the Garda Síochána has already commenced and record numbers of recruits will be taken on. Approximately 274 recruits will be taken into the college each quarter for the next three years. Taking into account the projected number of retirements, it will lead to a combined organisational strength, of both attested gardaí and recruits in training, of 14,000 as early as 2006.

This record recruitment drive will place at the disposal of the Garda Commissioner a very significant increase in Garda resources. The commissioner will now draw up plans on how best to distribute and manage these resources. Garda personnel deployments throughout the country, together with overall policing arrangements and operational strategy, are continually monitored and reviewed. Such monitoring ensures that opti-

mum use is made of Garda resources. Clearly, however, the additional resources will be targeted at the areas of greatest need, as envisaged in the programme for Government. The programme identifies in particular areas with a significant drugs problem and a large number of public order offences, but it will be possible to address other priorities as well, such as the need to significantly increase the number of gardaí allocated to traffic duties. As I have already made clear, the additional gardaí will not be put on administrative duties. They will be put directly into front-line, operational, high-visibility policing. They will have a real impact.

218. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform if, in view of the announcement of plans to recruit additional gardaí, the measures he is putting in place to ensure that a dramatically increased number of Garda foot patrols will be mounted in all areas throughout the whole year; and if he will make a statement on the matter. [33832/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by Garda authorities, which are responsible for the detailed allocation of resources, including personnel, that the levels of patrolling are continuously monitored on a regional basis in order to ensure that an effective policing service is maintained throughout the year and that appropriate steps are taken to address the policing demands of the public at large. I am further informed that the personnel strength of the Garda Síochána, all ranks, as on 13 December 2004 is 12,225.

In relation to Garda resources generally, I am, of course, very pleased that the Government has approved my proposal to increase the strength of the Garda Síochána to 14,000 members on a phased basis, in line with An Agreed Programme for Government commitment in this regard. This is a key commitment in the programme for Government, and its implementation will significantly strengthen the operational capacity of the force.

The Commissioner will now be drawing up plans on how best to distribute and manage these additional resources. Clearly, of course, the additional resources will be targeted at the areas of greatest need, as is envisaged in the programme for Government. The programme identifies, in particular, areas with a significant drugs problem and a large number of public order offences, but it will be possible to address other priorities as well, such as the need to very significantly increase the number of gardaí allocated to traffic duties as part of the new Garda traffic corps. One thing I have already promised is that the additional gardaí will not be put on administrative duties. They will be put directly into front-line, operational, high-visibility policing. They will have a real impact.

In each of the next three years there will be an intake of approximately 1,100 new recruits. The

advertisement campaign for this first trench of 1,100 recruits was launched on Thursday, 25 November 2004.

### Proposed Legislation.

219. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform if he has received a report reviewing fireworks legislation and policy; if he will publish that report; the action he proposes to take to address this issue; and if he will make a statement on the matter. [33833/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I presume the Deputy is referring to the ongoing internal review of explosives legislation which is taking place in my Department.

With regard to fireworks in particular, I wish to inform the Deputy that I have asked officials in my Department to give priority to finalising proposals on offences and penalties in that area. I intend to seek Government approval to include these proposals in the Criminal Justice Bill 2004 as amendments to the Bill on Committee Stage.

The issue of an appropriate regime for the regulation of fireworks is a complex one on which there are widely divergent views. My Department is carrying out research on the position in other jurisdictions, especially Northern Ireland. I intend to engage in a process of public consultation about this issue early in the new year.

### Garda Strength.

220. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the number of fully trained and qualified gardaí as of 31 December 2002; the number of fully trained and qualified gardaí as of 31 December 2003; the number of fully trained and qualified gardaí as of 15 December 2004; the number of fully trained and qualified gardaí as of 31 December 2004; and if he will make a statement on the matter. [33834/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have been informed by Garda authorities, who are responsible for the detailed allocation of resources, including personnel, that the personnel strength of the Garda Síochána as of today, 15 December 2004 is 12,223, all ranks. I am further informed that the personnel strength of the force as of 31 December for the years 2002 and 2003 was 11,895 and 12,017, respectively.

In relation to Garda personnel strength, I should like to point out that Garda trainees are attested to the force on successful completion of phase three of their training. On attestation, Garda trainees are serving members of the force. Formal graduation takes place following the completion of the fifth and final phase of training. Therefore the serving strength of the force at any given time includes those who have been attested following completion of phase three of their training but have not yet formally graduated. The

number of persons in phases four and five of training as of 31 December for the years 2002 and 2003 was 521 and 570, respectively. The number of persons in phases four and five as of 15 December 2004 is 688.

In relation to Garda resources generally, I am, of course, very pleased that the Government has approved my proposal to increase the strength of the Garda Síochána to 14,000 members on a phased basis, in line with An Agreed Programme for Government commitment in this regard. This is a key commitment in the programme for Government, and its implementation will significantly strengthen the operational capacity of the force. The commissioner will now be drawing up plans on how best to distribute and manage these resources. Clearly, however, the additional resources will be targeted at the areas of greatest need, as is envisaged in the programme for Government. The programme identifies in particular areas with a significant drugs problem and a large number of public order offences, but it will be possible to address other priorities as well, such as the need to very significantly increase the number of gardaí allocated to traffic duties as part of the new Garda traffic corps. One thing I have already promised is that the additional gardaí will not be put on administrative duties. They will be put directly into front-line, operational, high-visibility policing. They will have a real impact.

In each of the next three years there will be an intake of almost 1,100 new recruits. The advertisement campaign for this first group of 1,100 recruits was launched on Thursday, 25 November, 2004.

### Garda Recruitment.

221. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the number of gardaí recruited during each of the years 2002, 2003 and 2004; and if he will make a statement on the matter. [33835/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by Garda authorities that the following are the intake numbers of students in each of the years 2002, 2003 and to date in 2004.

Year	Garda College Intake
2002	547
2003	687
2004	518

As part of my proposal to increase the strength of the force to 14,000, in line with the Government’s commitment set out in An Agreed Programme for Government, approximately 274 recruits will be taken into the college each quarter, for the next three years, amounting to almost 1,100 recruits each year.

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The advertisement campaign for this first trench of 1,100 recruits was launched on Thursday, 25 November 2004.

### **Garda Strength.**

222. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the number of gardaí who retired or otherwise left the force during each of the years 2002, 2003 and 2004; and if he will make a statement on the matter. [33836/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I am informed by the Garda authorities that the number of gardaí who have left the Garda Síochána due to ill health, retirement, death, dismissal or otherwise, in the years 2002, 2003 and as at 13 December 2004 is as set out hereunder.

Year	Number
2002	406
2003	417
2004	460

### **Garda Investigations.**

223. **Mr. Timmins** asked the Minister for Justice, Equality and Law Reform the situation with respect to the investigation into illegal dumping in County Wicklow; the files that have been sent to the DPP; if any of these have been decided upon; and if he will make a statement on the matter. [33837/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I have made inquiries with the Garda authorities in regard to this matter. I am informed that the National Bureau of Criminal Investigation and other members of the Garda Síochána, along with representatives from Wicklow County Council, have been engaged in investigations into illegal dumping at various sites in County Wicklow. I am further informed that a number of files have been submitted by the Garda Síochána to the law officers, charges have been preferred in respect of a number of cases, and directions are awaited in a number of other cases.

As the Deputy will appreciate, I have no role in the investigation or prosecution of cases. This is a long standing principle of our system of justice. The role of the gardaí is to investigate alleged offences, to gather whatever evidence may be available and to submit a report to the Director of Public Prosecutions. The question of whether or not a particular person should be prosecuted and for what criminal offence is the responsibility of the DPP. The director is independent in the performance of his functions. The Deputy will appreciate that it would be inappropriate for me to comment further at this stage.

### **Visa Applications.**

224. **Mr. J. O’Keeffe** asked the Minister for Justice, Equality and Law Reform the reason he has failed to deal with the issue of a visitor visa for a person (details supplied). [33880/04]

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** The visa application in question was for the stated purpose of a two month visit in the State. The visa was refused as the documentation provided did not show that the applicant had any means to support herself during her proposed two month visit. No evidence of her employment or finances was included in the application. The documentation provided related solely to her husband but did not substantiate his level of earnings.

Following an appeal, the application was re-examined by a visa appeals officer who upheld the original decision. It is of course open to the applicant to make a fresh application with up to date supporting documentation and the matter will be considered anew. It would also be helpful if the applicant provided evidence of her obligations to return home following her proposed visit.

### **Special Educational Needs.**

225. **Mr. Healy-Rae** asked the Minister for Education and Science if the provision of a full-time special needs assistant for a person (details supplied) in County Kerry will be fast-tracked; and if she will make a statement on the matter. [33588/04]

**Minister for Education and Science (Ms Hanafin):** I can confirm that the school in question sought five hours special needs assistant support for the person referred to by the Deputy. This support has now been sanctioned and a letter to this effect issued to the school on 25 November 2004.

226. **Mr. Healy-Rae** asked the Minister for Education and Science if the provision of five hours per week resource teaching hours will be fast-tracked for a person (details supplied) in County Kerry. [33589/04]

**Minister for Education and Science (Ms Hanafin):** I can confirm that my Department has received an application for resource teaching support for the pupil in question. The application will be considered by my Department and a decision will be conveyed to the school at the earliest possible date.

227. **Mr. Healy-Rae** asked the Minister for Education and Science if the decision in relation to a person (details supplied) in County Kerry to share a special needs assistant will be reconsidered; and if she will make a statement on the matter. [33590/04]

**Minister for Education and Science (Ms Hanafin):** As previously indicated to the Deputy,



the National Educational Psychological Service has recommended five hours special needs assistant support per week for the pupil in question. Evidence provided in the supporting documentation submitted with the application does not meet criteria for the allocation of a full-time SNA under the terms of circular 07/02.

My Department's inspectorate has also evaluated the case. The advice provided is that the school should deploy its two existing full-time SNAs in a flexible manner in order to meet the needs of all the pupils with special care needs in the school, including the pupil in question. My officials have communicated this advice to the school authorities.

228. **Ms Enright** asked the Minister for Education and Science if resource teaching hours will be assigned to a person (details supplied) in County Offaly with down syndrome; and if she will make a statement on the matter. [33614/04]

**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 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 having regard to a range of factors including the overall resources available to the school.

The school concerned has been allocated 1.87 whole-time equivalents per week additional teaching support and also 1.79 whole-time equivalents per week special needs assistant support for the 2004-5 school year to cater for the special educational needs of a number of pupils including the pupil to whom the Deputy refers. The level of support allocated was determined after detailed consideration of the school's application, the supporting documentation provided and having regard to the overall level of resources already available to the school to address special needs issues.

#### **School Staffing.**

229. **Ms Enright** asked the Minister for Education and Science if her attention has been drawn to the number of qualified primary school teachers unable to obtain employment; and if she will make a statement on the matter. [33615/04]

**Minister for Education and Science (Ms Hanafin):** Significant numbers of additional teaching posts have been created at primary level in recent years. The recruitment and appointment of teachers to fill vacancies in an individual school is a matter for the board of management of the school concerned. Boards of management must make every effort, including advertising in a

national newspaper, to obtain the services of a qualified teacher for appointment to a temporary or permanent post. Unqualified teachers should only be employed in exceptional circumstances and when all avenues for recruiting qualified personnel have been exhausted.

#### **Schools Building Projects.**

230. **Ms Enright** asked the Minister for Education and Science when she intends to progress the building application of a school (details supplied) in County Cork; if her attention has been drawn to the fact that her Department's proposal includes converting two existing classrooms into the new laboratory without replacing these classrooms, taking a third classroom to form part of the arts room without replacement and that the tiered lecture room proposed is one third too small to take any group for demonstration talks or meeting; if her attention has been further drawn to its concern regarding the small allocation of space for student lockers; if she will re-examine this without delaying the project; and if she will make a statement on the matter. [33616/04]

**Minister for Education and Science (Ms Hanafin):** The application for an extension at the school to which the Deputy refers is being considered as part of a review of all projects which did not proceed to construction as part of the 2004 school building programme. All projects are being assessed against the published prioritisation criteria, revised earlier this year following consultation 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 school building programme from 2005 onwards. I will be making further announcements on the school building programme in due course. Officials of my Department's school planning section are in correspondence with the school authority on the specific issues raised by the Deputy regarding the schedule of proposed accommodation for the school.

#### **Special Educational Needs.**

231. **Ms Enright** asked the Minister for Education and Science if her attention has been drawn to a number of cases (details supplied) in which no resources are available to cater for high incidence disability groups; and if she will make a statement on the matter. [33617/04]

**Minister for Education and Science (Ms Hanafin):** I understand from my officials that the school gained one additional mainstream teaching post and one additional developing post due to increased enrolments for the 2004-05 school year. In addition, the school has access to 11.5 hours resource teaching support.

I am conscious of difficulties that could arise in relation to the proposed new model of resource teaching provision, particularly for children in small and rural schools, if it were implemented as

[Ms Hanafin.] currently proposed. Accordingly, I will be reviewing the proposed model, including the clustering arrangements associated with the 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. The school's needs will be considered in the context of this review. It is important to emphasise that applications may continue to be made for specific resource teacher allocations in respect of pupils with lower-incidence special educational needs.

232. **Ms Enright** asked the Minister for Education and Science when the outstanding application for resource hours for pupils at a school (details supplied) in County Laois will be dealt with; the reason for the delay; and if she will make a statement on the matter. [33618/04]

**Minister for Education and Science (Ms Hanafin):** I can confirm that my Department has received two applications for resource teaching support from the school in question. These applications will be considered by my Department and a decision will be conveyed to the school at the earliest possible date.

233. **Ms Enright** asked the Minister for Education and Science the reason resource hours for a person (details supplied) in County Laois transferring from a national school were cut of 1.5 hours per week; if this reduction will be reinstated in view of difficulties; and if she will make a statement on the matter. [33619/04]

235. **Ms Enright** asked the Minister for Education and Science if resource hours will be assigned to a person (details supplied) in County Laois; and if she will make a statement on the matter. [33621/04]

244. **Ms Enright** asked the Minister for Education and Science her views on correspondence sent to her Department from a school (details supplied) in County Laois in relation to the new weighted system; the way in which she intends to address the difficulties being experienced by the school; and if she will make a statement on the matter. [33630/04]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 233, 235 and 244 together.

The Deputy will be aware that my Department is proposing a new system for the allocation of resource teaching supports to pupils with special educational needs, SEN. This system will involve a general teaching allocation for all primary schools to cater for pupils with higher incidence

SEN, that is, those with borderline mild and mild general learning disability, specific learning disability, and also those with learning support needs. It will also allow for individual allocations in respect of pupils with lower incidence SEN.

The school referred to by the Deputy currently has the services of a shared learning support teacher together with part-time resource hours. The pupils referred to by the Deputy fall into the high-incidence category. It would be expected that the pupils' SEN can be met from within the current resource-learning support teaching allocation available to the school.

I am conscious of difficulties that could arise regarding the proposed new model, particularly for children in small and rural schools, including the school in question, if it were implemented as currently proposed. Accordingly I am having the proposed model reviewed 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 representative interests and the National Council for Special Education before it is implemented next year. The needs of the school will be considered in the context of this review. I should emphasise that individual applications may continue to be made for specific resource teacher allocations in respect of pupils with lower-incidence special educational needs.

#### **Schools Building Projects.**

234. **Ms Enright** asked the Minister for Education and Science when the new school building will proceed in order to facilitate the amalgamation of schools (details supplied) in County Tipperary; and if she will make a statement on the matter. [33620/04]

**Minister for Education and Science (Ms Hanafin):** The application for a new school building to facilitate the amalgamation of the schools to which the Deputy refers is being considered as part of a review of all projects which did not proceed to construction as part of the 2004 school building programme. All projects are being assessed against the published prioritisation criteria, revised earlier this year following consultation 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 school building programme from 2005 onwards. I will be making further announcements on the school building programme in due course.

*Question No. 235 answered with Question No. 233.*

#### **Schools Building Projects.**

236. **Mr. Kehoe** asked the Minister for Edu-

cation and Science the position regarding a school (details supplied) in County Wexford following the meeting of 28 October 2004; and if she will make a statement on the matter. [33622/04]

**Minister for Education and Science (Ms Hanafin):** Officials from my Department's technical staff and inspectorate have recently visited the Gorey area. Reports are being prepared for consideration. On examination of these reports my Department will be in a position to bring forward plans for the future of the primary and post primary educational infrastructure in Gorey.

#### **School Accommodation.**

237. **Ms Enright** asked the Minister for Education and Science if her attention has been drawn to the serious overcrowding at a school (details supplied) in County Wexford, that it has been forced to operate an admissions policy, excluding five schools outside the immediate catchment area but in the locality which her Department still supplies buses for; the reason, after the 1996 and 2002 censuses, no action was taken to ensure adequate school places for the area; when sufficient funding will be supplied to solve this situation; and if she will make a statement on the matter. [33623/04]

**Minister for Education and Science (Ms Hanafin):** The school planning section of my Department is currently examining educational provision at primary and post primary level in the Gorey area. Factors under consideration include population growth, demographic trends, current and projected enrolments, recent and planned housing developments and the capacity of existing schools to meet the demand for places. When this examination has been completed, the Department will bring forward plans as to how best the school accommodation needs of the area might be met into the future.

Allowing pupils from outside the catchment area to enrol in the community school to which the Deputy refers can impact negatively on those who reside within the area and who are entitled, as of right, to a place in that school. It invariably also impacts negatively on the school or schools to which these pupils should rightly attend and in which considerable capital investment has been made for this purpose. It is a matter for all school authorities, in the context of their enrolment policies, to limit enrolment to within their catchment areas to ensure that such situations do not arise. A school authority may offer places to pupils from outside the catchment area only if it does not have negative repercussions for additional accommodation and transport costs.

#### **Irish Exemptions.**

238. **Ms Enright** asked the Minister for Education and Science if she will review a decision not to grant a person (details supplied) in County Dublin an exemption in Irish; the reason such a decision refusing this person an exemption was

made without consultation with their medical team; and if she will make a statement on the matter. [33624/04]

**Minister for Education and Science (Ms Hanafin):** The guidelines in relation to an exemption from Irish at post-primary level are outlined at rule 46 of the Rules and Programmes for Secondary Schools and in circular letter M10/94. Under the terms of this circular, my Department has delegated authority to the principals of second level schools to grant the exemptions provided that the pupil meets the criteria as set down.

As regards the specific case referred to by the Deputy, the pupil did not meet the criteria as set down in circular M10/94 and therefore the exemption could not be granted at school level. On receipt of a written appeal to my Department the case, including all medical evidence submitted by the pupil's parents and all supporting documentation from the school, was given further detailed consideration. The advice of the inspectorate and the National Educational Psychological Service, NEPS, was sought.

However, as the pupil still does not satisfy the criteria for exemption it has not been possible to grant such an exemption in this case.

#### **Special Educational Needs.**

239. **Ms Enright** asked the Minister for Education and Science if a special needs assistant will be granted to a person (details supplied) in County Longford; and if she will make a statement on the matter. [33625/04]

**Minister for Education and Science (Ms Hanafin):** I am pleased to inform the Deputy that my Department sanctioned a full time special needs assistant for the pupil concerned. The school authorities were notified on 25 November 2004.

240. **Ms Enright** asked the Minister for Education and Science if she intends to review the allocation of resource hours to a school (details supplied) in County Meath; and if she will make a statement on the matter. [33626/04]

**Minister for Education and Science (Ms Hanafin):** The proposed new system of teacher allocation involves a general allocation to all primary schools to cater for pupils with higher-incidence special educational needs, that is, pupils with borderline mild and mild general learning disability and specific learning disability. The allocation is also intended to support those with learning support needs, that is, those functioning at or below the tenth percentile on a standardised test of reading and/or mathematics. An additional 350 teacher posts are being provided to facilitate the introduction of the new system.

I am conscious of difficulties that could arise in relation to this model, particularly for children in small and rural schools, if it were implemented as currently proposed. Accordingly, I am having the



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proposed model reviewed 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 representative interests and the National Council for Special Education before it is implemented next year.

I should emphasise that individual applications may continue to be made for specific resource teacher allocations in respect of pupils with lower-incidence special educational needs.

241. **Ms Enright** asked the Minister for Education and Science if she intends to review the clustering allocation under the weighted system for schools in clusters; and if she will make a statement on the matter. [33627/04]

**Minister for Education and Science (Ms Hanafin):** I am conscious of difficulties that could arise in relation to the proposed new model of resource teaching provision, particularly for children in small and rural schools, if it were implemented as currently proposed.

Accordingly, I will be reviewing the proposed model, including the clustering arrangements associated with the 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.

#### **Schools Building Projects.**

242. **Ms Enright** asked the Minister for Education and Science when she intends to progress the school project for a school (details supplied) in County Offaly; if funding will be granted towards the building of a temporary canteen; and if she will make a statement on the matter. [33628/04]

**Minister for Education and Science (Ms Hanafin):** The application for capital grant aid for an extension at Coláiste Choilm, Tullamore, County Offaly, is being considered as part of a review of all projects which did not proceed to construction as part of the 2004 school building programme. Under this review, all projects are being assessed against the published prioritisation criteria which were revised earlier this year following consultation 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 school building programme from 2005 onwards.

An application for temporary dining facilities has been received from Coláiste Choilm, and this will be considered in the context of the school building programme.

#### **Summer Works Scheme.**

243. **Ms Enright** asked the Minister for Education and Science when a decision will be made on an application under the summer works scheme to provide drinking water in a school (details supplied) in County Offaly that has no drink water; and if she will make a statement on the matter. [33629/04]

**Minister for Education and Science (Ms Hanafin):** The school to which the Deputy refers has submitted an application for grant aid under the summer works scheme for 2005 to provide drinking water in the school. All SWS applications are currently being assessed in the school planning section of my Department. I intend to publish the list of successful applicants early in the new year.

*Question No. 244 answered with Question No. 233.*

#### **Special Educational Needs.**

245. **Ms Enright** asked the Minister for Education and Science if her attention has been drawn to the fact that persons in a school (details supplied) in County Laois have lost resource hours as a result of the new weighted system; if her attention has further been drawn to the fact that there is a number of students awaiting a decision under appeal and further students who have been assessed and are awaiting an outcome; the way in which she intends to address this; and if she will make a statement on the matter. [33631/04]

**Minister for Education and Science (Ms Hanafin):** The proposed new system of teacher allocation involves a general allocation to all primary schools to cater for pupils with a higher-incidence of special educational needs, that is, pupils with borderline mild and mild general learning disability and specific learning disability. The allocation is also intended to support those with learning support needs, that is, those functioning at or below the tenth percentile on a standardised test of reading or mathematics. An additional 350 teacher posts are being provided to facilitate the introduction of the new system. Individual applications may continue to be made for specific resource teacher allocations in respect of pupils with lower-incidence special educational needs.

Under the proposed model of resource teacher allocation, the school would be due to lose ten resource teaching hours per week when the system is fully implemented. However, schools have not yet lost resource teaching hours except in cases where pupils have left the schools, and then only in schools that have part-time teaching

hours. The school in question currently has the services of a full-time resource teacher and the services of a shared learning support teacher. I am conscious of difficulties that could arise due to this model, particularly for children in small and rural schools, if it were implemented as currently proposed. Accordingly, I am having the proposed model reviewed 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 representative interests and the National Council for Special Education before it is implemented next year.

The school submitted four individual applications for resource teaching support. The applications have been examined by the National Educational Psychological Service and based on the documentation provided, it was considered that these pupils' needs did not warrant resource teaching support. The school authorities have been notified accordingly. My Department has no record of receiving an appeal from the school concerning these applications. However, my Department will make arrangements to have the applications re-examined should the school submit any additional information in support of the applications.

#### **Schools Building Projects.**

246. **Ms Enright** asked the Minister for Education and Science when an application by a school (details supplied) in County Westmeath will proceed; the timescale involved; and if she will make a statement on the matter. [33632/04]

**Minister for Education and Science (Ms Hanafin):** The building project for the school referred to by the Deputy is at an early stage of architectural planning. The introduction of a multi-annual funding process for school building projects requires a revised approach to how projects are scheduled through the design process and on to tender and construction. In order to maintain a smooth flow of projects and to ensure that the optimum number of projects is ready to go to tender and construction at any given time, I will develop on a priority basis those projects that are in the early design stages. I will be providing further details of those projects and notifying the schools concerned early in 2005.

In this way I want to create a sustained momentum in the schools building programme to match the Government's multi-annual funding commitment.

#### **Schools Refurbishment.**

247. **Mr. J. O'Keeffe** asked the Minister for Education and Science her views on whether a school (details supplied) is damp, cold and unhygienic; her further views on whether the outstand-

ing difficulties holding up reconstruction should be cleared straightaway; and if she will arrange accordingly in order that the work can commence early in 2005. [33633/04]

**Minister for Education and Science (Ms Hanafin):** I am pleased to inform the Deputy that my Department authorised the project in question to proceed to tender as part of the 2004 school building programme. However, the tender outcome is significantly in excess of the budget, which is a fact that has been acknowledged by the school. My Department is in active contact with the school to determine the best way forward having regard to the appropriate level of investment for a school of this size.

#### **Schools Building Projects.**

248. **Dr. Cowley** asked the Minister for Education and Science the position her Department is taking in connection with the allocation of a permanent building or building site to a school (details supplied) in County Mayo; if the case of this school will be prioritised to ensure the continuation of it; if she will guarantee the long term continuation of this extremely successful school; and if she will make a statement on the matter. [33634/04]

**Minister for Education and Science (Ms Hanafin):** The property management section of the OPW, which generally acts on behalf of my Department for site acquisitions, is currently exploring the possibility of acquiring a site for this school. The application from the school for permanent accommodation is being considered as part of a review of all projects which did not proceed to construction as part of the 2004 school building programme. All projects are being assessed against the published prioritisation criteria, revised earlier this year following consultation 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 school building programme from 2005 onwards. I will be making further announcements on the school building programme in the course of 2005.

249. **Mr. McGuinness** asked the Minister for Education and Science if her building unit will meet with the management of a school (details supplied) in County Kilkenny to progress plans for a school extension as soon as possible; and if she will make a statement on the matter. [33635/04]

**Minister for Education and Science (Ms Hanafin):** An application for capital grant aid for an extension at the school to which the Deputy refers is being considered as part of a review of all projects which did not proceed to construction as part of the 2004 School Building Programme. Under this review, all projects are being assessed against the published prioritisation criteria which were revised earlier this year following consul-

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tation 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 school building programme from 2005 onwards.

#### **Adult Education.**

250. **Ms O'Sullivan** asked the Minister for Education and Science if her attention has been drawn to the difficulties encountered by workers from the new EU countries in gaining access to affordable English language classes; if she will address the issue; and if she will make a statement on the matter. [33636/04]

**Minister for Education and Science (Ms Hanafin):** My attention has not been drawn to any particular difficulties in regard to this matter. English language tuition is provided largely in the private sector by a significant number of English language schools. My Department provides funding towards the running costs of the Advisory Council for English Language Schools, which provides for voluntary regulation of the sector by controlling standards and quality assurance through an inspection and recognition scheme. Schools which comply with the quality criteria are recognised by my Department.

In addition, the vocational education committees may provide English Language training at modest cost as part of their self funded adult education programmes. To the extent that the adult literacy budget allocated to VECs allows, asylum seekers and refugees may also access literacy and language tuition, which is generally free. Almost 6,000 people are availing of this facility.

My Department also provides grants to the International Education Board Ireland to support and develop Ireland as an educational venue for international students. The teaching of English as a foreign language is a significant industry in Ireland which attracts some 200,000 participants each year and generates some €300 million in foreign earnings. I recently launched the "Internationalisation of Irish Education" report. The recommendations in the report are designed to ensure that Ireland is well placed to promote quality provision in Ireland and to enhance and market the attractiveness of the sector as a venue for English language training and for international students in further and higher education in the years ahead.

#### **Teaching Qualifications.**

251. **Mr. McGuinness** asked the Minister for Education and Science if the issue of two certificates in Irish and Spanish teaching from the teacher registration council will be expedited for a person (details supplied) in County Kilkenny. [33637/04]

**Minister for Education and Science (Ms Hanafin):** The Registration Council is the statutory body responsible for recognition of qualifi-

cations for the purpose of teaching in voluntary secondary schools. The qualification held by the person referred to by the Deputy is recognised by the council for the purpose of teaching history and Spanish. A certificate of registration is being issued to the person in question in respect of the purpose of teaching Spanish and history.

The case for the recognition of this qualification for the purpose of teaching Irish is due to be considered by the Registration Council at its next meeting on 13 January 2005.

#### **Water Services.**

252. **Mr. Gilmore** asked the Minister for Education and Science if schools are required to provide students with an adequate supply of wholesome drinking water at suitable points conveniently accessible to all students; the legislation or regulations which exist governing the supply of drinking water to students; her policy on the supply of drinking water to students; and if she will make a statement on the matter. [33638/04]

**Minister for Education and Science (Ms Hanafin):** Regulations concerning the management of water services generally are usually the responsibility of the local authority, which may issue by-laws in this regard. My Department would also be governed by grants of planning permissions which may contain conditions regarding the provision of water services, including drinking water.

Health and safety issues such as the condition of drinking water are the responsibility of the school authorities in the first instance. All primary schools receive an annual capital grant which may be used entirely at the discretion of the school authorities to address matters of this nature. My Department's design guidelines for new school accommodation include the provision for drinking water generally.

#### **Special Educational Needs.**

253. **Dr. Fitzpatrick** asked the Minister for Education and Science if her attention has been drawn to the fact that a school (details supplied) in Dublin 7 is threatened with the loss of two teachers from September 2005 even though the school is much in need of special education needs teachers; and if she will make a statement on the matter. [33639/04]

**Minister for Education and Science (Ms Hanafin):** I am conscious of difficulties that could arise with the proposed new model of resource teaching provision, particularly for children in small and rural schools, if it were implemented as currently proposed.

Accordingly, I will review the proposed model, including the clustering arrangements associated with the 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. The needs of the school in question will be considered in the context of this review.

It is important to emphasise that applications may continue to be made for specific resource teacher allocations in respect of pupils with lower incidence special educational needs.

254. **Dr. Fitzpatrick** asked the Minister for Education and Science if her attention has been drawn to the fact that a school (details supplied) in Dublin 7 is threatened with the loss of 1.5 teachers from September 2005 even though the school is much in need of special education needs teachers; and if she will make a statement on the matter. [33640/04]

**Minister for Education and Science (Ms Hanafin):** I am conscious of difficulties that could arise with the proposed new model of resource teaching provision, particularly for children in small and rural schools, if it were implemented as currently proposed.

Accordingly, I will review the proposed model, including the clustering arrangements associated with the 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.

It is important to emphasise that applications may continue to be made for specific resource teacher allocations in respect of pupils with lower incidence special educational needs.

### **Schools Building Projects.**

255. **Mr. Lowry** asked the Minister for Education and Science if her attention has been drawn to the health and safety crisis facing a school (details supplied) in County Tipperary; if her attention has further been drawn to the fact that a new site has been purchased for the school and has been lying idle for the past three years; if, in view of the serious and often almost fatal road traffic accidents within metres of this school, she will sanction the building work immediately for the new school before a parent or child dies as a result of Department inaction on a new school; and if she will make a statement on the matter. [33641/04]

**Minister for Education and Science (Ms Hanafin):** My Department is aware of the circumstances of the school to which the Deputy refers. A site for a new school was purchased by my

Department and the project is now being considered as part of a review of all projects which did not proceed to construction as part of the 2004 school building programme. Under this review, all projects are being assessed against the published prioritisation criteria which were revised earlier this year following consultation 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 school building programme from 2005 onwards.

### **Departmental Programmes.**

256. **Mr. Wall** asked the Minister for Education and Science the progress to date in regard to the implementation of the RAPID programme for Athy; the amount of money made available from her Department for the implementation of the programme in Athy; and if she will make a statement on the matter. [33707/04]

**Minister for Education and Science (Ms Hanafin):** The new school building project for Athy Community School, Athy, County Kildare, which is being provided under the RAPID programme, is at an early stage of architectural planning. The progress of all building projects will be considered in the context of the school building programme from 2005 onwards. It is not possible to provide details of the cost of projects at this stage as to do so could compromise the tendering process.

The Athy youth project received an allocation of €70,174 in 2003 under the special projects for youth scheme. A further €75,510 was allocated in 2004.

An application for the inclusion of Athy in the school completion programme was also received under the RAPID programme. Athy Community College, which is one of the schools in Athy seeking admission to the school completion programme, is already in the stay in school retention initiative at second level. The project obtained funding of €50,000 in 2002 and was allocated €25,000 in 2003 and a further €25,000 in 2004.

### **Schools Recognition.**

257. **Mr. Stagg** asked the Minister for Education and Science if she will sanction an additional grant to a school (details supplied) in County Kildare; and if she will make a statement on the matter. [33710/04]

270. **Mr. Stagg** asked the Minister for Education and Science if permanent recognition of a school (details supplied) in County Kildare has been sanctioned; and if she will make a statement on the matter. [33726/04]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 257 and 270 together.

An application for grant aid towards the cost of relocating the school referred to by the Deputy to alternative temporary accommodation is under

[Ms Hanafin.] consideration in the school planning section of my Department. Officials have been in discussions with the school authority on certain issues and a decision will be taken as soon as possible.

An application for permanent recognition was recently received for Gaelscoil Nás Na Ríogh and is 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.

#### **School Accommodation.**

258. **Mr. Stagg** asked the Minister for Education and Science if there are funds available to allocate to a school (details supplied) in County Kildare to enable the provision of temporary classrooms; and if she will make a statement on the matter. [33711/04]

**Minister for Education and Science (Ms Hanafin):** An application for temporary accommodation has been received from the school authority to which the Deputy refers. All applications for temporary accommodation for the 2005-06 school year are being assessed in the school planning section of my Department. I intend to publish a list of the successful applicants early in the new year.

259. **Mr. Stagg** asked the Minister for Education and Science if there are funds available to allocate to a school (details supplied) in County Kildare to enable the provision of temporary accommodation; and if she will make a statement on the matter. [33712/04]

**Minister for Education and Science (Ms Hanafin):** An application for temporary accommodation was received from the school authority referred to by the Deputy. All applications for temporary accommodation were considered by the school planning section of my Department in the context of the available funding for 2004 and the number of applications for it. Unfortunately, it was not possible to approve all applications received and only those with an absolute and demonstrated need for additional accommodation were approved.

The need for additional accommodation at the school is, however, being considered as part of a review of all projects which did not proceed to construction as part of the 2004 school building programme. Under the review, all projects are assessed against the published prioritisation criteria which were revised earlier this year following consultation 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 school building programme from 2005 onwards. It should be noted that no

application for temporary accommodation for the 2005-06 school year has been received from the school authority.

#### **Schools Building Projects.**

260. **Mr. Stagg** asked the Minister for Education and Science if the architectural planning of the new school for a school (details supplied) in County Kildare has been completed; if she will sanction the necessary capital to enable the project to commence; and if she will make a statement on the matter. [33713/04]

**Minister for Education and Science (Ms Hanafin):** The school building project for the school referred to by the Deputy is at an early stage of architectural planning. The introduction of a multi-annual funding process for schools building projects requires a revised approach to the scheduling of projects through the design process and on to tender and construction stages. To maintain a smooth flow of projects and ensure the optimum number of projects is ready to go to tender and construction at any given time, I will progress on a priority basis projects in the early design stages. I will provide further details of those projects and notify the schools concerned early in 2005. I intend through this approach to create a sustained momentum in the schools building programme which matches the Government's multi-annual funding commitment.

261. **Mr. Stagg** asked the Minister for Education and Science if phase 2 of the extension project to a school (details supplied) in County Kildare will be sanctioned in 2005; and if she will make a statement on the matter. [33714/04]

**Minister for Education and Science (Ms Hanafin):** The Deputy will be aware that phase 1 of the extension project at the school to which he refers is under construction. Phase 2 is being considered as part of a review of all projects which did not proceed to construction as part of the 2004 schools building programme. Under the review, all projects are assessed against the published prioritisation criteria which were revised earlier this year following consultation with the education partners. Each project will be assigned a band rating and its progress considered in the context of the schools building programme from 2005 onwards.

262. **Mr. Stagg** asked the Minister for Education and Science the position in relation to the sanctioning of architectural planning for the required extension to a school (details supplied) in County Kildare; and if she will make a statement on the matter. [33715/04]

263. **Mr. Stagg** asked the Minister for Education and Science if her attention has been drawn to the expected growth which Kilcock town, County Kildare will experience in the short term and to the urgent accommodation requirements of a school (details supplied) in County

Kildare; if she will sanction architectural planning for the school's accommodation requirements forthwith; and if she will make a statement on the matter. [33716/04]

264. **Mr. Stagg** asked the Minister for Education and Science if she will sanction temporary accommodation for a school (details supplied) in County Kildare in 2004; and if she will make a statement on the matter. [33717/04]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 262 to 264, inclusive, together.

Applications from the schools to which the Deputy refers are being considered as part of a review of all projects which did not proceed to construction as part of the 2004 schools building programme. Under the review, all projects are assessed against the published prioritisation criteria which were revised earlier this year following consultation with the education partners. Each project will be assigned a band rating its progress considered in the context of the schools building programme from 2005 onwards.

The commission on school accommodation recently completed the public consultation process on the draft area development plan for the N4-M4 area and will bring forward its report as soon as possible. Applications for capital funding from schools in the area will continue to be processed under the review to which I referred above. When the commission's report becomes available, appropriate adjustments will be made where necessary.

265. **Mr. Stagg** asked the Minister for Education and Science if she will sanction funding for the required extension to a school (details supplied) in County Kildare; and if she will make a statement on the matter. [33718/04]

**Minister for Education and Science (Ms Hanafin):** The building project for the school referred to by the Deputy is at an early stage of architectural planning. It has a band 3 rating.

The introduction of a multi-annual funding process for school building projects requires a revised approach to how projects are scheduled through the design process and on to tender and construction. In order to maintain a smooth flow of projects and ensure that the optimum number of projects is ready to go to tender and construction at any given time, I will progress on a priority basis those projects that are in the early design stages. I will provide further details of those projects and notifying the schools concerned early in 2005.

In this way, I want to create a sustained momentum in the schools building programme to match the Government's multi-annual funding commitment.

#### **Schools Refurbishment.**

266. **Mr. Stagg** asked the Minister for Edu-

cation and Science if she will approve an application to fund the required covered walkway at a college (details supplied) in County Kildare under the 2005 summer works scheme; and if she will make a statement on the matter. [33720/04]

**Minister for Education and Science (Ms Hanafin):** The school to which the Deputy refers has submitted an application for grant aid under the summer works scheme, SWS, 2005 for a covered walkway. All SWS applications are currently being assessed in the school planning section of my Department. I intend to publish the list of successful applicants early in the new year.

#### **Site Acquisitions.**

267. **Mr. Stagg** asked the Minister for Education and Science if the OPW will actively seek a site for a new national school for Kill, County Kildare; and if she will make a statement on the matter. [33723/04]

**Minister for Education and Science (Ms Hanafin):** The property management section of the OPW, which acts on behalf of my Department in relation to site acquisitions generally, is continuing to explore the possibility of acquiring a suitable site to cater for the primary educational needs of children in Kill, County Kildare. Due to the commercial sensitivities of site acquisitions, it is not proposed at this stage to identify specific sites to be acquired.

268. **Mr. Stagg** asked the Minister for Education and Science the number of sites examined by the OPW in relation to the provision of a site for the new national school in Ardclough, County Kildare; and if she will make a statement on the matter. [33724/04]

**Minister for Education and Science (Ms Hanafin):** 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 the new national school in Ardclough, County Kildare. Due to the commercial sensitivities of site acquisitions, the information requested by the Deputy is not available for release at present.

#### **School Accommodation.**

269. **Mr. Stagg** 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; and if she will make a statement on the matter. [33725/04]

**Minister for Education and Science (Ms Hanafin):** The application from the school to which the Deputy refers is being considered as part of a review of all projects which did not proceed to construction as part of the 2004 school building programme. Under this review, all projects are being assessed against the published



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prioritisation criteria which were revised earlier this year following consultation 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 school building programme from 2005 onwards.

*Question No. 270 answered with Question No. 257.*

### **Schools Building Programme.**

271. **Ms O. Mitchell** asked the Minister for Education and Science if details of multi-annual building programme will be announced before the year end 2004 as promised by her; and if she has included St. Colmcille's junior and senior school, Knocklyon, where work is now urgently required. [33729/04]

**Minister for Education and Science (Ms Hanafin):** I have previously indicated that the introduction of multi-annual capital envelopes by the Department of Finance requires a revised approach to how we schedule projects through the design process and on to tender and construction. Projects need to be in the pipeline so that there is a smooth flow of projects through all stages. The approach of trying to declare in advance in one annual announcement the precise projects that will be ready to go to tender and construction at any time during the following 12 months is problematic. There was little other choice but to do so when funding was only certain for one year. The 2004 programme had been prepared before the introduction of the multi-annual envelope in December of last year and therefore did not provide the opportunity for a more radical approach in line with the multi-annual innovation.

Looking at the experience of the past year when a number of projects that were announced in December and January last to go to tender and construction encountered difficulties and got delayed by some months, I have decided to make a number of key changes in how project approvals for primary and post-primary schools in future will be announced.

Critical to maintaining a smooth flow and ensuring that other projects are ready to go to tender and construction, I will be progressing those projects that are either in the early design phase or have not yet commenced design. Early in 2005 I will be providing details of those projects and notifying the schools concerned.

In this way I want to create a sustained momentum in the schools building programme to match the Government's multi-annual funding commitment. The applications for additional accommodation for the schools referred to by the Deputy will be considered for progression as part of the 2005 building programme.

272. **Mr. N. O'Keeffe** asked the Minister for Education and Science the position regarding the

provision of funding for the development of a new national school at a location (details supplied) in County Cork. [33791/04]

**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 currently exploring the possibility of acquiring a site for the school in question.

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 placed on my Department's website when the relevant acquisitions have been completed. The question of the provision of the new accommodation for the school will be considered further when a site has been acquired.

273. **Mr. N. O'Keeffe** asked the Minister for Education and Science the position regarding an application for funding in respect of a primary school (details supplied) in County Cork. [33792/04]

**Minister for Education and Science (Ms Hanafin):** The building project for the school referred to by the Deputy is at an early stage of architectural planning. It has a band 1 rating.

The introduction of a multi-annual funding process for school building projects requires a revised approach to how projects are scheduled through the design process and on to tender and construction. In order to maintain a smooth flow of projects and ensure that the optimum number of projects is ready to go to tender and construction at any given time, I will progress on a priority basis those projects that are in the early design stages. I will be providing further details of those projects and notifying the schools concerned early in 2005.

In this way I want to create a sustained momentum in the schools building programme to match the Government's multi-annual funding commitment.

### **Disadvantaged Status.**

274. **Mr. F. McGrath** asked the Minister for Education and Science if he will reconsider the issue of awarding an extra allowance to all teachers in disadvantaged schools in order to deal with the school stability issue. [33812/04]

**Minister for Education and Science (Ms Hanafin):** Regarding the allowance referred to by the Deputy the position is that, as part of normal industrial relations procedures, claims for improvement in the conditions of employment of teachers are matters appropriate for discussion at Teachers' Conciliation Council.

### **Teacher Retirements.**

275. **Mr. F. McGrath** asked the Minister for Education and Science the number of primary

teachers retiring in 2005; and if she will make a statement on the matter. [33813/04]

**Minister for Education and Science (Ms Hanafin):** Based on experience in recent years, it is estimated that about 550 primary teachers will retire on pension in 2005. It is difficult to estimate precisely the numbers who will retire in any particular year since the majority of teachers retire voluntarily before reaching age 65.

#### Early School Leavers.

276. **Mr. F. McGrath** asked the Minister for Education and Science the number of pupils dropping out of the educational system at 13 and 16 years of age; and if she will make a statement on the matter. [33814/04]

**Minister for Education and Science (Ms Hanafin):** My Department does not compile statistical information in relation to pupils who drop out of school at specific ages, such as those referred to by the Deputy. The most recently published analysis by my Department of retention rates at second-level relating to 1994 and those being prepared in respect of 1995 and 1996 deal with those completing junior and leaving certificate.

The report relating to 1994, which was released in August 2003 indicates that: of those pupils who commenced the junior cycle programme in September 1994, approximately 3,600, 5.7%, left school before completing the junior certificate three years later; approximately 8,900 of those who sat the junior certificate did not sit the leaving certificate and; approximately 12,500, 18.2%, young people leave school annually without the leaving certificate.

#### Special Educational Needs.

277. **Mr. Stanton** asked the Minister for Education and Science if special education teacher hours will be made available to assist a person (details supplied) in County Cork; and if she will make a statement on the matter. [33860/04]

**Minister for Education and Science (Ms Hanafin):** I can confirm that my Department has received additional information in support of an application for resource teaching support for the pupil in question. The application is currently being processed and a decision will be conveyed to the school authorities shortly.

#### Educational Disadvantage.

278. **Mr. Gregory** asked the Minister for Education and Science if she will extend the ex quota post at a school (details supplied) in Dublin 3 for a further three years to target an early intervention response for children in the junior classes; and if she will make a statement on the matter. [33861/04]

**Minister for Education and Science (Ms Hanafin):** The matter of extending the sanction for the concessionary post in question beyond the

end of the 2004-05 school year is under consideration in my Department. The school authorities will be notified of the decision in due course.

279. **Mr. Gregory** asked the Minister for Education and Science if the teacher now on the transfer panel at a school (details supplied) in Dublin 3 can be retained under the giving children an even break initiative in view of the disadvantaged status of the school and the concerns of parents and management that if the school loses this teacher this will accentuate the decline of the school. [33862/04]

280. **Mr. Gregory** asked the Minister for Education and Science if it is his/her intention to provide additional teachers to disadvantaged schools under new initiatives in 2005; and if so, if the teacher now in the panel at a school (details supplied) can be retained by the school. [33863/04]

**Minister for Education and Science (Ms Hanafin):** I propose to take Questions Nos. 279 and 280 together.

The staffing of a primary school is determined by reference to the enrolment of the school on 30 September of the previous school year. The 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 enrolment of the school referred to by the Deputy on 30 September 2003 was 172 pupils, which warrants a staffing of a principal and five mainstream class teachers for the 2004-05 school year. The school also has a disadvantaged concessionary post, a learning support post, a resource teacher post, a shared home school liaison post, an additional mainstream post to allow for an administrative principal and a special concessionary post. The school is included in the disadvantaged areas scheme, DAS, and Giving Children an Even Break, GCEB.

Under DAS, the school, in addition to the concessionary disadvantaged post and the shared home school liaison post, benefits from additional capitation grants of €38.09 *per capita*, a refund of the television licence fee and eligibility for 95% building grants for building projects. The school is also included in the urban dimension of Giving Children an Even Break. The school is benefiting from supplementary funding to provide additional educational supports for the children concerned. The school was not considered eligible for additional teaching staff, based on the level of concentration of at risk pupils in the school. In the circumstances, the surplus post in the school must be suppressed and the teacher concerned is liable for redeployment in accordance with the normal panel arrangements.

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

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needs of disadvantaged children and young people. A decision to expand or extend the initiatives aimed at addressing educational disadvantage is being considered in the context of this review, the outcome of which I hope to announce shortly.

281. **Mr. Gregory** asked the Minister for Education and Science the additional funding available to her Department in 2005 for disadvantaged education; the manner in which it will be allocated; and if she will make a statement on the matter. [33864/04]

**Minister for Education and Science (Ms Hanafin):** Tackling educational disadvantage is one of my key priorities. My approach in addressing this issue is set in the context of 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. Significant additional funding is being provided to alleviate disadvantage in 2005. This additional funding will allow for targeting of measures from pre-school through the school system to third-level, second-chance education and adult literacy. In particular, additional funding is being provided for early childhood; literacy-numeracy; retention at first and second levels; second chance and adult literacy; and access to higher education/student support measures.

The area of literacy will be getting a particular focus, with a 40% increase in provision for early literacy programmes and a 35% increase in funding for the schools library service. The 20% or €1.3 million increase in funding for the National Educational Welfare Board will support its work in reducing school drop out and absence. An additional ten education welfare officers were recently approved bringing the board's authorised staffing to 94, and ensuring coverage for all counties. The area of second chance and adult education will also receive support, with additional provision for Youthreach, adult guidance, adult literacy and child care services for VTOS participants. Increased provision is also being made for maintenance support for third level students. The budget for student support measures in 2005, at €209 million, will be €12 million greater than this year.

My Department is finalising a new action plan for tackling disadvantage which ensure an effective, innovative and targeted approach to promote better inclusion, participation and achievement at all levels of the education system. I will provide further detail of specific improvements and measures in due course as the plan rolls out.

#### **Education Welfare Service.**

282. **Mr. Wall** asked the Minister for Education and Science her plans for the appointment of two educational welfare officers in County Kildare;

and if she will make a statement on the matter. [33865/04]

**Minister for Education and Science (Ms Hanafin):** The Education (Welfare) Act 2000 established the National Educational Welfare Board as the single national body with responsibility for school attendance. The Act provides a comprehensive framework promoting regular school attendance and tackling the problems of absenteeism and early school leaving. The general functions of the board are to ensure that each child attends a recognised school or otherwise receives a certain minimum education.

The board is developing a nationwide service accessible to schools, parents-guardians and others concerned with the welfare of young people to discharge its responsibilities. Educational welfare officers, EWOs, are being appointed and deployed throughout the country to provide a welfare-focused service to support regular school attendance and discharge the board's functions locally. The budget allocated to the board for 2005, is €7.8 million, an increase of €1.3 million or 20% on the 2004 allocation. My Department recently conveyed approval to the NEWB for the filling of a further ten educational welfare officer posts, bringing the authorised staffing from 84 to 94. These additional posts will enable the board to further roll out its services at local level around the country. Decisions relating to the assignment of the additional staff to specific areas are a matter for the board, which is an independent statutory agency. However, the board recently indicated that Kildare is one of the areas to which it will appoint an EWO. I will keep the issue of the NEWB's staffing under review in the light of the roll out of services and further proposals that the board may put to me regarding identified priority needs.

#### **Schools Amalgamation.**

283. **Mr. Connaughton** asked the Minister for Education and Science the position with regard to the proposed amalgamation of schools (details supplied) in County Galway following her recent meeting with Oireachtas Members on this issue; and if she will make a statement on the matter. [33866/04]

**Minister for Education and Science (Ms Hanafin):** Agreement has been reached with the management authorities of the two schools referred to by the Deputy to develop a single post primary school in the centre. The provision of accommodation to facilitate this amalgamation is being considered as part of a review of all projects which did not proceed to construction as part of the 2004 school building programme. All projects are being assessed against the published prioritisation criteria, revised earlier this year following consultation 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



onwards. I will make further announcements on the school building programme in due course.

### Special Educational Needs.

284. **Mr. Kehoe** asked the Minister for Education and Science if a person (details supplied) in County Wexford will be re-considered for a resource teacher; and if she will make a statement on the matter. [33867/04]

**Minister for Education and Science (Ms Hanafin):** My Department has no record of an application for resource teaching support for the pupil in question. My officials have been in contact with the pupil's school and the school has confirmed that the pupil is receiving learning support teaching.

### Consultancy Payments.

285. **Mr. Stanton** asked the Minister for Education and Science if, in regard to the consultancy allowances awarded to facilities, there is a daily rate applicable to consultancy at said facilities; the amount of the daily rate; if this daily rate has increased from 2002 to 2004; and if she will make a statement on the matter. [33868/04]

**Minister for Education and Science (Ms Hanafin):** My Department provides a funding allocation to enable two applied behavioural analysis consultants to attend three CABAS facilities. The current daily rate allocated by my Department for these consultants is €750 and €500, respectively. In addition, an allowance of €100 per consultant per day for accommodation expenses and €35 *per diem* per consultant are provided. These allowances have been maintained at the levels indicated since 2002.

286. **Mr. Stanton** asked the Minister for Education and Science the number of consultancy days paid for by her Department at each of the CABAS facilities for 2004-05 and for the year 2003-04; and if she will make a statement on the matter. [33869/04]

**Minister for Education and Science (Ms Hanafin):** The number of consultancy days paid to the CABAS facilities for the 2003-04 and 2004-05 is as follows: CABAS Dublin, 32 days in 2003-04 and 32 days in 2004-05; CABAS Drogheda, 24 days in 2003-04 and 24 days in 2004-05; and CABAS Cork, 40 days in 2003-04 and 40 days in 2004-05.

### Special Educational Needs.

287. **Mr. Stanton** asked the Minister for Education and Science if, with regard to ABA facilities she has received reports by the inspectorate on autism specific provisions; if the findings of said reports will be made available to the Houses of the Oireachtas; and if she will make a statement on the matter. [33870/04]

**Minister for Education and Science (Ms Hanafin):** The future position of the ABA facili-

ties beyond the school year 2004-05 will be considered within the context of the review of autism-specific provision which is currently being undertaken by my Department's inspectorate. The question of appropriate action will be considered when this review has been completed. No decision has been taken at this stage regarding the publication of the outcome of the review.

### Restructuring of CABAS Facilities.

288. **Mr. Stanton** asked the Minister for Education and Science if she has asked the relevant persons whether restructuring has taken place within the CABAS facilities; and if she will make a statement on the matter. [33871/04]

**Minister for Education and Science (Ms Hanafin):** As I advised the Deputy in my response to Parliamentary Question No. 482 on 17 November 2004, I am not aware of any restructuring of the CABAS facilities. If the Deputy has any further information in that regard and makes the information available to me, I will have the matter investigated.

### School Management.

289. **Mr. Stanton** asked the Minister for Education and Science further to Parliamentary Question No. 485 of 17 November 2004, if it is her understanding that staff representatives on boards of management of these CABAS facilities should be representative of teachers within these facilities and not part of supervisory or management grades; and if she will make a statement on the matter. [33872/04]

**Minister for Education and Science (Ms Hanafin):** Further to my reply to Parliamentary Question No. 485 of 17 November 2004, my Department does not currently prescribe the composition of the staffing representation on the board of management of CABAS facilities.

### Special Educational Needs.

290. **Mr. Stanton** asked the Minister for Education and Science if her officials have asked the Irish Autism Alliance for proposals or a blue print for an generic model for ABA autism facility; if any other autistic organisations have been asked for similar information; and if she will make a statement on the matter. [33873/04]

**Minister for Education and Science (Ms Hanafin):** In the context of ongoing discussions with the Irish Autism Alliance, my Department has sought a template for the development of autism facilities. It is open to any other body to submit proposals in this regard.

My Department would be glad to consider these proposals in the context of special education policy development. My Department will pay particular regard to the views of the National Council for Special Education.

291. **Mr. Stanton** asked the Minister for Education and Science further to Parliamentary

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Question No. 486 of 17 November 2004, if her interpretation of appropriate education includes full-time intensive ABA education; and if she will make a statement on the matter. [33874/04]

**Minister for Education and Science (Ms Hanafin):** All children with special educational needs, including those with autism, should receive an education appropriate to those needs. The determination of need in each case would be a matter in the first instance for the school which the child is attending, in consultation, as appropriate, with the National Council for Special Education and the National Educational Psychological Service.

#### Special Educational Needs.

292. **Mr. Stanton** asked the Minister for Education and Science when decisions will be made regarding the future of ABA facilities by her; when these decisions will be made known publicly; and if she will make a statement on the matter. [33875/04]

**Minister for Education and Science (Ms Hanafin):** The future position of the ABA facilities beyond the school year 2004-05 will be considered within the context of the review of autism-specific provision which is currently being undertaken by my Department's inspectorate. The question of appropriate action will be considered when this review has been completed. No decision has been taken at this stage regarding the publication of the outcome of the review. The priority will be to ensure that the education providers concerned, and through them the parents and pupils, are advised of the position at the earliest possible date.

I assure the Deputy that a measured approach will be taken to considering the future status of the ABA facilities. In that regard, my intention is to ensure continuity of provision for the pupils in question. My Department is continuing to fund the ABA facilities for the 2004-05 school year.

293. **Mr. Stanton** asked the Minister for Education and Science if she will provide information on the number of children attending each of the ABA specific establishments; and if she will make a statement on the matter. [33876/04]

**Minister for Education and Science (Ms Hanafin):** My Department has allocated funding to the CABAS facilities on the basis of the following enrolments: 24 children in CABAS Dublin; 30 children in CABAS Cork and 18 children in CABAS Drogheda.

294. **Mr. Stanton** asked the Minister for Education and Science the hourly rates applicable for children above and below the age of four with regard to the home tuition grant; if changes have been made by her Department in the past few weeks or months; if changes to the rates are

envisaged in the near future; and if she will make a statement on the matter. [33877/04]

**Minister for Education and Science (Ms Hanafin):** The following hourly rates of home tuition grant are currently paid by my Department: €27.12, €35.12 and €40.52. The grant is not age-related. My Department proposes to keep the rates payable under review.

295. **Mr. Stanton** asked the Minister for Education and Science if her Department has schemes in place for training special needs assistants in the way in which to deal with autistic children in primary schools; and if she will make a statement on the matter. [33878/04]

**Minister for Education and Science (Ms Hanafin):** My Department has developed a strategy designed to meet the continuing professional development needs of all school personnel working with children with special educational needs, including special needs assistants.

In the first instance, the special needs assistants work under the direction of the teacher working with children with special needs, including children with autism. Ultimately, the special needs assistants work under the direction of the school principal.

My Department has funded the development and delivery of an introductory course for special needs assistants. This was developed in collaboration with three teacher training colleges, namely, St. Angela's College in Sligo, Mary Immaculate College in Limerick, and Church of Ireland College, Rathmines. The education centre network was also involved in this process. This course forms a 20 hour module of a certificate programme. The course is delivered on campus by the three colleges and each college offers a course on an outreach basis which is delivered by the 21 full-time education centres.

In September 2003, as part of its strategy, my Department established the special education support service, SESS, to manage, co-ordinate and develop a range of supports in response to identified training needs. The SESS, which is funded by my Department and hosted in Laois education centre, provides a nationwide service to teachers and special needs assistants.

As part of its response to the growing demand from teachers for support and training, the SESS is currently developing teams of trainers to deliver training in four specific areas, autism, challenging behaviour, dyslexia and inclusion at post-primary. This training will be delivered locally through the education centre network.

In addition, the SESS responds to requests from schools for support in a variety of autism-related areas. The steering committee which manages the SESS is fully committed to ensuring that all school staffs are provided with the necessary supports to work with children with special educational needs.

### Overseas Missions.

296. **Mr. F. McGrath** asked the Minister for Defence the position regarding Irish troops abroad working for the United Nations. [33809/04]

**Minister for Defence (Mr. O'Dea):** The total number of Defence Forces personnel currently serving overseas is 768, of which 734 are serving on UN-led or UN authorised missions. Some of the remaining personnel, 17, are serving as monitors and observers with the Organisation for Security and Co-operation in Europe, OSCE, and the European Union, EU. Others, 17, are deployed at the organisational headquarters of the UN, OSCE, NATO and the EU.

Full details are as listed in the tabular statement below.

Members of the Permanent Defence Force serving Overseas as of 10 December 2004.

	Number
<b>1. UN Missions</b>	
(i) UNIFIL (United Nations Interim Force in Lebanon)	5
(ii) UNTSO (United Nations Truce Supervision Organisation — Israel, Syria and Lebanon)	13
(iii) UNFICYP (United Nations Peacekeeping Force in Cyprus)	1
(iv) MINURSO (United Nations Mission for the Referendum in Western Sahara)	4
(v) UNMIK (United Nations Interim Administration Mission in Kosovo)	4
(vi) MONUC (United Nations Mission in Democratic Republic of the Congo)	3
(vii) ONUCI (United Nations Mission in Ivory Coast)	2
(viii) UNMIL (United Nations Mission in Liberia) FHQ	6
UNMIL 91st INF Bn.	428
<b>Total</b>	<b>466</b>
<b>UN Mandated Missions</b>	
(ix) EUFOR (EU-led Mission Operation in Bosnia and Herzegovina)	53
(x) KFOR (International Security Presence in Kosovo)	208
(xi) ISAF (International Security Assistance Force in Afghanistan)	7
<b>Total number of personnel serving with UN missions</b>	<b>734</b>
<b>2. EU Missions</b>	
(i) European Union Monitor Mission (EUMM) to the former Yugoslavia	5
European Union Mission to the African Union Monitoring Mission to Darfur	1
<b>Total Number of Personnel serving with EU Missions</b>	<b>6</b>
<b>3. Organisation for Security and Co-operation in Europe (OSCE)</b>	
(i) OSCE Mission to Bosnia & Herzegovina	1
(ii) OSCE Mission in Croatia	1
(iii) OSCE Presence in Albania	1

	Number
(iv) OSCE Mission in FRY	1
(v) OSCE Mission in Macedonia	1
(vi) OSCE Mission in Georgia	5
(vii) Staff Officer, Higher Level Planning Group, Vienna	1
<b>Total number of personnel serving OSCE</b>	<b>11</b>
4. Head of Military Staff (Brussels)	1
5. EU Military Staff (Brussels)	6
6. Liaison Office of Ireland, PfP (Brussels)	2
7. Permanent Representative to EU (Brussels)	3
8. Military Representatives/Advisers	
(i) Military Adviser, Permanent Mission to UN, New York	1
(ii) Military Adviser, Irish Delegation to OSCE, Vienna	1
(iii) Military Representative to Partnership Co-ordination Cell/Supreme	1
<i>Headquarters Allied Powers Europe (SHAPE), Mons, Belgium</i>	
9. Appointments — UN HQ (New York)	
Officers seconded to DPKO (Department of Peace Keeping Operations)	2
<b>Total Number Defence Forces Personnel serving Overseas</b>	<b>768</b>

### Ministerial Representations.

297. **Mr. Timmins** asked the Minister for Defence the number of representations made to him on behalf of PDFORRA, from 2002, by Members of the Oireachtas; if he made any such representations during the period; and if he will make a statement on the matter. [33840/04]

**Minister for Defence (Mr. O'Dea):** As the Deputy is no doubt aware, a significant number of representations are made each year by Members of the Oireachtas to Ministers and Ministers of State. Oireachtas Members do not always specify on whose behalf they are making representations and, therefore, I am not in a position to state categorically exactly how many representations have been received since 2002 on behalf of PDFORRA. As Minister for Defence, I have not made any such representations.

I was, however, very concerned to learn that PDFORRA has recently decided to embark on a course of lobbying public representatives on the issue of the terms of enlistment of soldiers recruited since 1 January 1994. In this regard, in the past ten days alone, I have received more than 30 representations from Oireachtas Members on behalf of PDFORRA. This issue is already being dealt with under the formal machinery in place for dealing with such matters and embarking on such a campaign is in breach of the terms of the conciliation and arbitration scheme. I am of the view that such actions will do nothing to advance the consideration of any matter.

PDFORRA is well aware of the various fora available to it to progress any issues which are of



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concern to its members and which come within the system of representation. I would urge it to think carefully about the consequences of breaching the terms of the conciliation and arbitration scheme. I also point out that I have confirmed to the association that I will meet with its officers personally to listen to their view.

### Fire Services.

298. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government if the Government has outlined any change or deviation from the plans on the programme for development of the national fire authority (details supplied); and if he will make a statement on the matter. [34070/04]

299. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government if he is proceeding with the programme for the fire services as outlined by his predecessor on 5 May 2004 (details supplied); and if he will make a statement on the matter. [34071/04]

300. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government if the role of the Fire Services Council has been changed from the way outlined by his predecessor in May 2004; and if he will make a statement on the matter. [34072/04]

316. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government when he intends to set up the national fire authority; and if he will make a statement on the matter. [33805/04]

317. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government the proportion of the €1 million set aside by his predecessor for the setting up of the national fire authority has been spent in 2004; and if he will make a statement on the matter. [33806/04]

318. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government the number of the recommendations of the Farrell, Grant, Sparks report on the fire service which have been implemented; and if he will make a statement on the matter. [33807/04]

319. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government his proposals to urgently improve the low morale within the fire service nationally; and if he will make a statement on the matter. [33808/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I propose to take Questions Nos. 298 to 300, inclusive, and 316 to 319, inclusive, together.

My Department has implemented a number of the important recommendations of the report, Review of Fire Safety and Fire Services in Ireland. These include, in particular, the enactment of the Licensing of Indoor Events Act 2003, which addressed a number of legislative changes

called for in the review. Capital investment in the fire service has continued to increase. At national level the Government has put in place new structures for emergency planning, civil defence and marine and inland water safety services.

Following a series of meetings with relevant stakeholders, my Department has been working to develop a coherent strategy to implement other key fire safety and fire services elements of the review recommendations. These include the development of community fire safety programmes to shift the current focus from responding to fires to fire prevention, the development of a risk-based approach to the determination of fire cover standards in keeping with best international practice, the introduction of a competency based approach to recruitment, retention and career progression and the enhancement of health, safety and welfare programmes within the fire service. This strategy will be outlined formally to the stakeholders early in 2005 with a view to building support for it by all of the parties. The priority at this stage in regard to modernisation of the fire service is to use available resources to bring about direct improvements in the areas I have just outlined.

In 2004, €19 million has been provided for fire services capital projects in line with the recommendations of the review report. No other moneys were spent this year in the implementation of the review.

### Recycling Policy.

301. **Mr. Gormley** asked the Minister for the Environment, Heritage and Local Government if he will introduce a tax on plastic bottles similar to the tax on plastic bags; and if he will make a statement on the matter. [33591/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Successful deposit and refund schemes operating internationally for beverage containers are generally located in those countries where there has been no break in the continuity and cultural tradition of deposit and refund arrangements. This is not the case in Ireland and there would now quite likely be significant costs involved in re-establishing deposit and refund arrangements here. Account would also have to be taken of the possible impact on existing compliance arrangements. Given that these arrangements are achieving the desired result in relation to meeting the recycling targets, the introduction of an environmental levy or a deposit and refund scheme for plastic bottles is not under consideration.

The local and regional waste management plans now being implemented provide for a significantly increased network of bring facilities to facilitate increased collection of recyclables, including plastic bottles. Receptacles for the deposit of such containers are already in place in a number of areas. My Department is at present engaging with local authorities, Repak and other relevant stakeholders regarding the possibility of

incorporating plastic containers in the kerbside green bin collection services presently provided to over 560,000 households nationally. Such arrangements, if introduced, offer significant potential for increased recovery of plastic containers.

#### **Dublin Docklands Development Authority.**

302. **Mr. Gregory** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 1256 of 29 September 2004, the reason this Deputy has not to date received copies of the agenda or minutes of Dublin Docklands Development Authority council meetings as requested; and if he will make a statement on the matter. [33642/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I refer to the reply to Question No. 1256 of 29 September 2004, which was intended to clarify for the Deputy and other local parliamentary representatives that the Dublin Docklands Development Authority would, on request, make available to them copies of the agenda and minutes of future meetings of its council.

While it would be appropriate for parliamentary representatives to contact the docklands authority about this matter, I have now made arrangements with the authority to have these papers circulated to the Deputy.

#### **Public Relations Contracts.**

303. **Mr. Hogan** asked the Minister for the Environment, Heritage and Local Government if a person was ever employed by a company (details supplied) before that person was appointed in later years as his communications consultant; if this information was required to be declared under any ethics legislation; and if he will make a statement on the matter. [33643/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Different communications consultancies have been engaged by my Department over a number of years. As far as I am aware, none of these consultants has declared any interest in the company referred to. A declaration under ethics legislation would not be applicable to external consultants.

#### **Housing Aid for the Elderly.**

304. **Dr. Cowley** asked the Minister for the Environment, Heritage and Local Government the number of housing associations in the State which are involved in the provision of housing for older persons with intellectual disadvantage and for persons with serious ongoing mental health problems, that will allow them to live independently in the community; the way in which such housing can be effectively accessed by relevant organisations; and if he will make a statement on the matter. [33644/04]

#### **Minister of State at the Department of the Environment, Heritage and Local Government**

**(Mr. N. Ahern):** Under the voluntary housing capital assistance scheme, accommodation may be provided for persons with special needs such as the elderly, homeless or persons with disabilities. The scheme is not designed to provide nursing home or accommodation where residents would require extensive medical, nursing or institutional type care. However, some housing projects, which require a higher ratio of carers to residents than the usual single caretaker to allow for independent living, may be provided through a shared funding arrangement between the housing authority concerned and the relevant health board. Assistance towards the cost of care and support services provided in sheltered housing over and above those normally required in housing management are a matter for the health board concerned.

There are currently 594 voluntary bodies with approved status from my Department, who may seek assistance to provide accommodation for eligible categories of persons. My Department's involvement relates primarily to the provision of funds for individual projects. The administration of the voluntary housing scheme and the certification that particular projects comply with the terms of the scheme are the responsibility of local authorities and any proposals to meet housing needs should be submitted for consideration to the relevant local authority.

#### **Closed Circuit Television Systems.**

305. **Mr. McGuinness** asked the Minister for the Environment, Heritage and Local Government if a grant will be made available to Kilkenny County Council to provide closed circuit television security at bring centres and bottle banks to assist in their fight against illegal dumping; and if he will make a statement on the matter. [33645/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** My Department has received a request from Kilkenny County Council seeking grant assistance for the provision of closed circuit television security at their recycling facilities. This proposal is currently being examined. It is expected that further allocations of grant assistance will be announced early in 2005.

#### **Local Authority Funding.**

306. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government the amount of funding which was given to Wexford County Council for the local improvement scheme for the past five years; the basis on which it has been distributed; and if he will make a statement on the matter. [33646/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The allocation for 2004 and payments for each of the years 2000

[Mr. Roche.]  
to 2003 to Wexford County Council under the local improvement scheme, LIS, are set out in the following table:

Year	LIS Payments
	€
2000	92,086
2001	189,737
2002	214,642
2003	214,642
2004 (Allocation)	235,613

Funding for the local improvement scheme is considered in the context of the overall provision available for non-national roads and the number of LIS applications on hands in each county at the end of the previous year.

#### Local Authority Staff.

307. **Mr. R. Bruton** asked the Minister for the Environment, Heritage and Local Government the reserve functions of councillors which have been withdrawn from them in recent years; and if

he plans to confer new powers to invigorate local democracy. [33648/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The information requested, with effect from 1999 and in so far as it relates to my Department, is set out in the table below.

Local elected members have a wide range of reserved functions, details of which are outlined in my Department's booklet, Local Government and the Elected Member, June 2004. A copy of this publication has been placed in the Oireachtas Library. The conferral of further reserved functions on elected members is being kept under review in the context of the development of the various codes of legislation under which local authorities operate and more generally in the ongoing local government modernisation programme.

In relation to my proposals for the development of local government, including the enhancement of the role of elected members, I refer to the replies to Questions Nos. 12 and 37 of 9 December 2004 and Questions Nos. 25, 34, 101 and 216 of 4 November 2004.

TABLE

Act	Section	Action
Waste Management Act 1996	22	Amended by Section 4 of Waste Management (Amendment) Act 2001 which provided that the making of a waste management plan is an executive function.
Protection of the Environment Act 2003	26	Provided that the review, variation or replacement of a waste management plan is also an executive function.
Protection of the Environment Act 2003	52	Provided that the making of a waste charge and the exercise of the power of waiver of any such charge is an executive function.

Certain powers available to elected councils in sections 138 to 140 of the Local Government Act 2001 have been limited in relation to the statutory procedures which govern waste management planning and local authority own development.

#### Local Authority Funding.

308. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government the amount of money allocated to Wexford

County Council in the years 1999, 2000, 2001, 2002, 2003 and 2004; and the schemes and purposes for which funding was granted. [33691/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** Information on the outturn for the years 1999-2003 and the provisional allocation-estimated expenditure for 2004 of funding provided by my Department to Wexford County Council in respect of the main programmes is set out in the following table.

Wexford County Council — 1999-2004

Programme	1999	2000	2001	2002	2003	2004*
	€	€	€	€	€	€
Main Housing Capital Programmes	7,099.178	8,740.089	10,968.595	13,655.793	19,711.348	17,390.750
Non-National Roads**	9,989.512	10,276.554	11,248.648	12,239.796	12,592.418	12,714.613
Water & Sewerage Services	10,928.981	7,215.292	14,533.898	20,665.736	20,012.867	7,256.503
Urban & Village Renewal	66,026	114,538	308,269	104,960	403,903	195,800
LFG — General Purpose Allocations	10,072.462	10,669.136	12,798.692	13,295.995	15,021.831	16,899.923



Programme	1999	2000	2001	2002	2003	2004*
Library Services	98,189	281,606	45,308	172,085	0	0
Fire Services	77,396	406,650	340,394	720,787	334,489	335,460

\*Provisional

\*\*Includes LGF funding

309. **Mr. Stagg** asked the Minister for the Environment, Heritage and Local Government if he has received an application for grant aid from Kildare County Council towards the reconstruction of local roads in the Straffan area as a special measure in the context of the Ryder Cup in 2006; and if he will make a statement on the matter. [33727/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** A special Exchequer grant of €2.5 million has been allocated to Kildare County Council in 2004 in respect of improvements to the road between Barberstown Crossroads and the Straffan road and the road between Kill interchange and Straffan village. I intend to announce allocations for 2005 early in the new year.

#### Water and Sewerage Schemes.

310. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the position in relation to a water scheme (details supplied) in County Mayo including a breakdown of each stage of the project, that is, when the stage started, the cost of same and when it was completed; the stage it is at now; the expected final completion date; and the projected total cost on completion of the project. [33793/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The Ballina regional water supply storage-mains scheme, estimated to cost €7.957 million, is included in my Department's water services investment programme 2004-06 as a scheme to commence construction in 2005. Mayo County Council's contract documents for the scheme are under examination in my Department and will be dealt with as quickly as possible.

311. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the position in relation to a sewerage scheme (details supplied) in County Mayo, including a breakdown of each stage of the project, that is, when the stage started, the cost of same and when it was completed; the stage it is at now; the expected final completion date; and the projected total cost on completion of the project. [33795/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The Killala sewerage scheme, estimated to cost €5.3 million, is included in my Department's water services

investment programme 2004-06 as a scheme to commence construction in 2005. Further consideration will be given by my Department to Mayo County Council's contract documents for the scheme on receipt of the information requested from the council in April 2004.

312. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the position in relation to a sewerage scheme (details supplied) in County Mayo, including a breakdown of each stage of the project, that is, when the stage started, the cost of same and when it was completed; the stage it is at now; the expected final completion date; and the projected total cost on completion of the project. [33796/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I refer to the reply to Questions Nos. 632 and 650 of 17 November 2004.

#### Water and Sewerage Schemes.

313. **Mr. Ring** asked the Minister for the Environment, Heritage and Local Government the position on a sewerage scheme (details supplied) in County Mayo including a breakdown of each stage of the project, that is, when the stage started, the cost of same and when it was completed; the stage it is at now; the expected final completion date; and the projected total cost on completion of the project. [33797/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** I refer the Deputy to the reply to Parliamentary Questions Nos. 640, 652, 653 and 673 of 17 November 2004.

#### Animal Welfare.

314. **Mr. Boyle** asked the Minister for the Environment, Heritage and Local Government if a hunt (details supplied) in County Cork is licensed; the terms of such a licence in particular, if it specifies the areas in which participants may hunt; and if his attention has been drawn to the fact that there have been repeated complaints regarding the activities of this hunt, including it crossing farmlands without permission, entering fields in which heifers are in calf, cutting fences and entering game sanctuaries. [33798/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** The hunt referred in question is a fox hunt. A licence, under the Wildlife Acts 1976 and 2000, is not

[Mr. Roche.]  
required for the hunting of non-protected species, such as foxes.

**Departmental Staff.**

315. **Mr. Hogan** asked the Minister for the Environment, Heritage and Local Government the persons who accompanied him on his visit to Glasgow in February 2003; and if he will make a statement on the matter. [33804/04]

**Minister for the Environment, Heritage and Local Government (Mr. Roche):** My predecessor,

Deputy Cullen, visited Edinburgh in February 2003 for discussions on planning policy issues with the Scottish Minister for Social Justice, Ms Margaret Curran, MSP. The Minister was accompanied by the Consul General of Ireland in Scotland, Ms Mary Moylan, the assistant secretary of the planning division, the Department's press officer, and his private secretary. The Minister also visited the Glasgow area to look at retail development.

*Questions Nos. 316 to 319, inclusive, answered with Question No. 298.*