

DÁIL ÉIREANN

*Dé Máirt, 1 Feabhra 2005.
Tuesday, 1 February 2005.*

Chuaigh an Ceann Comhairle i gceannas ar 2.30 p.m.

*Paidir.
Prayer.*

Visit of Mongolian Delegation.

An Ceann Comhairle: Before proceeding with the business today, I would like to offer a céad míle fáilte, a most sincere welcome to Dáil Éireann to the Speaker of the Parliament of Mongolia, Mr. Nambar Enkhbayar, who is here with us this afternoon in the Distinguished Visitors Gallery. I hope you will find your visit to be interesting, successful and to our mutual benefit.

Business of Dáil: Motion.

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

That, notwithstanding anything in Standing Orders, questions to the Minister for Finance will take place on the conclusion of questions to the Minister of State, Deputy Tom Kitt, and shall conclude at 4.15 p.m.

Question put and agreed to.

Ceisteanna — Questions.

Information Society.

1. **Caoimhghín Ó Caoláin** asked the Taoiseach the recent work that has been carried out in his Department to review the Government's information society policy; and if he will make a statement on the matter. [1386/05]

2. **Mr. J. Higgins** asked the Taoiseach if he will report on the most recent review carried out by his Department on the Government's information society policy. [2799/05]

Minister of State at the Department of the Taoiseach (Mr. Kitt): I propose to take Questions Nos. 1 and 2 together.

As Government Chief Whip and Minister of State at the Department of the Taoiseach, I have assumed responsibility for co-ordination of the Government's strategy for the information

society as set out in the policy document New Connections. Since my appointment, it has become apparent that there is now a real move towards a knowledge society rather than just an information society, which reflects the shift in emphasis nationally and internationally to building knowledge assets and knowledge-based economies.

Our understanding of the challenges and opportunities presented by developing the information society and knowledge economy are evolving rapidly. It is necessary that our policy responses meet these challenges and opportunities. With this in mind, I am overseeing a review of the current arrangements for cross-departmental co-ordination of information society matters in terms of setting new goals and objectives for the development of Ireland's knowledge society. The review comes at an opportune time as the third progress report on New Connections will be published shortly and the final report from the Information Society Commission is due to be published this month. Both reports will inform the review's findings.

With the progress report and the Information Society Commission's final report we have much to consider as we plan for the future of Ireland's knowledge society to ensure that we are fully prepared for the exciting challenges we face in the years ahead. I look forward to announcing our plans to ensure the continued development of Ireland's knowledge economy.

Aengus Ó Snodaigh: Will the Minister of State comment on the debacle involving Media Lab, which comes under the Government's information society policy? Will he also comment on the Government's failure to deal with the issues that existed from the outset in terms of the ill-conceived investment in Media Lab? I do not refer to the investment in the digital hub which has been a welcome development in terms of transforming the Liberties area, but to Media Lab which was the anchor tenant of the digital hub. I hope the confidence shown in and the accolades bestowed upon the digital hub in the past week mean that it will continue to operate.

An Ceann Comhairle: Will the Deputy confine himself to asking a question, please?

Aengus Ó Snodaigh: The Government invested a significant sum of money in Media Lab, a private company which has gone to the wall. What lies ahead for the staff of the company and the residents and children of the area in which it operated who benefitted from—

An Ceann Comhairle: The Deputy's question is more appropriate to another Minister. It is not appropriate as a supplementary to the two questions tabled on the Order Paper which relate specifically to the information society.

Aengus Ó Snodaigh: Media Lab was one of the major projects under the Government's information policy.

An Ceann Comhairle: I accept that but I suggest the Deputy table a question to the appropriate Minister.

Aengus Ó Snodaigh: This matter is connected with and is included in the Government's information society policy, an issue with which I was about to deal. The children in the area to which I refer had benefitted from the advances——

An Ceann Comhairle: The Deputy has made his point. I am ruling his supplementary question out of order as it is not appropriate to the Minister of State's portfolio.

Mr. Stanton: When does the Minister of State intend to appoint a new information society commission? How will the cross-departmental co-operation to which he referred work? What structures will be put in place to encourage such co-operation and, if he appoints them, who will serve on the relevant committees? Will the Minister of State indicate the nature of the new policy initiatives to which he referred?

Mr. Kitt: The Deputy will be aware that our function involves co-ordination and policy formation. I have not made a specific announcement regarding what will follow the information society commission. It would be prudent to await that body's final report before doing so.

To expand on what I said on the previous occasions on which we dealt with this matter, the broad thrust of our thinking is that we need to recognise human creativity as an ultimate economic resource. The value of ICT cannot be unlocked by bolting it on to what one is already doing. We must build new skills and be prepared to change the way we operate. That is the key objective as far as I am concerned. The successful formula will tend to be one part technology and nine parts innovation.

I have told the Deputy we should wait for this third progress report on new connections and the final report on the information society before we outline the way forward. It is important to bear in mind that the current national wage agreement, Sustaining Progress, refers to pursuing a knowledge society foresight approach. The key, so far as I am concerned, is innovation, concentration on the knowledge economy and the digital divide as well as on the whole idea of inclusivity. We must deal with the whole situation as far as the disabled and the elderly are concerned, and there are regional imbalances also, as the Deputy is aware, according to the latest figures from the Central Statistics Office. That is the broad thrust of our policy. I am not in a position to give a final answer today as regards whether there will be another information society commission. As the

Deputy knows, the final report will come out this month so we will shortly have that information.

Ms Burton: Does the State have statistical breakdown of the assets, the property, in particular, intellectual property generated as regards Media Lab Europe in Ireland? I ask in the context that this was an important element of the State's information society policy.

Mr. Kitt: I have to refer the Deputy to the Minister for Communications, Marine and Natural Resources, Deputy Noel Dempsey. I have no doubt he will answer in detail any questions in that regard. Media Lab does not come under my remit. Plenty of data is available following the new connections report as regards the legal and regulatory framework, infrastructure, e-government and e-business. As the Deputy is aware, we deal with the broad policy areas, research and development, lifelong learning, e-inclusion and the digital divide. My Department deals specifically with policy formation. The whole approach of the Department is to look into the future and in particular to decide how we develop the knowledge economy. As regards the Deputy's specific questions on Media Lab, I refer those to the Minister, Deputy Noel Dempsey.

Mr. Boyle: In the context of the review of information society policy, will the Minister of State say whether the Government is reassessing any of the benchmarks as regards the number of citizens with access to home computers and the usage of Government services available through the Internet? Can he supply figures on the current rates of usage and what the Government predicts such rates will be over a five-year period? Is the review heading in a particular direction?

Mr. Kitt: The Central Statistics Office reported some encouraging figures on the information society in December as regards computer usage. It estimates that 1,489,200 people aged between 16 and 74 have used a computer at some time, while 1,198,800 have used the Internet. The CSO estimates that 650,000 homes have a computer, an increase of 67,000 on the 2003 figure. The number of homes with Internet connections increased from 463,000 in 2003 to 537,000 in 2004. We will review all this data. It is important that the Department of the Taoiseach has this co-ordinating role in prioritising the various areas that need attention. Related to this is the information that will be available following the new connections report. It refers to the need to review the goals and objectives for development of the knowledge society and the mechanisms for cross-departmental co-ordination. It also refers to promoting analysis of future challenges and opportunities to assist in policy formation, as well as the need for working with other Departments, as appropriate, the need for monitoring progress and the use of technologies in support of

e-inclusion, especially as regards persons with disabilities and the elderly.

There are clear policy guidelines. The information that is available shows where the gaps are. I am confident as regards the two reports now almost available that we will be able to focus on the way forward.

The visitors from Mongolia, whom I met in the past hour, are very interested in Ireland's knowledge economy. Many countries are interested in finding out how we have come this far. We have to keep ahead and share our expertise with those who want to know about it — I did that in my previous ministerial role. There is much work to be done, but the key issue for us is to stay ahead, stay creative and stay innovative.

Mr. Stanton: Is the Minister saying that everything is currently at a standstill, pending the publication of these reports? When does he expect to receive the reports? How do we stand in comparison with our main competitors in the information society? What is the most up-to-date information on this from the main international league tables?

Mr. Kitt: There is no question of standing still. I said earlier that the key challenge for us is to stay ahead, to remain innovative and creative and to look at the knowledge side of this and the use to which the knowledge is put. I am trying to outline the broader objectives today. There is a wealth of information coming on stream. I am not in a position today to outline the response to these two reports because they have not yet arrived on my desk. When we get them, we will announce a clear and definite way forward.

Priority Questions.

Expenditure Review Initiative.

3. **Mr. Bruton** asked the Minister for Finance if he has satisfied himself with the progress under the expenditure review initiative; and if he will make a statement on the matter. [2791/05]

Minister for Finance (Mr. Cowen): The first formal report from the expenditure review central steering committee on progress, under the expenditure review initiative for the period June 2002 to June 2004, was submitted to me on 3 November 2004 and forwarded to the Joint Committee on Finance and the Public Service on 25 November 2004. This report found that progress had been made by Departments and offices in undertaking systematic evaluation both within and outside the expenditure review initiative and in building an evaluation culture. However, it also highlighted some deficiencies in the process and made a number of recommendations designed to improve it.

I am committed to ensuring that we get better value for money from public expenditure. I would like to see greater progress being made in

improving the arrangements for carrying out expenditure reviews and in completing reviews. I have, therefore, accepted the steering committee's recommendations.

I attach particular importance to the recommendation of the steering committee that expenditure reviews should encompass significant spending programmes, that they should be completed on time and that their recommendations should be followed up. The responsibility for implementation of these and all other recommendations rests in the first instance with Departments. I, therefore, wrote to all Ministers last November on receipt of the steering committee's report urging them to ensure that their Departments and offices take appropriate steps to implement the recommendations. My Department will shortly be inviting Departments and offices to submit topics to Government for the next round of expenditure reviews for the period 2005-07. I will take that opportunity to review progress in the interim and to ensure that the steering committee's recommendations for improvement are reflected in the next round of reviews.

Mr. Bruton: Was the Minister as shocked as I was to discover that the follow-up on the expenditure review process was so poor? Is he aware that, of 143 studies to be completed over the period, only 20 were completed? Less than one in seven was completed and more than 30% of them were totally abandoned. In some of these cases, they were abandoned with the clear acquiescence of the Minister's Department. Why did the Minister acquiesce in the abandonment of so many of the studies? Why are so few studies being completed? Why was none of the recommendations of the Comptroller and Auditor General acted upon, following his report on this matter to the House in 2001? We still have the same problems to which he adverted, including poor quality of work, no central guidance, no quality assessment and no review of the impact of any of these studies on actual decisions. It is a shambles and the Minister needs to take this in hand.

Mr. Cowen: It is not correct to say that only 20 studies were completed. By the end of September 2004, 93 reviews had been completed. Since then, a further four reviews have been finalised, bringing the total number of completed reviews to 97. That is significantly different from the number the Deputy suggests.

Mr. Bruton: May I correct the Minister?

An Ceann Comhairle: Let the Minister finish.

Mr. Cowen: I expect that a number of reports will be finalised soon and that the expenditure review initiative momentum will increase as a result of the steering committee's report.

With regard to those which have not been completed, there are various reasons for that, some of

[Mr. Cowen.]

which I might not agree with upon examination. I have accepted the steering committee's recommendations but it is not the only mechanism. There are others under the national development plan where other forms of evaluation, such as a sectoral evaluation, take place. I cannot give a general reason for 40 of them not being completed but there are reasons, some of which are good and some of which are bad. However, 97 have been completed.

Mr. Bruton: Much of the hopeless decision making we have seen on spending has its roots in the cavalier attitude that the Minister's Department and other Ministers have to expenditure review. They do not care what the projections or impacts are. That cavalier attitude is the reason for the debacles of electronic voting and Punchestown.

The Minister is giving distorted information to the Dáil. There are not 93 completed in respect of the 2002 to 2004 report. If the Minister reads the document, he will see that is so.

An Ceann Comhairle: A question, please.

Mr. Bruton: The Minister should correct this. He is adding reviews that were conducted six years ago into his total to try to improve the numbers. He has completed only 14% of those in the programme. Does the Minister not agree that the issue of value for money must be taken seriously in the health service, environmental services and road programmes? This arises from the cavalier attitude outlined in the report. The Ministers do not care, they are not carrying out the reviews and nobody is forcing the issue.

Mr. Cowen: I do not accept that. I am giving Members the facts as they are outlined in my supplementary information file. I am not trying to mislead the House. It is cavalier to suggest that there is no interest in value for money; there is. One of the successes of this Government has been its ability to work its budget, stay within budget and sometimes exceed budget expectations.

Mr. Bruton: What is it delivering?

Mr. Cowen: There are some areas and programmes where there needs to be greater progress. There have been some improvements both in evaluation and in performance indicators and in terms of what is being produced.

I have accepted the review committee's recommendations where it has identified room for improvement and I have told Ministers that I expect them to be implemented in the context of the next series of reviews to take place, which I agree should relate to significant areas of expenditure. That is the best way by which this initiative can be utilised.

Tax Code.

4. **Ms Burton** asked the Minister for Finance if a preliminary finding has been received from the European Commission that this country's tax exemption for income from stallion fees is in breach of EU competition law; when the exemption was first drawn to the attention of the Commission; the details of the response which the Government has made to the finding; the action he will take arising from the finding; and if he will make a statement on the matter. [2614/05]

Mr. Cowen: The European Commission was advised of this relief in 1982 and on a number of occasions since then. The Commission has not given a preliminary ruling on this exemption. The Commission was in correspondence with my Department regarding this exemption most recently in April 2004 when it asked for information which would allow it to "establish whether the exemption may be considered compatible with state aid rules". This would clearly imply that the Commission has not made a determination on this matter. The requested information, which included details on the number of stallions, price of nominations, the relevant tax brackets, the estimated number of beneficiaries as well as a precise description of the exemption, was supplied to the Commission in July 2004. No further communication has been received from the Commission to date.

Ms Burton: Does the Minister accept that, in effect, the European Commission has made a preliminary finding regarding the tax relief for stallions? Has the Government made any further responses recently to inquiries from the Commission for more information, particularly on the point that Irish tax rules relating to stallions breach competition law and act as a State aid to stallion owners and companies in Ireland? Why did the Department of Finance not advise the European Commission about this scheme? It started in 1969 and Ireland joined the European Union in 1973. The Department does not appear to have advised the Commission until 1997, when the scheme was extended. The Department seems to have been aware that, since February 1999, there was no proper notification to the European Commission as there ought to have been. Does the Minister have a view on the implications of this scenario?

In recent days, the Minister acknowledged to me in answer to a written question that there is now the phenomenon of the non-resident stallion. In the rules as redefined and reclarified, the owner of a stallion which is non-resident for up to six months in any year can continue to benefit from tax relief. How will the Commission's preliminary findings impact on this phenomenon?

Mr. Cowen: All I can do is ask the Deputy to listen to the reply when I give it. There is no preliminary finding on the exemption and the Deputy's assertion that there is does not make it

happen. The Deputy has also suggested that we have not been in touch with the Commission. We have answered any time it has contacted us about the matter. The Commission was advised of the relief in 1982 and on a number of occasions since. There is no mystery about it. As there has been no preliminary finding, I cannot give an answer to supplementary questions which were predicated on the assertion that there was. The Commission contacted us last in April 2004 and we answered in July 2004. We have not heard from the Commission since. The idea that the matter is exercising everyone's mind on a weekly basis and that some mystery attaches to it is unfounded.

I will explain the background to the relief. The stallion stud fees exemption was introduced in the Finance Act 1969 to encourage the development of the Irish bloodstock industry by creating an incentive to invest in Irish stallions. It applied to stallions standing at stud in the State and abroad. Income arising to the owner or part-owner of a stallion from the sale of services or the right to services is exempted from taxation but losses may not be set off against other income. Income from a stud farm is charged to tax in the same way as other profits from farming. The income which is charged to tax in full includes income from the keeping of mares and stallions at a farm. The only income which is exempt is the income arising from stallion fees. While the legislation was amended in the Finance Act 1985 to confine the tax exemption on stallion fees to income earned from stallions at stud in the State, income arising to a part-owner of a foreign-based stallion continued to be exempted where the share had been acquired by a breeder for the purpose of acquiring new breeding lines for a bloodstock enterprise carried on in the Republic of Ireland. That exempting measure is now contained in section 231 of the Taxes Consolidation Act 1997.

A key test of the entitlement to the exemption is whether a stallion is ordinarily kept on land in the State. An administrative ruling issued in November 1986 by the Revenue Commissioners in response to a perceived downturn in the industry confirmed that they would continue to regard as ordinarily kept on land in the State any stallion demonstrated to be temporarily exported for genuine commercial purposes for a period not exceeding two years. The ruling was withdrawn by the Revenue Commissioners in September 1998. Since then, stallions which are sent abroad to cover mares, mainly to the southern hemisphere and commonly for a period of up to six months, are regarded as ordinarily kept on land in the State. Except as otherwise provided for in the legislation, only those profits arising in the State are exempt.

As Deputy Burton knows, a study in this area was carried out by Indecon on behalf of the Irish Thoroughbred Breeders' Association which suggested the estimated gross tax forgone was €3 million. We will have to conduct our own examination of the matter based on whatever infor-

mation we can glean from this year's review. There are all sorts of questions. Of the yearlings which result from all this bloodstock breeding activity, 85% are exported and cost approximately €140 million. All this money is subject to taxation.

Ms Burton: Stallions can be non-resident for six months a year with their owners still benefiting from the tax break. This tax break is in place at a time when pensioners pay 3 o'clock tax on modest incomes. Are there tests of what constitutes six months non-residence for stallions? In particular, does the Cinderella rule apply? For example, if a stallion is out of the country before midnight, does that count as a full day?

Mr. Cowen: I am taken by the obsession of the Labour Party with the stallion.

Mr. F. McGrath: Has the Minister tips for tomorrow's races?

Mr. Cowen: Indecon, which is regarded a reputable team of consultants, independently compiled a report on behalf of the Irish Thoroughbred Breeders Association and Horse Racing Ireland. Indecon estimates the gross figure foregone is €3 million, although I do not say I agree. I will find out about the Cinderella clause, about which the Deputy is worried, and whether a stallion must be out of the country before or after midnight. That does not make much sense but I will inquire into it.

Ms Burton: It is important for non-resident taxpayers.

Mr. Cowen: I did not know they had to be accompanied by a stallion.

Tax Collection.

5. **Mr. Boyle** asked the Minister for Finance if and the way in which arrangements will be changed for taxpayers who overpay tax. [2789/05]

6. **Mr. P. McGrath** asked the Minister for Finance if he has satisfied himself with the provisions for dealing with overpayment of taxation; and if he will make a statement on the matter. [2792/05]

Mr. Cowen: I propose to take Questions Nos. 5 and 6 together.

I am taking it that the questions both relate to overpayments by PAYE taxpayers. The PAYE system, which has worked well for almost 45 years, is a "cumulative" deduction system designed to ensure, as far as possible, that an end of year return or adjustment is unnecessary in the vast majority of cases, provided that all due credits and allowances are reflected in the employee's tax credit certificate and that any non-PAYE income has been "coded-in" to the certificate.

[Mr. Cowen.]

Where all due credits or allowances have not been given during the tax year, it is reasonable to expect the employee will look for a balancing statement after the end of the tax year. With regard to a number of reliefs such as medical expenses, it may be appropriate to wait until after the end of the year to claim a tax rebate.

I am advised by the Revenue Commissioners that they have no reason to doubt that the vast majority of PAYE workers receive their full entitlements each year. These entitlements are, in the first instance, reflected in the tax credit certificates issued at the beginning of each year. Revenue is in the process of issuing more than 2 million certificates to PAYE taxpayers for the 2005 tax year. These certificates reflect the most up-to-date information Revenue has on an individual and a leaflet giving details of the credits or reliefs to which taxpayers may be entitled accompanies them.

Where circumstances change in the middle of the tax year, for example, a marriage or a change of job, the employee will normally contact Revenue and arrange for a new tax credit certificate to issue. A number of PAYE taxpayers wait until after the end of the tax year to claim due allowances or credits, to return non-PAYE income or to make sure that there has been no underpayment or overpayment of PAYE tax. For the 2003 tax year, the latest year for which such figures are available, 287,258 PAYE taxpayers, representing 17% of the total PAYE taxpayer base of 1.6 million for that year, have so far made claims or requested reviews of their tax position, of which 8% indicated under payments, 17% resulted in no change and 75% resulted in repayments. A sum of €185 million has been repaid in respect of claims received and processed for 2003 and, on the basis of experience of late claims in previous years, this figure could be expected to eventually increase to an estimated €306 million when all future returns or claims for the 2003 tax year have been submitted. These figures should be seen in the context of the total PAYE revenue of €7.2 billion in 2003.

It is not possible or reasonable to extrapolate from these figures estimates of overpayments or under payments for the full PAYE population. This is because claims or requests for review are, by definition, much more likely to come from those who know they have entitlements to reliefs for which they have not claimed in the first place, for example, medical expenses.

The tax code provides that no repayment can be made in the absence of a valid claim or return by the taxpayer. Without such a claim or return, Revenue may not have the full picture to determine entitlement to a rebate. For example, taxable payments from the Department of Social and Family Affairs or dividend income may not have been "coded-in" to the tax credit certificate or the taxpayer may have been self-employed for part of the year.

Revenue is engaged in a comprehensive modernisation of its PAYE computer system, which will include the ability to make amendments and claims over the Internet and much closer computer links with the Department of Social and Family Affairs. When the roll-out of the new system commences later on this year, it will provide a greatly improved level of service for PAYE taxpayers including, subject to defined parameters, a facility for automated reviews of liability where Revenue is satisfied that the figures are correct. The Finance Bill, which will be published next Thursday, will include provisions to underpin this new service.

Mr. Boyle: The figure of €186 million quoted by the Minister, while small in the context of overall PAYE tax collected, is significant. We must make a case for equity between how those who are overcharged within the system are treated as opposed to those who evade tax. The Revenue Commissioners have performed excellently over recent years and have collected hundreds of millions of euro, a sum to which they have added by the imposition of penalties and significant interest rates. Does the Minister not feel that the same principle should apply to overcharged tax, if only to help efficiency within the Revenue Commissioners? There should be a significant interest rate placed on overcharged tax and penalties should be imposed on the Revenue Commissioners to ensure the quickest possible payment and the least possible occurrence of tax overpayment within the system.

Mr. Cowen: The PAYE system has worked. I have given a detailed reply explaining how it works and that it is a cumulative deductive system. The equity of the position is safeguarded by the fact that claims are speedily dealt with. It is impossible to devise a system where there is an exact balance for every taxpayer, of whom there are 1.6 million, depending on their circumstances, for example subsequent claims for medical expenses or being partly self-employed during the course of the tax year.

There are particular circumstances which can arise and for which a taxpayer can claim at the end of the tax year when he or she receives his or her balancing statement. From the total of €7.2 billion collected under the PAYE system for the year 2003, the amount of overpayment was €185 million in respect of those claims already received and processed. That sum may rise to a figure of over €300 million. In the context of the total amount collected, it is probably approximately 3% or 4%. We are introducing further software into the system to enable taxpayers to interact and interface with the Revenue Commissioners on these issues in a way which will ensure the speedy resolution of any issues that might arise, depending on the individual circumstances of any taxpayer.

Mr. P. McGrath: Of the persons who make claims for a review of their tax affairs for the previous tax year and who look for a balancing statement, 75% of the claims are positive and the person gets a refund. How many of those successful claims were spotted by Revenue or are any spotted by it? Were any refunds made on Revenue's initiative? Why is it that the computer system does not display such overpayments?

Why was a change made in the system which means a taxpayer cannot claim for overpayment for in excess of four years? The reclaim period has been cut to a four-year period. However, Revenue can pursue a taxpayer for as far back as it wants. Why has the Minister cut off the making of retrospective claims in excess of four years?

The Minister may have inadvertently misled the House when he said that Revenue turned around claims for balancing statements very quickly. There is a delay of at least ten weeks in one of the offices I know. Perhaps the Minister does not consider ten weeks to be a long delay but I do. The Minister should correct the record at some stage.

In many cases, overpayments relate to the fact that people do not claim for allowances to which they are entitled. Would the Minister not target some of those people? For example, 105,000 people make claims relating to medical expenses, which represents only 7% of households. Surely there are more people than that who could claim. This area could be targeted.

Some 90,000 people make claims for rent relief. I accept the Minister changed the allowance this year but if he made it more attractive to claim against private rented accommodation surely the scheme would be self-financing and there would be a gain in terms of bringing more people into the tax net.

A total of 75,000 customers have claimed relief on bin charges, which is only 5% of the total population. What is the other 95% doing with their rubbish? Surely people should be almost automatically entitled to claim for something like that because virtually every household has some kind of refuse collection. Does the Minister agree that he should target these kinds of areas? He should be proactive in ensuring taxpayers are not overpaying.

Mr. Cowen: On the last point, based on the fact that different rates apply in different local authorities, I do not see how the Revenue Commissioners can centralise the figures at source.

Mr. P. McGrath: It can be deducted at source.

An Ceann Comhairle: The Deputy should allow the Minister to speak. He asked about six questions.

Mr. P. McGrath: The Minister is wrong. A standard amount could be given no matter what people pay.

An Ceann Comhairle: We cannot have a debate on the Minister's reply. There is a limited time available and if the Deputy wants answers he should refrain from interrupting the Minister.

Mr. Cowen: The question——

Mr. P. McGrath: A standard allowance can be provided no matter what one pays.

An Ceann Comhairle: The Deputy should please allow the Minister to speak.

Mr. Cowen: One would have to take advice from the Revenue Commissioners on how they could be proactive on this matter.

Ms Burton: The Minister should get a PR adviser.

Mr. Cowen: I do not have one. Does Deputy Burton have one?

Ms Burton: No.

An Ceann Comhairle: This is Deputy Bruton's and Deputy Boyle's question.

Mr. Cowen: I find I do not need one.

Mr. F. McGrath: The Minister is very good humoured.

Mr. Cowen: I do it all on my own.

An Ceann Comhairle: The Minister should be allowed to answer the question.

Mr. Cowen: They are my two PR advisers up at the back.

Mr. P. McGrath: It must be the Minister's charm that does it.

Mr. Cowen: I have forgotten all the questions.

Mr. F. McGrath: The Minister should tell us about the stallions.

Mr. P. McGrath: Relief on medical expenses.

Mr. Cowen: These are matters to be taken up with the Revenue Commissioners. People have to be informed of their entitlements. I understand that when the Revenue Commissioners make contact with taxpayers they give out information with the forms to let people know what they are entitled to claim and so on. At the end of the day the Revenue Commissioners are there to collect revenue based on the submissions and assessments that people make to them. Unless people are evading their taxes they will not hear from the Revenue again. They just pay the balance and that is the end of it. In effect, the Deputy is suggesting that the Revenue Commissioners should change their role to become accountants as well as everything else for each individual taxpayer.

[Mr. Cowen.]

The fact is that we have a tax system and as citizens we have to inform ourselves as to our entitlements and claim them where necessary if they are appropriate or relevant to our particular circumstances.

The Revenue Commissioners are providing a transparent system. In order to help taxpayers they are introducing a new system where people will have access to revenue records, allowances, credits and details of paying tax over the Internet at any time. They intend allowing people to amend their tax credit certificate on the web, either to claim an allowance or credit not on the certificate or to change the amount involved. They will enable people to request an on-line review of one's balancing statement based on Revenue's records and confirmation that details are correct and complete. They will also enable people to receive automatic repayment in certain cases where Revenue is fully satisfied from its records or from recent contact that a repayment is due. Revenue are not interested in taking more tax from people than what they are duly entitled to pay.

It is a matter for individual citizens to ensure they make a full claim to whatever credits are available to them under the law, based on their own prudence. These are individual matters between citizens and the Revenue Commissioners.

Flood Relief.

7. **Mr. Gregory** asked the Minister for Finance his plans for anti-flood measures in the Dublin City area for 2005; the funding that has been allocated for this work; when agreement will be reached with Dublin City Council for the programmes of work for 2005; and if the Tolka River between Annesley Bridge and Alfie Byrne Road, Dublin 1 will be dredged and the river walks strengthened and heightened.

Mr. Cowen: The Office of Public Works is currently completing the phase 2 works on the River Tolka which were commenced in 2004 following public exhibition by Dublin City Council under part 8 of the Planning and Development Regulations 2001. OPW and the city council are currently in discussions on a programme of works for 2005. The priority for OPW since the works commenced in early 2003 has been to undertake works in those areas with high risk of flooding in an extreme event. The area around Distillery Road was identified as having a high risk.

Considerable work has already been completed in this area and OPW is anxious to have the outstanding work completed at an early date. These have been the subject of negotiations between the city council and property developers as part of a proposed development in this area, with the intention that the developer would either undertake the works directly or else provide the funds to have them completed by OPW.

Other works under consideration include repair works in the Botanic Gardens, underpinning of Dean Swift bridge, upgrading of a wall downstream of Dean Swift bridge and the widening of the bank in Griffith Park. OPW has allocated €1 million for flood relief works in the Dublin City area in 2005. OPW expects to meet city council officials within the coming weeks to agree on a programme of works for 2005.

As indicated in reply to the Deputy's questions on 16 December, the question of undertaking works in the East Wall area will be discussed. However, the current position is that no additional protection works are recommended by the consultants in the tidal reach of the river downstream of Luke Kelly Bridge, which includes the areas referred to by the Deputy. No flooding took place directly from the river in this area in the 2002 flood, although some low-lying areas were flooded via the drainage system.

Issues in this area are being addressed in the greater Dublin strategic drainage study, GSDSDS, which is being undertaken by Dublin City Council. This study is expected to be completed shortly and is expected to include proposals to improve the storm water drainage system. One of the drainage measures already highlighted in the Tolka report is the provision of drainage flap valves on all storm water outlets as well as the installation of a pump station to allow storm water to be pumped into the river.

Additional information not given on the floor of the House.

List of works undertaken on River Tolka in Dublin City: new walls and embankments on Botanic Avenue; Griffith Park embankments; replacement of Woodville Road footbridge; walls downstream of Woodville Road footbridge to Drumcondra Bridge; walls and embankments at Tolka Cottages Park; raising of wall from Drumcondra Bridge to Tolka Park; protection works at corner of Tolka Park; walls and embankments from Tolka Park to Distillery Weir; widening of bank on Clonliffe College grounds; removal of Distillery Weir; scour damage repair at 112-114 Tolka Road; new walls downstream of Distillery Road bridge on northern bank; and general channel maintenance.

Expenditure in City area by OPW since 2003:

2003 — €1.18 million.

2004 — €1 million.

Expenditure in Fingal area by OPW since 2003:

2003 — €20,000.

2004 — €700,000.

Expenditure in County Meath area by OPW since 2003:

2003 — €750,000.

2004 — €1 million.

Mr. Gregory: Is the Minister aware that the area to which his reply refers did not flood in 2002 but was flooded by the River Tolka on previous occasions? Is he also aware that insurance companies will not give flood insurance cover to householders in the East Wall — North Strand area because of the lack of Government action to address the issues and provide adequate anti-flooding measures?

I draw the House's attention to the East Wall — North Strand area, which lies between the mouth of the River Tolka and the point at which the Royal Canal enters the Liffey. It has been flooded from both sides in the past and has a history of flooding, yet no actual work has been carried out adjacent to this area. The issue is not being taken half seriously, if it is at all. Residents have drawn attention to the section of the River Tolka between Annesley Bridge and Alfie Byrne Road, to which I referred, which needs to be dredged and the river walls strengthened and heightened. Flood gates have been promised for the Royal Canal where it enters the Liffey but none of this work has been done. Meanwhile houses in East Wall——

An Ceann Comhairle: Does the Deputy have a question?

Mr. Gregory: Is the Minister aware that, meanwhile, some houses in East Wall cannot be bought or sold because insurance cover is being refused to prospective buyers or to householders because of this lack of action?

The Minister may not be aware of all this even though I have raised these issues with the Minister of State at the Department of Finance with responsibility for the OPW, Deputy Parlon.

Will he bring these matters to the attention of Dublin City Council and the Office of Public Works? They have been lax on this issue. Following the flooding of two years ago, there was an initial spurt with a great deal of work done in the Drumcondra area, a politically sensitive one. Since then, the work has all but ceased. People are concerned as in excess of 2,000 houses in the East Wall-North Strand area are susceptible to flooding and have been flooded in the past.

Mr. Cowen: I understood Deputy Gregory's political sensitivity was constituency-wide. I will ensure the contributions raised during this exchange are brought to the attention of the Minister of State at the Department of Finance, Deputy Parlon, and Dublin City Council.

Mr. F. McGrath: The Minister should not forget Fairview and Clontarf.

Mr. Cowen: I hope these matters will be taken into account at the meeting that will take place shortly to discuss what works will be carried out by the Office of Public Works in respect of these potential flooding problems. I hope it will become clearer as to what will be done in the

course of the year. I will bring the issues raised by Deputy Gregory to the attention of both parties.

Mr. Gregory: What about the insurance issue?

Mr. Cowen: That is a serious issue for residents in the area. This must be addressed in a manner to satisfy the insurance companies to re-insure those houses. It would be helped if, as a result of the meetings between Dublin City Council and the Office of Public Works, some works will be agreed. I will take these matters up with both parties. I do not have a detailed knowledge of the issues raised by Deputy Gregory. However, I will ensure they receive the attention suggested by the Deputy.

Other Questions.

Proposed Legislation.

8. **Ms Lynch** asked the Minister for Finance if his attention has been drawn to comments made by a person (details supplied) in which it was suggested that the law should be changed to make it an offence for anyone to take steps to facilitate the fraudulent evasion of tax; if he intends to act on this suggestion; and if he will make a statement on the matter. [2474/05]

Mr. Cowen: I am aware of the difficulties the Revenue Commissioners experience when attempting to prosecute persons who collude in or facilitate tax evasion. This has been raised at the Committee of Public Accounts and in the media. I have considered this matter in the context of the Finance Bill, which will be published later this week. It would not be appropriate for me to comment further in advance of the publication of the Bill.

Ms Burton: Does the Minister agree that tax evasion is a crime? It can be a significant one against society when money that would otherwise be available for important areas such as health and education does not become available. Is the Minister bearing in mind the Revenue Commissioners' finding that legislation on tax evasion makes any prosecutions in the area difficult? Is the Minister aware that bank officials or senior management who organised, perpetrated and facilitated multi-billion euros of offshore tax evasion have not been prosecuted? Compare this with people on social welfare who are frequently, and correctly prosecuted for defrauding the social welfare system.

Mr. Cowen: The question of revenue law assisting the Revenue Commissioners is under consideration in my Department on foot of representations by the Chairman of the Revenue Commissioners. I have sought the advice of the Attorney General's office and I will make an

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announcement on this matter when the Finance Bill is published on Thursday.

Mr. Bruton: Is the question of evidence the real problem? In the NIB case, substantial tax evasion schemes were identified. While the taxpayers paid, the bank suffered no financial penalty for the tax evaded. Is there a problem with evidence requirements or penalties? Will the Minister inform us where the problem lies with this issue? People feel this is a serious source of scandal.

Mr. Cowen: The current legislative provision covers the offence of assisting someone in making an incorrect return. This narrowly defined offence is specific. To address this difficulty a new offence of facilitating tax evasion, along similar lines to the recently enacted criminal justice legislation and the UK model would have to be considered. These are matters on which I have taken advice and I will comment on them when I publish the Finance Bill on Thursday.

Mr. Boyle: Will a distinction be made in the legislation between the people who deal face to face with bank officials who may have given direct advice and senior management in financial institutions who would have been responsible for what was often an unspoken policy that would have encouraged tax evasion? Is the Minister aware of that distinction and will he make provision for it?

Mr. Cowen: The legislative base is rather narrow and restrictive. The creation of an offence regarding aiding and abetting of tax evasion is a matter on which I have taken advice. I cannot comment further on the matter until Thursday.

Ms Burton: Will the legislation include an offence of aiding and abetting putting money offshore for the purposes of tax evasion? I understand that is the difficult point. Did the Minister receive representations from commercial or banking interests or the tax advisory industry regarding this matter?

Mr. Cowen: The Chairman of the Revenue Commissioners made representations.

Ms Burton: Did he receive any from banking or other commercial interests?

Mr. Cowen: I have not seen any.

Financial Services Regulation.

9. **Mr. Timmins** asked the Minister for Finance if he has satisfied himself with the manner in which unclaimed bank drafts are handled by the banking sector. [2544/05]

Mr. Cowen: While I do not have a statutory function in this matter, I am aware there are bank drafts which have remained uncashed for various periods. The overall regulation of the banking

system is a matter for the Irish Financial Services Regulatory Authority. I have not been made aware by that body or any other organisation that there is any particular dissatisfaction with the way banks issue drafts to their customers.

There is an issue, however, with uncashed bank drafts. The Irish Financial Services Regulatory Authority recently provided some preliminary estimates of the extent of funds in uncashed bank drafts for periods of up to two years. It is firming up these figures and looking at the extent to which such drafts remain uncashed for longer periods. When these figures are available, I will be in a position to consider whether these uncashed amounts should be dealt with as if they were dormant accounts, within the terms of dormant accounts legislation. My Department is examining this issue and is considering the legal issues arising in conjunction with the Attorney General's office. Whatever legislation is appropriate could be accommodated in financial services legislation under development in my Department.

Any legislative amendments would need to recognise the fundamental differences between prepaid instruments, where the customer does not hold an account, and dormant bank accounts. Unlike conventional dormant bank accounts, establishing the beneficial ownership of dormant bank drafts is not straightforward.

Mr. Timmins: I appreciate the points raised by the Minister in his reply. I have followed this issue for some years. However, the Department and the Irish Financial Services Regulatory Authority have been reticent with regard to getting involved as they did not see that there is a problem. There is an issue and I am aware that the preliminary figures given may not be as accurate as they should be and they are looking to establish exactly what is there. In many cases, people got bank drafts, which were later forgotten about, and when they passed away, the drafts were uncashed, similar to the situation of dormant accounts. In many cases, the banks know the original holders of these drafts, yet they are not obliged to inform the person and there is no time-frame on the validity of a bank draft. When the Irish Financial Services Regulatory Authority finalises its figures, a substantial amount of money will be involved. The initial figure for two years or older was €98 million, but following the publicity of this issue it will be somewhat less than that. Following the publicity of this issue people who had worked in banks have informed me that they were aware of outstanding bank drafts. Will the Minister examine the concept of putting a time limit on a bank draft? This would put an onus on the financial institutions to contact the holder of the bank draft informing them that its shelf life is coming to an end.

Mr. Cowen: The bank has no way of knowing where the bank draft is if no one presents it. The person to receives it does not have to have a bank

account, which creates difficulties. The point is made in terms of investigating the matter to determine the extent of uncashed bank drafts, what are the ownership issues, what advice can be obtained from the Attorney General and what should be the period of dormancy. A number of issues need to be examined. IFSRA is following up the matter and, as soon as it reports back, we can set in train a process to see how the matter can be resolved. If dormancy can be established, what we have done in regard to dormant bank accounts provides us with a model, perhaps not the exact model, which will ensure these moneys are put to good effect.

Budgetary Process.

10. **Mr. Bruton** asked the Minister for Finance the way in which he would like to see the budgetary cycle change to provide a more meaningful process for debating options and for delivering results. [2540/05]

Mr. Cowen: I am currently examining a number of options for change which could be implemented in the short and medium term. Any changes to current practices would need to meet best practice, improve both the quality of debate and the data available to the House on the budget, meet our obligations to the EU and be capable of being delivered within the existing budget timetable. I will discuss shortly the possibilities for change with my colleagues in Government and, at that stage, I will bring forward proposals which the House will have an opportunity to discuss.

Mr. Bruton: The Minister did not say what he has in mind. Would he consider, for example, that the spending Estimates and the broad based tax proposals should be introduced much earlier in the cycle, perhaps in October, and that they identify new programmes, the multi-annual implication of new programmes and their capacity to staff projects like hospitals they are committing to build, and sometimes are not staffed? Would he consider obtaining outcome and performance indicators from each Department to accompany the Estimates so that there would be realistic benchmarks against which to judge their spending programmes? Has he in mind some of the issues that have been developed overseas, such as efficiency agreements between his Department and some of the line spending Departments, changes in project appraisal methods, which have fallen into some disrepute, and ministerial compliance statements, where they would sign off on the robustness of the basis on which Estimates, particularly new programmes, are being put together? Are these the elements the Minister has in mind because it would be a useful direction in which to go?

Mr. Cowen: Given the documents which I have read, these issues are certainly on the Deputy's mind. As I said, I am prepared to consider how

we might be able to improve the budgetary process. I have not reached a decision on how this might be done. I am consulting with my officials and preparing some ideas for consideration by Government. The reason I am not being very specific at the moment is because I would need collective cover for anything I may do, otherwise I might be accused of acting in bad faith. We are aware that the budgetary process should be examined to see can we improve the quality of the debate and the participation of the House in the budgetary process. Unfortunately, it is too early for me to be more specific in terms of the policy documents the Deputy has produced.

Mr. Bruton: What has happened to the commitment the previous Minister obtained from the Departments of Agriculture and Food and Transport that they would change the way they presented their Estimates and adopt performance indicators to make a more meaningful presentation? As far as I know, that pilot project has not seen the light of day. Has it been derailed?

Mr. Cowen: The pilot project is still ongoing and an appraisal of it should be forthcoming. I will get the details for the Deputy. I read a fair amount of the supplementary information provided and it appeared the pilot project was underway. Given the multi-annual funding and the envelope system which has been applied to capital projects, and which in some respects was applied in last year's budget to current disability issues, there are opportunities to do more in this regard. I take the point the Deputy made regarding the whole question of capital and ensuring it flows on from the capital project completion date in the interests of good service delivery. Guidelines have been outlined to Departments to ensure the revenue implications are examined and factored in before embarking on major capital projects. This makes for a good system of accountability and efficiency. I am aware of the number of ideas the Deputy put forward, which I will examine to see if we can incorporate some measures that might subsequently form the basis of discussion in this House.

The Deputy said a project under the chairmanship of the Department of Finance and involving the Departments of the Taoiseach, Transport, Agriculture and Food and Social and Family Affairs is developing a pilot project to link departmental business planning, resource allocation and output reporting. The report on that project and the pilot models are being finalised in light of the views last September of the financial management sub-group of secretaries general, and will be submitted to me shortly.

Tax Code.

11. **Mr. P. McGrath** asked the Minister for Finance his views on whether additional caps should be introduced in respect of certain tax reliefs in order that they not be used to eliminate the tax liability of high earning persons. [2585/05]

Mr. Cowen: As the Deputy will be aware, in budget 2005 I announced that my Department, in conjunction with the Revenue Commissioners, would undertake this year a detailed review of certain tax incentive schemes and tax exemptions.

There are a number of elements to the review which is already underway. It will evaluate the impact and operation of certain incentive schemes and exemptions including their economic and social benefits for the different locations and sectors involved and to the wider community, including external consultancy work on the evaluation of property based tax incentive schemes. It will examine the degree to which these schemes allow high-income individuals to reduce their tax liabilities.

As well as examining relevant international approaches, the review will also include a consultation process seeking submissions on measures that could be introduced to balance the benefit of such reliefs and the extent to which such incentives and exemptions are used by high earners to reduce their tax bill. One such measure to be examined will be whether additional caps should be introduced in respect of certain tax reliefs in order that they cannot be used to eliminate the tax liability of high earning persons.

Mr. Bruton: If the core issue is to examine how high earning individuals can reduce their tax liability to zero, which is a scandal, can the Minister in a much more rapid and targeted way cap what any individual can claim on the aggregate of relief across the board? It is a targeted intervention which would not destroy the relief if the Minister feels the relief continues to have relevance. Why has he decided to review the whole lot when there is capacity to take some short-term measures that would not have any damaging effects and that would ensure everyone pays a realistic tax contribution? He could do so this year. He does not need to wait for reviews.

Mr. Cowen: I set out in my Budget Statement the reason I decided to take a comprehensive approach, and I stand by that judgment. It is important to examine how we can systemically deal with the idea of high income earners being able to eliminate completely their tax burden. A number of approaches could be considered, not just putting a cap on the relief one could claim. Whatever methodology is decided on, based on the broadest possible comparative work, submissions and so on, we must examine the balances between the benefit to the taxpayer and wider community benefits in respect of the schemes themselves. We must examine every aspect. One then gets a much clearer picture of the way forward. As the Deputy knows, some of these schemes, those for which I have not changed the dates, are coming to an end. In looking at this we need to recognise the broader tax relief schemes I have outlined, which are clearly for the benefit of ordinary taxpayers. We are not talking merely of schemes for the rich. The ones

we are concentrating on here involve property reliefs, specific area reliefs and so on. We are considering these to see what role they could or should play in the future, given the current level of economic and social development we have attained.

We will also consider what structures should be put in place for people who can access those schemes based on our review of the balance between the benefits for individuals who would invest in them and the wider community benefit which would derive from whatever modification of structure might emerge as a result of the comprehensive review we are undertaking — or the complete elimination of the schemes. Coming into this job at this time, I felt that this was the best direction for me to take.

Mr. Bruton: Caps already exist on some schemes such as that for film relief, so that a new concept is not being introduced. Is the Minister indicating that next year's budget will contain a comprehensive response to this review? I am sure he will forgive me for being sceptical of reviews. We have seen about ten reviews of competition with no concrete action taken on many of them. I know the Minister does not have a reputation for conducting reviews and then doing nothing about an issue, so will he indicate his intention for next year's budget? Will he have ready for that budget a comprehensive response, a set of measures as a result of this review?

Mr. Cowen: That is my honest intention. Rather than considering this matter piecemeal and reacting to whatever issue is more fashionable in any given week or day I intend to consider the entire issue. It would be helpful for the ordinary taxpayer to see what role these schemes play and to see their wider benefits.

Successive governments devised these schemes. They were changed and modified and they evolved through circumstances including judgments justified in their own way and time. A wider community benefit derives from these schemes. Too often, critics like to portray them in terms of being some sort of sop or concession to high earners. Their purpose is rather to gain a wider community benefit, which has taken place. Some schemes have worked very well and others not so well in instances where the level of architecture or integrated planning or whatever was not uniform. One could point to a great success in location A and one not so great in location B. We must learn what wider merits are involved in these schemes, their applicability and application in the years ahead, given that the economy is not progressing at full speed in every part of the country. We must learn lessons from the operation of these schemes so far, and considering the infrastructure deficits we have identified, see what can be done to assist parts of the country that might gain an overall benefit by the implementation of such incentivised schemes. That is the purpose of the review. It is not done simply

to defer decisions. It is a question of getting matters right and it is far better to take what might be a valid criticism of not proceeding with the schemes now, or making any changes now. I am prepared to take that flak in the interests of coming forward next year, as Deputy Bruton suggested, with something that perhaps makes greater sense.

Ms Burton: Does the Minister agree that it is not appropriate for an individual with an income of perhaps €200,000 per year not to pay at least the standard 20% income tax rate after the ordinary personal tax credits and so on have been applied? It is very difficult for someone on the average industrial wage, on a gross income of about €30,000, having the top tax rate of 42% applied for some of that income and certainly for any additional overtime earnings in excess of that gross income, to find that someone with a very substantial income of €200,000 paid no tax. Will the Minister undertake to eliminate that loophole for earners at the top level?

Mr. Boyle: Will the Minister accept that the focus of the current review of tax reliefs is somewhat misplaced, that not only should we look at whether the existing reliefs are effective — many of us believe they cannot be justified — but that we should put in place mechanisms regarding how any future relief might be introduced, what sort of democratic accountability is attached to them and whether they can be cost-effective during the term in which they are meant to operate? Such mechanisms do not exist for any of the current reliefs and we need them if we are to have any faith in any such reliefs to be introduced in the future.

Mr. Cowen: The democratic accountability is very clear. Matters are voted on in this House, the Finance Bill is enacted in this House and changes brought forward are decided in this House.

Mr. Boyle: Sometimes they are decided on the night before.

Mr. Cowen: That does not bring into question the validity of democratic accountability within the law. One can bureaucratise this democracy out of existence if one wants, and get someone else to do our job. We must take the decisions and make the judgments. We do not have to wait for unanimity or total agreement. One must make a decision and one does so. Democratic debate is about putting forward different views. Matters are voted on and they proceed. People can decide afterwards if a good or bad decision was made. Too much of our modern politics is about finding out if someone else can make decisions for us. We can make the decisions here, stand over them and that is the end of the matter.

Regarding Deputy Burton's point, of course we want equity in the tax system. That is in the

interests of high earners, low earners, all earners, including those outside the tax net. Everyone should pay his or her share. That protects everybody. Regarding the payment of at least 20% tax on income, there are many people with the income mentioned by Deputy Burton who earn more than 20%, as the Deputy knows from the answers to questions she tabled in recent months.

If one goes for the minimum income tax rate for the type of income earners the Deputy mentioned, one has to watch out for that rate becoming the target rate. Tax planning then begins to develop on a much wider basis so that more people go down to that rate rather than rise to effective rates of 32% or 40% or whatever, as the Deputy will know from answers to parliamentary questions. An entire range of issues is involved there, such as tax credits and trading losses. Taking it that everyone accepts that all those are legitimate credits against tax liabilities, the broad point is that we want to arrive at an acceptable situation. It is not acceptable for a person at the income level noted by Deputy Burton to end up after assessment without a tax liability. It is not acceptable now, nor was it acceptable in 1993 or before that. No reputable tax planner indicates to anyone that he or she should aspire to that situation, apart from bringing attention to themselves.

It is not as simple as it seems but one simple, fair and understandable concept, which is comprehensible to all and to which I subscribe is that everyone should pay his or her fair share of tax. For these tax relief schemes to be successful one needs people with discretionary earnings above normal living expenses and so on to invest in the schemes and make them work. We must be clear on that. We cannot on the one hand talk of high earnings and on the other hand say that all should be on low earnings, because then one will not get people into the schemes. The wider issue involves the employment content, the economic activity generated and the wider community benefit which, for example has seen an extra 100,000 people working in the construction industry. That is not entirely due to these schemes but they have made their contribution. We must take that into account when deciding and making judgments about the balance between the benefits to the investor and the wider community benefit.

Those are the sorts of things that we must analyse objectively, taking our time to deal with all aspects comprehensively in a calm and collected way. That will add to a greater understanding of what, if any, role such schemes will play in future, given the level of economic development that we have achieved hitherto. That is why the way that I propose is better. It is not simply a question of focusing on dealing with the equity issue for high taxpayers, which is valid and something that I intend doing, but it is also about achieving greater comprehension in the community of what such schemes can do, why they exist and what benefits derive from them beyond their being a concessionary benefit for high-income earners. We must come to understand that since their wider

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acceptability as part of the tax code will ensure that they are valid and play the role that we envisage.

Decentralisation Programme.

12. **Mr. P. McGrath** asked the Minister for Finance the deadlines to which the different phases of decentralisation are now operating; and the status of elements which have not been included in any of the phases. [2547/05]

Mr. Cowen: In November 2004 the decentralisation implementation group submitted to me a report identifying those locations and organisations which, in the group's opinion, should be the first to relocate. All the recommendations in that report were accepted by the Government and subsequently published. The full contents are available at www.finance.gov.ie.

In the November 2004 report, the implementation group stated that it would report again in spring 2005 on progress regarding implementation of the programme. In that report, the group will also deal with locations and organisations not covered in its recent report.

Mr. Bruton: What is the Minister's understanding of the status of the locations? I believe that 29 of the 53 locations are included in one of the first three phases. I also understand that the chairman of the group has said that some of those proposals are simply not feasible, do not hold water and cannot proceed. Has the Government completely washed its hands of responsibility for the promises it made and whether they should be delivered? Now the Minister says that they are to be administered through some bureaucratic group at arm's length from the politicians. He tells us that we should value our own role but appears to wish to push decentralisation as far away as possible from himself.

I wish to inquire further about the first few phases. The difficulty appears to be that 60% of those moving in the first phase are doing so within the Dublin commuter belt. That does not seem to gel with the Minister's target for decentralisation. The second feature is that in 11 of the 14 locations in the first phase, the majority of those moving are not coming from Dublin. That does not gel with the Minister's aim either, which was to reduce the pressure on Dublin and promote regional development. Is the new bureaucratic system that the Minister has set up in accordance with what the Government is trying to achieve? It appears superficially very different. When will the Government account to the House for what it is doing instead of hiding behind Mr. Flynn's group?

Mr. Cowen: I do not accept the Deputy's contention. We have taken the decision to introduce a very ambitious programme of decentralisation to change how the Government works. As part of that process, the Government and its agencies

will be moved to diverse locations. That decision has been taken and we stand by it since we believe that it was right. We are not washing our hands of the implementation phase. We have appointed someone who, as the Deputy knows, having taken the central applications idea and ascertained the level of demand, is now matching that to those Departments ready to proceed. That is a very intricate industrial relations issue that must be dealt with in the normal fashion. The chairman of the implementation group and his colleagues are well qualified to move those issues forward, and that is proceeding currently.

The Deputy asked me whether the programme is progressing as we envisaged. When the locations were announced, the Departments were matched to them. It was never going to be the case that one would have a "big bang" approach, with everything moved and sorted out in a single day. It was a question of taking those cases where one could clearly see immediate movement possible and acting on those so that the message could go out very clearly that the programme was in implementation mode and that we were proceeding.

One cannot have it both ways. The Deputy cannot say that he is opposed to decentralisation and then ask me why everyone is not already in the new locations.

Mr. Bruton: That is not what I said.

Mr. Cowen: The Deputy takes both sides of the argument, depending on how he sees it progressing. There are some locations where one can see immediate movement possible, with the construction or identification of premises and people ready to relocate. There is also the question of skill sets and getting people with the necessary qualifications. That is a large and very complicated task. Some of the main criticisms coming from members of the Deputy's party regarding those towns that they represent have been based on the idea that we are not getting people to them quickly enough. The Deputy's view is the more strategic one that perhaps we should not be using this model at all. People speak with forked tongues when in opposition, depending on what constituency group they are addressing.

It is a question of recognising how ambitious the programme is. It was announced, and we stand by that decision. The implementation group is proceeding with matters and there are issues to deal with. No one is suggesting that it is facile or simple. The political decision and the will behind it are no less now than when it was taken. That in no way reduces the complexity of what must be achieved. However, I believe that progress and a way forward are being shown by the implementation group, suggesting that the policy can succeed. We have every intention of ensuring that it does so.

Mr. Bruton: The Minister is very good at answering my points, but it is he who wishes to

have it both ways. His predecessor as Minister for Finance, former Deputy McCreevy, introduced what he has called an ambitious political programme without any strategic analysis or thought given to whether it would fit. It was done in the wrong manner. By any standards, that is not the way to make important decisions about the future of the public service.

I accept that it has been done, but now the Minister is saying that the implementation is so intricate that he cannot be held politically accountable to the House or say what is happening regarding the different elements. That is what has happened. If a question were tabled tomorrow on what will happen regarding Ballinasloe, we would get the standard reply that the implementation group was examining all those extremely intricate issues and that we should wait and see. That is not the sort of political accountability that the Minister advocates regarding tax reliefs and many other matters. He cannot have it both ways.

Some of the proposals are nonsensical and seen as such, but the Minister wishes to avoid the political fall-out from his saying that we must abandon schemes that the Government accepts will not work. The Minister and his Cabinet colleagues are trying to have it both ways on this, and that is not the sort of political responsibility or courage for which he has stood in other areas. He must mend his hand and take proper political charge of this matter, abandoning schemes that cannot be implemented and establishing a proper strategic structure for what should be done.

Mr. Cowen: We will have to agree to disagree. I am not abdicating my political responsibility to see this through; the Government intends doing that. The Deputy made an argument regarding my earlier point. If I made a political decision on tax exemptions for stallions, for example, the administrative decision on implementation would be a matter for the Revenue. That does not mean that I am not accepting responsibility for that decision. One delegates functions in the interest of getting the job done effectively. If that were being dealt with simply by the Cabinet of 15 at a weekly meeting, of course we would not make progress on the matter. It must be dealt with — despite its complexity, is being dealt with — so that the job gets done. It was never going to be the case that the job could be done overnight.

It has been suggested that my predecessor said it would all be done by 2007. He made a very clear statement on that budget night to show our seriousness and that we intend being a fair distance down the road by 2007, and he was entitled to make that statement. The Deputy knows in his heart and soul that the scheme would never have got off the starting blocks if the former Minister for Finance had gone about trying to do the job in any other way. By the same token, even on the day of the announcement, it is a voluntary scheme. We are not tearing up the industrial

relations rule book but we are making it clear that a strategic decision has been taken with which I believe everybody in this House agrees, even if they do not like particular aspects of it or they way it was done. Everyone accepts that decentralisation is good for the country and the system. It has worked. It is working as we speak where we have decentralised offices. There is not a sense of dysfunction or people not being able to do their work in a collective and coherent way. That is not the case. The Revenue Commissioners have decentralised and one can now see the level of improved effectiveness and not simply because of decentralisation. The idea that this is an act of national subterfuge is an exaggerated argument. It is not correct. Decentralisation does and will work but we must be prepared to go through the process not just of consultation or determining the level of interest but the change of skills that will be required, the relocation of personnel and so on. It is a big job but it will be implemented and we stand over it.

There is an indication, based on the first series of reports, that despite what people are saying, a considerable chunk of the programme can be implemented in the foreseeable future. The chairman will report on other aspects in the spring with which one can see greater problems arising but that is not to say we should forget about it. We must work our way through this and in the reports the chairman has given me and the few discussions I have had with him on it, he is quite confident that we can work through this process. I take what he has to say with a great deal of seriousness. He is not a gentleman who would go on a wild goose chase. He has many functions but he is perhaps uniquely equipped to make the sort of progress on this issue, despite its complexity, that might otherwise not be possible. Far from it being an abdication of political responsibility by me not handling it every day of the week, that is the reason we give it to people who have those interface skills, with the legitimate staff interests involved, to try to make this happen. That is all I am saying. There was never going to be a “big bang”. This was never going to be done overnight. We all knew that, although perhaps some made it look a little simpler than others but it is the right thing to do strategically. Progress is being made and we can make further progress. We intend standing over the decision in the interests of making sure that strategic decision stands.

Tax Code.

13. **Mr. Bruton** asked the Minister for Finance if the termination dates set out in the Finance Act 2004 for various property-based schemes are subject to review under the public consultation which he has announced. [2557/05]

Mr. Cowen: As I announced in my Budget Statement, my Department and the Office of the Revenue Commissioners will undertake a detailed review of certain tax incentive schemes

[Mr. Cowen.] and tax exemptions in 2005. This review will evaluate their impact and operation, including their economic and social benefits, for the different locations and sectors involved and the wider community. In addition, the review will examine the degree to which these schemes allow high income individuals to reduce their tax liabilities.

I subsequently announced in a press release on 6 January 2005 that my Department has advertised for external consultants to review certain tax incentive schemes. Two consultancy studies are envisaged. One will examine the area-based incentives, that is, the urban renewal, town renewal, rural renewal and living over the shop schemes. The other will examine the other incentive schemes, namely, those covering multi-storey car parks, park and ride facilities, student accommodation, buildings in use for third level education purposes, hotels, holiday cottages, nursing homes, private hospitals, sports injuries clinics, child care facilities and the countrywide refurbishment scheme. The last five schemes have no termination date while all of the other schemes have a final date for incurring qualifying expenditure of 31 July 2006. This termination date was laid down in Finance Act 2004 and I indicated in the budget that the date remains unchanged.

Separate from the consultancy studies being undertaken in regard to these schemes, a special public consultation process was advertised on 8 January 2005 seeking submissions on measures that could be introduced that balance the benefit of such reliefs with the extent to which these are used by high earners to reduce their tax bill. The deadline for submissions for this process is 31 March 2005.

Mr. Bruton: In signalling this review in respect of schemes that have a fixed termination date of 31 July 2006, is the Minister inviting a whole lobby group to start converging on him and Members of the House to try to extend the closing dates of relief schemes or has he made a definite decision that the closing dates mean the end of those schemes and that the review will not reopen them? There is some confusion about the Minister's intentions. He got plaudits, as did his predecessor, for announcing termination dates on schemes in an industry that has been working at fever pitch and is not in need of tax relief, as we heard today from a prominent developer in the southern region. Is the Minister opening the door again to a further extension of those dates or are they final, regardless of the review?

Mr. Cowen: In respect of the existing schemes as they are currently constituted, they will terminate in 2006. That pipped the squeak, so to speak, and we saw what happened in the final months of last year when people finally got the message that there would not be a chance of another 12-month or two-year extension. In respect of existing schemes, the termination dates are fixed. I said

we were not changing them in respect of the schemes as constituted.

The review we are undertaking is to determine what we can learn from all that, what is good or bad, what we would do if we were starting again and whether we should start from this position, given the current level of economic development. Those are matters for us to decide upon based on what emerges from the review. If I were to pre-judge the review, there would be not much point in having it. The questions include the role for tax relief schemes in the future, if any, what areas we would consider are merited or that can give us the community benefit where we have a deficit that cannot otherwise be filled by the marketplace, public provision or whatever? As I said in the Budget Statement, the termination dates stand for existing reliefs as they are constituted. What we do in the future must be determined by the outcome of the review.

Ms Burton: Will the Minister undertake, in regard to the consultation, to publish all the documentation because a critical issue in respect of many of these schemes, as initiated by his predecessor, is that a cost benefit analysis was not done? In the Finance Act of two years ago, the generous tax breaks available for private hospitals were initiated by a letter from a general practitioner in the former Minister for Finance's constituency, and last year there was a significant expansion of the tax breaks for existing hotel refurbishment on the basis of a short, one-page letter from the Irish Hotels Federation. If we are to make intelligent decisions on what is a difficult area, the principle of incentivising behaviour through tax breaks is not of itself wrong but this is a hidden world which is only available to the few. Will the Minister undertake to publish all the documentation, information and representations made? Does he propose that the consultative process may include public hearings?

Regarding some of the recent tax breaks initiated by his predecessor in the Finance Bill of two years ago in regard to private hospital development and nursing homes, must the development of private hospitals tie in with the Government's health sector policy? The Hanly report stated that a 300 or 400 bed local hospital is not viable yet in the tax breaks for private hospitals, and no dimensions of viability are indicated in respect of bed numbers *à la* the Hanly report, which is Government policy.

Mr. Cowen: Those interested in making submissions may find it useful to examine the discussion documents of the tax strategy group which are available on the Department's website. Future tax strategy group documents will be available on the site also. It will be a matter for us in the first instance to examine the submissions we receive and what the review outlines. Consultants have yet to be appointed. We have advertised for them. They will report to me. The tax strategy group will consider matters. Those docu-

ments are available. It is incorrect, therefore, to state, in terms of the availability of these documents, that it is a hidden world.

My predecessor made many good decisions. If one makes a large number of decisions, one might not get everything right but one has more chance of getting matters right by doing so than by remaining paralysed by analysis, making no decisions, waiting for someone else to make them on one's behalf or waiting to see if one is in the clear politically before making such decisions. One must go with one's judgment and instincts on occasion. Analysis has a part to play but it cannot be substituted for the fact that one must sometimes make political decisions which do not meet with unanimous acclaim. We have reached the point in this country where everyone must agree with one before one makes a decision. It is as though one is doing something wrong. Ministers are obliged to make decisions. How they make them and the methodology they use is a matter for themselves. It is the responsibility of others to decide subsequently on one's judgment. That is the nature of democratic accountability. We all have our different styles and our own ways of working.

Reference was made to committees and their role. It is open to committees to organise their business in any way they wish. If they want to make a contribution to this debate during the year, they are more than welcome to do so.

I have set out my stall in terms of how I am going about my job. People can criticise me but I have decided, for the reasons outlined, to continue to operate as I have been doing and I will defend my judgment and my decision to do so. It is my intention to deal with these matters in the next budget. I intend this to be a comprehensive review in order that we will become wiser and more informed, based on the role these incentive reliefs and other reliefs have played thus far, in terms of how we should proceed. While people might not like the way decisions are taken many, if not all, of the decisions in question have a great deal of merit and have proven extremely successful. My predecessor's tenure was proof of that. Like all my predecessors, I will go about doing this job in my own inimitable way.

Mr. Boyle: Does the Minister accept that before the review examines any individual reliefs, the central question must be asked as to why property based tax reliefs exist in respect of a sector of the economy that is already responsible — before one breaks down the effects of the individual reliefs — for 12% of gross national product? I put it to him that his lack of clarity regarding whether some schemes will continue is causing a corresponding lack of development in certain areas. I cite here the example of Cork city where there has been no development in the docklands areas because of an expectation among developers that either tax reliefs will be continued or that a special tax designation will be made. As a

result, there is an onus on the Minister to put this issue beyond doubt once and for all.

Mr. Cowen: The Deputy stated that the industry is already responsible for 12% of GNP. That is a high percentage and I am delighted the domestic construction industry is responsible for it.

Mr. Boyle: It is also a result of property speculation.

Mr. Cowen: No, it is because there are over 200,000 people working in the industry. These people are all working here whereas when there were downturns in the industry in the past, they were obliged to go elsewhere. I am delighted we have a buoyant construction sector and that we have twice the capital budget, in terms of a percentage of GNP, of any of our European counterparts. The latter would love to be in the same position as Ireland.

Let us not decry the fact that we have a buoyant construction sector. One of the important things we must do in the coming years is to ensure that if demand is not maintained at its current level — housing output now is 80,000 units compared with 30,000 six or seven years ago — a way to make a soft landing is found. We must ensure the construction sector continues to make a positive contribution, without there being any adverse economic impact in terms of reduced demand. That is one of the issues the economy and the Government and its successors must face. Assertions to the effect that we have had some tax incentive schemes and that the latter is a reason we should not have had them because we would still have had the same level of activity do not stand up to scrutiny.

We have reached a level of economic activity where it is timely to review these matters in order to discover whether there is a deadweight argument, whether schemes could be modified, whether there are incentives which would remain appropriate and whether there are areas of activity which would benefit from such schemes. These are issues we should not prejudge. It is timely that we should consider these various matters rather than simply adding or subtracting from the current system of schemes. If we take a comprehensive approach, it is likely that there will be a greater degree of agreement regarding the way forward. There is no point engaging in an argument which adds more heat than light to the situation.

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 Lynch — the reasons for the ongoing delay in the provision of the new

[An Leas-Cheann Comhairle.]
 BreastCheck unit in Cork; (2) Deputy Costello — the Minister's reasons for replacing Mountjoy Prison with a new prison in north County Dublin; (3) Deputy Durkan — if the Minister will take steps to address the issues now likely to affect the postal and packaging service; (4) Deputy Ring — the Minister's plans to provide a permanent site for a school in County Mayo (details supplied); (5) Deputy Seán Ryan — the urgent need for a post-primary school in Donabate, Dublin; (6) Deputy Crawford — that the Minister ensure that resources and staff are made available to provide one extra shift in the dialysis unit in Cavan General Hospital; (7) Deputy Healy — that approval be granted for the opening of the completed medical units at two hospitals (details supplied) in Co. Tipperary; (8) Deputy Neville — the loss of 140 jobs at Kantoher Poultry Products; (9) Deputy Cowley — to ask the Minister if she is aware that there is a total cessation of all elective orthopaedic operations at the Mayo orthopaedic unit, which just opened in September 2004, and if she will agree that this is a terrible waste of resources considering that a full team of consultant orthopaedic surgeons, junior hospital doctors and 31 nurses are already on board and if she is aware that an older person already prepped for a THR — total hip replacement — operation was sent home without it on the instruction of management, having waited for several years in pain for this operation and that this person and many more are now in limbo waiting for essential operations and will she agree that this course of action is a terrible waste of scarce resources; and (10) Deputy Ó Caoláin — the need for the Minister for Health and Children to establish a redress board for those women victims of gross malpractice at Our Lady of Lourdes Hospital, Drogheda.

The matters raised by Deputies Crawford, Healy, Neville and Costello have been selected for discussion.

Leaders' Questions.

Mr. Kenny: Last week the Minister for Justice, Equality and Law Reform announced the decision of the Government to site a new prison complex on a site at Thorntown, County Dublin, and also to transfer the Central Mental Hospital to this site. There are many aspects of the way this was done which warrant discussion and I will return to them at a later date. However, I would like the Tánaiste to focus on what this decision says about modern society's view of mental illness.

A recent report from the mental health commission stated that people suffering from mental health difficulties experience considerable stigma and suggested that priority should be given to changing public attitudes towards people living with a diagnosis of mental illness. There will be no argument from this side of the House about the need to replace the current appalling and Dickensian conditions which exist at the Central

Mental Hospital. Is it necessary, however, to locate an alternative facility next to a major prison? A number of groups working with the mentally ill, including Schizophrenia Ireland and Aware, have stated that this decision will only add to the stigma and discrimination they have been fighting to end.

Does the Tánaiste agree that this decision will only further stigmatise those suffering from mental illness? Is the decision based more on economics and administrative ease than on meeting the needs of the patients of the Central Mental Hospital and tackling the stigmatisation of mental illness? Will the Tánaiste indicate when negotiations to acquire the site began and whether other stand-alone greenfield sites were considered in respect of the Central Mental Hospital?

Tánaiste and Minister for Health and Children (Ms Harney): I agree with Deputy Kenny that we must do everything possible to remove the stigma attached to mental illness. Much of what the Government has done in recent years in terms of the establishment of the mental health commission, increased investment in the area etc., was aimed at doing precisely that. The movement of people away from institutional care and into the community is part of that approach.

There will be no link between the proposed new prison and the Central Mental Hospital. I agree there should be no link. A group was established under the auspices of Indecon some time ago which included among its members the director of nursing, the manager and the medical director of the Central Mental Hospital. It unanimously recommended that a new stand-alone facility should be acquired for the hospital. Other than the fact they will share the same 150-acre site, the two facilities will have nothing in common.

It is not easy to get the type of land that is required for the facilities, close to the centre of Dublin. Everybody recognises that. We do not have enormous amounts of land at our disposal. There will be separate entrances and addresses and no link whatever. Although from time to time some people are moved from prison to the Central Mental Hospital, there is no other link in terms of either the management or operation of the two facilities.

The OPW acquired the site. I understand that other sites were examined and a number of parties expressed interest in their land being acquired. The OPW, I believe, made its selection on the basis of value. I do not have the details for Deputy Kenny as regards the precise negotiations, but I know that a number of other sites were examined. The Minister for Justice, Equality and Law Reform, Deputy McDowell, informed the Cabinet of that some time ago.

Mr. Kenny: We have a peculiar view in Ireland of what "adjacent" is. In the recent past there has been some public consternation over postal

addresses. This appears to fly in the face of the legal responsibility of local authorities to draft county development plans, which are subject to full public discussion and negotiation. This seems to have been done in secret. On five separate occasions last October and November the Tánaiste told the House in reply to questions: "I fully agree with the families and carers who feel that it would not be desirable that the hospital be perceived as, or closely identified with, a prison complex." I agree with that statement and nothing could be clearer, yet when it comes to this decision, the Government flies in the face of the Tánaiste's own instinct and statement in this regard.

On 10 March last year, the Minister of State at the Department of Health and Children, Deputy Tim O'Malley, let the cat out of the bag in the *Irish Examiner*, when he said the Minister for Justice, Equality and Law Reform "thinks a Central Mental Hospital should be adjacent to a jail". It is now clear that this decision was driven by the Minister for Justice, Equality and Law Reform. Is this to be his equivalent of the "Bertie bowl" and his legacy for the future? It is clear that this flies in the face of the report from the Human Rights Commission and the Mental Health Commission which both stated that the Central Mental Hospital should not be adjacent to a prison and that the rights of those suffering from mental illness would be undermined. Does the Tánaiste accept that the interests of the mentally ill have been let down? In view of all the reports on the stigmatisation of those suffering from mental illness, will she undertake to have the Government reconsider this decision?

The Tánaiste: I agree it should not be part of the prison complex and neither will it be. However, the worst case scenario for the residents of the Central Mental Hospital would be to leave them where they are. I understand the conditions there are very unsatisfactory for 2005. The Minister of State, Deputy Tim O'Malley, has given a commitment to meet the interested parties on this matter, and he will do that. However, the Government made the decision based on what we believed to be an appropriate facility that could be located on one large parcel of land.

Some 150 acres is a considerable parcel of land to be able to acquire so close to the capital. We decided it would be better to acquire the 150 acres, if we could get them, to provide two separate and distinct facilities in that area. There are many examples of public hospitals located close to existing prisons and no one ever suggests there is a link between them. We must be reasonable, given all the circumstances. Land in the greater Dublin area is not easy to come by. It is not just a question of economics, it is a question of trying to find an enormous parcel of land so that the Central Mental Hospital can have its own stand-alone modern state-of-the-art facility while on a different location, albeit close by, there is a modern prison. It should be possible to do that within

the confines of 150 acres, with separate entrances and complexes. I cannot believe that it is impossible, given the modern engineering and architectural designs at our disposal.

Mr. Rabbitte: The decision to send a former Government Minister to jail has been greeted by many commentators as signalling a shift in the attitude of the authorities to the question of tax evasion. Will the Tánaiste agree that the tax evasion involved in the case of the former Minister concerned is probably minor compared to that engaged in by Ansbacher depositors? In respect of the report published in July 2002 and the inquiries and investigations ordered by the Tánaiste, why did she direct the authorised officer in her Department to cease investigation and write up his report? What were the reasons for issuing such a directive? What stage had the work reached by the time she issued that directive? Was the Tánaiste in agreement with the authorised officer that work should cease? If they were in agreement, why was it necessary to issue a directive? If the authorised officer had completed his investigation would his work, depending on what he found, not have become the basis for the appointment of a High Court inspector who might have followed up on these issues? After all the money spent on the Ansbacher inquiry is it not the case that very little has been done and that even the question of costs has been settled on the basis of the State paying its share of them? What statutory power did the Tánaiste have for issuing a directive to the authorised officer to cease investigation?

The Tánaiste: As regards the Ansbacher report, that was submitted by me to the Revenue Commissioners, the Director of Public Prosecutions and other authorities. The authorised officer's role continued in existence after the establishment of the independent Office of Corporate Enforcement. He was in the middle of various investigations and I felt it desirable that the officer who was carrying out those should complete them. However, I felt that it was time to bring those investigations to a conclusion seven years on. I was under the impression they would have concluded much earlier. I was being constantly asked in this House by Deputy Rabbitte's party, Fine Gael and others about when the various inquiries would be brought to a conclusion.

Much of the work that the authorised officer was uncovering was also in the remit of the various tribunals. I directed the authorised officer to send much of the material he acquired to the relevant tribunals because I judged it was more relevant to their work than to a company law inquiry.

I did not have the power to seek the appointment of a High Court inspector. Those powers went to the new independent office when it was established. Any work completed by the authorised officer would have had to go to that office. I could not petition the High Court because those

[The Tánaiste.]

powers were no longer vested in the Minister for Enterprise, Trade and Employment. They had moved to the office headed by Mr. Paul Appleby. I took legal advice as well as the advice of the Secretary General of the Department on this matter, and any instructions I issued on it were as a result of the advice I received.

Mr. Rabbitte: That last point is not material. It did not matter whether it was the Director of Corporate Enforcement, Mr. Appleby, or the Tánaiste, that had the power to seek the appointment of the High Court inspector. The issue is that if there were sufficient grounds, a High Court inspector would have been appointed. He or she cannot be appointed if the Tánaiste has terminated the investigation and she has not explained why she did this, apart from saying she thought seven years was a long time. I asked whether the authorised officer was in agreement with her as to whether his investigation ought to have been terminated. I now ask her whether this matter ever came to Government and whether representations were ever made from inside or outside the Cabinet that it ought to be terminated. The Tánaiste appears to be saying that when the powers under section 19 of the Companies Act were transferred to the Office of Corporate Enforcement she retained powers under this section in so far as they related to this inquiry.

That seems to be the explanation. Why did the Tánaiste issue a directive to this authorised officer a couple of weeks before she left office to cease his investigative duties? Why did she make that decision? She had been there for the previous seven years and she could have made the decision at any time. It was done just before she left office. Did he agree with the decision? Was a time-scale worked out with him for completion of the report? Where is the report now? Will it go to Mr. Appleby? Does the present Minister want to re-open the inquiry? Having built her reputation on the investigation into Ansbacher, why would the Tánaiste want to terminate the inquiry? It relates to three of the companies where some of the most powerful in our society were engaged in tax evasion that makes Ray Burke's involvement look like that of a corner shop. Why would she want to cut off the investigation of those guys?

An Ceann Comhairle: The Standing Order allows the Deputy one minute for his final supplementary question. He has gone over two minutes and I ask him to give way to the Tánaiste.

Mr. Rabbitte: It lays itself open to the belief that the investigation was not terminated because it had come to fruition, but rather because it might do so.

The Tánaiste: Deputy Rabbitte is making very serious allegations about my integrity and I would like him to withdraw them.

Mr. Rabbitte: I am not making any allegations.

The Tánaiste: I do not know what he is suggesting. He suggests that I closed down the inquiry because it would reveal some information that I did not like. Deputy Rabbitte had better withdraw that. I have acted properly throughout my career in the Department of Enterprise, Trade and Employment and the issue of bringing that inquiry to an end arose at the start of last year, not a couple of weeks before I left office.

Mr. Rabbitte: The Tánaiste should answer the question.

The Tánaiste: He had better have his facts right.

Mr. Rabbitte: The Tánaiste answered a question on 7 October to my colleague, Deputy Wall.

An Ceann Comhairle: Allow the Tánaiste without interruption.

Mr. Rabbitte: She should not get up on her high horse. Just because she is surrounded by—

(Interruptions).

An Ceann Comhairle: I ask the Deputy to resume his seat and allow the Tánaiste without interruption.

The Tánaiste: I am no more of a saint than Deputy Rabbitte. No one made representations to me, either inside or outside the Cabinet. Any information that came—

Mr. Rabbitte: Why did the Tánaiste stop the investigation from continuing?

An Ceann Comhairle: Please allow the Tánaiste without interruption.

The Tánaiste: I asked the authorised officer on a number of occasions to bring the inquiry to an end.

Mr. S. Ryan: Is the Tánaiste happy with that?

The Tánaiste: I never envisaged that the inquiries would have gone on for so long. Any information I received that had any relevance to any tribunal of inquiry was given to those tribunals of inquiry at that time.

Mr. Rabbitte: Which tribunals?

The Tánaiste: It was given to both the Moriarty tribunal and to the Flood tribunal.

Mr. Rabbitte: What has this got to do with anything? Did the Tánaiste transfer documents—

The Tánaiste: Some of the information related to individuals that were being investigated by those tribunals or fell within the remit and the

terms of reference of those tribunals. In regard to where the report is now, the Deputy will have to ask the current Minister for Enterprise, Trade and Employment. I do not know where it is at now. It was not concluded when I left the Department at the end of September.

Mr. Rabbitte: Did the authorised officer agree with the Tánaiste?

The Tánaiste: No, he did not agree with me. He wanted to continue.

An Ceann Comhairle: I request Members to obey the Standing Order on leader's questions.

Caoimhghín Ó Caoláin: Has the Tánaiste taken the time to inform herself of the details in the major report published on Monday of last week? It states that almost one in four of our population, or 23%, either live with or are at risk of poverty. It also states that nearly one in ten are living in consistent poverty. Does the Tánaiste agree that this report is a damning indictment of Irish society and of successive Governments in that we have such a persistent level of poverty and inequality? Can the Tánaiste explain to us, after all the years of the so-called Celtic tiger, why children constitute the greater number of people so described? The report shows that 15% of children are living in consistent poverty. Does the Tánaiste agree that the publication of this report is more of a damning indictment of the failure of successive Governments than even the jailing of Ray Burke? How does the Cabinet propose to respond to this report? The Tánaiste's colleague, the Minister for Social and Family Affairs, referred to a new second tier welfare payment for children. Can the Tánaiste tell us when that payment will come into effect? Why has the Government failed to reach its target of €149 per month in child benefit by this year? Legislation that has yet to be introduced will see a shortfall of €7.40 for the basic child benefit payment to first and second children.

The community workers cooperative works with community groups in marginalised areas throughout the country. The Minister of State for—

An Ceann Comhairle: I ask the Deputy to give way to the Tánaiste.

Caoimhghín Ó Caoláin: I am finishing on this.

An Ceann Comhairle: The Standing Orders were agreed by this House and we cannot have a situation where questions go beyond every other facility in the House.

Caoimhghín Ó Caoláin: I would like the Ceann Comhairle to allow me to finish the sentence. The Minister of State, Deputy Ahern, has cut off critical funding. What is the Tánaiste's position on this? Will she help to see that funding restored?

The Tánaiste: I am aware of the report. The methodology of that report has been questioned. Given that the report takes the baseline of 60% of the median earnings, it is inevitable that we would see statistics of that kind. I acknowledge that there are too many people in Ireland living in poverty, if the Deputy wants to use that phrase, but there are much fewer people living in poverty now than there were in the recent past. Social welfare spending over the past seven years has gone up from €7 billion to €12 billion. We have particularly targeted areas like child benefit. The Minister for Social and Family Affairs remains committed in targeting welfare spending to those in greatest need. Thanks to our economic success, more and more people are participating in employment. With better education and more job opportunities, we can continue to reduce the incidence of those that live in poverty in our society.

Caoimhghín Ó Caoláin: Does the Tánaiste agree that we have the resources to ensure that no child has to live with deprivation? Would she use her office to impress upon her colleagues the importance of ensuring that child benefit is raised to the level her Government had set as a target for this current year? That target is €149 per month for the first and second child. Will she also address the issue of child dependant allowance? This has effectively decreased by 25% since it was frozen in 1994 and there is again no increase in the current year.

The Tánaiste must be aware that the Community Workers Cooperative described cutting of its funding by the Government as nothing less than a sinister move designed to silence an effective voice against poverty and inequality. What is the rationale for cutting this important funding to this group, which is working with the marginalised? I appeal to the Tánaiste to employ her influence to have this funding restored.

The Tánaiste: The Government has taken the view for some time that targeting resources through child benefit to families with children is more effective than child dependant allowances which, as the Deputy is aware, mitigate against those in employment. The Government is committed to continuing to invest heavily in welfare and, in particular, to ensuring that welfare payments are focused on those in greatest need, particularly families with children. With regard to the workers co-operative, the Deputy should put down a question to the relevant Minister.

Caoimhghín Ó Caoláin: I am asking the Tánaiste.

Request to move Adjournment of Dáil under Standing Order 31.

An Ceann Comhairle: Before the Order of Business I propose to deal with a number of notices under Standing Order 31. I will call the

[An Ceann Comhairle.]

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

Mr. Healy: I seek the adjournment of the Dáil under Standing Order 31 to discuss the following matter of national importance, namely, the policy of An Post to close and run down rural post offices thereby depriving local communities of vital services and, in particular, the recent decision of An Post management to close and sell Cahir post office and to franchise out the services, and to allow the Minister to make a statement on the matter.

Dr. Cowley: I seek the adjournment of the Dáil under Standing Order 31 to debate a matter of national importance, namely, why the ESB should be allowed to ignore its public service obligation and continue to pursue its policy of closing all retail outlets, leaving a skeleton service, and its intention to close Ballina and Castlebar ESB retail customer services so no retail facility will remain in Mayo, obliging Mayo people to travel to Sligo or Galway.

Mr. Connolly: I seek the adjournment of the Dáil under Standing Order 31 to discuss the following matter of national concern, namely, the decision of the Health Service Executive to cease holding regional monthly media briefing meetings in the absence of monthly health board meetings and to call on the Health Service Executive immediately to reinstate formal monthly information briefings for public representatives and the media.

Mr. Eamon Ryan: I seek the adjournment of the Dáil under Standing Order 31 to debate a matter of national interest, namely, the increasing body of scientific evidence highlighting the need for urgent action to tackle the climate change crisis and the utter failure of the Government to address this issue or to plan the dramatic cuts in carbon emissions that would be needed for us to play our part in keeping global levels below the 400 parts per million concentration in the atmosphere, as was recommended in a report published last week which showed that going above such a level would trigger an irreversible climate change process.

Mr. Cuffe: I seek the adjournment of the Dáil under Standing Order 31 to debate an important matter of public interest requiring urgent consideration, namely, the acquisition of a site for a hotel development at Trim Castle and the development of a car park at the same site, the misuse of European funds, the delay in seeking the return of such funds and the role played by the then Minister for the Environment, Heritage and Local Government in the controversy.

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

Order of Business.

The Tánaiste: It is proposed to take No. 15, Disability Bill 2004 — Second Stage, resumed, and No. 1, Dormant Accounts (Amendment) Bill 2004 [*Seanad*] — Second Stage. Private Members' business shall be No. 40, motion re Ireland's agri-food sector.

An Ceann Comhairle: There are no proposals to put to the House.

Mr. Kenny: In view of the increasing incidence of invasion of people's privacy, what is the status of the ministerial proposal to establish a press council? When are we likely to see it? With regard to the Dublin metro Bill, has the Government decided that there will be a Dublin metro and, if so, when is the Bill likely to be published?

The Tánaiste: In reply to the latter question, the Government has not yet made a decision on a Dublin metro. With regard to the press council, the Minister for Justice, Equality and Law Reform told the Cabinet today that he will bring forward proposals shortly. He will have a number of meetings in the next few days on this issue.

Mr. Cowen: Progress.

Mr. Rabbitte: When will the Campus Stadium Ireland Bill be introduced?

The Tánaiste: I do not have a date for its introduction. I will make inquiries and have somebody contact the Deputy.

Mr. Sargent: We were promised in the past that there would be a full debate on developments in Aer Lingus. It is important to have that debate given that the three top management personnel have left the company. When will that debate take place?

Will Ireland ratify the Aarhus Convention? This is a matter of interest as tomorrow is World Wetlands Day. Legislation has been promised for a number of years on coastal zone management. That now appears to have fallen off the continental shelf. Likewise, the foreshore Bill seems to have fallen by the wayside. There was no indication of a date for this Bill previously and there is now no indication that there will be such a Bill. Likewise, there is no harbours Bill, no marine services Bill, no maritime safety, No. 2, Bill and no maritime safety agency Bill. Has the Department of Communications, Marine and Natural Resources been cut back to such an extent that these Bills are no longer under consideration or where will they appear?

The Tánaiste: The Deputy can discuss a debate on Aer Lingus with the Whips. Mr. Sharman today became executive chairman of Aer Lingus in view of the vacancy that existed. The coastal zone management Bill will be incorporated in a

marine services Bill but I do not have a date for the Bill.

Mr. Durkan: We have not seen the Minister for Communications, Marine and Natural Resources for some time. He is probably otherwise engaged. Will the Tánaiste explain the present whereabouts of the broadcasting authority Bill, the energy Bill and the electronic communications Bill? It would be helpful to get an updated indication of when it is intended to rush that legislation through the House, after adequate discussion of course.

The Tánaiste: The broadcasting Bill will be ready later this year. The same applies to the energy Bill and the electronic communications Bill.

Mr. Quinn: Has the Government yet decided when the necessary legislation will be taken in the House to provide for the referendum on the ratification of the European constitutional treaty? The electoral amendment, No. 2, Bill, to implement the constituency commission report, might usefully be taken with that Bill since they are connected in a way and since the House is under pressure for time. Both measures are of interest, although one less than the other given that there will not be an election until 2007.

The Tánaiste: The electoral amendment Bill will be taken in this session. The Government has not yet made a decision about when the referendum on the European constitution will be held.

Mr. Quinn: The Government should reconsider that. The referendum must take place before 2006 and we do not want to repeat the mistakes made with the first Nice treaty referendum and have a rushed decision. Taking the Bill in the House does not pre-empt the timing of the date for the referendum.

The Tánaiste: I accept the Deputy's comments. Work is under way on preparing the legislation but I do not know when it will be ready. We have not yet decided on the date for the referendum. I agree a long lead-in time will be necessary to ensure there is no unnecessary confusion and misunderstanding.

Caoimhghín Ó Caoláin: It was signalled that the adoption Bill, incorporating the Hague convention, the adoption authority and miscellaneous items, would be published this year. In the current legislative programme, however, it is due in late 2005. Why is there a further delay? Will the Tánaiste guarantee that it will come before the House before the end of 2005?

The Tánaiste: The Minister of State, Deputy Brian Lenihan, has done a great deal of work on this legislation and the Government approved the heads of the Bill before Christmas. The Bill will be brought forward as quickly as possible.

Mr. Timmins: Is it planned to introduce legislation to permit members of the Defence Forces to train overseas and to participate in battle groups?

The Tánaiste: If they are to participate, legislation will be necessary to facilitate training. That matter is being considered at present.

Mr. Gilmore: The Joint Committee on the Environment and Local Government is due to meet tomorrow to hear from the chief archaeologist, the director of the National Museum, the chief executive of the Heritage Council and the head of the discovery programme to discuss the proposed M3 through the Tara-Skryne valley. Can the Tánaiste tell the House if it is true that the Government has instructed some of those people not to appear before the committee tomorrow?

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

Mr. Cowen: That is the oldest Workers Party trick in the book.

Ms Harney: I doubt it.

Mr. Gilmore: A Cheann Comhairle, it is an issue for this House if the Executive, which is accountable to it, has instructed senior State officials not to appear before a committee.

An Ceann Comhairle: It may be an issue for the committee, but it does not arise on the Order of Business. It does not come under Standing Order 26. I call Deputy Gormley.

Mr. Gilmore: A Cheann Comhairle, what is the status of an Oireachtas committee, if members of the Government can instruct officials not to appear before it?

An Ceann Comhairle: It does not arise on the Order of Business. The Chair has ruled on the matter and I have called Deputy Gormley. You will have to find another way of raising it.

Mr. Gilmore: I will find another way of raising it.

An Ceann Comhairle: Right.

Mr. Gormley: I welcome the Tánaiste's comments as reported in a newspaper this morning about the need to protect the privacy of individuals.

An Ceann Comhairle: Deputy, do you have a question appropriate to the Order of Business?

Mr. Gormley: I do. Does the Tánaiste agree that the protection of privacy should form part of the defamation Bill or should it be provided for in separate legislation?

An Ceann Comhairle: That does not arise. I call Deputy Lynch.

Mr. Gormley: Hold on. I know the Tánaiste wants to answer. Given the Tánaiste's comments in the newspaper this morning, is such legislation in the pipeline?

An Ceann Comhairle: Is legislation promised?

Ms Harney: I said that everybody in public life was entitled to their privacy, particularly with reference to their families, and that should be respected. Thankfully, it was until very recently in our society. I have already said the heads of the defamation Bill would come forward very soon. The Minister for Justice, Equality and Law Reform told the Cabinet this morning that he had arranged a number of meetings and would bring forward proposals very quickly.

Ms Lynch: On the Order of Business, will the Tánaiste ask the Minister for the Environment, Heritage and Local Government what he will do about the condition of our European capital of culture and the amount of litter which is now dumped on its streets? The manager is refusing to allow workers to remove it.

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

Mr. Roche: They should pick it up.

Ms Lynch: I am glad to hear that.

Mr. Roche: They are well funded.

Mr. Costello: In view of reports that the Minister for Justice, Equality and Law Reform has purchased for a new prison a site for €30 million, which is between ten and 20 times greater than the market price in north county Dublin, will legislation be introduced to close Mountjoy?

Ms Harney: I am not aware of any legislation promised on this. The idea is that we are moving to there.

Mr. Costello: Will proposals be contained in the prisons Bill as legislation is required?

Ms Harney: The prisons Bill will be published in the middle of the year. I do not know whether legislation is required to move a prison from one location to another.

Mr. Howlin: The Government has promised to introduce as a matter of some urgency in this session a Bill to provide for the use of non-UCITS common contractual funds, protected cells and cross-investments to meet the development needs of the IFSC funds industry. What does this mean and can the Tánaiste provide briefing for the Opposition on what specifically is envisaged?

The employment permit Bill was promised for a long time by the Tánaiste when she was the Minister for Enterprise, Trade and Employment. Will the content of the Bill be as announced when she was Minister to provide that the permit will accrue to the individual rather than to the applicant company?

Ms Harney: It will be the case that the permit will rest with the individual. Circumstances have stabilised to a great extent since the ten new countries joined the EU. Briefing will be provided on the UCITS legislation.

Mr. Howlin: When?

Mr. Cuffe: I add my voice to the concerns raised by Deputy Gilmore on the appearance of key officials at a meeting of the Joint Committee on the Environment and Local Government tomorrow.

An Ceann Comhairle: Deputy Cuffe, that matter has already been dealt with and I ask you to resume your seat.

Mr. Cuffe: I am concerned that officials might be muzzled and not allowed to appear at a committee tomorrow.

An Ceann Comhairle: Deputy, I ask you to resume your seat. I call Deputy O'Shea.

Mr. Cuffe: Specifically, I want to ask about the status of the national monuments Bill given concerns about the Tara-Skryne valley.

An Ceann Comhairle: If you resume your seat, I will call you again on promised legislation. I have already called Deputy O'Shea.

Mr. O'Shea: Contributions to charities have been at an all-time high since Christmas. Is it intended that the charities regulation Bill will be published during this Dáil term?

Ms Harney: Yes.

Mr. O'Shea: Will it be published during this Dáil term?

Ms Harney: Sorry, it will be published during this calendar year.

Ms O. Mitchell: It could be any time in 2005.

Mr. Broughan: Is it intended seriously to bring forward the Postal (Miscellaneous Provisions) Bill 2001, which is one of six items of legislation on the Order Paper? The Bill is not mentioned at all on the agenda for the spring or any other session in 2005. Is it window dressing?

Has the Tánaiste given consideration to introducing emergency measures or legislation on accident and emergency departments? I was in Beaumont Hospital yesterday——

An Ceann Comhairle: That does not arise.

Mr. Broughan: It arises as the Tánaiste is the Minister for Health and Children. Circumstances in Beaumont, near my constituency, are utterly shameful. When will the Tánaiste take action?

An Ceann Comhairle: I ask you to allow the Tánaiste to answer the question of yours which was in order.

Ms Harney: The Postal (Miscellaneous Provisions) Bill is ordered for Second Stage. I would bring in all the emergency legislation that was required, if I thought it would sort out accident and emergency departments overnight.

Mr. Broughan: The Tánaiste should get extra doctors and do whatever she has to do.

An Ceann Comhairle: Deputy Cuffe, do you have a question on legislation?

Mr. Cuffe: Given the concern about the Hill of Tara, it is on the national monuments Bill.

Ms Harney: The Bill will be published later this year.

Mr. Cuffe: Hopefully, prior to——

Mr. Cowen: On the Hill of Tara.

Mr. S. Ryan: What is the Government's commitment on the pharmacy Bill which has been promised for the last year or so? Will it be processed during this session?

Ms Harney: While it will not be processed this session, it will be published this autumn. It is very significant legislation which is being drafted as a matter of urgency. I intend to publish the heads of the Bill as soon as they are cleared by the Cabinet. It will be after the summer.

Disability Bill 2004: Second Stage (Resumed).

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

Mr. Andrews: I wish to share time with Deputy Moloney.

An Ceann Comhairle: Is that agreed? Agreed.

Mr. Andrews: The Disability Bill is very welcome and I am glad to have the opportunity not only to speak on it but to be listened to, which is an equally important part of the debating process. I will concentrate some of my initial comments on the debate on whether the legislation should be rights based and the compensation which can be made if it is not.

Politics is a tough old game which is all about making tough decisions. Inevitably, whatever

tough decisions one makes will cause some people to be unhappy.

Mr. Stanton: We are all unhappy.

Mr. Andrews: Some are never happy. It is unusual to be heckled so early in my comments and before I have really arrived at any point whatsoever. I am sorry to see Deputy Stanton is in such a mood as I have ten minutes of further comments to share with him.

Politicians must identify priorities and make tough decisions which, inevitably, cause some to disagree with them. For too long, politicians have been systematically divesting themselves of rights and powers. The process continues through regulations passed on a daily basis. There is no real point in politics if we fail to take tough decisions while continuing to hand responsibility for the decision-making process to other bodies. There is such a thing as a Constitution in this country which provides for separation of powers. The key word is "powers". We have powers, which we divest, foolishly, to the courts if we wish. Every parliament has powers and very few of give their powers away willingly. However, this is what is being argued for over and over by Members on social and economic matters. It is unfortunate that powers continually trickle out under the doors of Leinster House and this phenomenon has developed over the past 30 or 40 years. The European Union has been charged will almost all day-to-day regulation of agricultural and employment matters while the United Nations has been granted sovereignty over our military capacity and the World Trade Organisation has been given the right to decide our trade policy. Meanwhile, the unions have been granted powers under wage agreements. Many of these slippages in power have been positive but I find it hard to take that politicians would wilfully seek to transfer their powers to another body and this is at the core of the view that the courts should be granted the right to determine financial provision for people with disabilities.

A million quangos have powers and quasi-administrative functions and we ought to put a stop to them. We should take on the duties given to us by the people who elected us. We are in the House to make tough decisions and represent those who chose us and not to be popular.

Mr. Stanton: Tough decisions are being taken against the weakest in society.

Mr. Andrews: Section 12 of the Education for Persons with Special Educational Needs Act 2003 addressed the core issue of whether the Minister for Finance would consent to provide funding. This is a normal legislative provision. Section 5 of this legislation goes further, as it requires the Minister, for the first time, to make sure resources are provided and it is up to each Government to decide on priorities within provision. This is what politics is

5 o'clock

[Mr. Andrews.]
 about. As is being evinced by the white heat of debate on this issue, every Government will be judged on whether it has measured up to that provision, which was included for a reason. Opposition parties may be afraid of being in Government one day and not being able to step up to the mark. It is up to politicians to make those choices and section 5 adequately empowers us to do so. This year the Government will allocate 7% of current expenditure on this sector.

The European Convention on Human Rights was transposed into domestic law in 2003. It contains an anti-discrimination article, which does not include disability as a ground. However, a number of people with disabilities have taken cases to ensure their rights to education, family life and privacy are vindicated. It is wrong to think the legislation contains no rights for people with disabilities. There is a view, which I do not share, that the legislation is not rights-based but legislation must be considered in totality. The Bill, together with the Comhairle (Amendment) Bill, provides people with disabilities with a package that ensures the delivery of services to them.

Not much case law has been generated under the European Convention on Human Rights Act 2003. However, the courts must take cognisance of all legislation. Most case law up to now under that Act has related to crime and detention and not disability. Nevertheless, this legislation is evolving and it will be interesting to see how it is implemented. It will be a much more constructive way of providing rights to people with disabilities.

The overall vision is to provide people with an improved quality of life and to foster inclusion. The legislation provides for an independent assessment, a statement of need, an appeal mechanism and the right to personal advocacy. Sectoral plans will also be prepared, separate to the legislation. Previous speakers have stated the Bill's provisions in the area of transport are inadequate. However, significant improvements have been made but more work is needed. For example, 95% of buses on intercity routes have low floors and are accessible by people with disabilities and 50% of the Dublin Bus fleet is low floor and accessible. These represent major steps forward. In addition, the DART is being enhanced for mobility impaired people. This involves major investment by the Government and accessibility will be improved for everybody.

The requirement that 3% of public sector jobs should be reserved for people with disabilities has been maintained and it is a proactive step. The new full-time employment support scheme will also make a major difference. There was always a grey area where one leaves welfare to take up employment. While there is provision for people with disabilities to take up employment without losing their resources immediately, a number are discriminated against and, therefore, a disability card should be introduced, which would give people entitlements on the basis of the extra costs involved.

A number of interesting groups in my constituency have experienced administrative difficulties. I hope changes to the health boards will make life easier for them in accessing resources. The Bill will be of great assistance to all such groups.

Mr. Moloney: I welcome the Bill and I wish it a safe and successful passage through the House. It is a fair attempt to address the many issues affecting people with disabilities and their representative groups over the years, particularly the feeling of being left out. I will concentrate on the issues of funding, employment targets, genetic testing and appeals and assessments. People with disabilities and their families have felt marginalised for years, not only because of inadequate funding but also because of inadequate representation and appeal facilities. Many individuals and groups felt excluded by the decision making process and by the eventual decisions handed down.

I welcome the new open and transparent approach of the appeal system and the new employment targets. For too long we have talked about the need to achieve those targets, but nevertheless nobody felt there was a difficulty when they were not achieved.

The most important aspect of dealing with disability is the issue of adequate funding. In every endeavour, whether Government or private, money talks. Anybody who doubts the Government's commitment to dealing with disability issues can measure its commitment by the level of funding that has been recognised as necessary to address the issues. It is important not just to recognise the funding committed in the most recent Government announcements but to acknowledge that a previous Minister for Health and Children, Deputy Cowen, recognised the need for multiannual funding for people with disabilities and particular groups. It is important to acknowledge he made that commitment and not just see the figure allocated. We must recognise once and for all that a Government operating a capital programme on a year to year basis cannot provide the necessary funding. The multiannual commitment in 2002 underpinned the direct Government commitment to resolving the issues and this has now become the cornerstone of future Government funding. This is a positive step. People must realise that the multiannual programme will continue into the future and will, I hope, increase programme by programme. The Cowen package, as it is now referred to, creates the provision of capital funding of more than €220 million.

Without rehearsing the facts, I can proudly say that a significant level of funding has been committed to the various areas of disability. I recognise that much has been done, but like everybody in the House, I would like to see much more done. As we are going a distance in recognising the rights of people with disabilities, we should go a step further. In this regard I talk about providing funding for people with disabilities

through community employment schemes. We should take this opportunity to recognise that while the situation is far better than it was, funding through the CE schemes is not the answer. If we want to totally support people with disabilities, we should recognise that the current system of recruitment of personal assistants through the CE scheme, whereby people are taken on to support people with disabilities for a three-year programme, is not the answer. First, time is used up by way of a training programme. Second, the individuals recruited are often not suitable — I use the word “suitable” advisedly — for the tasks involved. Third, unless people have a specific interest in helping those with disabilities, they are not cut out for the job. In this regard, while we recognise the increased annual and multiannual funding, there is still a part to be played through direct support for people with disabilities. If the Minister invited in some people representing the Disability Federation of Ireland, they would show clearly that the level of increase required would be minimal to the Exchequer. This avenue should be pursued.

I was very pleased to read Part 4 of the Bill, which deals with the issue of genetic testing. I hope we can go even further on this. I heard some people say the Bill is not welcome. Part 4 is a part that has been welcomed. I am not just latching on to this because it has received public support. Part 4 seeks to safeguard access to employment, insurance and mortgages for people who may be affected by certain medical conditions such as cystic fibrosis and Huntington’s disease. I welcome this. This part restricts the use of genetic data in general, especially for employment purposes, and outlaws use for insurance purposes. The use of family information for insurance purposes may be restricted by regulation.

I, and other Members I am sure, have come across couples seeking mortgages where cystic fibrosis has been an issue and the couple have been refused a mortgage. Discrimination does not come across more startlingly than in this regard. Without being parochial, this type of discrimination is an area that should be examined. I urge the Minister to look into the matter of young people being barred from mortgages and from getting the necessary start-up in life. I have come across cases where under 40 year old young people were refused mortgage cover in this regard, despite the fact they had the wherewithal to meet the demands of a mortgage. The Minister could sort out the issue by way of regulation. I would welcome that. I welcome the Minister’s intention to protect the area regarding genetic testing. He should not increase the powers of the insurance companies nor should they claim that the law overseeing them is too strict. It is far from that.

We have all paid lip service to the provision with regard to public service employment. However, we must all welcome that this is now on a statutory footing. This, coupled with funding, must be the foundation of our commitment

to ensuring we have rights based legislation and an appeals mechanism.

I also welcome the inclusion of assessment officers. Sections 7 to 9 deal with the assessment of need. Those of us who are former members of health boards are well aware that the greatest criticism from people with disabilities and the groups representing them has been that they felt marginalised and left out because there was no specific appeals mechanism for them. Although there was an appeal system, it was often the acting officer of a health board — not to take away from him — who had to deal with the issue, without the experience or the necessary responsibility to deal with appeals. I therefore welcome this section.

I accept the comments made by Deputy Stanton and understand that as spokesman for the Opposition he has to highlight what he considers the flaws.

Mr. Stanton: It is not only me, but also all the groups out there. If the Deputy talks to them, they will tell him.

Mr. Moloney: Unlike Deputy Stanton, I think they would give people the chance to put their case, without flogging the horse before it even starts to gallop. I welcome the Bill. It is a sincere effort to provide for disability. That the former Minister for Health and Children, Deputy Cowen, recognised the need to put substantial funding in place has been a build up to the Bill. I welcome it and wish it an easy passage through the House.

Mr. Durkan: This horse has been at the starting gate for a long time. He has been chomping at the bit and various encouragement has been given to his rider, his trainer, and his owner. However, it is at a very late date that it is coming out the gate, long after the race has started.

Mr. Moloney: He is well trained, however.

Mr. Durkan: It will take a great deal of training to bring him up to speed because the race has already taken place. I give a limited welcome to the Bill. It is a minimalist response at a late date to a very sensitive issue that has been brought to the attention of the Government again and again. Notwithstanding the compelling nature of the need, the Government struggled with it over and over and failed to produce. If that horse is still around in the stalls, he needs a bucket of oats or something to encourage him to move out.

I do not know why the Government took so long to bring this legislation before us. I do not know if the people with special needs have done something to offend the Government. The legislation has been promised and they have been waiting for five years. I do not know why that should be. It may well be that the Government felt it could not handle this particular situation or that people with disabilities or special needs

[Mr. Durkan.]

would be catered for by some other means. People today must contend with new pressures that did not exist in the past. Unlike then, in most cases both parents now have to go out to work and they find it very difficult to cater for a child with special needs. Notwithstanding the fact that the Government claims it has run the economy extremely well and that its coffers are awash with money the most vulnerable group in society is the last one to be recognised.

I listened with interest to a recent radio programme, *Outside the Box*, which is presented by people with special needs. The question was asked why it is necessary to make all houses wheelchair friendly. The need for that is obvious. It eliminates the need to change it at a later stage should there be a requirement to do so. One contributor to the programme suggested that the Government was right to do this because of all the money it invests in housing. I almost crashed the car when I heard that. I wondered if I was in the right country. The contributor appeared to have forgotten that the Government cut off investment in housing a long time ago, particularly in regard to the disabled person's grant and special needs. Not only has the new house grant been abolished in recent years but on top of that, any unfortunate person who applied for a disabled person's grant in the last three years has had to wait. Local authorities refused to process any further applications and they banked up received applications as they were unable to meet the need. This is a classic case of special needs that could have been met by Government at a time when so much money is available, yet it refused to do anything about it. The applications still exist and local authorities are doing nothing about them. The Government gets 40% in the form of taxation of the price of every house built in the country, special needs or otherwise. That is just an aside.

Let us look at those who care for people with disabilities. Usually it is parents, be it a one-parent or two-parent household. I referred to the long delay before this limited legislation came to the House. We should remember the Sinnott case. If the Government is so committed to recognising the needs of those with special needs, why did it adopt the attitude it took to the Sinnott case? Why did it go to court to try to defend the indefensible? Surely it would have been preferable to recognise that people with special needs have enough trouble of a physical and financial nature without the *big brother* Government denying them certain entitlements. In these circumstances, surely it would have been simple to back off. It would have been the humane thing for Government to do and would have given recognition to people who in many cases have coped on their own for so long.

All Members of the House have dealt with situations that almost made them cry where parents, in some cases elderly people, have sought assistance in their efforts to cater for the special needs

of their children. It is difficult for such people to continue to do what they were capable of doing 20 or 30 years earlier. I do not understand why the Government has not recognised the difficulties involved prior to now. Why has it taken so long? I have not even touched on the nitty-gritty of the Bill. I accept what my colleagues said that the legislation deals in a small way with some but not all of the issues.

Let us look at the burden on the carer in a household where there is more than one person with a disability. In some cases a brother or sister may be responsible for the care of a disabled sibling. We must examine whether the Bill addresses the likely requirements of such people in future, legally and unconditionally. The Government is wrong if it considers that it has addressed the issues. In future, improvements will be made in the areas of science and medicine. People are living longer and there is an increasing need to make provision for those with disabilities throughout their adult lives.

The original disability Bill did not get off the starting blocks because the Government considered that its provisions should not be legally enforceable and should be provided at the discretion of Government. People who cater for the needs of their disabled relatives do not have much discretion. They have two options: deal with the matter themselves or deal with the matter themselves. They do not have any other option. They are daily hampered and obstructed by the various agencies that should be there to assist them.

Has any Member recently tried to gain access to health services to assist those with special needs or tried to find where the health service has gone, who is in control or who can provide back-up for people with special needs? I recently dealt with such a case in my constituency. I have made at least 40 phone calls regarding this case but it has been about as effective as if I did not call at all. That is the way we have become as a society. We should not be that way and there are very few excuses for it. It is sad that it is those who need special attention who first feel the lack of it.

The Bill is something of an improvement but it does not go nearly as far as is required. This will not happen until such time as there is a clear recognition on the part of Government of what it must do to meet the rights of those with special needs.

The body that has replaced the health boards, namely, the Health Service Executive is another amorphous mass, a quango which is remote and unaccountable to this House. On telephoning them one sometimes receives a lecture from the officials. They dictate what one should do and imply they know best — the fact that one has done these jobs before they existed does not come into focus. This is what people with disabilities must face. If those of us who are used to dealing with bureaucracy and making representations on behalf of people have difficulty gaining

access, the people with special needs will have a great deal more difficulty.

This will continue to be the position until the Minister of State or someone like him decides the time has come to involve all the agencies required to help, namely, the Department of Education and Science, among others; the health agencies and the local authorities. Failure to do so means we are only paying lip service to what this Bill is supposed to be about. We can pass all the legislation we like, but we may find ourselves having to go to court to access the rights as defined in the legislation and I do not see why that should be the case. I know the reason for the failure to progress this Bill in the first instance was along those lines.

The various groups that care for children and adults with special needs have made representations to the Minister and other Deputies in the House. They are in a very good position to identify the flaws in this or any other Bill because they have daily first-hand experience of dealing with the situation. In that context, I compliment the various organisations that care and assist in this area. They have experience of what it is like to wake up in the morning and have a major crisis on their hands, another before lunch and yet another in the evening, all of which need immediate intervention. This means that whatever they had planned the night before must be altered to deal with the situation that presents itself.

Every Deputy deals with a great many cases regarding people with disabilities. That is as it should be. However, I would like to see take place a dramatic change in local authorities and the health services generally in how they cater for these needs. Whether by way of disabled person's grants, back-up carers, home help or support, it behoves all those concerned to respond as a matter of urgency when called upon, not a year later.

One must consider the situation in which a local authority carries out an essential repair grant on a local authority house — no other body is involved — and, not for the first time, the repair is not carried out effectively. What does one do in such a situation? What does a person with a disability do? How will his needs be met in the context of this legislation being passed? "Not at all" is the answer because the local authority given the responsibility will be able to say "Sorry, we do not have the money to do this, therefore, we will not do it". That position has pertained up to now.

The sad part is that, even with all the money bursting out of the pockets of the national coffers today, horrendous cases still exist all over the country in which children and adults have not had their needs met because there is an inability to gain access to the money under particular headings with the result that disabled person's grants are backed up. I urge the Minister of State to use his influence in this area because it is an absolute disgrace.

We must also consider the households who must live in private rented accommodation for a considerable period before gaining access to a local authority house if and when one becomes available. Against that, one must consider what it is like to own one's own house which is specially adapted for use by people with special needs. I do not see on the part of the Government a will to make a decision to deal with this issue because of the fear that it might cost money. As long as that fear exists and the situation prevails, whereby people with disabilities do not seem to have the same voting clout as everyone else, that is how it will remain. That is a sad reflection on our society.

I could paper the walls, as I am sure could every other Member of the House, with the representations we have made on behalf of people with heart-rending cases. It is all very well to walk away afterwards declaring that one has made the case the best one could and that it did not work, but what about those who are directly affected? What about the person with the disability or the person caring for him or her and what solace is there for them in all of this? The answer is "very little".

I hope it is fully recognised that certain implications should flow from this Bill. Certain liabilities should fall on the Government and some on State institutions such as responsibility for education, health and housing services. If those liabilities are not recognised and the responsibilities of the Government agencies, through the local authorities, the health boards or the Department of Education and Science, are not taken on board, the legislation will be of no benefit. There is no use in someone stating that they tried. The Government has been trying for a long time now. It has examined the legislation and pawed around it with for the past four or five years and has only at this late stage made a realistic attempt at passing it. Only time will tell what was intended when the legislation was drafted in the first place because the proof of the pudding will be in the taste, by which I mean the Bill's operation. I hope it is a vast improvement on what exists.

Mr. P. Power: I am delighted to have an opportunity to discuss and debate this defining Bill. Deputy Durkan commenced his contribution by using a horse-racing analogy in which he stated that he was disappointed this Bill had not reached the starting stalls for a long time. However, I would much prefer that a thoroughbred came to the starting stalls rather than a nag. I would much prefer to have a horse which stayed the course rather than one which was ill thought-out, ill-bred and perhaps came from a bad stable. I would prefer to have a thoroughbred that comes from a good stable and will stand the test of time. This Bill, long though it has been in its gestation, will stand the test of time for the reasons I will set out.

Mr. Durkan: It has been an elephantine gestation period.

Mr. P. Power: We can all draw analogies.

This Bill, if implemented in its entirety as part of a national disability strategy, has the capacity to improve the lives of an enormous section of our community which has up to now been sadly neglected by many Administrations over the years. Before I discuss the detailed provisions of the Bill, I will address the context in which this Bill has come before the House and some of the history behind it.

In drafting this legislation, there were two different and divergent approaches, the so-called rights-based approach and the delivery-based approach. I compliment those individuals and groups involved in drafting this complex legislation. It has been a long process with huge inputs from the Department, the disability groups and NAMHI. I also compliment those disability legislative groups and the friends and parents of those with intellectual disabilities, such as Ger South in the Limerick East constituency. All had an important role in bringing this Bill to where we are now. It now rests on the desk of the Minister of State at the Department of Justice, Equality and Law Reform, Deputy Fahey, and I wish him well in bringing this complex Bill to fruition.

This is one of the few Bills that came before committee before it came to the floor of the House. The Committee on Justice, Equality, Defence and Women's Rights, under the chairmanship of Deputy Ardagh, decided to hold a series of hearings over several weeks on the legislation. All interested parties were invited to attend. Before the Bill entered the hothouse atmosphere of the Chamber, it was discussed in a cool, calm and reflective atmosphere, to get the views of the disability groups and experts. I sat through, as did Deputy Stanton, many of those sessions, many of which were enlightening and informed some of my views. There was excellent feedback from the sessions and I compliment Deputy Ardagh for bringing forth this initiative.

Placing the Bill in its wider context is important. It is unfortunate that people seek to debate it in isolation. I am the first to admit that if one examined the Bill on its own, one would question whether it has the capacity to deliver the results and goals shared by all Members. The Bill must be viewed in the context of the full implementation of the national disability strategy. This involves the full implementation of the Comhairle (Amendment) Bill and other sectoral plans and the full provision of the Cowen package of €900 million, announced in the budget. The Disability Bill on its own will not deliver results unless the other elements of the national disability strategy are implemented. It is part of an important package, not an *à la carte* menu. I compliment the Minister of State, his predecessor, Deputy O'Dea, and their officials for taking their time to engage with all groups in ensuring the package was right. An analogy can be drawn with the Finance Bill with which the Minister for Finance, Deputy Cowen, is familiar. The Finance Bill cannot be examined alone without considering

what came before it, such as the Estimates process. The Finance Bill cannot be examined as an instrument in changing revenue raising laws without considering the detailed provisions of the budget. I ask that the Disability Bill be considered in the same light.

Regarding the ethos underpinning the Bill, it is important to analyse the different and divergent approaches, both of which are genuinely and honestly held by their proponents. One is the rights-based approach, the other, the delivery-based approach. The former purports to extensively set out in legislation the rights and entitlements for people with disabilities. This approach allows the right to resort to litigation to have those rights enforced. On the face of it, it is a laudable objective. I see its merits in the context of infinite unlimited resources. However, its fundamental premise that delivery automatically follows the creation of the right is flawed. It is wrong to make that assumption because, when examined carefully, it does not stand up to logical criticism. I accept people come from different backgrounds when approaching this area. However, my one abiding memory from the hearings of the Committee on Justice, Equality, Defence and Women's Rights is that one can discuss rights for people with disabilities until the cows come home. However, it is an academic discussion unless the substantial resources needed to enforce those rights and deliver their services are available.

The opposite is also true. There is no point throwing unlimited resources, be it €900 million or €1.8 billion, at the issue unless a strategic framework and approach to delivery is in place. We have all seen that with the health services. A delivery-based approach, enshrined in the Bill, is the correct way to deal with this complex and difficult area. For the first time, the Bill offers a reasonably structured and strategic approach to the delivery of services for people with disabilities. It is about putting a meaningful and deliverable system in place. It is fine for Members to have an academic discussion on rights. However, we would be abdicating our responsibilities to lawyers who will run to the High Court for months on end and then the Supreme Court to discuss rights. There are no finer people than lawyers to do so at enormous cost. The Bill will put in play a system that will make a difference for people by delivering on the ground. I respect the proposers of the rights-based approach. Their history and personal involvement in the lives and welfare of those they seek to care for cannot be questioned. I have discussed the Bill with constituents who are the friends and parents of people with intellectual disabilities. However, I believe the rights-based approach is fundamentally flawed and will not bring about the objectives we all seek.

I want to dispel the myth that those who argue in good faith for a different approach are somehow not in favour of the delivery of services and benefits for people with disabilities. That myth

must finally be nailed. We all have the common goal of delivering services. Those who advocate an alternative approach have a bona fide right to put forward an approach that will work for people on the ground. The Bill introduces fundamentally greater rights than before. One must distinguish between the absolute rights people discuss in an academic and nebulous way from the concrete statutory rights of delivery, which this legislation will provide if underpinned by proper funding.

There are inevitable consequences to providing the absolute rights to which academics and others referred in underpinning the opposing argument. First, a huge proportion of the €900 million announced in the budget, and greater funding in years to come, will be diverted each year in deciding what these absolute rights are. We will not have a clue from one month to the next what these rights are, because it will involve many lawyers being employed to make decisions, and the rights to which people are entitled will change on a yearly and monthly basis. How can one run a proper strategic and structured approach to this whole area if one must wait for the lawyers to go down to the Four Courts, and go before some judge who may have different views and a different ethos from anyone in this House? It is the judge who would then lay down the law, which is surely the ultimate abdication by us as legislators. Second, the €900 million package over the multi-annual programme — this is the key point if one adopts a different approach — would inevitably be spread disproportionately to the areas designated by the courts. In other words, if the courts decided in six months that everyone in the country with any sort of speech or language disorder is entitled to the enormous rights enshrined by law, and protected by the courts, how far would the €900 million go? With that type of approach the money would immediately go into speech therapy, laudable though that service is, but what about people with other intellectual disabilities such as autism and so on? As there would be a fundamentally skewed approach to this whole area, the entire strategy would collapse.

There is a much better approach. The Minister for Finance, Deputy Cowen has committed some €900 million and no one can doubt his sincerity and commitment in this area. What we should address here is where to allocate these resources. We should not challenge this Bill so that lawyers can litigate from here to eternity. A legitimate debate in which we as legislators should engage is about where to spend the fund. To advocate a different approach is fundamentally wrong.

Having said that, there is one aspect of the new legislation which changes the previous legislation, namely, the rowing back from section 47 of the previous legislation, which provided that people could not have access to the courts. That approach was not correct, but access to the courts should be in the context of ensuring that the services that will be delivered under the Bill are accessible.

I would like to address some of the criticisms of the Bill. There will be a welcome conference by NAMI on independent assessment. Is it really independent? We have a statutory approach now in this Bill. How else would we do it? If one examines the social welfare and planning codes, should one change over to a completely independent body in the first instance? Even under these codes, one does not have rights to the court as one does in this instance to ensure one's service statement is implemented. The other criticism is that this is top heavy in bureaucracy but how else can we ensure that the rights enshrined in the legislation to independent assessors, service statements, liaison officials and appeals, are provided?

I will conclude by saying that one cannot divorce the legislation from the context in which it has come to this House. The legislation is not worth a hat of crabs unless it has a huge amount of funding underpinning it, which is guaranteed and now in place. No one can doubt the commitment of the Minister, Deputy Cowen, to what I predict will become known as the Cowen package. His record in this area speaks for itself. Even the disability groups would be the first to acknowledge this. It would be easy to introduce a Bill without a strategy, but for years people have been calling for a strategic approach.

Deputy Durkan made a very telling point at the end of his contribution. He said that we do not want to reach a stage where people are coming to his constituency clinics, cap in hand, on an ad hoc basis, begging almost for a delivery of services. Neither do I nor anyone else on this side of the House. The question is what to say to these people. Do we tell them to toddle along to their friendly lawyer, end up in the High Court in two years' time, roll the dice, spend an enormous amount of money and see what they are given, or do we say, "This is the structure in place. This is a mechanism to provide the delivery of the services to which we believe you are entitled. Not alone that, but we are providing the funding to match and underpin it."? That is the reply I want to give to people who come to my clinic, not the reply Deputy Durkan gave. It is a strategic and focused approach to the delivery of service. If funded properly in the long term, the legislation will go a long way towards providing a good service. I commend the Bill to the House.

Mr. Perry: I am pleased to speak on this important Bill. On the point Deputy Power made, this may not be fully constitutional. In an open democracy, people feel they should have a right to go to the courts if they wish. Prohibitive costs should not be a sole factor for not going to the courts if people genuinely believe they are entitled to certain rights. The Bill is a straitjacket from that point of view.

Obviously we are talking about how the €900 million will be spent, the value for money aspect and the service providers. As Chairman of the Committee of Public Accounts for two years, I know this is an area of State services which is not

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fully accounted for by the Comptroller and Auditor General. Very often section 45 money, which is dispersed by Departments, is not allocated to the people who need it. Some €900 million is being provided but there is a saying in business, "Turnover is vanity and profit is sanity". There is a great deal of vanity involved in the provision of this €900 million. However, the sanity aspect is in what the fund will provide, how it will be spent and whether it will be managed properly so that the people who need the money will receive it. Because the Government is awash with money, it tries to solve problems by allocating funds, not by spending them effectively. This is the wrong benchmark. I hear several Ministers stating that they will give €20 million towards certain projects. It is regrettable that there are not proper procedures in place and evaluations carried out in this regard. If that were done, perhaps less money would deliver much better results.

I compliment Deputy Stanton on the extraordinary work he did on the Bill. He met everyone involved in the sector and listened attentively to their concerns. That is important. It
6 o'clock only when one meets those with disabilities, their immediate families, their carers and the entire sector, that one can speak with authority on these matters. The view of Deputy Stanton and of Fine Gael is that this Bill is greatly flawed. In its programme for Government in June 2002, the Government promised to introduce a Disability Bill which would include the provision for rights of assessment, provision, appeals and enforcement. However, despite repeated Government pledges the published Bill is not human-rights based. It falls short of providing an unambiguous right to progressive realisation of an independent holistic assessment of need, with the guarantee of independent and effective channels for complaint and appeal.

The main flaws of the Bill are that the definition of disability is too restrictive, there is no real right to an assessment, no provision for people to have all their identified needs met over time and the complaints system is not independent. Furthermore, it is cumbersome, expensive and basically incapable of taking account of people's needs. Section 19 has the same effect as section 47 of the last Disability Bill in that it stops people taking legal action to pursue their acknowledged needs. That may be unconstitutional and is a major issue. The courts are separate from the legislative body and this is an apparent infringement on the rights of people to take legal action. It is not right.

The Bill aspires to be positive and includes several important rights but it is easy to say we will give people rights and quite different for people to feel they have those rights. To have rights within your country is to feel that you belong, that you have something to give to the country. There was never any doubt on a personal level that from person to person, those with disabilities

have as much to give as those without disabilities. It was on a legislative level that people were being let down and are still being let down. This country has reneged on a great number of people with disabilities purely because of a disability. People are regularly being let down by the Government and despite many debates in these Chambers and coverage in the media, people's lives have not changed.

This Bill has been much talked about and discussed as far back as the collapse of the Disability Bill 2001. Prior to the last election there was great commitment given in this area. Much is made of the announcement made by the Minister in the recent budget but which merely involves a cash envelope of funding which has no immediate short-term effect. Generally speaking, people with a mental disability may not be covered by the Bill.

The definition of disability in the Bill taken from the National Disability Authority Act 1999, is different from that in the Equal Status Act 2000. The Bill's definition says the disability must be "enduring", thereby potentially excluding people with a mental disability. The definition in the Equal Status Act 2000 includes "a disability which exists at present or previously existed but no longer exists or may exist in the future or which is imputed to the person." That is ambiguous and needs to be clarified.

Section 5 of the Bill is incomprehensible. The appeals process is very complex and cumbersome, with hundreds of people needed for this process. We need to ensure that whatever limited funds are available are spent in an effective manner. That is imperative. There has been too much talking and people need action. The legislation is not rights-based, though the Taoiseach is on record as saying that it would be. That is disappointing. The key strategy element of the Bill was to be the right to an independent assessment of health and educational needs undertaken without regard to cost or capacity to supply the service. There was to be a right to a related services statement setting out the services that can be provided within the resources available to the health or educational service provider and a right to redress through independent complaints and appeals mechanisms including ultimately enforcement of decisions through the Circuit Court. This structure gives statute-based systems for assessment, service statements, redress and enforcement. Of particular importance, people seeking services must be allowed to give their input to the assessment process, special liaison officers will be appointed who will help communication between individuals and the relevant public bodies and the redress systems are similar to those applying for planning, employment, equality and social welfare matters.

The Bill also puts the policy of mainstreaming on a statutory footing so that public bodies must cater for people with disabilities as well as other citizens. In addition, public bodies will be obliged to arrange for disability access to public buildings

and to provide information and other services in an accessible manner. Of equal importance is the employment of people with disabilities within the public service. Last week a person visited my office who was working in the health board on a temporary contract and was more than suitable for the job. The person was let go after the six month contract was up and though there was a possibility of getting a permanent position, the job was not offered. The lady was working on the switchboard, doing a very good job.

We are talking of an aspirational criterion. There is no right to service. It is important that there is a contract within the public service. The Bill puts a 3% quota for employment of people with disabilities in the public service on a statutory basis. However, the compliance provisions for this section are weak, in that they state that a non-complying body can be "requested" rather than required to comply with section 47(1). That is a major shortfall in the Bill. If we are talking of the employment of people with disabilities we are talking of massive growth in the public service in terms of the large number of jobs created. There is no point in merely paying lip service to the concept. People with disabilities should be working in local authorities and semi-State bodies. We are talking about leading by example, of giving a clear message to the private sector. The State should follow through on this commitment and live up to it. We are talking of people with disabilities who are very competent and well able to hold jobs. It is very disappointing if the State is not fully compliant with the 3% commitment, and that is the case as we speak.

There is no clear definition given. The Bill is big on hype and has failed in many areas. We are talking of one of the wealthiest economies in the world and though we talk of providing €900 million, that is not a huge amount of money. The money is to be provided over a timeframe. The success of this Bill will be determined on the availability of funds in the future. There is no remit for people to raise funds within the timeframe of a budget. Funds are being greatly cut. The disabled person's grant is only small money yet it is being cut by every local authority. There are people in long-term care who need ramps into their houses. They have given great service to the State and may be hospitalised and unable to return home because their houses have not been accommodated to their needs. They seek essential renovations to their houses, perhaps moving shower facilities downstairs, building a bedroom on ground level or installing a ramp, but that work is not being done. We are talking about people with disabilities and the aged, who have been forgotten.

On another, unrelated issue, they were being charged illegally for long-term care. Those with disabilities could come home and cost the State little or no money, yet the State is now paying large monthly sums. I will not even comment on that, since it is before the courts. We clearly have people with disabilities in long-term care who

could be accommodated at home for small amounts, yet those funds are not being spent. We can talk a great deal, but local authorities have achieved real value for money. For €10,000 per year, a person could leave hospital care, freeing State contract beds by getting people into their own homes.

Much of this Bill is lip service about giving hundreds of millions of euro. I would like to know where it is being spent and how effective the money allocated is in the provision of services to those with disabilities. In every community there are people who could maintain a job but need a small investment through the local authority, where funds can be spent effectively to obtain real value for money.

I am somewhat disappointed. With the recent wealth in the economy, millions have come from offshore accounts. At the end of the year, the public finances were €500 million better off than anticipated. We are discussing the timeframe, and I would like to know that this cash envelope will go forward. It seems a great deal expressed over several years, but not regarding what is spent each year when one considers independent living and those who depend on job creation in rehabilitation. In a recent case in Sligo, people were working in rehabilitation doing very good contract work, but the tender was awarded by a State body to a Northern Ireland company, meaning the jobs of people who had been getting up in the morning to attend their employment were very much in doubt.

The constraint on the Bill is that there is no right to service. Even after the required assessment has been conducted, the provision of a service is subject to the decision of a liaison officer, which is extremely worrying. The Bill provides for the first time for genetic testing and the processing of genetic data, but it may be necessary to establish such a provision. It would be preferable if that very important ethical issue were separated from the Disability Bill 2004 to allow for proper public debate on its potential consequences. The Minister should certainly consider that.

The inclusion of advocacy services is to be welcomed, but I am concerned that the location of such services within the Government agency Comhairle may make them subject to a conflict of interest where advocacy is required regarding another State body. That it embraces several Departments is a contradiction. Each Minister is to create a sectoral plan containing information regarding the Department's service to people with disabilities. The term "information" suggests no obligation to provide firm commitments in such plans. The Department of Health and Children's on-line plan is largely a restatement of existing policy and refers to implementing Planning for the Future 1984 and the Mental Health Act 2001. Much is a re-enactment of data already on file.

The Bill includes positive action and several important rights, but it is easy to say that we will

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give people rights and a totally different matter for them to feel they have them. To know that one has rights in one's country is to feel that one belongs and that one has something to contribute to it. That is where the creation of jobs is so important. People must have the capability. There is no regulation of the private sector, and I was rather disappointed that there was no major debate with IBEC, the Small Firms' Association or the private sector in general regarding the potential creation of jobs — that chance was very much lost. Those people can contribute to the economy, but there has not been any major dialogue with the private sector on the possibilities of partnership with State services. The Bill embraces six Departments, but it is regrettable that there is little or no involvement with the private sector, since small businesses are the hub of the economy. In every community and village there are those able to employ people and create jobs. The private sector should be encouraged to create enterprise locally and, equally importantly, to incorporate those with disabilities.

That chance has been lost in this Bill, which is certainly a disappointment. It has been very much hyped and camouflaged by the Minister's announcement of €900 million, which in any sense is not nearly adequate. No accountability mechanism has been built in regarding controls on the ongoing management of funds. We have certainly seen how much money is wasted in the economy. The adjudication by the Government to date on every project has focused on how much is spent rather than on the objective of providing a service that is effective and makes a real difference to the lives of those with disabilities.

Mr. Finneran: I welcome the opportunity to speak on this very important legislation and acknowledge the presence of the Minister of State at the Department of Justice, Equality and Law Reform, Deputy Fahey, who is a very suitable choice to deal with it. When in the Department of Health and Children in a previous Government, he was certainly a hands-on person. At that time, both he and the Minister, Deputy Cowen, received due recognition for their contribution to the disability budget. That has been discussed since. I am extremely pleased that the Minister, Deputy Cowen, has not changed his mind and that, when he got the opportunity to deliver a budget, those with disabilities received the priority they deserved.

Regarding criticism of what has been proposed in the Bill or announced in the budget, I can certainly speak with some authority from my constituency and county, my background in health and my continued involvement in the area, particularly with disability services. In Roscommon we are pleased to have a community-based service. I know that the Department of Health and Children considers that model appropriate for other areas. It works extremely well, and several organisations contribute enormously to current pro-

vision. In particular, apart from the Western Health Board, which is the Government arm of the services, we have the Brothers of Charity, who provide a service to Roscommon and other counties of which we are very proud. Next Friday, the Taoiseach will officially open their headquarters and assessment centre in Roscommon town built recently for almost €2 million. We have also the involvement of the Irish Wheelchair Association in the county. It has provided the only wheelchair accessible 39-bed, *en suite* hotel in the country, with all the necessary back-up facilities. Indeed, that facility is used by the public for functions, parties and even weddings.

In addition, we have one of the few fishing bay developments in the country. It is a 26-bay development that is fully wheelchair accessible by car to the ramp and from the ramp to the river. That development was funded to the tune of £300,000 by none other than the Minister of State, Deputy Frank Fahey, when he was the Minister with responsibility for fisheries. We also have the Roscommon Association for the Mentally Handicapped and the Roscommon Mental Health Association, of which I have been chairperson for the past number of years.

I assure the House that budget 2004, which will provide the moneys to 2005, was welcomed openly and publicly by the associations and organisations in my county. They are very focused on the legislation, which they welcome. They have concerns about some areas but their views generally are very positive as regards the legislation.

It is important when debating disability legislation in this House that we do not talk off the top of our heads, so to speak, but as a result of our own consultation, involvement and hands-on approach as public representatives in terms of what is happening in our own regions. If we do that we are representing in a way that is meaningful and helpful to those who have been neglected for so long rather than holding a grandiose view that may not be appropriate to what is needed in the regions we represent.

I welcome the decision of the Minister, Deputy Cowen, to provide for a multi-annual budget, which is innovative. Allocating the funds available to him is the first important step in terms of this and subsequent Governments looking after our people with disabilities. The level of funding is enormous in comparison to anything that happened in the past. I have examined the figures and know what has been happening for the past 30 years as regards funding for people with a disability. People with disabilities were given lip service over those years and it is only recently that anything positive has been done and that opportunities are being presented to people to allow them live an independent full life. For many years, people with a disability found themselves confined to institutions and forgotten. That was an inappropriate approach to those people. Indeed, people who were highly intellectual but who suffered some physical disability were dis-

missed on the basis that they had a mental disability and were incarcerated in institutions.

The psychiatric service was a catch-all response to all the problems of this nation. I am glad that system is no longer in place and that there is an opportunity for children with disabilities to avail of assessment, psychology services and a range of back-up facilities as proposed in the Bill. That will provide them with an opportunity to have their educational, health and personal assistant needs met, which is vitally important to people with disabilities.

I have examined the Bill in detail and talked to many people about it. I am in constant touch with those who are in charge of disability areas in my constituency and throughout my county. They are very positive about the budget and the fact that we have a Disability Bill that will look after the needs and rights of the people for whom they care. Parents and families of people with disabilities have always been concerned and, until now, got very little help or support from anybody. In the past ten years, bar direct intervention by the Minister, Deputy Cowen, when he was Minister for Health, I did not see any Minister for Health take what I consider to be the appropriate action as regards people with disabilities, that is, put in place finance and resources for them.

This Government is committed to ensuring that those with disabilities are able to participate fully in every aspect of Irish life without discrimination. In this legislation it is putting in place a programme of action to support that but unless that programme of action is financed, it will be of no use. The necessary finances are in the budget, not for 2005, 2006 or 2007 but up to 2009, and back-up facilities are provided for also.

We have turned over a new leaf in the area of support for disability. One only has to consider the number of people who have been employed over the recent period. In 1997, there were 100 special resource teachers for children with special needs. There are now 2,300 resource teachers in the primary system. By any measurement, that is an extraordinary development since 1997. The Governments that achieved that are to be complimented, and I compliment the 1997 to 2002 Government and this Government for providing that amount of support in this area, which is very necessary.

Major achievements have taken place in many other areas. We have turned over a new leaf as regards people with disabilities. I am always open to hearing what others have to say, including members of the Opposition and those who differ with the Minister or the Government on a particular matter. One view that should be challenged openly and debated — it appears to be coming directly from the main Opposition party and perhaps from others — is that there should be a system of involvement of the courts in the area of disability. As somebody who has some experi-

ence in the service, I assure the House that is not the right road on which to go forward. It would be a retrograde step, it would prove confrontational and it would not be in the best interests of people with disabilities.

I have two criticisms as regards support for people with disabilities or those are associated with them. I have always spoken out on behalf of people with disabilities and will continue to do so. In the context of the overall health budget, acute and other areas of medicine have moved forward at the expense of the psychiatric service. That is wrong. It is inappropriate that only 7% of the health budget is dedicated to the psychiatric service. I accept the service is backed up through disability support. In the past, this was, of course, part of the psychiatric service. I remain of the view that it is important to ensure the level of funding is increased to 10%. This would have a knock-on effect in terms of the cost to the State afterwards.

I am aware — this can be supported by research, statistics and people in the profession with whom I am acquainted — that many social or borderline psychiatric cases are incarcerated in our prisons, which is inappropriate and wrong. If we had a better funded and resourced psychiatric service operating on a community basis, this would not be the case. Currently these cases, many of which are social in nature, are being dealt with under public order legislation. That is the wrong method to use in dealing with problems of this sort. I accept that he could not make the final call in respect of this area but the Minister of State should give consideration to it because changes would be welcomed. One of the ways to encourage such changes would be to create a better balance in the health budget in respect of the psychiatric service.

Another area to which I wish to refer — this also does not come within the ambit of the Minister of State but within that of the Department of Social and Family Affairs — involves the regulation which allows people to only draw down one social welfare payment. This anomaly has an unfair impact on survivors or widows who are looking after handicapped sons or daughters. It is time the regulation was changed to accommodate people on widow's pensions who are caring for sons or daughters with disabilities and who are prevented from drawing down carer's allowance or similar payments which could supplement their incomes. If these people were not obliged to care for their sons or daughters, they could be in employment and making another income. There are many people who fall into that category, as evidenced by reports from the Joint Committee on Social and Family Affairs.

I am aware that when a new scheme is introduced or an existing one extended, there can be a knock-on effect and the floodgates can open. The latter can prove a grave imposition on the

[Mr. Finneran.]

finances of the country. When we dealt with the pre-1953 issue, the early estimates were that it would cost £100 million. However, as everyone is aware, the costs went through the roof. I feel strongly about the area to which I refer, however, and consideration should be given to it at some stage. I accept that it falls outside the terms of the Bill but when we discuss disability we must not forget that the family members of people with disabilities often care for them.

I compliment the Minister of State, Deputy Fahey, and the Government on the extensive Bill that has been presented to the House. It contains a huge amount of detail and presents an opportunity for us to move forward and enter a new era in the care of people with disabilities in terms of giving them the equal status, opportunities and independence they need. In the past, people with disabilities were treated as second class citizens. As already stated, many of them were subjected to the catch-all solution of being placed in psychiatric institutions. That was completely inappropriate. Institutional care should be a last resort in the area of disability. Indeed, it should be a last resort in any situation. Such care is not appropriate except in cases where it is absolutely necessary.

It is sometimes an easy option and one reads about court cases etc., where, when something bad is heard, people come to believe that a particular individual should be locked up and the key thrown away. I have never agreed with that kind of thinking. By and large, there is some good in everybody. In many cases, it may not be a person's fault that they got into the situation in which they find themselves. It is usually as a result of the way they were treated as children or adults.

In terms of the debate on the Bill and the broader debate on its implementation and the partners that will be involved in this regard, we should be open and should not be restricted or closeted in our thinking. We should continue to listen to what people have to say and reflect matters if problems arise. As far as I am concerned, the Bill and the recent budget are the two most important steps taken during my lifetime as regards support for people with disabilities.

Ms B. Moynihan-Cronin: I welcome the opportunity to contribute to the debate on this long awaited Bill. I agree with Deputy Finneran's comments about the old psychiatric institutions. Both my parents worked as psychiatric nurses in such institutions in the 1940s and 1950s. When they and many others like them went to work in those places, they could not believe what they saw. Many of them came from homes where no one suffered from a disability. People with physical, psychological and other forms of disabilities were all placed in such institutions because there was

no understanding as regards their conditions. I thank God that we have come a long way in the interim. In addition, the necessary medication was not available during the period in question.

I take this opportunity to acknowledge the work done by the staff of these institutions who were the first people to campaign for some sort of rights for people with disabilities. It is a shame that if social problems existed in their homes, some of those with disabilities were placed in psychiatric institutions. There was no need for this to happen. The people in question became institutionalised. Unfortunately they never emerged and spent 30, 40 or 50 years in these places. The people who worked in the area when matters were extremely difficult deserve our appreciation.

There was a great deal of debate, discussion and speculation before the publication of the Bill. I welcome some aspects of the Bill, some of the contents of which are good. However, I wish to take this opportunity to outline some of my concerns in respect of it.

There has been much debate about the principle of a rights-based approach to services for people with disabilities. The key questions in this debate have been about a guarantee of services for people with disabilities, who decides on resource allocation and the mechanism to enforce rights to services and whether such rights should be justiciable. The concerns on one side of the debate are for clarity over entitlements for individuals and for adequate resources to address service deficiencies. The disability legislation consultation group argued for a rights-based approach to services, following an independent needs assessment. Acknowledging the resource issue, it stated that in the event of services not being available, a programme of measures should be put in place so that they could be realised within an established timeframe. On the other side are concerns that the courts rather than the Oireachtas might decide on resource allocation. Both the 1996 report of the constitutional review group and the Minister for Justice, Equality and Law Reform in a 2002 conference paper, set out arguments against justiciable, sociable or economic rights. The Government, after lengthy consideration of its disability strategy, has opted not to enshrine a rights-based approach, as such, into the legislation. Instead, the Disability Bill incorporates a right to an assessment of need as regards health and educational services, a right to a service statement framed to take into account resource constraints, a right to the services set out in the services statement and a right to have the accuracy of the service statement reviewed and its provisions enforced.

These proposals fall short of the rights-based approach which the consultation group sought. In a contribution intended to chart a middle course between the two sides of the rights debate, Dr.

Brian Nolan of the ESRI argued in 2003 for a clear statement of what level of service provision the resources provided are intended to underpin, knowledge of the level of service provision at the individual level, statements setting out how services are to be improved over time as resources become available and transparency in resource allocation. That last point has been addressed by many people.

The first of Dr. Nolan's points is addressed at the individual level in the Bill but not explicitly at the aggregate level. I recommend that the sectoral plan should be required to spell out for the year concerned the aggregate level of service which the resources are intended to underpin. Part 2 of the Bill addresses the second point in respect of health and education services only. As regards the third point, the Bill requires that each health board sets out a statement of the aggregate needs identified in this area, an indication of how long it might ideally take to provide those services and the sequence of such provision. Such statements constitute hypothetical rather than actual timetables as they are subject to whatever funds are planned to be allocated to address any service shortfalls. The actual proposal may be spelt out in due course in the promised multi-annual budgets. However, such funding should be required to be included in the sectoral plans.

As regards the fourth point, the Bill requires that the Ministers for Health and Children and Social and Family Affairs set out the criteria governing eligibility for services under the Health Act, and for social welfare payments, together with payment amounts. There is no requirement on the Minister for the Environment, Heritage and Local Government, for example, to spell out his or her sectoral plan or any criteria to be applied for disabled person's housing grants or other schemes for assistance with housing for people with disabilities. Neither is there clarity in the Bill about how liaison officers are to determine which package of services is to be provided or what criteria will be used to prioritise competing claims and finite resources. From the perspective of an individual looking for services, while the assessment of need will be clear as well as the entitlement to the service determined by the liaison officer, the process of deriving the particular service package will be muddy and essentially arbitrary.

The scope of the Bill is narrow in two key aspects. Assessments of needs and statements of service are confined to health and education areas. If someone needs access to transport for work, leisure purposes or shopping, they need extra financial help towards an increased cost of living because of the disability. These needs are not covered by the assessment and there is no corresponding entitlement to the services set out in the service statement. The definition of "public body" used is fairly narrow. It excludes State

funded voluntary entitlement such as primary and secondary schools, most disability service providers, voluntary hospitals and public bodies such as area partnerships not set up by statute. Excluding these from the scope of the Bill means they are neither covered by the accessibility obligations in Part 3 of the legislation, nor the employment quota provisions in Part 5. As regards Part 3, air services are excluded from the scope of the Bill's provisions. This is an important issue for people with disabilities who need to conduct business abroad or have access to holidays abroad, and in particular for a generation of frail elderly people whose siblings or children have emigrated and who need accessible air transport to visit them. With the enormous increase in no-frills airlines, it is extremely important that the exclusion of air services is addressed. It is not beyond the bounds of possibility that the future may be difficult with regard to air travel for people with disabilities, if accessibility is not enshrined in legislation.

Part 5 gives legal backing to the principle of employment and recruitment targets for the public service. The employment quota, which has existed on a non-statutory basis for 30 years, is to be given statutory backing. There is a provision to vary it up or down from the present 3%, which remains the default option. The range of public bodies to which it will apply is very narrow. If a public body is to default for two years in a row, the National Disability Authority can ask it to take specified measures to increase the number of people with disabilities who are employed. However, there is no provision in the Bill to use public contests as a vehicle for promoting employment of people with disabilities. The setting of a quota is subject to the approval of the Minister in charge of the relevant public body. Provided the opportunity is not used to lower the 3% target in particular areas of public service, these provisions could result in it becoming a *de facto* target. The NDA has been given a statutory role in specifying the format of the reports from Departments and monitoring committees on the implementation of the targets. The NDA is to be given a statutory role in requesting information. Harmonising the way data are collected has been identified as important by both research reports undertaken on the 3% employment target. Public bodies which do not supply requested information or which have not been compliant with this part of the Bill for two years in a row, may be obliged to implement measures specified by the NDA, with the consent of the relevant Minister. There are no penalties or any consequence for non-compliance in implementing those measures, other than "name and shame". This contrasts with the type of penalties in operation under the Employment Equality Act, which makes it a criminal offence not to supply information which is requested. Public bodies under

[Ms B. Moynihan-Cronin.]

this Bill are required to be compliant “unless there is a good reason to the contrary for not doing so”. This appears to be a lower standard than the one used in the Employment Equality Act 1998, which demands that it be reasonable in all the circumstances of the case. There is no enforcement mechanism if a public body does not comply with a directive to institute remedial measures. Does the Minister have proposals for any enforcement mechanisms or penalties in this case? There is no specific power of investigating defaulting public bodies. No penalty is specified for staff of any public body who do not comply with a request for information. The Commission on the Status of People with Disabilities had recommended a personal advocacy service as part of a disability support service and that it should be independent of service providers. The commission also recommended a network of unpaid citizen advocates. The institutional arrangements now proposed differ considerably from those originally envisaged by the commission and primarily relate to a paid professional advocacy service. The commission also recommended that an advocacy service be mandatory in residential care settings. This is not explicitly provided for in the Bill. The commission supported an ethos of self-adequacy and recommended training in this area. The Bill is silent on this issue and does not provide for any explicit attempt to ascertain the wishes of the disabled person regarding services or the pursuit of appeals by the advocacy service.

I wish to refer to some of the comments made by the National Association for the Deaf on the Disability Bill 2004. The association has been very critical of the various definitions used in the Bill. It claims the definition of disability is very narrow and might easily exclude people who are defined as disabled under the Equal Status Act 2000 and the Employment Equality Act 1998. I would welcome the Minister’s comments on that. The association has also been critical of the section which deals with resources. It feels the Bill seems to state that the Minister will only provide resources when he or she is satisfied that the overall service provision to the general public will not be reduced. In other words, the Bill creates the impression that disability will only get resources if resources are permitted. I echo the welcome given by the National Association of the Deaf to section 52, which amends broadcasting legislation to provide a requirement that broadcasters take steps to promote the understanding and enjoyment of programmes transmitted by the deaf, hard of hearing and visually impaired. This involves greater access to audio-visual material by means of sign language, teletext and subtitling. I hope broadcasters live up to this requirement.

The value of the disabled person’s grant to a disabled person living at home is tremendous. It can be used in the provision of a stairlift for an

elderly person having difficulty using the stairs, or the provision of a bedroom and a bathroom on the ground floor for a person who cannot use the stairs. These small works which cost very little make such a difference to a person with a disability. I recently heard a case, whereby a woman approached me about the cost of heating her house. Unfortunately, her husband is severely disabled and cannot move around, so the lack of heating in the house caused great difficulty. This woman was not an elderly person or a pensioner. She was a young woman with school-going children who could not possibly afford to install a heating system in the house as her husband was not working. She cannot work as she needed to be at home to care for her husband. The heating has now been installed with the help of the disabled person’s grant from the council and it makes a great difference to those people’s lives. The only problem is that the grant did not cover the full cost of the heating system and this young mother had to borrow money from the credit union to make up the difference. A woman in this position should not be forced to go into debt in order to provide an essential service such as heating, especially with a disabled person in the house. I ask the Minister to give more discretion to the very able staff in the local authorities and health boards to enable them to address exceptional cases. Everyone will claim to be an exceptional case, but a young mother with no income apart from the carer’s allowance and disability benefit represents an exceptional case.

There is much in this Bill to welcome, but it fails to satisfy many of the demands I have outlined. My colleague, Deputy Lynch, also outlined a number of issues that are of concern to the Labour Party. My party will be opposing the Bill, but I hope the Minister will accept the amendments we put forward on Committee Stage.

Mr. Haughey: Deputy Moynihan-Cronin has given a very constructive criticism of this Bill and I am sure the Minister of State will take many of these practical suggestions on board. This is landmark and very comprehensive legislation. The Bill has been under preparation for some time and there has been widespread consultation with all the various interested parties in bringing about its publication. It has been criticised by various sectors and we have heard some of that here this evening. When all is said and done, it has to be recognised that this Bill is a major step forward for disabled people and their families. I wish to congratulate a number of Ministers who were involved in its preparation. I congratulate the then Minister of State, Deputy Mary Wallace, the then Minister of State, Deputy O’Dea, as well as the current Minister of State, Deputy Fahey. I congratulate him for presenting the Bill to the House and for explaining its provisions to Deputies, Senators and the wider public. I wish

him well in his endeavours to bring the Bill through both Houses of the Oireachtas.

This Bill has to be put in context. It is but one part of the national disability strategy, which was published last year. That strategy comprises of the Disability Bill 2004, now under discussion, the Comhairle (Amendment) Bill 2004, already debated in the House, six outline sectoral plans and a commitment to a multi-annual investment programme for disability support services. The strategy builds on existing policy and legislation, including the Employment Equality Act 1998, the Equal Status Act 2000, the Equality Act 2004 and the Education of Persons with Special Educational Needs Act 2004.

7 o'clock

Debate adjourned.

Private Members' Business.

Agri-food Sector: Motion.

Mr. Naughten: I move:

That Dáil Éireann:

- recognises that the single farm payment will dramatically change production practices in Irish farming;
- acknowledges that agricultural exports are currently worth over €7 billion per annum and account for a quarter of net foreign earnings;
- recognises that the agri-food sector accounts for almost one in ten in the workforce;
- notes that the Minister for Agriculture and Food has failed to extend the country of origin label to the catering sector;
- further notes that the Minister for Agriculture and Food has failed to adequately promote Irish food produce by providing a clear and transparent quality food label;

calls on the Government to:

- immediately implement a clear and transparent consumer focused quality food label, which includes the origin and processor of all Irish food produce;
- establish an explicit labelling system for consumers in the catering trade;
- develop an enhanced food promotion programme both within the State and within member states; and
- promote the enhancement of product development from farm to fork to support the viability of family farms.

I wish to share time with Deputies Crawford, Enright and Neville.

Acting Chairman (Mr. McCormack): Is that agreed? Agreed.

Mr. Naughten: Ireland has moved into the post-manufacturing age. Across the majority of manufacturing sectors from textiles to electronics, plants are shutting down and jobs are being lost. Ireland can no longer compete with eastern Europe and Asia in these manufacturing sectors. Innovation led sectors such as biotechnology and ICT enterprises are now growing rapidly but these, too, are vulnerable to changing market trends, for example, the recent closure of Media Lab Europe, the anchor tenant in the digital hub in Dublin. I, therefore, believe that it is the food industry which could become Ireland's most secure economic sector for the future.

The food and drink sector accounts for almost half of the output value and for 29% of employment of all indigenous Irish industry. We can provide the raw material from beef to milk and so forth. We have a reputation for providing clean, pure and safe food. If we play smart, there is massive potential for further growth. By strategically developing Irish farming and food processing to become more commercial, more consumer orientated and more competitive on the global markets, we can secure a prosperous future for Irish farmers as the main supplier to this industry and we can aid the overall growth of the Irish economy.

Until now, Irish political debate has not focused on the future prospects for Irish agriculture and the food processing industry. The Irish political establishment has not provided vision for the long-term development of these sectors. Fine Gael is intent on raising the bar. The new order brought about by the introduction of the single farm payment as well as bringing increased focus on quality must also sharpen the focus on production and processing costs, efficient use of capacity and supply chain management issues.

Unlike other sectors, such as biotechnology and ICT, the Government is failing to provide strong direction for the future development of the food processing industry. At present, there is a diversity of State agencies dealing with the food processing sector. While each agency provides valuable and effective service, such as Bord Bia's global market development work or Enterprise Ireland's work in developing indigenous food processing enterprises, there is a lack of an overall sense of strategic leadership and co-ordination. We need a more streamlined hierarchy for State involvement in the development of the agri-food sector. A new high level body, directly responsible to the Minister for Agriculture and Food, must be established to co-ordinate, advise and oversee the work of all State agencies involved in the sector.

Bord Bia should be responsible for the global marketing of Irish food and drink and administering public funding for marketing by individual firms. Teagasc should be responsible for con-

[Mr. Naughten.]

ducting research into primary food and base product production and administering public funding for capital investment, training and research and development by farm producers. Enterprise Ireland should be responsible for supporting development of indigenous food processing enterprises and administering public funding for capital investment, training and research and development by processors.

The Government has failed to adequately fund research and development activity across all food sectors. Despite the proven economic importance of the food processing industry to the State and the potential for future export growth, the food processing industry receives significantly less State funding for research and development than other high tech sectors. We are not doing enough to promote, enhance and develop our strategically important food industry. Under the national development plan to date, only €14 million per annum has been spent under the research, technology and innovation measure. Less than €6 million per annum has been granted to Bord Bia under the marketing and promotion measure, with only €350,000 paid out in company grants by Bord Bia in 2004 to help companies better market and promote their products. The community enterprise support scheme, which facilitated the development of community based enterprises in the food sector, has not provided one cent of support in 2004 and looks unlikely to provide assistance in 2005.

These figures are derisory and expose the incompetency and directionless stance toward developing our valuable food industry, which has become the hallmark of the Department of Agriculture and Food in recent years. Meanwhile, biotechnology and information and communications technology sectors each receive nearly twice what the food industry received.

Given the status of the food processing sector as a secure indigenous industry with strong potential for future growth, the Government must fund the development of a cutting edge research and development environment so as to develop the Irish food processing industry as one of the most innovative in the world. A dynamic and innovative Irish processing industry must develop high quality, pure, safe and traceable produce, from value added consumer products and ingredients aimed at specialist and niche markets to mass commodity and base materials for further processing; identify changing consumer trends and demands both at home and abroad, anticipate them and innovate in response; implement strong marketing programmes to increase sales of Irish produce globally; and undertake cutting edge research and development that will allow transfer of knowledge gained through research into produce development and innovation.

One critical step in achieving this is to have a clearly defined product, which the consumer associates with safety and quality. Fine Gael is extremely concerned that the current labelling

loopholes have the potential to erode this strength of consumer confidence in Irish produce, not least because they allow for the potential of mislabelling and for non-Irish products to be passed off as Irish. The Government's food agency, the Food Safety Authority of Ireland, has already signalled that the system is being abused through its identification of meat mislabelling. Despite this, the Government fails to clamp down on those who are breaking the law. Any potential for abuse is totally unacceptable, given the seriousness of the public and animal health implications.

Surveys have shown that the majority of Irish consumers will choose Irish meat products because they are confident of their safety, quality and high production standards. There is no doubt that the current safeguards which surround Irish meat products are of a high level and that the Irish public has strong confidence in the quality and safety of the product it consumes. It is vital that this high level of confidence is maintained.

The Government's failure to close legal loopholes which currently exist in food labelling will undermine consumer confidence in our produce. It must act now to ensure that our food labelling system is watertight. Currently, some firms are reprocessing beef and other meats, such as chicken and pork, from third countries and selling them on as Irish, or at least they are not overtly pointing out that they are non-Irish. If third country meat is altered or processed in some manner, by what the EU regulations define as substantial transformation, for example, pork to sausages, the processor can label this product as Irish. This EU definition is open to significant abuse by processors. As a result, non-Irish meat is being passed off as Irish and consumers are none the wiser.

This continues to be a significant problem, particularly with meat sold by the catering industry. All meat sold in catering establishments throughout Ireland should clearly indicate country of origin. This meat must comply with the same requirements that apply to meat sold in our butchers and supermarkets.

The Minister has expressed support for regulations at EU level whereby beef served in the catering or restaurant sector would have country of origin on the menu. However, this must be extended to all meat types, chicken, pork and lamb. In May last year, the then Minister, Deputy Walsh, announced that he was going it alone and would introduce country of origin labelling requirements for all beef sold in the catering trade. To date, we have seen no action and this requirement appears to be nowhere in sight. These labelling standards are critical to protect the reputation of Irish produce.

One threat is the relabelling or non-labelling of Brazilian beef. Brazil is our largest supplier of imported beef, with 5,000 tonnes imported annually, amounting to 94% of our imported beef. Late last year, a report was published by the EU Food and Veterinary Office, which indicated that

imported meat does not match standards required of Irish beef products. The report on Brazilian beef, carried out in May 2004, expressed concerns over issues such as animal traceability, vaccinations, animal movement systems and slaughterhouse hygiene. This is even more worrying as Bord Bia believes there will be an increase in low-priced, non-EU beef entering Europe in 2005, particularly from South America. It is unsettling that the food and veterinary office found that in the case of Brazil significant food safety issues persist especially given an earlier report in 2003, the year in which the office last inspected the control systems in place there from the farm to the export stage. Similar complaints about the structures in place were identified at that time. It is worrying that the inadequacy of the hygiene and traceability system in Brazil remains unresolved over a year later.

It is imperative that all labelling loopholes are closed to ensure the distinction between imported meat and that produced at home is clear to Irish consumers. While the Government claims it is waiting for the EU to enact regulations, this does not have to be the case. Last year, the Department of Agriculture and Food introduced legislation to ensure that consumers buying non-pre-packed poultry meat were made aware of the country of origin at the point of sale. Why cannot the Minister act to ensure the country of origin appears on all meat products sold to consumers in Ireland? The Minister is hiding behind the EU to excuse the Department's inaction. Ireland can act by itself and we need to reach agreement on country of origin labelling.

The labelling group established by the Department of Agriculture and Food failed to agree a clear recommendation for country of origin food labelling. The group has been tasked with a duty and I urge it to reach agreement as soon as possible. The current scenario is simply not good enough and we need to establish a single, clear and transparent labelling regime for Irish goods. Other countries are already labelling and branding their own products. The Scots and French are now branding beef while the Americans are doing so on a voluntary basis. A precedent exists which Ireland can follow.

Since June 1996, Scotch and Orkney beef products have been registered under the European system for the protection of traditional food names. Scotch beef has protected geographical indication status while Orkney beef has protected designation of origin status. Protected geographical indication status covers products produced and/or processed and/or prepared within a geographical area defined in an application. The product must have a specific quality reputation or other attributes characteristic of an area. Characteristics of Scotch beef are specialist breeds with naturally supple calves, relatively extensive farms based on grass feeding whether grazed or conserved hay or silage and highly competent stockmen. As Irish beef could easily fit into those three categories, why cannot we have

a distinctive label for our products? It is critical to put a system in place. The mechanism for doing so exists and should be used as a vehicle to develop an Irish-branded product here and on continental European markets.

Fine Gael is intent on raising the bar in the politics of farming and food. It is only by having a fresh vision that Ireland can fully engage with the realities and challenges of making farming viable post decoupling. We must make farming more commercial and consumer orientated to allow us to compete and win on the global food market. Fine Gael is not afraid of these challenges. We will stand by Irish farmers and strive to develop Ireland as the home of the most dynamic and innovative food-processing industry in Europe. It is critical to consider agriculture as a consumer-orientated product. We must develop our products and our industry while focusing on the consumer in the context of the single-farm payment. On that basis, I commend the motion to the House.

Mr. Crawford: I welcome the opportunity to say a few words on this very important motion. It is not right that agriculture is often seen as the poor relation in Irish industry when it continues to be one of the main sectors and a producer of real exports. The majority products exported by the agricultural industry are produced in Ireland with the import element being extremely small. These products include dairy, beef and what used to be a great many mushrooms.

It is important to get our marketing right at home and abroad. One cannot but mention the issue of the Carlow sugar beet factory. One must ask why such a high percentage of sugar used in Ireland is not produced by our own companies. Did we fall down in the marketing of our own production thereby allowing an industry to collapse, a factory to close and a threat to hang over what remains of an important sector? One must ask what is happening with the marketing of milk. The co-operatives blame the import of milk from Northern Ireland, but they undercut each other rather than promote a brand or market. When one compares the price of milk sold in supermarkets or corner shops with the price of Tipperary water, Ballygowan water or even imported bottled water, it begs the question of where we are going in terms of marketing. In my earlier days, I spent time as a member of the meat board and had the opportunity to travel to Germany, France and other countries to promote Irish beef. In the unique scenario which obtained at that time, there was intervention, export refunds and other provisions and those who made genuine marketing efforts did not get the respect or response they deserved. We are now in a position where export refunds and intervention are gone. Never before was there so great a challenge to the Government, the industry and farmers to ensure the right product was available and properly marketed 52 weeks of the year.

[Mr. Crawford.]

Some talk glibly about all that has happened to Irish beef in the British market. What has happened has been the result of foot and mouth disease to a large degree and the fact that sizeable quantities of UK beef in Scotland, England, Wales and Northern Ireland have been destroyed in the over-30 months category. As that beef will come back in here, we must use the opportunity to ensure proper marketing is carried out over the next number of months rather than years. If we do not raise our profile in the UK and European markets from being just another product to market Irish beef at the highest possible price, the increased production of UK beef will certainly cause us problems.

Viability is one of the most important issues in this debate. When one looks at the average farmer's income of €15,000 and compares it with what is available elsewhere, one does not have to wonder why so many are leaving farming. There has been a 22.5% fall in farm profits since 1995 as a result of the increased costs of motor fuel, veterinary expenses, fertilizer etc. Is any other group taking that sort of treatment? Irish agriculture has performed well to increase output and meet all the challenges with which the EU has presented it. However, the number involved is falling.

I tabled a question to the Minister recently about the number of cattle in the State and I was shocked at her reply. There was almost 8 million cattle in Ireland in 1998 but at the end of 2003 the number had fallen to under 7 million or by 12.5%. This happened before the single payment issue arose and one must be alarmed about what might happen. The food industry is important to the economy and the reduction in the number of cattle reflects a reduction in the raw material available to meat factories, which will have serious consequences in terms of the number of factories available and the distance cattle can be transported under regulation.

I refer to the nitrates directive, which the Minister inherited. She has my sympathy because a number of her predecessors have a great deal to answer for. Nothing has been done about this since 1997, despite the problems caused by BSE. The rainbow Government attempted to introduce a code of agricultural practice. The directive was introduced in 1992 and we must do something about the present unsatisfactory position. Those who glibly say that as a result of the change to single payments we have the freedom to farm and can do what we like are in cuckoo land.

For example, a small farmer in Cavan, whom the Minister of State, Deputy Brendan Smith, might know better than myself, brought in an independent consultant to examine how the nitrates directive would affect him and what he would have to do. He got the good news that although he has an intensive dairy unit, he will only have to cut back his enterprise by 10%, but he must close his pig unit. That is how the

directive proposed by Mr. Brosnan will affect that farm.

I am anxious not to be critical because the Minister is only a wet week in the job. However, all politics is local and the directive will have major implications for the intensive pig, poultry and mushroom industries in my constituency. It is not easy under the directive to ask a neighbouring farmer to use his land to spread slurry and so on, nor is it easy for farmers in my constituency to travel to Meath or to the North as they did in the past. The directive's provisions must be addressed positively and constructively. As politicians, we have a major job to ensure laws are introduced that will allow people the freedom to farm so that they can generate a reasonable income. It was thought in the past that if land in poor areas could not be farmed, it could be turned over for forestry. However, this option is no longer open.

I refer to the issue of food labelling. If we are serious about ensuring domestic products are given a fair opportunity to be sold, we must follow up on the labelling issue. It is unfair that products imported from Brazil, or Thailand in the case of chickens, should be repackaged in Ireland and sold as Irish products. We must be careful about this because we are allowing our industry to be undermined and that cannot continue. The Minister stated that she is trying to find ways and means around this problem to ensure Irish products are labelled properly. A number of years ago the Taoiseach could not give a direct answer to a question I put to him about this problem.

I am a member of the agriculture committee and I travelled with Deputy Johnny Brady and others to Chicago where we saw farmers openly using steroids and hormones, even though they were supposed to be producing meat to world health standards. I do not suggest our farmers should be allowed to do this but they should be able to produce on an equal footing and, more importantly, I want to ensure the consumer is not eating something that is not traceable. This issue is about making sure the origins of a product, how it was treated and its quality are known.

I referred to the 60,000 farmers who are living on the edge with less than 20 livestock units. By regulation, they cannot obtain grant aid. I urge the Minister to ensure these farmers are grant aided, otherwise there will be an exodus of older farmers from the land. They should not be forced into retirement. The Government, if necessary, should seek agreement from Brussels to provide funding for these farmers. The bottom line is the Government will provide €1.4 million this year, which is 50% less than in 1997.

I tabled a parliamentary question last week about pollution control. The Minister stated that almost €39 million will be provided in this year's budget in this area, but more than €90 million was provided in 1997 for farmyard pollution and dairy hygiene measures. When one considers the massive increase in the cost of farm building since then, one realises how far we are behind.

Young farmers are important to the industry and should have a right to installation aid but there are technicalities involved. I emphasise the technicalities are minor, but they stop genuine qualified farmers from getting their aid. I urge the Minister to ensure they get the aid. Let the Minister give Bord Bia the proper funding to market its products and Teagasc the proper funding to enable it to provide the advice and research needed to farmers.

Ms Enright: I welcome the opportunity to speak on the motion tabled by my Fine Gael colleague, Deputy Naughten. It is important that time is given to this issue in light of the stark reality of the decline in the number of farms in the past few decades and of the increase in the number of farmers and their spouses who have had to seek off-farm employment in the same period. The agri-vision 2015 report is particularly interesting in light of two issues which I will address shortly and to which Deputy Crawford already alluded. I welcome my colleagues' calls to implement a clear consumer focused food label, including the origin and processor, and to establish an explicit system for the catering industry. These steps will add further value to our products.

I take this opportunity to discuss related issues also. The Minister will no doubt be aware of the decision of Minch Malt, which is owned by Greencore, to close its maltings plant in Banagher and its branches in Tullamore and Borrisokane. I do not know when this decision was made but it was notified simultaneously to the staff of the three plants at 10 a.m. last Friday.

We constantly talk here and in general about added value products in agriculture, yet we now see this company turn its back in an instant on 350 specialist malting barley growers in the midland region. These growers supplied between 40,000 and 50,000 tonnes of malting barley to Banagher each year producing about 30,000 tonnes of malt.

The figures quoted by IFA deputy president Ruaidhrí Deasy show the attitude of Greencore to Irish growers. The numbers with contracts to supply Banagher have dropped from 700 to 350 in only eight years. The fact the company only announced its decision last Friday can only be interpreted as cynical and calculating. Perhaps it felt, with the heat related to its Carlow decision, it might as well make all its decisions together and take all the heat at the one time. That certainly seems to be the attitude adopted.

Mr. Crawford: Where is all the Minister's care now?

Mary Coughlan: I have nothing to do with malt and barley.

Ms Enright: The farmers want the Minister to have something to do with it. Farmers naturally made their plans for this farm year long since.

The crop will be sown from mid February onwards and they do not have an option of doing anything else in such a short time. The growers had a legitimate expectation that their contracts would be renewed again this year, as has happened every other year. No indication was given to them that this would not happen. They have been left in a disastrous position.

This product is more than a commodity. It was grown locally at a premium and under certain conditions and specifications. That premium is now effectively taken away from farmers. It supplied local industry, which in turn supplied what was a national industry and is now a multinational industry. It is no secret that this company is setting up malting plants in Russia and turning its back on Irish growers and its existing employees. Ten years ago, Minch Malts predecessor had ten branches and a maltings in the midlands. This is a significant negative turn around in such a short space of time.

This is not just a matter between farmers and a private company. Greencore has effectively been allowed to operate a monopoly in this area, with the exception of another small maltings in the south west. Overnight it can decide to close leaving farmers with nothing to turn to. It is a matter which must be addressed by the Minister for Agriculture and Food and I want to know what she can do about it. People are looking for answers and want leadership from the Minister on this issue.

Likewise, they are still looking for answers on the issue of the sugar plant in Carlow. We recognise that the agri-food sector accounts for one in ten of the Irish workforce. Unfortunately, people working in this area in both Laois and Offaly have been particularly hard hit by Greencore's recent decisions. We must remember, when we speak of the numbers in off-farm employment, that many sought employment in such plants, but this will no longer be available.

I met with beet growers in my constituency last Friday. They are understandably frustrated and upset at the recent turn of events. It is not enough for the Minister for Agriculture and Food to say that "it is a matter for the farmers to negotiate with the company the best possible deal on transportation costs and the transportation of their sugar beet". It is not a matter of asking Greencore to just facilitate the farming community when it has shown a great reluctance to do this heretofore.

Government politicians who spoke at the protest in Carlow, and at the protest in Banagher today, have promised the sun, but reading the Minister's comments here last Thursday, she seems to take a different view of the power of Government.

Farmers have not got the facilities to store the quantities of beet which they will need to store if they must bring it as far away as Mallow. If they have to draw beet earlier in the year, there will be greater losses of beet and its sugar content. Carlow is the centre of the rotation crop and this

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too will be lost. Farmers will also lose the supply of pulp and tops for feed and while this is a less significant issue, it is still an issue.

Beet growers' contracts are usually issued in March, which leaves them very little time to negotiate on this closure. If they contract, it will be to deliver to Mallow, but they do not know what arrangements will be made regarding transport costs. They also have serious concerns about the company's intentions with regard to the sugar processing industry.

The Minister stated last Thursday that "it is incumbent on the Government to ensure replacement employment and support for the workers of the company". I will not hold my breath while we wait for this to happen. The Government owes the same duty of care to the farmers who supply both Carlow and Minch Malt. Will the Minister outline how she intends to address this?

Finally, in light of the recent developments in Carlow, Banagher, Borrisokane and Tullamore, will the Minister re-examine whether farmers as the core producers should hold the ownership of these valuable malt production contracts? The recent behaviour of Greencore suggests that it cannot be trusted to deal with growers in a fair and ethical manner.

Mr. Neville: I welcome the opportunity to speak on this motion and congratulate Deputy Naughten on bringing it forward. I also congratulate him on the work he is doing in this area since he was appointed Fine Gael spokesman on agriculture and food.

I wish to deal with the nitrates directive, an issue of extreme concern in my area. There is considerable concern and expense involved in meeting the criteria which, though not fully outlined, are developing. While many small family farms have been under pressure and have gone out of existence over the years, this directive will cause further numbers of farmers to leave the dairy industry. In the area of Mountcollins alone, there are only approximately ten suppliers left where formerly there were well over 100. The move away from family farming and the drop in incomes is significant and has severe implications for the rural areas of County Limerick.

The nitrates directive currently scapegoats farmers. Many obvious sources of enrichment that are not farming related are ignored. The directive is excessive and will do nothing to significantly reduce pollution of waterways in Ireland. Farmers already deal with the risks of pollution. The code of good farming practice and the involvement of numbers of farmers in REPs ensure that farmers conform to best practice environmentally.

The Department of Agriculture and Food has stated that the current proposals to the European Commission were rejected, mainly because they failed to create binding rules for farmers. The prohibited period for spreading fertiliser needed to be extended, the minimum storage capacity

needed to be increased and clear rules needed to be established on nutrient management by reference to crop needs. Pigs, poultry and dairy production will be severely restricted in the areas designated as vulnerable. The nitrates directive is to be used only to correct and prevent enrichment problems caused by agriculture. However, some 8% of the national land area or 12% of the agricultural area consists of soils that are no more prone to NO₃-N leaching losses. That means that waters in only 8% of the national land area may be vulnerable to enrichment by agriculture. The establishment of an excessive and draconian farming control regime in the State under the nitrates directive is totally inappropriate and unfair to farmers in 92% of the land area where the risk to waters from agriculture is acknowledged to be non-existent under good farming practice.

Minister for Agriculture and Food (Mary Coughlan): I wish to share time with Deputy Glennon.

Acting Chairman: Is that agreed? Agreed.

Mary Coughlan: I move amendment No. 1:

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

- recognises that the decision to introduce full decoupling of direct payments with effect from 1 January 2005 will allow farmers the freedom to farm for the marketplace;
- acknowledges that agri-food exports are currently worth over €7 billion per annum and account for about one fifth of net foreign earnings from the manufacturing sector;
- recognises that the agri-food sector accounts for about one in 11 of the workforce;
- notes the progress made by the Government in the area of food labelling;
- recognises that Irish food is effectively promoted both within the country and abroad; and
- supports the Minister for Agriculture and Food in her efforts to continue the development of a sustainable, competitive, consumer-focused agri-food sector and thereby enhance its contribution to a vibrant rural economy and the environment.

The agri-food sector is a major player in our economy, accounting for 8% of GDP, 7% of exports and about one fifth of net foreign earnings from traded goods. One in every 11 people in the workforce is employed in the industry. Over 700 food companies provide direct employment to more than 40,000 people, while indirectly supporting 180,000 jobs in supply and ancillary

services. Many of the 700 food companies are small or micro-sized enterprises with the micro-firms representing 44% of all food and drink enterprises. The industry also has a unique importance in terms of the national spatial strategy as significant volumes of food processing take place in every county.

Government strategy for the food industry has consistently been to encourage the development of a modern, innovative industry capable of competing on world markets. To that end, the National Development Plan 2000-2006 sets out a detailed strategy for the development of the food industry and indicative funding of €385 million for a range of development measures.

The measures in the plan include food research, marketing, human resources and investment measures. These measures are market-focused and designed to provide an integrated response to the challenges facing the food industry in an increasingly globalised and consumer driven market.

Proof of the effectiveness of the strategy is the growing strength, diversity and sophistication of the industry. A telling indicator of success is that the value of exports of Irish food, drink and horticulture in 2004 surpassed the €7 billion mark despite a difficult trading environment. This is an all-time high and a very fine performance, particularly in the context of a weakening dollar and sterling and downward pressure on retail food prices in the UK, our largest market. The main contributors to growth were prepared foods, dairy products and ingredients.

Ireland is the fourth largest food exporter in the European Union. This is an amazing achievement for a small country. Traditional reliance on commodity exports has been reduced as production of high value added food products increases. From a very small base, exports of prepared consumer foods, food ingredients, functional foods and speciality foods have grown substantially. The prepared consumer food sector is one of our biggest success stories, with annual sales reaching €3 billion, of which exports in 2004 alone were valued at €1.6 billion. The global demand for convenience food had been flagged in national strategies in recent years. Well targeted public funding has underpinned the expansion of this sector and enhanced its capability to respond to the global demand.

Investment in new product development and innovation is essential for any industry to grow and prosper and this is equally true of the food industry. In the period 1 January 2000 to 31 December 2004, public expenditure of €72 million was allocated to the food and agriculture sector under the research, technology and innovation measures of the national development plan. I am pleased that NDP funding of €10.6 million has been allocated in the Estimates for 2005 for FIRM, the Food Institutional Research Measure. FIRM encourages high quality research across a wide range of food science disciplines and funds and facilitates public good food

research into food by third level institutions and Teagasc. Public good food research has been instrumental in the development of innovative and value added food products, whether next generation pizza or palatable gluten free products, as well as in advancing food safety. The results of FIRM research and expertise are available to food companies when developing in-house research and food safety plans.

Promotion is a key element of marketing products. As a food producing nation that is heavily reliant on export markets — Ireland is over 800% self-sufficient in the beef sector, 300% in sheep meat and over 900% in butter and milk powder — we have made it our key priority to develop a comprehensive strategy for food promotion on the domestic and export markets, within the framework of the EU state aid rules that govern the Single Market.

Deputies will be aware that Bord Bia has specific responsibility to promote, assist and develop the marketing of Irish food, livestock and horticulture on the home and export markets through the provision of innovative market development, promotion and information services. Bord Bia is widely acknowledged for doing a thoroughly professional job in branding and promoting Ireland — the food island — and providing effective and innovative services to its clients. The developing of all routes to market is a priority for Bord Bia, and it does this across the spectrum of the industry, internationally and on the domestic markets, for general and specialised food producers.

The Marketplace Ireland showcase event staged by Bord Bia in Croke Park last autumn attracted 225 buyers with a combined turnover of €140 billion from the largest retailers in the UK, continental Europe and the US. During a few days over 1,300 pre-arranged meetings took place between buyers and Irish food and drink suppliers who were seeking to grow their international sales in retail and food service.

On the domestic market more food is now consumed in restaurants and hotels than ever before. It is very much in the interest of the Irish food industry to supply this market with high quality food. In recent years an innovative promotional measure, the Féile Bia scheme, has been developed by Bord Bia to complement its quality assurance schemes. The participants in this scheme have committed to sourcing quality assured product in their catering outlets. The Bord Bia programme, Féile Bia — a celebration of quality food — which is operated in co-operation with the Restaurants Association of Ireland and the Irish Hotels Federation, with the support of the farming community, is aimed specifically at the catering industry. The objective of Féile Bia is to provide transparency and full traceability of food from farm to fork in the catering sector.

Local markets are growing in importance as an outlet for local and speciality production. In 2002 Bord Bia staged Ireland's largest ever outdoor food market on the farmers' market style for 110 small food producers at its international food

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symposium in Kinsale and this concept has been gaining momentum since then.

A strategy is also in place for developing the marketing capability of the small-scale food sector many of whose members are also producing speciality foods. The small business-speciality food sector has a combined turnover of €250 million. Within that category those businesses availing of Bord Bia's small business services have seen their average turnover increased by 36% in a few years.

The overriding principle in the production of food is the safety of the consumer. Only food produced to the required standards of food safety should be placed on the market. Responsibility for ensuring these standards rests primarily with the industry itself, with the role of the regulatory authorities being that of providing the assurances required by law. The Food Safety Authority of Ireland has overall responsibility for the enforcement of food safety legislation in Ireland. It provides a single focus for all State agencies involved in food safety regulation, thereby guaranteeing the integrity of the control system governing the processing, distribution and retailing of food. A wide range of systems is in place to monitor and promote the quality of Irish food. For example, the national beef assurance scheme provides assurance as to the quality of Irish beef and beef products and ensures high standards of production and processing throughout the whole industry.

Quality assurance schemes enjoy confidence where they operate to objective criteria and are independently accredited and audited. Deputies will also be aware that Bord Bia has been operating quality assurance schemes for some years and of the progress being made in this area towards achieving EN45011 standards. Last year, my Department was successful in securing EU approval for an indication of origin by way of a national emblem on the logo of Bord Bia quality assurance schemes. Bord Bia has rolled out the new logo to give consumers that information in graphic form.

Deputy Naughten raised the issue of the labelling of speciality Scottish beef. Ireland tried to achieve equality on that issue but under the regulations, Scotland is defined as a region while Ireland is a member state. However, we are examining the possibility of an all-Ireland brand which would be successful, although we would have to deal with animal health issues. Although the proposal was initially unsuccessful, it is our intention to pursue it further.

The report of the food quality assurance schemes review group recommended the drawing up of national guidelines to facilitate accreditation of individual food quality assurance schemes to the international standard EN45011. At my Department's request the National Standards Authority of Ireland engaged in drawing up guidelines and is nearing completion of its work on a linear integrated standard covering the total-

ity of the food chain from producer to consumer, including processors and the retail and catering sectors. Each specific sector will be free to tailor quality assurance schemes to suit its own particular requirements in conformity with the guideline.

In applying any particular national standard, due regard must be had to EU law protecting free trade within the Single Market. Care must also be taken to ensure that unnecessary constraints are not placed on producers and companies in establishing markets and partnerships in the distribution chain. In today's rapidly changing marketplace, both global and niche brands have a place and markets are there to be won for functional, speciality and organic foods.

The importance to the consumer of being in a position to make food consumption choices which best suit their circumstances and preferences is a vital element in today's market. An appropriate labelling system is a key element in this respect. The primacy of the consumer was recognised with the appointment of the consumer liaison panel, established in 2002. Acting on a recommendation from that panel, the food labelling group was also established in June 2002. That group reported in December of that year with a series of recommendations.

The two main issues that emanated from the recommendations of the labelling group were the centralising of enforcement in one agency and the definition of origin. On the question of centralisation of enforcement, the position is that the Food Safety Authority of Ireland is now responsible for the enforcement of labelling regulations. This will not only streamline the enforcement measures but will also provide a one-stop shop for any complaints on mislabelling of food. The service contracts between the Food Safety Authority of Ireland and other State bodies, including my Department, have been amended to take account of this change in enforcement policy. Food labelling policy, with the exception of fish, is now located in both the Department of Health and Children and my Department in line with another recommendation of the food labelling group.

There was full agreement within the food labelling group that consumers have a right to information on the origin of the meat they cook in their homes or eat out. I welcome this unequivocal recognition of the rights of consumers. At the beginning of 2004, two regulations relating to the labelling of poultry meat were introduced. The first of these regulations requires poultry meat originating in a country outside the EU to bear an indication of the country of origin when offered for sale in a retail premises. The second requires information regarding class, price per unit of weight, condition and slaughterhouse details in respect of non-prepackaged poultry meat to be provided to the consumer.

EU regulations provide for a detailed labelling system for beef to be applied at retail sale, which is over and above the general labelling provisions.

These regulations do not apply at restaurant and catering sector level. It is my intention to proceed with a legal requirement that country of origin must be displayed in respect of beef served on such premises. The legal options allowing for this development are currently being examined and any necessary legislation will be introduced as soon as possible.

Mr. Naughten: The Minister should also consider Thai chicken, as distinct from chicken thighs.

Mary Coughlan: The Deputy should know the difference between beef and a wee bit of poultry. However, I know what he is saying.

On the food labelling issue in general, I emphasise that my primary aim is to protect consumer interests and to ensure the consumer is properly informed. Ireland is a major exporter of food and food products and there is a considerable volume of imports. Therefore, it is imperative that the same standards are applied to the labelling of foods in every sector and that a level playing field exists for the entire food industry, with which all Deputies must agree. It is fair to say there has been significant progress on the implementation of the recommendations of the food labelling group. The group made 21 recommendations, the status of which are as follows: 12 have been implemented in full; one other is completed in full, except for a small element in regard to giving the breakdown of species in food with a meat content in the food services sector; five fall to be implemented by the FSAI, which is in the process of developing its systems and operations to ensure the implementation of these recommendations; and one recommendation in regard to a public awareness campaign on food labelling is being addressed by Safefood, the food safety promotion board.

The remaining two recommendations relate to the issue of origin of meat. Legislation covering the beef sector was already in place for retail outlets and similar measures were adopted for poultry. My Department and the Department of Health and Children are examining the legislative measures necessary to extend these regulations to sheep meat and pig meat. Both Departments are also exploring the necessary measures for extending the requirement to indicate the origin of all meat in the food service sector.

Given our export focus on food, no effort is spared by the Government. My Department, the Department of Foreign Affairs and Bord Bia support the industry in its endeavours to find and expand export markets. We have been hugely successful in this regard. For example, the position in respect of beef speaks volumes. We have made enormous strides in consolidating our position as a major supplier of quality beef to the EU retail market. This applies across all product areas.

As the House is aware, I led a delegation of food and drink industry representatives to China

as part of a wider trade mission led by the Taoiseach. In the course of my visit, I signed a pig meat protocol with the Minister for the Administration of Quality, Supervision, Inspection and Quarantine, that will form the basis on which pig meat products from Ireland will be exported to China. This formal agreement will provide a framework within which actual trade in pig meat products will commence later in the year.

Mr. Crawford: Will the Minister's agreements be as good as those made by her predecessor with Egypt?

Mary Coughlan: At least I was not in the pub in the airport at the same time. I was there.

Mr. Naughten: The Minister's predecessor signed a contract and opened the market which made a difference.

Mary Coughlan: I also raised the question of the lifting of the Chinese ban on beef products in my official discussions with both the Minister for Agriculture and the Minister for Administration of Quality. During these discussions I emphasised that the control and supervision of food safety is afforded the very highest priority in Ireland and that the Government is committed to the preservation of our status as a supplier of the highest quality products to international buyers.

I also addressed seminars in Beijing and Shanghai organised by my Department and Bord Bia, which were aimed at promoting Irish food and drinks in the Chinese market, providing assurance on the safety controls related to food production and details on the country's export capability. The seminars also provided an opportunity for the Department, Bord Bia and industry representatives to directly engage with the ministry and regulatory officials, Chinese importers and traders. Many important contacts were established with Chinese trading companies during the visit.

China is a huge market with enormous potential, which could be hugely beneficial to Ireland in the food and drinks sector. I have no doubt the industry, together with the assistance of State agencies, will take full advantage of the opportunities provided in Beijing and Shanghai to develop lasting trade relationships with the Chinese industry.

There is little doubt that the Irish food industry has made rapid strides in recent years in response to the policies and the multifaceted assistance which this Government has provided. While these significant changes have been taking place, a further and fundamental change has taken place in the overall policy framework. I refer to the agreement reached in 2003 on the mid-term review of Agenda 2000, known as the Luxembourg Agreement. In the aftermath of the agreement, the overwhelming opinion among individ-

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ual farmers, as expressed at information seminars held by the Department, was in favour of full decoupling. After an extensive public consultation process and studies carried out by FAPRI-Ireland, it was decided to fully decouple all direct payments from production from 1 January 2005.

Farmers are now free to focus on the market and the demands of the final consumer. A further advantage of full decoupling will be a significant reduction in the level of bureaucracy, both for farmers and for my Department. While some reduction in production is expected under full decoupling, research indicates that the resulting increase in prices and reduced input costs will lead to an increase in farm incomes. Under the new regime, the food industry will be provided with better opportunities to source quality raw material. Better market orientation of primary production will assist food processors in developing and supplying quality markets. Full decoupling is also expected to have a positive impact on the environment by leading to a substantial reduction in the contribution made by agriculture to greenhouse gas emissions.

Top priority is being given in my Department to preparing for the changeover to the single payment scheme. Approximately 133,000 farmers have already been sent provisional certification of entitlements.

Mr. Naughten: Some of them are still waiting for them.

Mary Coughlan: We are facing a period of major change at farm and processing levels and in the administration supporting the sector. The Government will continue to lead the change agenda to ensure the agrifood sector can continue to develop to its maximum potential.

While the 2005 budget did much to enhance the well-being of every person in society, it was an extremely good budget for farmers. In addition to the general improvements in taxation and social welfare measures, the budget provided significant tax concessions for the farming community. I will allow my backbenchers to reiterate the measures to the Opposition.

Mr. J. Brady: Hear, hear.

Mary Coughlan: Last year was positive for agriculture. The Central Statistics Office estimates agricultural income increased by 1.3%, reflecting improvements in cattle and sheep prices and steady milk output and value.

Mr. Naughten: What was the rate of inflation?

Mary Coughlan: These improvements are based on continuing positive trading conditions in EU markets with beef consumption exceeding production, good demand for sheepmeat and steady demand on international markets for milk commodities. Direct payments by my Department to the farming sector in 2004 amounted to

more than €1.6 billion, 75% of aggregate farm income.

The House has debated the proposals put forward by the European Commission on sugar production. I have already indicated they are unacceptable. We have forwarded a submission to the Commission pointing out that its proposals would have a devastating effect on farms and industrial enterprises in the sector. While accepting the necessity to reform the existing regime, there are principles from which we cannot remove ourselves. An import system from third countries must be put in place to ensure predictable and regular import quantities. Price reduction must be significantly less than what is proposed and be implemented gradually. The impact of the quota reductions must mainly fall on overproducing member states. The transfer of quotas among member states is unacceptable. We must await the decision of the WTO panel. However, I intend to support this as best as possible. I will discuss the issue on malting barley at a later date.

I have demonstrated that the motion put down by the Fine Gael Party is wildly inaccurate. It fails miserably to recognise the recent advances made by the agrifood sector and the role the Government has played in those advances. Despite these enormous advances, the agrifood sector has further considerable potential for development and this ministerial team will support it all the way.

Mr. Glennon: I thank the Minister for Agriculture and Food, Deputy Coughlan, for sharing time. My sharing time with her was the source of some amusement to the Opposition benches. If those Members were more aware of the situation on the ground in north County Dublin, they would still have a Deputy there. Instead, they now have to listen to me for ten minutes on the issue.

I commend the amendment to the motion to the House. Horticulture, particularly potato growing, is important to the economy of north County Dublin. For years, the area has been known as the top market gardening area in the country. Statistics show that it produces half of the national output in the horticultural sector. Nationally, the sector is a dynamic one and has grown to be a significant entity in the agricultural industry. Farm gate production is valued at approximately €270 million, with retail sales of €650 million. The sector is also labour intensive with approximately 10,000 people employed in the production and distribution chain. A significant number of foreign nationals work in the horticultural sector, being a vital component to it. Without these immigrant workers, the entire sector would be in much difficulty.

The Department of Agriculture and Food contributes directly to the sector by providing plant health services, enforcement of quality standards and grant assistance. Bord Bia plays a key role in promotion, marketing and ensuring high stan-

dards through the operation of its quality assurance programme. A significant contribution towards the development of the sector is made through the grant aid schemes for capital investment on farms under the national development plan. Since 2001 more than €8 million has been paid to 400 horticultural producers to upgrade or develop new facilities. This grant aid has been a major catalyst for investment and growth in a sector which is making a significant contribution to the rural and national economy. The Minister recently announced a further €3.6 million grant package for 2005, which will fund projects to the value of more than €10 million. All areas of horticulture are eligible for the scheme covering mushroom, protected crops, nursery crops, field vegetables, soft fruit, apples and bee-keeping. I commend the Minister of State at the Department of Agriculture and Food with special responsibility for food and horticulture, Deputy Brendan Smith on this initiative. Horticultural producers benefit from EU aid under the producer organisation scheme. Last year, €5.6 million was paid to 15 recognised producer organisations, an increase of €2 million, 55%, on the 2003 figure. The development of producer organisations under EU regulations contributes to the development of the sector, enabling producers to benefit from their combined strength in production and marketing.

Traditionally the horticultural industry has been the subject of free market forces. The introduction of the single European market has brought about additional competitive pressures and challenges for Irish horticulture. The increasing importance of the retail multiple market has resulted in the concentration of buying power in the hands of five retail multiples. Between them, they control 75% of the fresh produce retail market, creating an adverse effect on the price returned to the producer. Significant changes have taken place in the supply chain, particularly in the changeover to centralised distribution and purchasing. This has resulted in both opportunities and threats to growers. I know the Minister for Agriculture and Food and the Minister of State are conscious of the concentration of so much buying power in such a small circle.

Social and demographic changes have impacted on the industry over the past decade with an increased demand for convenience food and prepared consumer foods. Important trends in horticulture are the specialisation and rationalisation of production units and an increase in catering outlets and demand for semi-prepared produce. Growers have adapted to the exacting demands of quality assurance from the supermarket chains. However, they face considerable challenges in the future. Not least among these are energy and labour costs, increased competition from an enlarged EU and low profitability resulting in low re-investment. Multiple retailers are now competing with each other on price, meaning reduced returns to growers.

The impact of these trends and market forces has had an important bearing on the mushroom sector. This sector, which has been one of the most dynamic sectors of Irish agriculture over the past 20 years, is coming under considerable pressure due to severe competition from cheaper Dutch and Polish supplies on the UK market. With costs of production increasing, producers are caught in a price cost squeeze with profit margins being significantly eroded. In these circumstances, further rationalisation is inevitable. There are now fewer than 200 growers, but they have a much larger scale of production and, accordingly, mushroom output has remained relatively stable over recent years, with exports to the UK market valued at approximately €90 million.

To chart out a future policy direction for this important sector, the former Minister of State, Deputy Treacy, established the mushroom task force at the end of 2003 to examine the issues

facing the industry and to devise an action plan for its future viability. The task force submitted its report in May 2004. It contained 35 recommendations under seven broad headings and set out a timetable for their implementation. A review group comprised of all interested parties is currently monitoring the implementation of these recommendations and major progress is being achieved on all fronts. I believe that with the full implementation of the recommendations in the report, the future of the sector will be secured.

Horticulture makes a significant contribution to the rural and national economy, particularly in my area of north County Dublin. It is evident that this is recognised by the Minister for Agriculture and Food and the two Ministers of State in the level of support provided to the sector. I wish them well as they continue their efforts and I have pleasure in commending the amendment to the House.

Dr. Upton: I welcome the opportunity to speak on this debate. In light of the recent CAP reforms in Europe, the climate for the future of agriculture and the food industry in Ireland is radically altered. When Ireland entered the EU in 1973, agriculture was our single most important industry and employer. It represented approximately 50% of our net exports. The Minister said in her speech that it now represents approximately 7% of exports and approximately one fifth of net foreign earnings from traded goods. On a relative scale, this is a significant drop, which highlights the radical change in commodity production and agriculture in this country and, consequently, the need for us to take account of that and deal with it in a way that farming will sustain the rural environment and ensure quality food for consumers.

Agriculture is still an important part of our economy by comparison with other EU member countries. However, it is now clear that as a result of the CAP reforms, the emphasis has shifted to quality food production, safety of our food, environmental protection and animal welfare. In

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summary, the emphasis has moved away from production and quantity towards quality and the needs of consumers. It is now consumer-driven rather than production-driven.

Irish agriculture was almost entirely dependent on subsidies. It should be noted that despite the heavy subsidies for many years, these have failed to retain the numbers in agriculture or the decline in farm incomes. Farming and rural Ireland will be changed significantly in the next ten to 15 years. This is the prediction from all the economists who have examined the future of agriculture here. The climate for change is already being experienced. Enlargement of the EU and changes to the CAP have already occurred and the consequent effects on agriculture must be heeded. Heeding these changes means taking account of economic, social and environmental sustainability. It also means that consumers will be much more aware, better informed and more demanding.

Predictions for Irish agriculture for the coming decade include the rationalisation of the agriculture and food industries. The numbers of full-time farmers will decline and the likelihood is that farm size will increase. Quality food, value for money, safe food and animal welfare will dominate the landscape. However, I believe the gap that has not been bridged by the Government is ensuring that the farming community is facilitated to refocus their priorities and to deliver based on the changes we will encounter.

The various supports and technologies required to make Ireland a viable place in which to live must be provided and accessible. I do not believe this has happened in the way it should. It is disingenuous to separate rural development from agriculture and the environment while food policy and safety remain largely within the remit of the Department of Agriculture and Food. Rural development and rural Ireland are inescapable in terms of their relationship with agriculture.

There is a major challenge ahead for food policy. We are experiencing a culture where the food industry spends millions of euro on advertisements that extol the virtues of sweet and fatty foods, for example, when it is well known that excess consumption of such foods lead to coronary heart disease, cancers, obesity, diabetes and various other medical conditions. On the other hand, the money spent on health education and healthy eating is minimal by comparison. The obesity debate is now one of the hottest topics. It is dominating the tabloids and it is reported on in every newspaper. It is good that the debate is opened up. However, this is a big issue because we must take account of the money being spent, on the one hand, on the promotion of foods that contribute to obesity and, on the other, the relative amount of money being spent on health education and healthy eating.

The food economy has been totally restructured. The arrival of giant food stores serves wealthy shoppers very well. Deputy Glennon

referred to the taking over of retail food by a very small number of the multiples. As our food is packaged at the supermarket checkout, the computer informs the manager what foods need to be reordered. This is technology at its best, but it is at its best for the retailer. The large supermarkets are now the powerbrokers of the food economy.

The choice of foods is what is desired and promoted by the advertisements. New products appear regularly and are marketed aggressively. Sun-dried tomatoes are the new status symbol. It is desirable to have the choice but the cost of that choice must be identified and challenged. This is what the Government should be addressing, ensuring that quality and healthy food, clearly labelled and unambiguous, is available to everyone.

The challenge is not just about what we eat, it is also about controlling the way food is produced. The Government must be proactive in ensuring that the way in which food is produced is environmentally acceptable and safe. The lessons of BSE should not be forgotten. In recent days we had a sharp reminder when TSE, the equivalent of BSE, was diagnosed and confirmed in a goat in France. The crossing of the species barrier has enormous implications. I hope it is a one-off event and that it will not evolve into significance in terms of its occurrence in the goat population. It is a reminder of the efficiency of biological agents in surviving in what are apparently quite hostile and unsuitable environments.

I want to refer in particular to the debate about GM foods. I would like clarification from the Minister on the stance of the Government in this regard. It appears there is a two-way bet on GM foods because the Government is neither for nor against it..

Mr. Naughten: It needs to know before it can give an answer to that matter.

Dr. Upton: Why do we need GM foods? There are many supporters of the technology but they are predominantly multinational companies, some manufacturers who stand to benefit from it, agro-chemical companies, seed producers and some processors. Clearly consumers have no interest in having GM foods available to them. I do not believe there is a strong case to be made for the acceptance of GM foods in this country. The usual answer in response to questions on the merits of GM foods is that they offer enormous potential to produce sufficient food to feed the starving millions. There are many political solutions to that question if we are serious about addressing it. The multinationals are clear winners in the GM debate. Consumers are against the idea of GM food and they see no need for this particular technology. Why then is Europe so tolerant of allowing GM crops to be grown and the food to be placed on the market? I do not believe there is currently a significant health issue. It would be wrong to suggest that is a substantial concern. There may be concerns about

allergic reactions but it appears that currently, they are no more than already encountered by consumption of a number of other foodstuffs.

Why is the process needed in the first place and who stands to gain? The biotech companies developed an application and then went in search of a place in which to use it. It would be more convincing and a more credible argument with regard to their concerns for the starving millions if they had first identified the problem and then set about finding a solution to it.

It is important to separate out the value of investment in the technology which allows the development and indeed the monitoring of GM foods and related products from the value of such foods in our kitchens. We cannot put our heads in the sand in terms of our approach to the fundamental technology which has prompted and promoted the development of GM foods. It is important that we keep up to speed in that area but the lessons of fast-forwarded scientific developments which we have been informed about in the past should not be ignored.

Researchers engaged in animal and crop production by conventional methods have made the point that by investing exclusively or predominantly in the genetic aspects of food production, the traditional methods will suffer because the traditional support will be removed, sidetracked or refocused. We have not yet reached a point where it is wise or useful to discard such valuable older technologies, the traditional methods of animal and crop production. We have successfully used these methods for thousand of years. They have been modified gradually over the years while GM has gone from development to application in less than 20 years. That is a very short timeframe within which to examine its long-term effects.

My key point about GM foods is that there is a opportunity for Ireland in terms of marketing our foods if we are brave enough to say that Ireland should be a GM-free zone. We have to qualify exactly what that term means but regarding our contribution to or investment in promotion of GM foods we should think carefully about the implications.

Regarding the labelling of food, the consumer has a right to know that the food he or she has been offered can be traced and that all the ingredients in it are safe and acceptable. That should apply to all the ingredients right down to animal feed. The traceability of all ingredients is something which all consumers should be able to access. This debate on labelling has been rehearsed many times in the past few years. I glanced at some of the parliamentary questions tabled by myself and other Members in this House. Perhaps I should not say this but I have a certain sympathy for the people who must answer these questions because we ask them very frequently. I think the reason is that to a great extent we have the single transferable answer. The answers remain largely the same. The debate has

moved on to a certain extent but not to the point where it should have gone.

A number of questions on labelling remain unanswered. A few baby steps have been taken in providing useful information on beef labelling, and that is all. The report produced on labelling in 2002 was substantial and the Minister of State highlighted some of the issues addressed in it. A number are still outstanding and I would not like to think that they would gather dust. I am always concerned when I hear that legislation will be introduced as soon as possible. That longfingers the issue and we must ask what is really meant by that phrase.

One aspect of the report which I welcome, and which the Minister of State addressed, is that all food labelling issues are now coordinated within the Food Safety Authority. That is useful. Traditionally they were spread across a number of Departments and it was a minefield to attempt to trace which Department one should refer to with regard to labelling aspects of foodstuffs. Very often it takes a crisis of some kind for progress on these reports. The outbreak of avian flu in Asia prompted the then Minister to insist on country of origin labelling for all poultry, whether sold loose or prepacked. Deputy Naughten already referred to this. It was possible to introduce that legislation rapidly. Why must there always be a crisis and a knee-jerk reaction before the information is provided or the legislation brought forward?

I ask the Minister to now consider fast-forwarding the labelling requirements, particularly in the catering trade, one of the big issues still outstanding. The information should be available in the catering trade for all, so that the consumer has a real choice. Two weeks ago we had a wake-up call when a suspected case of foot and mouth was reported in Carlow. Thankfully that proved to be a false alarm but it raised awareness again about the traceability of our animal feed and imported foods.

What controls are in place on the imports of animal feed from third countries? What controls are activated at airports about the illegal imports of food in to Ireland? For anybody who has travelled to New Zealand or Australia there is a stark contrast in the regulations and controls on bringing in food from another country. It is high time for a review of the controls, or lack of controls, in place at Dublin Airport for example. Has anybody ever been apprehended for bringing foodstuffs in at the airport? Has anybody ever been asked to declare whether or not they have been on a farm in Europe or in any other country and therefore at risk of bringing in some animal disease from that environment? If so I have yet to meet them. Whenever I have come through Dublin Airport nobody has ever positively or proactively advised me to declare that I have been on a farm in another country. On a number of occasions I volunteered because I feel that is the responsible thing to do but nobody has ever asked me to do it. When we have another scare

[Dr. Upton.]

or outbreak it will be all hands on deck again and trade will be disrupted, the disinfectants will be lashed out again, the fire brigade mindset will set in and so on. We must stop those kind of events from happening.

The debate on agriculture and labelling should not be predicated on the hysteria of one package of unlabelled rashers, or one goat with BSE, for example. It should be targeted and focussed on the future of the farming community, the need for diversity in agricultural enterprises, the need for rationalisation and the need for investment in farming and food technology to allow Ireland to remain competitive in what will undoubtedly be a global market, as it is already. Deputy Glennon referred to that and the significant competition which the fruit growers of north Dublin are experiencing. This situation is here to stay. Underpinning all of that is the right of every consumer to have a guaranteed supply of affordable food. They must also have the right to know from where foods have emanated.

Rural Ireland will be influenced in the next years by a number of factors that have not been significant in Irish agriculture in recent years. The Common Agricultural Policy will continue to be reformed and the new EU states will continue to impact on Irish agriculture, both in terms of opportunities for exports and competition for market share for other commodities. It is inevitable that the WTO talks will result in more liberal world trade. More farmers will seek off-farm employment and EU directives will continue to impact on Irish farming. Farmers whose holdings are no longer able to sustain a viable income with the current types of production will need to adjust to different enterprises and look at alternative crops, products or enterprises.

Agriculture has shifted away from intensive production towards rural development, protection of the environment and the production of safe, quality foods. Consumer demands will have to be met. Ireland must be poised to take advantage of a relatively unpolluted environment, with opportunities for marketing "healthy foods". In order to stay competitive in this climate the research base that will provide the vision and drive must be provided. Traditionally, Ireland had a strong research base for agricultural production both in animal and crop products. The European and international climate have changed and demands are different. We must adapt the research requirements to take account of those changes.

This country needs a viable rural community and a sustainable farming population. That population will have a different emphasis. This Government must look at ways of developing off-farm enterprises, promoting agri-tourism and considering alternative new enterprises such as organic farming. It must consider exploiting and taking best advantage of our strengths and investing in the development of healthy con-

venience foods which are competitive on the world market.

The demand for convenience foods has never been so great. There is a glut of such foods on the market but if one looks at the labels — which are useful in this context — and can interpret them, one would not always think of them in the first instance as being healthy. There is a market niche for healthy convenience foods and an opportunity for them to be marketed abroad.

Farmers are key players in protecting rural Ireland. It is within their scope to ensure a clean, unpolluted rural environment but for the farming community to deliver on this goal, it must be supported in terms of information, technological support, innovation and research. It is up to the Minister and her Department now to ensure that rural Ireland and the urban dweller, including all consumers, can benefit from a quality way of life and safe food products. I was very pleased to hear my colleagues in Fine Gael placing such welcome emphasis on the requirements and rights of the consumer.

Debate adjourned.

Adjournment Debate.

Hospital Services.

Mr. Crawford: I thank the Leas-Cheann Comhairle for allowing me to raise this important issue on the Adjournment tonight and the Minister for coming in to answer, I hope, positively.

Several people have contacted me recently regarding the fact that they must travel for dialysis to Dublin's Beaumont Hospital, which is already overcrowded and working 24-hour shifts to keep up with demand. One patient from Monaghan had to travel 180 miles three days per week, and he is well over 80. That is totally unnecessary. Another patient living just a few miles from Cavan General Hospital had to leave home at 2.30 a.m. three days per week for dialysis at 5 a.m., arriving home some time after midday. This is costing €600 or €700 in taxis. However, I welcome the fact that the patient in question is now back in Cavan as a result of some unfortunate deaths as well as transplants.

I ask that the necessary funds be provided for Cavan General Hospital to ensure that an extra shift can be put in place to save people from having to make that unnecessary journey three days per week. There was a tremendous effort to have the renal dialysis ward set up in Cavan, and it provides a great service, dealing with 45 patients. We seek an extra shift, which is absolutely logical. I have a letter here from one lady who wrote directly to the Minister concerned. She said that the extra shift in Cavan General Hospital would help with the desperate problem of overcrowding in Beaumont as well as the unnecessary travelling by people in need of dialysis from the Cavan-

Monaghan area. She had to travel 170 miles to and from Dublin three days a week, something that is very hard on one, physically as well as medically, and I am sure it is worse for older people — the lady in question is just 49. Older people, several in their 80s and with other serious or related illnesses, find it impossible to understand why they must make that journey.

If the money spent on travelling expenses were put to better use by supplying the extra shift in Cavan, it would make a huge difference to that person and all other patients travelling from the Cavan-Monaghan area. The patient went on to say that, as far as she could see, the problem was the result of bad management of resources in the health board area. At one stage, we were told that we would get a new consultant in Cavan and that that was the reason for the delay. Is the consultant position all that important? The hospital has excellent trained nursing staff. In the three months that the lady was on dialysis, she never once saw a consultant in Dublin.

I have a letter from the person in charge of another case in Cavan, who said that the consultant will be appointed in March and that the hospital may re-examine the situation then. However, the issue is urgent. There is a failure to use resources properly. The Cavan unit is brilliant and everyone is very happy with it. I cannot emphasise enough the excellent service that it has given to those patients from Cavan-Monaghan who have been able to use it. It is hard to explain to someone why a unit in Beaumont can work 24 hours per day, with the person having to travel during the night to use it, when a unit is available in Cavan. It is a matter of rostering the necessary personnel and easing the load on Beaumont, the travelling expenses and the unnecessary pressure on patients and families that the journey imposes.

Minister of State at the Department of Health and Children (Mr. T. O'Malley): On behalf of the Tánaiste and Minister for Health and Children, I wish to respond to the Deputy's concerns regarding dialysis services at Cavan General Hospital. The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive is required to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. Responsibility for the provision of dialysis services at Cavan General Hospital rests with the executive.

My Department has been advised by the Health Service Executive, north-eastern area, that the current position on the dialysis unit at Cavan General Hospital is as follows. A locum consultant has been in place at the unit since July 2002. The executive has further advised me that a consultant physician with a special interest in nephrology will take up duty at the unit in early March 2005. It is anticipated that this development will provide an opportunity for the executive, in conjunction with the new consultant, to

review all aspects of the service being provided, including the number of patients being treated.

My Department is advised that the current complement of the unit is 47 patients. It is the intention of the executive to examine the following issues relating to the dialysis unit upon the arrival of the new consultant: the feasibility of providing haemodialysis services to an increased number of patients; the provision of an enhanced service on an outpatient basis; and consideration of making available continuous ambulatory peritoneal dialysis to patients in the north-eastern area. All the above would require additional clinical input in the areas of dietetics, psychological services and counselling, and social work supports to patients and families.

The executive further advises that it liaises very closely with renal units in the Dublin hospitals to minimise inconvenience as much as possible for patients who have to travel for treatment from the north-eastern region. Renal services have been identified by my Department as one of the main acute hospital priorities for development.

The requirement for renal dialysis services is growing at a high rate. The net increase in new dialysis patients is between 10% and 15% per annum, and it is likely to continue increasing at that rate for the foreseeable future. The number of patients on dialysis increased from 641 to 1,106 between 1998 and June 2004, an increase of 72.5% in six years. There are many reasons for that large increase, including greater levels of obesity, a greater number of diabetics, especially where diagnosed at a late stage, and increased longevity in the population.

My Department has provided additional revenue funding of over €28 million since 2000 to develop renal services in Ireland. An additional €8 million was provided in the 2005 Estimates. Total additional funding of €2 million has been provided for the development of renal services in the north-eastern area since 2000, of which €475,000 was allocated for the current year. That significant investment has supported the development of renal services on a regional basis, with the approval of seven additional consultant posts specialising in nephrology, including the new post at Cavan General Hospital.

I assure the Deputy that my Department will continue to support the provision of dialysis services in a way that takes account of the needs and preferences of patients, and of the communities in which they live. The configuration of those services is a very important aspect of the role of the new Health Service Executive.

Mr. Healy: I thank the Ceann Comhairle for allowing me to raise this matter, which is also health related. The population of south Tipperary is entitled to the highest quality health services, just like patients in any other county. However, a number of issues that have been on the Minister's desk for some time need to be addressed urgently and referred to the Health Service Executive for completion. I refer to two problems in particular

[Mr. Healy.]

— overcrowding in the accident and emergency department at South Tipperary General Hospital in Clonmel and the transfer of general surgical services from Our Lady's Hospital, Cashel to the South Tipperary General Hospital in Clonmel.

As we are all aware, there is serious pressure on accident and emergency services throughout the country. On a recent visit to South Tipperary General Hospital in Clonmel, I found overcrowding in the accident and emergency department, which had spilled over into the main hospital. There were 35 additional patients on trolleys, a situation which was neither helpful to patients nor staff. Everybody was frustrated and angry at the situation, and they had every right to be. I spoke to patients who were unable to sleep because they were lying on hard trolleys. They were thankful to be in the hospital but not satisfied with the facilities and services available. I spoke with staff who were frustrated at not being able to give the level of service they believed they should be able to give.

This situation was compounded by the fact that an area within the hospital earmarked for a future acute medical unit is three quarters complete. It is an area under the roof of the hospital and a request to complete the unit and open it as an acute medical unit has been with the Department for more than two years. That would help to a large extent the overcrowding problem in the hospital. It would also tie in to the policies recently announced by the Tánaiste regarding the accident and emergency area.

The second problem that arises in the county is the transfer of general surgical services from Our Lady's Hospital, Cashel. That is promised for March of this year but cannot go ahead without the approval for the completion of units in the grounds of the hospital. Those units have been completed for approximately 12 months and are waiting approval for equipping and staffing. Approval is also awaited for the 20-bed GP assessment unit for the main hospital. These units must be opened and staffed properly to allow the transfer of the general surgical services to Clonmel and give the people of south Tipperary the level and quality of services to which they are entitled.

Approval for the 20-bed GP unit at Cashel and the 23-bed acute medical unit at Clonmel would go a long way to redressing the effect of the unfortunate and wrong closure of St. Vincent's Hospital in the late 1980s when 50 beds were closed at the hospital. The health services in south Tipperary have been bedevilled by the impact of that closure ever since. The health board at the time was not able to replace those beds and that has led to overcrowding in accident and emergency, in the wards and on hospital corridors. Approval for the GP assessment unit and the acute medical unit would go a long way towards solving that problem and the problem of overcrowding in accident and emergency units.

The idea of a GP unit at Our Lady's Hospital in Cashel, together with other diagnostic services proposed for the hospital, including x-ray, physiotherapy and laboratory services, is an ideal way of providing health services. It dovetails with proposals the Tánaiste earmarked recently in regard to accident and emergency overcrowding which will allow services to be provided, particularly at a diagnostic and inpatient level, on a different site and ensure that the same pressure is not placed on the main hospital, South Tipperary General Hospital in Clonmel. I hope the Minister of State has some good news for me.

Mr. T. O'Malley: I thank Deputy Healy for raising this matter on the Adjournment. Agreement was reached in 1996 to amalgamate acute services in south Tipperary requiring the transfer of surgical and accident and emergency services from Our Lady's Hospital, Cashel to South Tipperary General Hospital, Clonmel. This agreement provided for the development of older people, disability, palliative care and mental health services on the Our Lady's Hospital, Cashel site. It is planned to complete the developments in Cashel in two phases. Phase I has now been completed. This comprises three units: a 20 bed unit for elderly mentally infirm; a 12 place supervised community residence, day hospital and day centre, sector headquarters for mental health services, and 12 independent living units and day care centre for people with physical disabilities.

The planning stage of phase II of the Cashel development has been completed. Refurbishment of the main hospital building is required to accommodate the following services: a 20 bed GP assessment-rehabilitation unit; five bed palliative care units; a 15 bed convalescent unit; 25 bed specialist geriatric rehab units; a day hospital for older people, and an out-patients department. The development of phase II is contingent on the transfer of surgical services to Clonmel and the provision of capital funding for the project.

In recent years a major capital development programme to provide the infrastructure to facilitate the transfer from Cashel to Clonmel has been undertaken to bring surgical and acute medical services together on a single site. The integration of acute services on one site will greatly enhance the services available to patients in the region.

In recent years, significant capital investment of €30 million has been provided for the new facilities at South Tipperary General Hospital, Clonmel. The newly constructed facilities in Clonmel include the provision of a new emergency medicine department, ward accommodation, operating theatres, intensive care unit, day care unit, central sterile supplies department, physical medicine department, education centre and consulting rooms.

In September 2004, the Department of Health and Children, in the context of commissioning new units in acute hospitals throughout the country, gave approval to the South Eastern Health

Board to commission the new facilities in Clonmel. In 2005, ongoing revenue funding of €3.8 million is available to the HSE-South Eastern Area to open the new facilities at South Tipperary General Hospital.

The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of services at Our Lady's Hospital, Cashel and South Tipperary General Hospital, Clonmel.

In order to progress the developments and resolve the issues, including staffing issues arising at Cashel and Clonmel, the HSE South Eastern Area, formerly the South Eastern Health Board, has carried out an analysis of five options to resolve outstanding difficulties. These options will be the subject of discussions at an early date between the Department and the HSE, in the context of the HSE's service plan for 2005.

Job Losses.

Mr. Neville: I thank the Ceann Comhairle for allowing me raise this issue. I wish to share one minute of my time with Deputy Cregan, my colleague from west Limerick, to give him an opportunity to tell us what his party, Fianna Fáil, intends to do to overcome the difficulties in west Limerick. I presume the Minister of State is taking the matter. In view of the fact that the Minister for Agriculture and Food was in the House a short time ago, it is disappointing that she is not here to take it.

I use this opportunity to raise the serious loss of jobs in the Kantoher area of west Limerick, in the very west of the constituency. A total of 140 jobs have been lost directly, at least 30 in the transport area and 20 more in services. Almost 200 jobs have been taken out of a deprived area. Having examined the figures, outside the towns of Abbeyfeale and Newcastlewest there has been a drop in population in the area over that time. The Kerry Group has a responsibility in this area regarding the people of the area and their staff. A decision has been made, however, and we must expect and demand that the Kerry Group honour the long-term commitment of the people of the area to Kantoher Chickens.

Kantoher Co-op has been in operation since 1904 and has been producing broiler chickens for over 40 years. Prior to that it was involved in the poultry breeding area. In the 1950s, it was the largest co-op in the country. Its closure will have a devastating effect on the area. There is an onus on the Government and, in particular, Fianna Fáil to take action. The people of west Limerick delivered two seats to the latter party in the most recent general election, thereby doubling its representation in the area. The Government has a responsibility to ensure that these jobs are replaced and that a task force is established immediately to see that this is achieved.

There is a good cold storage facility in Kantoher but even if this is found to be unsuitable, at least 140 jobs must be created in the area. It is reasonable to expect that this is done because it has been done elsewhere. We heard about the successes enjoyed by task forces in places such as Galway, Clonmel and elsewhere when the leader of the Minister of State's party served as Minister for Enterprise, Trade and Employment. At a time when people are boasting, and perhaps rightly so, about job creation, we are asking the Government to ensure that the 140 jobs that will be lost at Kantoher will be replaced in double quick time with the involvement of IDA Ireland, Shannon Development, the Department of Enterprise, Trade and Employment etc.

The people of the area in question need these jobs. It is one of the most deprived areas in the county and we look forward to a positive response from the Minister of State. I look forward to hearing Deputy Cregan's comments. I am sure he has considered this matter during the past week and that he has communicated with the Minister for Enterprise, Trade and Employment in respect of it.

Mr. Cregan: I thank Deputy Neville for sharing time. Like Deputy Neville, I share in the sadness experienced by people in west Limerick in recent days as a result of the loss of 140 jobs in the Kerry Group at Kantoher Chickens. I am concerned for the 40 growers who depend on Kantoher and for those who provide indirect services.

I call on the Kerry Group to provide west Limerick and the people of Kantoher with a goodwill gesture. Kantoher Chickens was founded on a co-operative basis 101 years ago. I call on the Kerry Group to return the buildings and the infrastructure to the community. I have spoken to the Minister for Enterprise, Trade and Employment in recent days and I know he, with the various State agencies and Shannon Development, will ensure that a task force will be put in place to deliver new jobs to west Limerick, particularly Kantoher. I hope we will be able to use the current infrastructure to help create such jobs. This would be to the long-term benefit of west Limerick.

I encourage everybody concerned to ensure that these jobs are created for the sake of the workforce, the growers and everyone involved with Kantoher. Every household in the parish of Kileedy has been involved with the company during its many years in operation and they deserve the gesture to which I refer from the Kerry Group.

Mr. T. O'Malley: I thank Deputies Neville and Cregan for raising this matter on the Adjournment.

The Kerry Group acquired Kantoher Chickens in 1992. The company operated successfully up to five years ago when it began to sustain losses. These losses have grown in the interim and, despite the best efforts of the excellent local

[Mr. T. O'Malley.]

workforce, the company was unable to reverse this trend due to its size and the very competitive nature of the chicken processing sector. I understand the Kerry Group tried unsuccessfully to sell the operation as a going concern. As a result, it has decided to close its chicken processing plant in Kileedy, Newcastle West, County Limerick, on 4 March 2005 with the loss of 138 jobs.

The reason for the closure is the very competitive nature of the market and that there is over-capacity in the chicken processing sector. The trend in this sector, as with other sectors in the agri-food industry, is for consolidation into larger processing units of scale. The company view is that the plant is small by industry standards and it was not willing to contemplate further investment.

The Kerry Group has indicated that it plans to offer the employees an opportunity to take up alternative positions in either its food ingredient operations in Charleville on the Limerick-Cork border, where a major expansion is taking place, or Listowel, County Kerry, where demand for workers is also increasing. An out-placement consultant has been put on site in Kileedy to assist those employees who are not interested in this offer of alternative employment. A redundancy package is being negotiated for members of the workforce who do not wish to transfer. The employees at Kantoher Chickens are drawn from a wide geographic area in west Limerick and the offer of redeployment by the Kerry Group to the other plants in Charleville and Listowel will allow Kantoher based employees to continue to live in the area, preserve their incomes and commute to work in an activity they know well, if they so wish.

The Kantoher plant accounts for about 8% of chickens slaughtered in this country. I understand that the poultry producers who supplied this operator will now be taken on by Western Brand Poultry. This is good news because poultry growing makes a useful contribution to the income of farmers in the Limerick area and I am glad that this activity can continue. Western Brand Chickens, which is located in County Mayo, is one of Kantoher's bigger competitors and, fortunately, will take on the supply contracts of the 40 local farmers that supply Kantoher.

I understand from the Department of Agriculture and Food that there is excess capacity in the poultry slaughter sector which is hampering the competitiveness of the indigenous poultry industry. The agri-food 2010 committee established by the Minister for Agriculture and Food recommended a reduction in capacity in the order of 20%. This is a very competitive sector due, in particular, to the increased volumes of poultry meat being imported from low-cost countries outside the EU. Nevertheless the volumes of poultry produced in this country have remained at satisfactory levels and an increase of 4.5% was experienced last year.

West Limerick in general is well serviced with industry, with major companies such as Wyeth, Aughinish Alumina, Kostal, Ballygowan and Pallas Foods being the major employers in the vicinity of Kantoher. However, the closure of the plant is, of course, a significant setback to a predominantly very rural area and the chances of getting a replacement industry into a disused chicken plant would not be too good. To achieve this would require the decommissioning of the plant and the fumigation of the building. It would also need to be made available as a vacant unit. If that were to happen, there would be a possibility of attracting industrial activity to the building.

As in all such cases, Shannon Development is ready and willing to explore and consider eligible business proposals for the Kantoher area, whether from employees taking the redundancy option or other parties. It is also an active member of local groups such as West Limerick Resources Limited, a local Leader-ADM group which met last week to discuss this issue. West Limerick Resources Limited will shortly write to the Kerry Group to offer its services with local initiatives such as a jobs club, training and start your own business courses. Similarly, Shannon Development is actively involved with the Newcastle West Chamber of Commerce and will work closely with it to ensure that its resources are brought to bear in regenerating the Kantoher-Kileedy area.

When these efforts are combined with the arrangements the Kerry Group is putting in place for both employees and suppliers, it is intended that the effects of the closure on the community will be minimised. I trust there will be a satisfactory outcome to the proceedings for all concerned.

Prisons Building Programme.

Mr. Costello: I intend no reflection on the Minister of State, Deputy Tim O'Malley, but I would have liked to see the Minister, Deputy McDowell, present. I do not believe the latter has graced the floor of the House on many occasions since entering office to answer matters raised on the Adjournment. This could have been his first opportunity to explain why he has just spent €30 million on a greenfield site in north County Dublin and why he is closing the prison where over €30 million was spent on the women's section not so long ago; €12 million was spent on the juvenile prison, St. Patrick's Institution, only two years ago; and where there is a fine training unit in operation. It would also be an opportunity for the Minister to explain to the local population in north Dublin why he arrived like some thief in the night without any consultation and bought the land, behind their backs. Any decent Minister for Justice, Equality and Law Reform should not be afraid to come forward to justify his actions. However, the Minister is hiding behind his PR gurus, who will issue statements on his behalf. We

9 o'clock

saw the other day just how much is being spent on branding the Minister in public relations. We need a straightforward explanation and the Minister is not prepared to give it on the floor of the House. He has no respect for the House, as such.

There is no doubt the Minister and all of us are appalled at the conditions in Mountjoy. However, these conditions have existed for decades. The Minister has decided to do something about it because he had no choice. The European Committee for the Prevention of Torture has condemned conditions in Mountjoy. The Government's Inspector of Prisons and Places of Detention, Mr. Justice Dermot Kinlen, has on two occasions called for the closure of Mountjoy in two annual reports, as well as Cork and Limerick jails. The second report has been with the Minister for many months without it being published because of some legal conundrum he was supposed to have resolved long ago and also because a solicitor in Limerick has approximately 800 prisoners and ex-prisoners as clients who are appealing to the European Court of Human Rights over disgraceful conditions as regards slopping out in prisons.

Has the Minister made the right decision in his response? I do not believe he has. In the first instance one has to think about the families of the offenders. The offenders are being punished and their families should not be. There are no public transport facilities anywhere near the new site that has been purchased.

A new women's prison has been constructed which is working excellently and is a model in that respect. It is within the Mountjoy complex and the training unit is there. At the same time the Minister has closed three other prisons which were operating satisfactorily, Shanganagh Castle, the Curragh and Spike Island. He closed them for the most meaningless of reasons, because he was engaged in an industrial relations row about overtime with prison officers. Instead of engaging in proper industrial relations, he went off in a huff and closed the prisons, saying in effect, "You have no prisons now, so you are going to have to come to heel". This is no way for a Minister to behave. The capacity for approximately 300 prisoners is ready and waiting. There is no reason why St. Patrick's Institution for juveniles could not be transferred and the entirety of it refurbished. There is no reason why the adult wing in Mountjoy could not be transferred for extra capacity when St. Patrick's is finished. Again, it could be adequately completed as should have been done many years ago, but the Minister decided differently. He decided on a greenfield site in a public private partnership.

We have no penal policy. We have no indication of alternatives to prison. We have seen the previous Minister increase prison capacity from 2,000 to 3,000. We have seen this Minister increase it to 3,200 and now he proposes to increase it to 4,500. At the same time he claims that crime is going down all the time. There is something wrong, some contradiction and I

would be delighted to hear a satisfactory answer to that conundrum.

Mr. T. O'Malley: I am deputising for the Minister for Justice, Equality and Law Reform, Deputy McDowell, who unfortunately cannot be here this evening.

Mr. Costello: He could not be here the other evening either.

Mr. T. O'Malley: He has been here and to suggest that he is afraid to come into the House is somewhat frivolous. I am glad to have the opportunity to reply to Deputy Costello on behalf of the Minister to outline the reasons for replacing Mountjoy Prison with a prison complex in north County Dublin. The Minister has made it clear that he has for some time been planning a move for the Mountjoy site to a new site in County Dublin. The largely antiquated buildings on the existing site, which is approximately 20 acres in total and surrounded by high density housing, and the difficulty of carrying out extensive renovations with the prisoner population *in situ*, pose insuperable difficulties for maintaining the existing location. The current Mountjoy site is too small to allow any significant improvement in facilities for prisoners. Another substantive difficulty is that the current facilities are poor by modern penal standards. A new prison complex will deliver significant improvements in conditions for both prisoners and staff.

The Minister has personally inspected the conditions in Mountjoy Prison and come to the clear view that it falls so far short of the requirements of a modern prison and the needs of prisoners and staff, that replacement of the prison complex, rather than refurbishment of the existing facilities, is the only realistic option. The Minister's view is shared and advocated by reports on Mountjoy from both the prison board and the Inspector of Prisons and Places of Detention, and by strong and consistent criticism of the existing facilities by a committee of the Council of Europe and other organisations concerned with the welfare of prisoners. The Minister has directed the Director General of the Prison Service to make an immediate start on planning for the new prison facility.

The total refurbishment of the Mountjoy complex on its present site would last longer, be more disruptive to the prison system and ultimately be far more costly and less satisfactory than the construction of a new complex. The running costs of a refurbished Mountjoy would also be much higher than those of a completely new prison complex.

A number of serious issues arise in any refurbishment of a live prison as old as Mountjoy. There is no in-cell sanitation in Mountjoy and, for operational reasons, it is not a viable option to install same. The result is slopping out. There are also numerous structural difficulties such as cell doors and doorways which are significantly

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smaller than other prisons and cell windows which are small and do not provide sufficient light or ventilation. Walkways are narrow and in poor condition and there are insufficient bridges between them. The heating system is also in a fragile condition, the wings are dark with insufficient natural light in cells and common areas. Central services, that is, water, sewage, and power, were designed for a Victorian building and must be replaced to modern standards to meet legal requirements. We need a civilised modern prison with adequate facilities — medical, recreational, training and rehabilitative.

The benefits which will result from moving to a green field site greatly outweigh the case for refurbishment of Mountjoy Prison. It is currently estimated that the cost of renovating a single wing at Mountjoy Prison would be between €25 million and €30 million. The provision of a new modern building with the full range of emerging prison technologies, including modern facilities, will greatly improve conditions both for staff and offenders and will result in significant savings in operational costs. Outdoor recreation and yard space will be enhanced, as will visiting facilities including family friendly facilities such as a crèche and playground. Special transport links will be provided for visitors to the new prison.

St. Patrick's Institution and the Dóchas Centre are no longer adequate. St. Patrick's is unsuitable for young offenders and the recently constructed Dóchas Centre is already completely inadequate in terms of size. The training unit at Mountjoy is also obsolescent even though it is relatively new.

The cost of the new site has been questioned by some Deputies. The position is that early last year a public advertisement was placed in the national newspapers inviting landowners to put forward suitable sites for sale in the greater Dublin area. The average asking price of land owners who responded to that advertisement was

above €200,000 per acre, with some owners seeking as much as €500,000 per acre. More than 30 sites were examined by an expert committee comprising representatives of the Office of Public Works, the Irish Prison Service and the Department of Justice, Equality and Law Reform. However, only five sites were deemed to be suitable for consideration as a site for the new facility. The purchase price of the site finally selected, which worked out at €199,333 per acre, was lower than the asking price for the other suitable sites.

Mr. Costello: That is over 20 times the normal price.

Mr. T. O'Malley: It is worth recording that two thirds of the cost price is being met from the sale of lands at Shanganagh Castle. There is no truth in the suggestion that the sale of Shanganagh is prevented by a restrictive covenant. The OPW, which was involved in this process and deals daily in land and property management on behalf of the State, has advised that the price paid could not be regarded as exorbitant. Indeed, it probably represents a long-term investment for the taxpayer.

To sum up, the reasons for replacing Mountjoy Prison have been made clear on numerous occasions. The condition of the main buildings are such that they are not suitable for refurbishment. The only viable option is to replace Mountjoy prison completely. This is not possible while approximately 900 prisoners are housed on the entire complex, representing just under 30% of the entire Irish prison system. There is simply nowhere to keep them while reconstruction work is under way. In the Minister's view, the arguments in favour of the replacement of the Mountjoy complex with a new prison on a green-field site are persuasive.

The Dáil adjourned at 9.15 p.m. until 10.30 a.m. on Wednesday, 2 February 2005.

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 13, inclusive, answered orally.

Tax Code.

14. **Mr. Stagg** asked the Minister for Finance the estimated cost of the extension, in regard to his public statement of 22 December 2004 regarding proposed changes in the Finance Bill 2005 with respect to changes to the 31 December 2004 condition for certification of projects for entitlement to the tax incentive for investment in third level education buildings; the number of outstanding cases at 31 December 2004 in respect of which certificates had still to be issued; the location of the projects involved; if he has received representations from developers or from others in regard to the proposed change; and if he will make a statement on the matter. [2496/05]

Minister for Finance (Mr. Cowen): The tax incentive for investment in third level education buildings was introduced in the Finance Act 1997. It was provided in the 2004 Finance Act that only expenditure incurred up to 31 July 2006 would qualify for the relief provided that a ministerial certificate approving the project was issued by 31 December 2004. Three outstanding applications were under examination by my Department in December 2004 and it was not possible to complete the detailed examination and assessment by the cut-off date of 31 December 2004. Such assessments can take up to several months as it is usually necessary to have detailed discussions involving my Department, the Revenue Commissioners and the Department of Education and Science as well as the third level institution concerned to ensure that the application is structured in accordance with the precise terms of the legislation to enable the certification to be given.

My announcement of 22 December stated that the applications had to be received by 31 December 2004 but that the ministerial certificate of approval would not have to be issued by that date. There will be a provision included in the 2005 Finance Bill to legislate for this change.

The correspondence relating to the three applications came from the three third level institutions concerned and not from any developers. It is not possible at this stage to estimate the Exchequer cost involved as the examination of the applications has not been completed. There is no extra cost involved as these applications had already been received prior to the cut-off date. I do not consider it appropriate to indicate the location of the three projects or the names of the third level institutions concerned since the applications are still being examined.

Economic Competitiveness.

15. **Mr. Boyle** asked the Minister for Finance his views on whether the recently recorded highest ever US trade deficit will have economic consequences here. [2587/05]

141. **Mr. Boyle** asked the Minister for Finance his views on whether the recently recorded highest ever US trade deficit is likely to have economic consequences here. [2790/05]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 15 and 141 together.

On budget day I highlighted the evolution of the US current account deficit as one of the main risks facing the Irish economy. The main channel through which the US trade-current account position affects the Irish economy is through potential movements in the euro-dollar exchange rate. At present, this bilateral rate is at €1 equals \$1.30, 4 % higher than the average for 2004. An appreciation of the exchange rate reduces the competitiveness of the economy.

However, we have no control over exchange rate developments. In this context we must seek to ensure that wages and prices evolve in a manner which protects competitiveness. This is the best way to protect jobs. The need to maintain and improve competitiveness was one of the main reasons I chose not to increase indirect taxes in the budget.

Tax Code.

16. **Ms Enright** asked the Minister for Finance if he plans changes in the capital gains tax code. [2550/05]

Minister for Finance (Mr. Cowen): As the Deputy may be aware, it is not the practice to comment in the lead up to the annual Finance Bill on the intention or otherwise to make particular changes in the taxation code.

Stability and Growth Pact.

17. **Mr. Crawford** asked the Minister for Finance when the terms of the stability pact are likely to be revised; and if he will make a statement on the pact. [2575/05]

21. **Mr. Sargent** asked the Minister for Finance the status of review talks on the growth and stability pact. [2596/05]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 17 and 21 together.

The European Commission presented a formal communication on 3 September 2004, outlining a range of proposals for strengthening economic governance in the European Union and clarifying the implementation of the Stability and Growth Pact. Since then, the issues involved have been the subject of detailed and wide-ranging discussions.

At the recent ECOFIN Council of 18 January 2005, Ministers had a useful exchange of views on this matter and made progress in identifying areas of common ground. In its conclusions, the

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Council requested the Economic and Financial Committee, EFC, to continue work on the following issues in light of the debate: first, consolidating the preventive part of the pact; second, improving implementation of the excessive deficit procedure, which is the corrective part of the pact; and, third, improving governance. Consideration of the issues involved is therefore ongoing. The Luxembourg Presidency of the EU has indicated its objective of achieving agreement on the matter by the European Council meeting in March 2005.

As regards Ireland's position, we are engaging fully with the ongoing discussions with a view to encouraging reforms which are in line with our economic priorities. For example, Ireland has long argued that countries with very low debt levels, and with clear investment needs, should not be unduly constrained from making the necessary resources available.

Tax Evasion.

18. **Ms McManus** asked the Minister for Finance the progress made by the Revenue Commissioners regarding allegations that tax improprieties may surround trust operations at a bank (details supplied); if the Revenue Commissioners have reached a determination regarding whether these trusts facilitated tax evasion as distinct from tax avoidance; and if he will make a statement on the matter. [2477/05]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that substantial progress has been made in relation to this inquiry. Arising from a voluntary disclosure programme 254 individuals came forward and made voluntary disclosures. To date, this programme has recovered in excess of €105 million for the Exchequer.

The Revenue Commissioners indicated previously that those individuals who fail to make disclosures under the voluntary phase of projects will be pursued with all means available. They advise me that through their investigations and inquiries they have now identified individuals who did not come forward during the voluntary phase of this particular project and are now actively pursuing them in relation to breaches of the tax code.

It is clear from some of the disclosures and the amount collected to date that in some instances taxpayers used trusts to facilitate tax evasion.

Company Receivership.

19. **Mr. Cuffe** asked the Minister for Finance the position regarding reports made into the activities of a company (details supplied). [2589/05]

Minister for Finance (Mr. Cowen): The company in question is currently in receivership and an administrator has been appointed to administer the client assets of the company. I am

informed by the Irish Financial Services Regulatory Authority, which sought the appointment of the receiver, that the receivership is ongoing. The Deputy will appreciate that I have no function in regard to the receivership or the administration of the company.

In April 2004, my predecessor decided to set up two working groups to examine the lessons arising from the collapse of the said company. One group is examining the key issues identified in regard to the funding of the investor compensation scheme, while the second group is considering any implications for the financial regulatory and legislative framework. The working groups operate under the chairmanship of my Department and the membership of the groups is drawn from a wide range of governmental, industry, regulatory and consumer protection interests. I understand that the working groups intend to submit their report to me shortly.

General Government Balance.

20. **Ms Shortall** asked the Minister for Finance the amount in euro of the general Government balance, as estimated by his Department for 2004; the reason this figure is not available with the January 2005 Exchequer returns; and if he will make a statement on the matter. [2495/05]

Minister for Finance (Mr. Cowen): The estimated outturn for the 2004 general Government balance, GGB, is a surplus of €1,375 million or 0.9% of GDP. The Exchequer statement relates to the Exchequer account only and is cash based. The GGB is a wider definition of the Government finances and includes some aspects of accrual accounting. The official GGB data for each member state are published in March and September every year by EUROSTAT in line with EU requirements.

Question No. 21 answered with Question No. 17.

Tax Evasion.

22. **Mr. M. Higgins** asked the Minister for Finance if he is satisfied that sufficient steps are being taken to combat tax evasion in view of the continuing high level of settlements reported by the Revenue Commissioners each quarter; and if he will make a statement on the matter. [2471/05]

Minister for Finance (Mr. Cowen): The Revenue Commissioners are pursuing a programme which is dealing in a very determined way with tax evasion. The commissioners are taking an approach which, depending on the nature of the case, involves either a monetary settlement and possible publication or criminal investigation and prosecution. This combined policy has yielded significant results.

In recent years, for example, Revenue special investigations have yielded a total of €1.6 billion. Revenue's normal audit programme each year

also continues to recover significant tax, together with interest and penalties. For 2004, in excess of €400 million was collected in this audit programme in approximately 16,000 cases.

The high level of success in securing settlements is a reflection of the targeted approach used by Revenue which is to focus its compliance resources on the areas where they are needed most. An associated strategy is to minimise the number of contacts with compliant tax and duty payers. Accordingly, Revenue's audit selection is now targeted at areas of highest risk and the level of settlements must be seen in that context.

I am informed by Revenue that it is prosecuting an increasing number of cases of serious tax evasion each year despite the evidential difficulties involved and the resource intensive nature of this work. This work is dealt with in its investigations and prosecutions division which has a clear mandate to focus on this objective. Recent figures indicate that this new approach is now proving successful. Currently, 46 cases are under investigation for prosecution, seven cases are with the DPP, directions to prosecute have been received from the DPP in another five cases and these are proceeding to court. Bench warrants have been issued in three cases and four cases are before the courts. It should be noted that Revenue also takes prosecutions in the District Courts each year in respect of in excess of 1,000 cases related to non-filing of tax returns.

National Development Plan.

23. **Ms O. Mitchell** asked the Minister for Finance his views on whether a review of the performance of the NDP would now be timely. [2543/05]

82. **Mr. Quinn** asked the Minister for Finance if his attention has been drawn to the serious concern recently expressed by the institute of engineers regarding delays in meeting the targets set in the national development plan and its view that unless significant additional funding is provided, it will not be completed until 2013; if he will provide any such additional funding; the role his Department plays in co-ordinating the work of other Departments in regard to the implementation of the plan; and if he will make a statement on the matter. [2487/05]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 23 and 82 together.

The national development plan, NDP, was subjected to a wide-ranging, in-depth and independent mid-term evaluation by the ESRI in 2003. The evaluation found that the NDP has made significant progress towards its objectives of promoting continuing sustainable national economic and employment growth and of consolidating and improving Ireland's economic competitiveness. It stated that the NDP "will have a sustainable positive effect on competitiveness and the productive capacity of the economy in the long-term". In terms of national prosperity, the ESRI has estimated that NDP expenditure over the period

under review raised the level of GNP by over 7% above what it would have been had the NDP not been undertaken and, in the long run, the level of GNP will be around 3% higher. The ESRI estimated that this represents a real rate of return on NDP investment of around 14% and must be seen as an exceptional economic performance by any standards. More generally the mid-term evaluation endorsed the strategy underpinning the NDP and its continuing relevance. It is not therefore necessary to conduct a further review of the NDP at this juncture.

The Institution of Engineers of Ireland publication focuses on progress under the economic and social infrastructure programme, ESIOP, of the NDP. It was acknowledged some time ago that the NDP output targets under some headings would not be achieved and that the cost of the infrastructure programme would be ahead of initial targets. This is due to a variety of factors, including initial cost underestimation, re-specification of projects and inflation. Nonetheless, it is estimated that by the end of 2004, €19 billion of total planned ESIOP investment of €26 billion was spent. Of this, the Exchequer has provided €16 billion as compared with initial projections of €13 billion. There has been an ongoing roll-out of infrastructure projects of unprecedented scale and size and significant progress is being made.

The Government is committed to substantial continuing investment in infrastructure over the medium term beyond the completion date of the current NDP. The multi-annual capital envelopes for 2005-09 provide for overall capital investment of €36.3 billion; as a percentage of GNP this is a level around twice the European average. This level of investment will ensure that by the end 2006 investment under the ESIOP will be greater than the initial target and will fund a major enhancement of Ireland's economic and social infrastructure up to and beyond the current NDP.

As regards infrastructure implementation, individual Departments and agencies are responsible, in the first instance, for the effective implementation of plan programmes for which they have responsibility. My Department chairs the NDP-CSF monitoring committee which meets at least twice yearly. This committee, which monitors overall progress on the plan, is comprised of a wide partnership of interests, including implementing Departments, the social partners, sectoral interests, and members of local authorities representing the regional assemblies.

Each of the seven operational programmes under the plan has a similar widely based monitoring committee which meets twice yearly to monitor the ongoing implementation of the programme. The managing authorities and the Department-agencies responsible for implementing specific aspects of the operational programmes have additional procedures in place to monitor and manage the ongoing implementation of the operational programmes.

The Department of Finance is assisted by a number of dedicated units established to meet the

[Mr. Cowen.] requirements of the Structural Funds regulations. These units focus on financial control of the Structural Funds, ongoing evaluations of key elements of the NDP and providing information on projects and programmes.

In addition to this monitoring framework, key Departments report through their Ministers to the Cabinet sub-committee on infrastructure, housing and PPPs on implementation and delivery of infrastructure programmes under the NDP.

Tax Yield.

24. **Mr. Eamon Ryan** asked the Minister for Finance the way in which €200 million in VAT returns have been lost to the Exchequer through food sales in canteens. [2595/05]

Minister for Finance (Mr. Cowen): The figure of €200 million VAT referred to in the Deputy's question appeared in the newspapers on 21 January 2005 describing the outcome of a European Court of Justice, ECJ, case involving a Swedish company which was about to provide subsidised meals to its employees. The ECJ advised the Swedish authorities that in their circumstances, VAT would be chargeable only on the price paid by employees for the subsidised meals. Ireland's position is not the same as that of Sweden. The charging rules in Ireland are based on a different provision of the sixth VAT directive than that at issue in the Swedish case. Ireland's rule is that the taxable amount in respect of subsidised canteens is the cost of providing the meals or the price paid by the employees, whichever is the greater. I am not aware of any basis for the figure of €200 million quoted in the newspapers which assumes the Swedish case is a precedent for Ireland.

Tax Code.

25. **Mr. Eamon Ryan** asked the Minister for Finance the measures he proposes by way of other environmental tax measures, that will help this country meet its global environmental obligations, in view of the fact that he has confirmed his predecessor's intention not to introduce carbon tax. [2594/05]

Minister for Finance (Mr. Cowen): As the Deputy is aware, the Government decided in September 2004 that a carbon tax was not an appropriate policy option and that instead it would intensify action on the non-tax measures under the national climate change strategy. However, as I stated in a reply to a previous parliamentary question, I am open-minded towards initiatives in the tax area which can impact positively on the environment but, in reviewing any such initiatives, I am required to be mindful of competitiveness issues and the impact of any particular measure, especially on the less well off members of the community.

In this regard, I announced in the summary of budget 2005 measures the intention to introduce

an excise differential for sulphur free fuel as an environmental measure. As stated last December, further details will be announced in the Finance Bill. I also extended until 31 December 2006 the scheme which provides a 50% refund on vehicle registration tax on the purchase of hybrid vehicles.

These are additional to other tax measures already in place, including capital allowances for corporate investment in renewable energy projects; and a provision in Finance Act 2004 which provides for the introduction of a scheme for excise tax relief for biofuels. Non-tax measures under the national climate change strategy are a matter for the Minister for the Environment, Heritage and Local Government.

26. **Mr. Hayes** asked the Minister for Finance if his attention has been drawn to the apparent anomaly in the tax relief scheme for hospitals whereby it excludes certain psychiatric hospitals; and if he will make a statement on the matter. [2565/05]

Minister for Finance (Mr. Cowen): When the scheme of capital allowances for the construction of private hospitals was introduced in 2001, the question of including psychiatric hospitals and geriatric-psychiatric hospitals within the ambit of this scheme did not arise. In recent months I have received proposals with regard to the provision of capital allowances for psychiatric hospitals. These proposals are being examined in my Department.

Decentralisation Programme.

27. **Mr. Rabbitte** asked the Minister for Finance if he will report on the latest information available from the central applications facility in respect of applications from civil servants and other public servants located in Dublin who wish to transfer to new locations outside of Dublin under the Government's decentralisation programme; the way in which this compares with the Government target of 10,300; his views on the potential loss of skills and expertise for specialist State agencies should they be decentralised, in view of the fact that so few persons are willing to transfer; and if he will make a statement on the matter. [2488/05]

Minister for Finance (Mr. Cowen): The latest figures from the central applications facility show there is very substantial interest in the programme. During the period for priority applications — 7 September 2004 — 8,958 applications made up of 8,152 civil servants and 806 public servants were received by the Public Appointments Service, formerly the Civil Service Commission. Of these, 4,813 were from people — 4,236 civil servants and 577 public servants — located in Dublin. New applications for decentralisation continue to be received. Since the period for priority applications finished in September 2004, over 500 new applications have been received.

There are particular issues that arise in dealing with the State agencies. The correct approach is to tease out the issues and develop good long-term solutions in consultation with all the parties involved. This is the approach being adopted by the Flynn group. I am confident that the programme will proceed and will be successfully completed in due course. The results are encouraging and provide a very good base from which to move forward.

Tax Yield.

28. **Mr. Quinn** asked the Minister for Finance if he will make a statement on the end of year Exchequer returns for 2004. [2486/05]

Minister for Finance (Mr. Cowen): As the Deputy is aware, I have already issued a press statement regarding the end-2004 Exchequer returns, which is available on my Department's website.

As stated in this press statement, an Exchequer surplus of €33 million was recorded in 2004, confirming the improvement in the public finances revealed earlier in the year. Tax receipts were well ahead of expectations due in part to higher than anticipated economic growth and once-off tax receipts from Revenue special investigations while spending was slightly below the target.

The performance of the public finances in 2004 places us in a good position for the future. However, continued prudent management of our finances is essential. This will secure the basis for sustained public spending and improved public services for all.

Tax Code.

29. **Mr. Boyle** asked the Minister for Finance and the way in which arrangements will be changed for taxpayers who overpay tax. [2586/05]

47. **Ms Enright** asked the Minister for Finance if he has satisfied himself with the provisions for dealing with overpayment of taxation; and if he will make a statement on the matter. [2531/05]

79. **Ms Burton** asked the Minister for Finance the steps being taken by the Revenue Commissioners to determine the exact amount of any overpayment by PAYE workers; the procedures being put in place to ensure repayment of any such amounts; the steps which are planned to alert taxpayers that they may have overpaid; and if he will make a statement on the matter. [2463/05]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 29, 47 and 79 together.

I am taking it that the questions relate to overpayments by PAYE taxpayers. The Irish PAYE system, which has worked well for almost 45 years now, is a cumulative deduction system which is designed to ensure, as far as possible, that an end of year return or adjustment is unnecessary in the vast majority of PAYE cases

provided that all due credits and allowances are reflected in the employee's tax credit certificate and that any non-PAYE income has been coded in to the certificate. Where all due credits or allowances have not been given during the tax year, it is reasonable to expect the employee will look for a balancing statement after the end of the tax year. In the case of some reliefs, medical expenses would be a case in point, it may be appropriate to wait until after the end of the year to claim a tax rebate.

I am advised by the Revenue Commissioners that they have no reason to doubt that the vast majority of PAYE workers receive their full entitlements each year. These entitlements are, in the first instance, reflected in the tax credit certificates issued at the beginning of each year. Revenue is in the process of issuing over 2 million certificates to PAYE taxpayers for the 2005 tax year. These certificates reflect the most up to date information Revenue has on an individual and they are accompanied by a leaflet giving details of the credits-reliefs to which taxpayers may be entitled. Where circumstances change in the middle of the tax year, for example, a marriage or a change of job, the employee will normally contact Revenue and arrange for a new tax credit certificate to issue.

Some PAYE taxpayers wait until after the end of the tax year to claim due allowances or credits, or to return non-PAYE income, or simply to make sure that there has been no underpayment or overpayment of PAYE tax. For the 2003 tax year, the latest year for which such figures are available, 287,258 PAYE taxpayers, representing 17% of the total PAYE taxpayer base of 1.6 million for that year, have so far made claims or requested reviews of their tax position. Of these reviews, 8% indicated underpayments, 17% resulted in no change and 75% resulted in repayments being made. In money terms, €185 million has been repaid in respect of claims already received and processed for 2003 and, on the basis of experience of late claims in previous years, this figure could be expected to eventually rise to an estimated €306 million when all future returns-claims for the 2003 tax year have been submitted. These figures should be seen in the context of the total PAYE revenue of €7.2 billion in 2003.

It is not possible or reasonable to extrapolate from the above figures to derive estimates of overpayments or underpayment for the full PAYE population because claims or requests for review are, by definition, much more likely to come from those who know they have entitlements to reliefs, for example, for medical expenses, for which they have not already claimed in the first place.

The tax code at present provides that no repayment can be made in the absence of a valid claim or return by the taxpayer. Without such a claim or return Revenue may not have the full picture to determine entitlement to a rebate. For example, taxable payments from the Department of Social and Family Affairs or dividend income

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may not have been coded in to the tax credit certificate, or the taxpayer may have been self-employed for part of the year.

Revenue is engaged in a comprehensive modernisation of its PAYE computer system, which will include the ability to make amendments and claims over the Internet and much closer computer links with the Department of Social and Family Affairs. When the roll-out of the new system commences later this year, it will provide a greatly improved level of service for PAYE taxpayers, including, subject to defined parameters, a facility for automated reviews of liability where Revenue is satisfied that the figures are correct. The Finance Bill, which will be published on

Thursday, will include provisions to underpin this new service.

30. **Mr. Costello** asked the Minister for Finance the number of persons who paid income tax at the higher rate during 2004; the number that will pay at this rate during 2005, following the changes announced in budget 2005; the proportion of those paying tax which this figure represents for each year; his views on whether it is satisfactory that such a high proportion of persons are paying at the higher rate; and if he will make a statement on the matter. [2466/05]

Minister for Finance (Mr. Cowen): The information sought by the Deputy is set out in the higher rate column in the table below.

	Exempt	Standard rate	Higher Rate	Total
Row A Estimate for 2004 at Budget time 2004	668,700 35.31%	592,900 31.31%	632,200 33.38%	1,893,800
Row B Revised 2004 estimate	622,800 33.05%	647,300 34.35%	614,500 32.61%	1,884,600
Row C Forecast 2005 estimate before any tax changes	590,500 30.91%	634,000 33.19%	685,800 35.90%	1,910,300
Row D Post — Budget 2005 estimate	656,500 34.37%	620,000 32.46%	633,700 33.17%	1,910,200

Footnotes:

1. A married couple who has elected or has been deemed to have elected for joint assessment is counted as one tax unit.
2. The numbers of income earners above have been rounded to the nearest 100 as appropriate.
3. The figures shown in the Standard Rate column includes those paying at the marginal relief rate of taxation.

Explanations for the four rows in the table are as follows: row A — distribution of income earners for 2004 as estimated at the time of budget 2004 taking account of the 2004 budget income tax changes; row B — distribution of income earners for 2004 as revised to take account of the latest base year information relating to the short tax “year” 2001 which became available during 2004; row C — distribution of income earners for 2005 before any income tax changes were applied; and Row d — distribution of income earners for 2005 taking account of the estimated impact of budget 2005 income tax changes.

It will be noted from the table that the effect of budget 2005 has been to reduce the percentage of income earners estimated to be paying tax at the higher rate in 2005 from almost 36%, in the absence of the budget 2005 income tax measures, to about 33% when those measures are taken into account. It will also be noted from the table that budget 2005 has removed 66,000 cases from the tax net who would otherwise pay tax in 2005.

The major portion of available resources in budget 2005 was devoted to achieving the Government’s key aim of taking the minimum wage out of the tax net. The remaining resources were used to widen the standard rate bands, thus ensuring that an additional 52,000 taxpayers will not pay tax at the higher rate in 2005.

Apart from band widening, all income earners benefited from the increases in the personal and employee PAYE credits and that while the pro-

portion on the top rate increased, there was a reduction in their average tax rate, that is, tax as a percentage of income.

Decentralisation Programme.

31. **Dr. Twomey** asked the Minister for Finance if he envisages making any special provision for promotion and for new recruitment in the context of the decentralisation programme; and if he will make a statement on the matter. [2579/05]

Minister for Finance (Mr. Cowen): It has been clear from the announcement of the programme that future promotion policies must take account of the reality of the decentralisation programme. In its report of 31 March 2004 the Flynn group said there was a clear case in terms of implementing the decentralisation programme for making promotions conditional on the appointees moving to the decentralised locations. It also said that this should not be seen as undermining the voluntary nature of the programme.

In ongoing discussions with the Civil Service unions the management side has explained that to support implementation of the programme the promotion vacancies arising should be filled, for the present, by those willing to relocate. The union side has since indicated that it is not prepared to accept the management proposals and I understand that discussions are continuing. I look forward to these discussions producing an agree-

ment which supports the efficient implementation of the decentralisation programme.

The issue of changes which will be required to the current recruitment system to support implementation of the programme will also form part of the discussions with the Civil Service unions.

Tax Compliance.

32. **Mr. Perry** asked the Minister for Finance if he is satisfied that penalties for non-compliance in the banking sector are adequate in view of the recent investigations of non-compliance at banks (details supplied). [2563/05]

Minister for Finance (Mr. Cowen): The Central Bank and Financial Services Authority of Ireland Act 2004, which came into effect on 1 August 2004, gave IFSRA a range of new powers to enable it to promote compliance with regulatory requirements in the banking sector. Under this legislation, IFSRA can require banks to furnish compliance statements, and it can impose sanctions on financial services providers found to be in breach of regulatory requirements prescribed under the Act. Fines up to €5 million can be imposed in the case of regulated institutions and up to €500,000 for breaches by individuals. The Act also allows for the disqualification of a person from the management of a financial services firm. IFSRA has recently entered into a public consultation about the implementation of these provisions. These penalties and sanctions, which are additional to the existing penalties and enforcement provisions in legislation governing individual financial services, will help to ensure that the kind of non-compliance seen in recently reported cases should not happen in the future. They cannot be applied retrospectively as the Act commenced in August 2004. I am satisfied that these penalties are adequate for the future protection of consumers of financial services. However, if further examination by IFSRA or my Department indicates that additional powers are required, I will address that as a matter of priority.

Tax Code.

33. **Ms Burton** asked the Minister for Finance his views on the recent suggestion made that high income earners who are paid more than €200,000 per year should pay a minimum 20% tax; if he intends to take steps to ensure a minimum tax contribution from high earners; and if he will make a statement on the matter. [2462/05]

Minister for Finance (Mr. Cowen): I have no problem with considering the suggestion referred to.

As the Deputy will be aware, in budget 2005, I announced that my Department, in conjunction with the Revenue Commissioners, would undertake this year a detailed review of certain tax incentive schemes and tax exemptions.

There are a number of elements to the review which is already under way. It will evaluate the

impact and operation of certain incentive schemes and exemptions, including their economic and social benefits, for the different locations and sectors involved and for the wider community. It will include external consultancy work on the evaluation of property-based tax incentive schemes and examine the degree to which these schemes allow high income individuals to reduce their tax liabilities.

As well as examining relevant international approaches, the review will also include a consultation process seeking submissions on measures that could be introduced to balance the benefit of such reliefs and the extent to which such incentives and exemptions are used by high earners to reduce their tax bill. One such measure to be examined will be the concept of a minimum income tax.

Decentralisation Programme.

34. **Caoimhghín Ó Caoláin** asked the Minister for Finance if he will report on progress to date on the decentralisation of Departments, including the location of sites acquired and the amount spent thus far on acquisition of properties outside Dublin for this purpose; and if he will make a statement on the matter. [2598/05]

Minister for Finance (Mr. Cowen): The Office of Public Works has been given primary responsibility for delivering the property aspects of the decentralisation programme and I can confirm that considerable progress has been made in this regard. The tasks facing OPW include the following: the sourcing of property solutions at the various locations concerned which mainly involves the acquisition of development sites; the procurement of accommodation solutions to the office and facility requirements of the Departments and agencies involved; the rationalisation and consolidation of the use of Dublin office space, both owned and leased, following decentralisation; and the management of the disposal of surplus Dublin office accommodation.

In late December 2003, the OPW placed advertisements in the national press seeking expressions of interest from those willing to provide either suitable good quality modern offices, either existing or under construction, and suitable sites with planning permission or appropriate planning zoning which would facilitate the construction of new office buildings.

Following the requests for property proposals, the Office of Public Works received in excess of 700 proposed property solutions in regard to the decentralisation programme scheduled for the various locations around the country. Detailed evaluation of these proposals has been undertaken and, as already stated, the Office of Public Works has made significant progress in sourcing possible sites at the locations concerned.

The evaluation process involves the following three-strand approach: one, an architectural assessment by OPW architects; two, a valuation process undertaken by both OPW and private

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sector valuers; and, three, an assessment by reference to the business needs and staff requirements of each decentralising Department-agency.

A broad range of factors will influence the cost of acquiring sites and these include proximity of the site to commercial, leisure and educational facilities; proximity to public transport; access to and from a good quality road network; zoning for development; and the prevailing property market conditions in each geographical area will also have a significant bearing on land acquisition costs.

To date, 11 property solutions have been agreed in principle and a further 20 plus locations are at an advanced stage in the acquisition process. I can also confirm that the balance of the sites for the remaining locations in the programme are being proactively pursued by the OPW.

The locations where solutions have been identified are as follows: Carlow, Longford, Newcastle west, Athlone, the Curragh, Sligo, Dundalk, Furbo, Killarney, Donegal and Trim. In regard to Carlow, Longford and Newcastle west, the Chief State Solicitor is processing contract documents in respect of sites and it is expected that the associated acquisition phase will be completed as quickly as possible. State-owned land will accommodate the decentralised buildings scheduled for Athlone, the Curragh, and Sligo, while the proposed location of the Dundalk building will be on land at the Dundalk Institute of Technology. It is proposed to locate the staff relating to Furbo in an extension to an existing building. To date, approximately €100,000 has been expended on contract of sale deposits in relation to Newcastlewest and Longford. The total acquisition expenditure in relation to these sites and all other sites, which are at an advanced stage in the acquisition process, will fall to be paid over the coming months.

The prevailing property market conditions in each geographical area will have a significant bearing on the cost of acquiring sites. In the circumstances and taking into account that the acquisition contracts are not yet finalised, it is not possible at this stage to provide a precise estimate of the cost of the site acquisition programme.

Tax Avoidance.

35. **Mr. Broughan** asked the Minister for Finance the progress made to date by the Revenue Commissioners in its investigation into the reported use of single premium insurance policies as a tax avoidance mechanism; if the precise nature of the investigation has been decided; the information available to his Department or the Revenue Commissioners on the extent of this practice; and if he will make a statement on the matter. [2464/05]

Minister for Finance (Mr. Cowen): I am advised that the Revenue Commissioners propose to initiate an investigation into the use by

some taxpayers of insurance-based products to hide income or gains not declared for tax purposes. As the formal investigation has not yet commenced, I am not in a position to comment further at this stage.

Decentralisation Programme.

36. **Mr. Durkan** asked the Minister for Finance the progress to date in respect of targets announced in budget 2004 in respect of decentralisation; and if he will make a statement on the matter. [2502/05]

Minister for Finance (Mr. Cowen): The two reports of the decentralisation implementation group, DIG, dated 31 March 2004 and 30 July 2004, provide detailed accounts of the progress made in implementing the decentralisation programme announced last December. An analysis of the applications registered with the central applications facility by 7 September 2004 has also been published. I also refer the Deputy to the presentations made to the Oireachtas Joint Committee on Finance and the Public Service on 6 October 2004 by the chair of the implementation group, the CEO of the public appointments service, PAS, and the Department of Finance. I am very pleased with the progress which has already been made in driving forward the implementation of the programme.

In addition, the DIG report published on 24 November 2004 contains proposals on those organisations-locations which, in the group's view, should be included in the first phase of moves and the DIG will report to me again in spring 2005 on progress in regard to implementation of the programme. The group will also deal in that report with the locations and organisations not covered in the November 2004 report.

Revenue Investigations.

37. **Ms B. Moynihan-Cronin** asked the Minister for Finance the progress made by his Department and the Revenue Commissioners in their consideration of the recommendations of the Revenue powers group; and if he will make a statement on the matter. [2478/05]

Minister for Finance (Mr. Cowen): As the Deputy will know, my predecessor established the Revenue powers group under the chairmanship of Mr. Justice Frank Murphy to examine Revenue's main statutory powers and report on changes needed. The group's report was published on 4 February 2004 and the Minister indicated at that time that he wished to allow a period for debate and public reflection on the many and varied issues dealt with in the report and its recommendations.

The recommendations contained in the report have been considered by my Department in consultation with the Office of the Revenue Commissioners and in the light of views expressed by some interested parties.

I have considered the various recommendations and propose to provide for the implementation of a number of these by way of legislation in the Finance Bill. Other recommendations will be implemented administratively by the Revenue Commissioners. There are also recommendations from the group's report that will be considered for future Finance Bills. I will be setting out my approach when I publish the Finance Bill later this week.

Special Savings Incentive Scheme.

38. **Mr. Sherlock** asked the Minister for Finance if the Government has plans to encourage the productive use of money that will be released into the economy when the SSIA's mature; if there are plans for a further scheme to encourage saving; and if he will make a statement on the matter. [2493/05]

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.

The specific goal of the SSIA scheme was to encourage people to save over a period of at least five years. Its effect has been to stimulate such savings over varying income ranges which is evident in the extensive take-up by many low income earners. The scheme has been a success in those terms. It has a specific duration. Any proposals for new savings schemes to replace the SSIA scheme would be considered as part of the normal annual budgetary process taking account of public policy objectives and Exchequer cost implications. The use to which the moneys arising on maturity of the SSIA's are put is ultimately a matter for the individual account holder.

House Prices.

39. **Mr. J. O'Keefe** asked the Minister for Finance his views on the exposure of the economy to reversals in the housing market; and if he will make a statement on the matter. [2582/05]

Minister for Finance (Mr. Cowen): In the past number of years there has been a sharp increase in housing output and it has become a highly significant sector of the economy. In 2003, housing construction accounted for just over 10% of GNP. A gradual easing back of housing output is envisaged in the coming years, although this is expected to be offset by other components of building and construction, assisted by a continuation of a strong public capital programme, as well as a continuation in the pick up in other investment. Most commentators believe that the Irish housing market is underpinned by strong economic fundamentals and favourable demographics which must also be taken into account.

Special Savings Incentive Scheme.

40. **Mr. McCormack** asked the Minister for Finance if he plans to undertake a study of the impact of the maturity of SSIA's on the economy; and if he will make a statement on the matter. [2549/05]

142. **Mr. Bruton** asked the Minister for Finance if he plans to undertake a study of the impact of the maturity of SSIA's on the economy; and if he will make a statement on the matter. [2793/05]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 40 and 142 together.

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.

The impact of such maturing funds on consumer demand in 2006 and 2007 is difficult to estimate 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, a number of reports have been done regarding the impact of the SSIA's including research done by Goodbody stockbrokers, Lansdowne Market Research, Bank of Ireland and the Irish Mortgage Corporation. However, there is no consensus in these reports as to how these funds may be allocated between consumption and saving. The ESRI, in its autumn 2004 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 specific study on the impact of the release of the funds. My Department is keeping the issue under review in the context of the normal assessment of the economic and budgetary position going forward. In the stability programme December 2004 update, I outlined that the release of SSIA funds will support personal expenditure growth in 2006 and 2007, but that the exact impact was difficult to predict.

Tax Code.

41. **Dr. Upton** asked the Minister for Finance the average amount of income tax paid by a PAYE worker, a self-employed person and a farmer in respect of each of the past five years; and if he will make a statement on the matter. [2467/05]

Minister for Finance (Mr. Cowen): Figures of the average amount of income tax paid in the categories mentioned by the Deputy in each of the years 1999 to 2003, inclusive, the latter year being

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the latest year for which the necessary detailed information is available, are set out in the following table.

Year	(a) PAYE	(b) Farmers	(c) Other Self-employed
	€	€	€
1999	4,548	1,182	7,159
2000	4,558	1,423	8,158
2001	4,602	1,175 (i)	10,729 (i)
		1,048 (ii)	9,559 (ii)
2002*	4,167	1,388 (i)	11,760 (i)
		1,298 (ii)	11,058 (ii)
2003*	4,370	1,198 (i)	9,882 (i)
		1,107 (ii)	8,426 (ii)

* Figures for these years are provisional and subject to revision.

Figures at (i) include yield from the bogus non-resident and offshore assets special investigations and figures at (ii) exclude these amounts.

The amounts paid by each sector must be seen in the context of the relative numbers of taxpayers in the PAYE and self-employed, including farming, sectors.

Notes on table

(a) PAYE figures

- (i) Income tax collected through the PAYE mechanism covers more than income tax on ordinary wages and salaries. It includes tax paid by directors of close companies who are akin to the self-employed as well as tax on "other income" of employees such as rent and other investment income. It also includes the tax paid under PAYE on the income from employment of farmers and other self-employed individuals.
- (ii) The average tax payment for each year in column (a) is obtained by dividing the net receipt of PAYE tax in each calendar year by the total number of income earners on the PAYE tax record including those who are exempt from tax.

(b) Farming figures

- (i) In calculating the figures in this column the estimated net receipt of income tax paid by full-time farmers has been divided by the number of full-time farming tax units assessed to tax for the year of assessment in which the calendar year ends, for example, the 1999 receipt is divided by the number assessed for the year 1999-2000. These numbers exclude cases who are not required to file annual tax returns and whose position is reviewed periodically because their incomes are clearly too low to attract a tax liability on an individual basis.
- (ii) The figures for averages do not take into account the tax attributable to the farming profits of farmers who, or whose spouses, carry on another trade or profession. Farm tax represents a fraction of their overall tax liability and the emerging average farm tax payments could not be regarded as representative of the normal average tax yield from the farming sector.
- (iii) Income tax on farming profits is collected with schedule D tax generally and because of this it cannot be precisely distinguished. Accordingly, the figures shown for tax payments by farmers are estimated.

(c) Other Self-employed figures

- (i) The figures contained in this column are obtained by dividing the estimated net receipt of income tax in each calendar year from tax units whose main source of income is from self-employment, other than full-time farming, by the estimated number of those units assessed to tax in the year of assessment in which the calendar year ends as explained in note (i) for column (b).

These numbers exclude cases who are not required to file annual tax returns and whose position is reviewed periodically because their incomes are clearly too low to attract a tax liability on an individual basis.

General Notes

- (i) A married couple who has elected or has been deemed to have elected to have the income of both spouses assessed on the husband is counted as one tax unit.
- (ii) Some figures in the columns differ from those given previously. This is due to more accurate information becoming available in the meantime.
- (iii) Receipts of deposit interest retention tax and dividend withholding tax are not included in the calculations. Basic data are not available which would enable the amounts of these taxes referable to interest paid or credited to particular classes of taxpayers to be ascertained.

42. **Mr. J. O'Keefe** asked the Minister for Finance if he has examined the take up of tax relief for pension contributions across different income categories; and if he will make a statement on the matter. [2583/05]

Minister for Finance (Mr. Cowen): It is not possible at present to examine the take up of tax relief for all pension contributions across different income categories. The relevant information is not available to the Revenue Commissioners because the tax relief for pension contributions for employees is normally given at source i.e., the taxable income is the income net of pension contributions by employees.

Disabled Drivers.

43. **Mr. Deenihan** asked the Minister for Finance if he will extend the disabled persons' VAT exemption scheme on new cars to include the visually impaired; and if he will make a statement on the matter. [2406/05]

Minister for Finance (Mr. Cowen): I assume the Deputy is referring to the disabled drivers and disabled passengers (tax concessions) scheme. This scheme is open to people with disabilities who meet the specified criteria and have obtained a primary medical certificate to that effect. The senior area medical officer attached to the relevant local health board is responsible for both the medical assessment and the issue of the medical certificate.

The medical criteria for the purposes of the tax concessions under this scheme are set out in the disabled drivers and disabled passengers (tax concessions) regulations 1994. Six different types of disablement are listed under the regulations and a qualifying person must satisfy one or more of them. The six types of disablement are persons who are wholly or almost wholly without the use of both legs; persons who are wholly without the use of one leg and almost wholly without the use of the other leg such that the applicant is severely restricted as to movement of the lower limbs; persons without both hands or without both arms; persons without one or both legs; persons wholly or almost wholly without the use of both hands

or arms and wholly or almost wholly without the use of one leg; persons having the medical condition of dwarfism and who have serious difficulties of movement of the lower limbs.

An individual who qualifies under the medical criteria is issued with a primary medical certificate. Possession of a primary medical certificate qualifies the holder for remission or repayment of vehicle registration tax (VRT), a repayment of value added tax (VAT) on the purchase of the vehicle and a repayment of VAT on the cost of adaptation of the vehicle. Repayment of the excise duty on fuel used in the motor vehicle and exemption from annual road tax to local authorities are also allowed.

An interdepartmental review group was established to review the disabled drivers and disabled passengers (tax concessions) scheme. The group examined all aspects of the scheme, including the qualifying medical criteria. The report was published on my Department's website in July 2004 and copies have been placed in the Oireachtas Library. As agreed by Government in June 2004, I will consider the report on an ongoing basis in the overall budgetary context having regard to the existing and prospective cost of the scheme.

Tax Code.

44. **Mr. Hogan** asked the Minister for Finance if he has satisfied himself that the price of homes bought by first time buyers in Dublin will benefit from the recent stamp duty concession; and if he will consider automatic indexation in this. [2533/05]

Minister for Finance (Mr. Cowen): As the Deputy will be aware, the 2005 budget introduced a stamp duty relieving measure for first-time house purchasers who are owner-occupiers of second-hand houses by increasing the stamp duty exemption threshold for such purchasers from €190,500 to €317,500 and by having reduced rates for house values up to €635,000. This relieving measure will further assist affordability for first-time buyers and will help some first-time buyers to afford a starter home who might not otherwise be able to do so. It will also help to open the second hand market more to first time buyers who had been increasingly deterred by the impact of stamp duty.

The current high levels of housing output, coupled with the fact that the reductions have been confined to the first-time buyer segment of the market, should lessen the risk of the measure causing an increase in house prices. The reductions in stamp duty for second-hand houses should remove distortion between the new and second-hand markets for first-time buyers by reducing the degree of concentration of first-time buyer demand on the new house market.

I have no plans to introduce stamp duty indexation for first-time or other purchasers.

Disclosures to Revenue Commissioners.

45. **Ms McManus** asked the Minister for Finance if he will report on the response received to date by the Revenue Commissioners to the letters sent by ten top banks to approximately 120,000 customers warning them to regularise their tax affairs by the end of March, 2004; the number of responses received; the amount collected to date; the number of such cases that have been finalised; and if he will make a statement on the matter. [2476/05]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that precise figures are not available as to the number of letters which issued from the financial institutions. It is understood to be in excess of 100,000. It is not known how many accounts or individuals this represents because some individuals had accounts in different banks or in different branches of the same bank. In other instances there was more than one name on the account.

The Revenue Commissioners have advised that, following the issue of the letters by the financial institutions, written responses were received from approximately 25,000 persons. Of these, approximately 15,000 responses indicated that a statement of disclosure would be made and to date payment has been received from in excess of 11,500 cases. The difference is accounted for by duplicate notices received by Revenue at the time of the initial deadline of the 29 March 2004; cases where the taxpayer subsequently indicated that no liability to tax arose; a small number of cases where assets are being disposed of to meet the liability owing or where there is an inability to pay and cases where no further communication has been received from the taxpayer. Where appropriate, inquiries are continuing in such cases.

On the balance of the 10,000 written submissions received, these individuals were notified that on the basis of the submission received, a statement of disclosure was not required. I am also advised that a further 5,000 persons, approximately, phoned the Revenue Commissioners and, on the basis of the information provided, most were advised that a written response was not required.

To date the total amount collected by the Revenue Commissioners from their offshore investigation is in excess of €717 million. Details of amounts collected in respect of this, and other special investigations, are regularly updated on Revenue's website www.revenue.ie.

Banking Sector Regulation.

46. **Mr. Kenny** asked the Minister for Finance his views on the Report on Competition in Banking recently published by the Competition Authority. [2561/05]

61. **Mr. O'Shea** asked the Minister for Finance the action he intends to take arising from the recent Competition Authority study on the bank-

[Mr. O'Shea.]
ing sector; and if he will make a statement on the matter. [2481/05]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 46 and 61 together.

I welcome the publication for consultation of the Competition Authority consultants' study on the banking sector. The Competition Authority has invited responses to this document by 14 February 2005. This is not the end of the Competition Authority's consideration. The report it has published is a consultation document and I will continue to watch closely the development of this process.

This report contains some 40 recommendations and it deserves careful consideration by all those concerned. The report's overall conclusion, that there are competitive issues to be addressed in the banking sector leading to high costs for customers, must be taken seriously.

It is also timely, coming at a moment when my Department is considering submissions on future financial services legislation. In that regard, my Department is paying particular attention to the recommendations relating to the legislative framework governing financial regulation and the

thrust of the report in general in the context of our ongoing legislative programme.

I have already indicated in my recent budget speech that the Finance Bill will contain measures to eliminate a double stamp duty charge on switching of financial cards. This addresses one of the issues now raised in this report. My aim is to have a competitive financial sector that contributes to the economy and benefits the consumer.

Question No. 47 answered with Question No. 29.

Disposal of State Properties.

48. **Mr. M. Higgins** asked the Minister for Finance the position regarding the planned sale of State property announced by his Minister of State; if he will list the property sold to date and the amount raised; the way in which the money used has been raised; the properties it is planned to sell during 2005; and if he will make a statement on the matter. [2470/05]

Minister of State at the Department of Finance (Mr. Parlon): The following table shows details of the properties disposed of by the Office of Public Works in 2004.

Building	Title	Price	Closing Date
		€	
2, Church Street, Dungarvan, Co. Waterford.	Fee Simple	337,000.00	12 May 2004
Lad Lane, Dublin 2.	Leasehold — 92 year.	22,500,000.00	5 May 2004.
Blacklion Customs Frontier Post Site, Co. Cavan.		21,586.23	16 March 2004.
72-76 St. Stephen's Green, Dublin 2.	Fee Simple	52,300,000.00	15 Sept. 2004.
Kilmacthomas G.S., Co. Waterford.	Fee Simple	100,000.00	13 August 2004.
14/16 Lord Edward Street, Dublin 8.	Fee Simple	8,780,140.48	30 August 2004.
Thomastown G.S., Co. Kilkenny.	Fee Simple	450,000.00	7 December 2004.
Total 2004		84,488,726.71	

The bulk of the proceeds of these sales will go to finance the decentralisation programme while €10 million of the proceeds has been applied to priority projects, mainly in the Garda area.

Identification of properties surplus to requirements is continuously evolving and it is not possible to confirm what properties will be disposed of in 2005. Premature release of disposal information and timescales would also affect the potential income from such disposals.

Decentralisation Programme.

49. **Mr. S. Ryan** asked the Minister for Finance the reason the Government intends to restrict promotional opportunities to staff willing to move to decentralised locations, especially in view of the assurances offered when the original programme was announced that staff unwilling to move would not be disadvantaged in any way; if, in view of the strong opposition from public service unions, he will withdraw this proposal; and if he will make a statement on the matter. [2491/05]

Minister for Finance (Mr. Cowen): From the outset the Government has made it clear that participation in the relocation programme would be on a voluntary basis. Staff in the participating organisations have been assured that if they wish to remain in Dublin they will be offered an alternative public service post in the capital. This remains the position.

It has been clear from the beginning that future promotion policies must take account of the reality of the decentralisation programme. In its report of 31 March 2004, the Flynn group said there was a clear case in terms of implementing the decentralisation programme for making promotions conditional on the appointees moving to the decentralised locations. It also said that this should not be seen as undermining the voluntary nature of the programme.

In discussions with the Civil Service unions, the management side has explained that to support implementation of the programme the promotion vacancies arising should be filled, for the present, by those willing to relocate. The union side has

since indicated that it is not prepared to accept the management proposals and I understand discussions are continuing. I look forward to these discussions producing an agreement which supports the efficient implementation of the decentralisation programme.

Public Private Partnerships.

50. **Mr. Murphy** asked the Minister for Finance the changes he plans to make in the PPP process to achieve the new targets for expenditure. [2536/05]

Minister for Finance (Mr. Cowen): PPPs are part of the overall strategy to deliver on investment priorities. The Government is committed to developing the PPP process as a viable procurement option for appropriate projects. There has been good progress on PPPs overall since the first group of pilot projects were announced in 1999. Reasonable deal flow has been established in the roads and environment areas but progress in projects remunerated by unitary payments from the Exchequer has been slower. We are still learning and continue to keep our processes and procedures under review.

The multi-annual capital envelopes introduced in budget 2004 set ambitious targets for PPP/National Development Finance Agency (NDFA) funded investment. After the first year of operation, it was clear that not all of the first set of targets for PPPs to be remunerated by unitary payments would be met in the short-term. There are a number of reasons for this, including the complexity of the process and a lead time of 18 months to two years involved in bringing PPP projects to construction.

Adjustments to the targets were made in budget 2005 to take account of the shortfall in 2005 and to accommodate the situation in the short to medium-term. The total 2005-09 PPP/NDFA allocation, remunerated by unitary payments from Departments' Votes is €3.675 billion; in addition, a target of €1.195 billion for PPPs remunerated by user charges has been set.

PPPs should not replace traditional methods where these are considered more suited to the individual project or projects under consideration. The PPP procurement option, however, has an important role to play when applied to appropriate projects where there is the right scale, risk and operational profile to harness the benefits of this new approach. PPPs are acknowledged to be complex, involving, as they do, a long-term financial commitment for both the private and public sector partners for a period of anything up to 30 years. The challenge going forward is to ensure that the appropriate skills and capacity are in place, together with balanced and proportionate procedures for appraisal, assessment and evaluation of proposals, which would facilitate the selection of PPP projects offering quality public services, value for money and timely delivery. In that context, my Department is currently actively considering what changes, if any, are appropriate.

Tax Code.

51. **Mr. Neville** asked the Minister for Finance when additional data will be available from the Revenue Commissioners giving information on the cost and take-up of tax reliefs for which there are now no accurate estimates. [2555/05]

Minister for Finance (Mr. Cowen): My Department and the Office of the Revenue Commissioners have been working closely to investigate information and data capture issues with a view to improving data quality and transparency without overburdening compliant taxpayers. Arising from this work, Revenue are introducing a number of changes to the tax return forms which will yield additional information regarding the cost of various tax reliefs. Provisions were included in Finance Act 2004 to underpin these changes.

Changes were made in this area previously: the Finance Act 2003 stipulated that returns of income must henceforth be made for stallion stud fees and commercially managed woodlands. This will provide better data in this area and enable estimates of the tax foregone to be made.

In addition, the use of electronic filing of tax returns by means of the Revenue on-line system (ROS) has been increasing and will continue to be encouraged. Returns filed using ROS can more readily accommodate information data capture.

It would not be practical or desirable for each and every relief to be captured as some of them are on such a small scale that the cost involved in doing so would not be commensurate with the value of the information sought. Equally the manner of capturing information on tax reliefs is not limited to examining return forms. For example, there is no need to seek information on tax returns on the tax exemption for child benefit as the cost involved can be estimated from other sources. For the self-assessed taxpayer this information will be captured on the 2004 return of income form which should be filed by the end of October 2005. Preliminary information should become available some time after that date, probably in early 2006.

In respect of PAYE taxpayers, the relevant return of income form and the associated system for taking in, recording and processing information from PAYE taxpayers is being redesigned at present. Changes similar to those being made to the forms used by self-assessment taxpayers will be made in the PAYE form. The objective is for this to apply in respect of the 2004 tax year subject to the system redesign being completed. It will certainly be available in respect of the 2005 tax year. Given the normal time lag for PAYE taxpayers in making returns, it could be a year or so after the tax year before information is available.

On the Corporate Tax return, form CT1, information will be captured in respect of accounting periods ending after 31 December 2004 and will

[Mr. Cowen.]
begin to become available nine months after that date, i.e., in September 2005.

The data on the cost of tax relief on superannuation contributions will be captured in the P35 form to be filed by employers in February 2006 and preliminary information should become available in mid-2006, bearing in mind the Revenue Commissioners have to carry out a programme to check the quality, consistency and accuracy of the returns.

Decentralisation Programme.

52. **Mr. McCormack** asked the Minister for Finance if an evaluation of the proposed decentralisation of Ordnance Survey Ireland has been prepared or presented to him; and if he will make a statement on the matter. [2568/05]

Minister for Finance (Mr. Cowen): As with all other organisations that are decentralising, Ordnance Survey Ireland (OSI) has prepared and submitted an implementation plan as requested by the decentralisation implementation group (DIG). This plan includes detailed material on all issues to be addressed in terms of people, property and business planning and will be further developed as additional information emerges. The plan also incorporates specific risk assessment and mitigation strategies. The plan was circulated to all staff and has been placed on the OSI intranet.

Flood Relief.

53. **Mr. O'Dowd** asked the Minister for Finance the level of disruption likely to occur in areas of Dublin where flooding occurred; the proposed drainage schemes that are implemented; and if he will make a statement on the matter. [32761/04]

Minister of State at the Department of Finance (Mr. Parlon): The last major flood event in Dublin happened in November 2002, when there was major flooding from the Glasnevin and Drumcondra areas of Dublin city to the Clonee area on the County Meath border as a result of the River Tolka breaking its banks. Analysis has shown that this flood exceeded the scale of any previous flood on record in the catchment.

There was widespread flooding of residential properties from Glasnevin to Ballybough. The river also broke its banks along the N3 road at Blanchardstown, which led to the road being closed for a period of time. Residences and roads were also flooded in the Blanchardstown, Mulhuddart and Clonee areas causing widespread damage.

Since this flooding in 2002 the OPW, in cooperation with Dublin City Council, Fingal County Council and Meath County Council, has been implementing flood alleviation measures which were recommended in the River Tolka flooding study which was underway at the time of the 2002 flood. Most of these works have been constructed by OPW direct labour as part of a

scheme which, when completed, will provide protection against a flood event with a design return period of 100 years. With some exceptions, the works from Dunboyne in County Meath to the Luke Kelly bridge in Ballybough have mostly been completed. OPW and the local authorities have pursued a policy of completing works in areas where the higher risk of flooding existed.

Flooding also occurred in Dublin city in February 2002 from the River Dodder as a result of a tidal surge. Major flooding of residences took place in Ringsend and the north inner city as a result. The OPW had no responsibility for the River Dodder but following a request from Dublin City Council, funding of €1.7 million was made available for the construction of a wall in the Ringsend area from London Bridge to Ringsend Bridge to alleviate the risk of flooding there.

Tax Code.

54. **Mr. Gilmore** asked the Minister for Finance the amount in tax relief claimed under the business expansion scheme for the past year for which figures are available; the nature of the cost benefit analysis which is planned of the BES; and if he will make a statement on the matter. [2468/05]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that the estimated cost of the business expansion scheme for 2004 is in the region of €22 million. As the Deputy will be aware, in budget 2005, I announced that my Department, in conjunction with the Revenue Commissioners, would undertake a detailed review of certain tax incentive schemes and tax exemptions this year. There are a number of elements to the review which is already under way. It will evaluate the impact and operation of certain incentive schemes and exemptions, including their economic and social benefits for the different locations and sectors involved and to the wider community, including external consultancy work on the evaluation of property based tax incentive schemes. It will examine the degree to which these schemes allow high income individuals to reduce their tax liabilities. As well as examining relevant international approaches, the review will also include a consultation process seeking submissions on measures that could be introduced to balance the benefit of such reliefs and the extent to which such incentives and exemptions are used by high earners to reduce their tax bill.

The review will also incorporate an examination by the Department and the Revenue Commissioners of data that are due to come to hand in late 2005 in relation to certain exempt income, that is, woodlands, stallions and greyhounds as well as data already available on other exemptions, for example, for artists and on other tax incentive schemes, including the BES and SCS.

Obviously, in examining the data on the BES and SCS, consideration will be given to the fact that these schemes have already been examined in detail prior to budget 2004 and have been

extended to 31 December 2006. The issues covered as part of the examination of the schemes prior to budget 2004 are set out in TSG paper 03/16 which can be found on my Department's website www.finance.irlgov.ie.

Garda Training College.

55. **Mr. Costello** asked the Minister for Finance if tenders have been sought for the construction of a new four storey building at the Garda training college in Templemore; the number of tenders submitted; if a contract has been awarded; the value of the contract awarded; when work is due to commence; and if he will make a statement on the matter. [32491/04]

Minister of State at the Department of Finance (Mr. Parlon): Following a pre-qualification selection procedure, seven contractors were invited to tender for the construction of the shell and core of a new four storey facilities building at the Garda training college in Templemore, County Tipperary. Following evaluation of the seven tenders received, the contract was awarded to Duggan Bros. in the amount of €5.740 million.

The Deputy will be pleased to note that work on this project commenced on 4 January 2005 which was just over 11 weeks since the Government decision to proceed with this project was made.

Dormant Accounts Fund.

56. **Mr. Connolly** asked the Minister for Finance the amount transferred in surplus dormant funds from financial institutions throughout the country to the dormant accounts fund for disbursement by the Dormant Accounts Fund Disbursement Board; and if he will make a statement on the matter. [2407/05]

Minister for Finance (Mr. Cowen): I am advised that a figure of €252 million has been transferred to the dormant accounts fund from financial institutions in 2003 and 2004, of which €45 million was subsequently reclaimed by the beneficial owners. Disbursements from the fund to date amount to €14 million. The current balance in the fund, inclusive of accrued interest is €198.5 million. A portion of the dormant accounts fund, currently 15%, is set aside as a reserve to service future reclaimers from account holders.

The Dormant Accounts Disbursements Board operates under the aegis of the Minister for Community, Rural and Gaeltacht Affairs. However, I understand the board has approved applications to the value of €42 million and will continue to make approvals within its current limits. It is expected that these moneys will be drawn down throughout this year and into 2006. As the Deputies will be aware, the disbursement mechanism for these funds is currently the subject of a Bill which is before the House this week.

Tax Code.

57. **Mr. Gormley** asked the Minister for Finance when he will implement promised measures in relation to favourable tax treatment for the production of biodiesel. [2592/05]

Minister for Finance (Mr. Cowen): The Deputy may be aware that section 98(a) of the Finance Act 1999, as inserted by section 50 of the Finance Act 2004, provides for the introduction of a scheme for excise tax relief for biofuels. The purpose of the scheme is to allow qualified and conditional relief from excise of biofuel used in approved pilot projects for either the production of biofuel or the testing of the technical viability of biofuel for use as a motor fuel.

The European Commission has confirmed that the scheme would represent a State aid and consequently its approval is required. My Department, together with the Department of Communication, Marine and Natural Resources, has submitted a formal application for Commission approval for a scheme which includes pure plant oil, biodiesel and bioethanol. The EU Energy Tax Directive 2003 envisages such tax relief and the Commission has approved schemes for excise relief of biofuel in other EU member States. Assuming approval is granted, the necessary commencement order will then be signed.

Ministerial Address.

58. **Mr. Penrose** asked the Minister for Finance if he will make a statement on his address to senior banking executives at the National College of Ireland on 15 December 2004. [2482/05]

Minister for Finance (Mr. Cowen): I was delighted to have been invited by the National College of Ireland to deliver the inaugural talk in its lecture series entitled Leaders in International Financial Services. My talk focused on three main topics: the importance of the financial services industry and the IFSC to the Irish economy; what the Government is doing to support the industry; and the importance the Government attaches to high standards of competence and conduct, and so to education and training.

With regard to each of these main topics, I highlighted the number of people directly employed in the financial services sector, noting that the sector now accounts for about 4.5% of our GDP. I noted the establishment of our new regulatory regime. I also noted that the consultation process between industry and the Government is important in identifying and addressing issues. I highlighted the dangers of firms failing to ensure that high standards of professional conduct in dealing with clients are complied with at all levels and that this type of reputational risk could adversely affect not just individual institutions, but also the Irish financial services industry at large. I referred to the importance of the Irish financial services institute at the National College of Ireland in providing those working, or who wish to work, in the financial services sector

[Mr. Cowen.]
with the necessary skills. I also highlighted the Government's commitment to playing its part by investing in the education system to assure success over the longer-term.

The text of my contribution was published on the Department of Finance website, and I have arranged that a copy be provided to the Deputy.

Budgetary Policy.

59. **Mr. Allen** asked the Minister for Finance his policy for the development of the treatment of children in budgetary policy over the coming two budgets. [2534/05]

Minister for Finance (Mr. Cowen): I understand the Deputy's question is concerned with the provision of financial support for children in a budgetary context.

The Department of Social and Family Affairs has the primary role in the provision of financial support in respect of dependent children. Child benefit is the main fiscal instrument through which such support is provided. Child benefit provides support to all parents or guardians in their parenting role irrespective of their economic or income status and, therefore, does not contribute to employment disincentives or poverty traps.

In line with this overall policy approach, the Government commenced a major initiative to substantially increase the rates of child benefit. With effect from April next, child benefit rates will have, since 2000, increased by almost €88 per month in respect of the first and second qualifying children and by €106 per month for each subsequent child. This means that 92% of the target rates increases announced in budget 2001 have now been delivered and, as stated in my recent budget speech, I will complete the transition to a higher rate of child benefit in next year's budget.

The social welfare system also provides additional income support in respect of children by way of child dependant allowance increases to an underlying social welfare payment. Furthermore, family income supplement, FIS, provides income support to families at work on low pay and who have children. One of the special initiatives under the Sustaining Progress social partnership agreement is concerned with ending child poverty and, in that context, the effectiveness of merging child dependant allowance with family income supplement to provide a seamless source of child income support to low income families is being examined. NESF is undertaking this examination and the outcome of this work will be taken into account by relevant Departments in the formulation of future policy in this area.

Economic Competitiveness.

60. **Mr. Durkan** asked the Minister for Finance if he is satisfied that the economic policies which have been pursued are conducive to competitiveness; and if he will make a statement on the matter. [2503/05]

Minister for Finance (Mr. Cowen): Securing national competitiveness is a key priority for this Government. The recent strengthening of the euro and its negative impact on our competitiveness further emphasises the need to keep domestic costs down.

I warmly welcome the downward trend in the rate of CPI inflation last year. The 2.2% increase last year was the lowest rate of increase since 1999. My decision not to increase excise rates in the budget will help inflation in 2005. We cannot control the rate of inflation; external factors have a lot to do with that outcome. We can, however, seek to ensure that our domestic cost base does not add to it. That is why we need sensible income policies and a greater role for competition in the economy. This is the way we can best protect jobs and living standards.

The consensus approach to wage determination has a crucial role in improving competitiveness, by delivering moderate wage increases. In this context, wage increases must be limited to those negotiated under Sustaining Progress. My Department participates fully in the negotiations of these agreements. Officials from my Department are also participating in the anti-inflation initiative set up as part of Sustaining Progress with a view to examining ways of reducing inflation.

It is also important to maintain spending growth in line with revenue growth, thus keeping the burden of taxation low in order to maximise our economic growth potential. We are maintaining capital expenditure at the current high levels relative to GNP in order to reduce the existing infrastructural deficit.

Question No. 61 answered with Question No. 46.

Special Savings Incentive Scheme.

62. **Mr. Sherlock** asked the Minister for Finance the number of special savings investment scheme accounts opened at the latest date for which figures are available; the average amount of savings per investor per month; the likely cost to the Exchequer of the special savings investment scheme on the basis of such figures; and if he will make a statement on the matter. [2492/05]

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that the 2004 SSIA annual returns are being furnished at present by all qualifying savings managers. The closing date for submission of these returns is 28 February 2005. Consequently, the latest date for which figures are available is for the year 2003.

Based on these 2003 annual returns furnished by all qualifying savings managers, I am informed by the Revenue Commissioners that the total number of active accounts at 31 December 2003 was 1,113,880 and the average monthly subscription at that date was €165.

As indicated in replies to previous questions, it is not possible to give a definitive answer as to the eventual cost of the scheme as it is subject to a number of variables such as participants dying, withdrawing from the scheme or varying their monthly contributions. The cost of the scheme in 2004 was €548 million. The estimated cost in 2005 is €560 million. This, however, is not a conclusive figure, and the final figure may be different if account holders change their monthly contributions. The total gross cost over the period of the scheme will be reduced by the exit tax to be received at the end.

Decentralisation Programme.

63. **Mr. S. Ryan** asked the Minister for Finance the supports, financial or otherwise, which will be made available to civil and public servants transferring to new locations outside of Dublin under the Government's proposed decentralisation programme; and if he will make a statement on the matter. [2490/05]

Minister for Finance (Mr. Cowen): The decentralisation implementation group in its second report published in July 2004 recognised that a professional and comprehensive service should be provided to assist decentralising staff with the myriad of issues likely to arise. The group recommended that the Department of Finance approach the market seeking expressions of interest for the supply of services covering auctioneering, legal, relocation and other appropriate services to support and assist staff relocating to any of the centres under the public service decentralisation programme. The Department of Finance advertised for such expressions of interest in the national press on Monday, 8 December 2004 and is currently reviewing the applications received. The request for tenders made it clear that no subsidy from public funds would be provided for any of the services offered or provided to staff.

Tax Evasion.

64. **Mr. Gogarty** asked the Minister for Finance the additional measures he is proposing to deal with the issue of tax evasion in view of recent court convictions. [2590/05]

Minister for Finance (Mr. Cowen): Significant powers were given to the Revenue Commissioners in Finance Act 1999 and these have been used to great effect to recoup for the Exchequer significant amounts of tax that had been evaded over many years.

In this context, I draw the Deputy's attention to two recent reports relating to the general area of revenue powers. Last year the Revenue powers group report was published. The group found that the existing powers in Ireland were generally in line with international standards but recommended some changes to improve the balance between the need to secure the revenue of the

State and the need to protect the taxpayer as a citizen.

Only yesterday the Law Reform Commission published a report entitled *A Fiscal Prosecutor and A Revenue Court* that also addressed the area of tax appeals and prosecutions. All of the recommendations made will be examined by my Department and by the Office of the Revenue Commissioners for administrative implementation or for enactment in the annual Finance Bill, as appropriate. Where additional measures are needed, I will not be found lacking. Legislative proposals in this regard are a matter for the Finance Bill, which will be published on 3 February.

Termination of Employment.

65. **Mr. P. Breen** asked the Minister for Finance if he is satisfied with the payments made to terminate the employment of the chief executive of Aer Rianta; and the papers which were presented to him in this respect before he issued his approval. [2576/05]

Minister for Finance (Mr. Cowen): I refer the Deputy to my previous replies of 14 October and 23 November 2004.

The previous Minister, as shareholder, indicated his consent to arrangements outlined to him by the chairman of Aer Rianta on 24 September last concerning the package the board proposed to make to the deputy chief executive who was leaving the company. I understand that the proposed package included a lump sum of 2.5 times salary, a contribution to pension fund, payment of a bonus and retention of company car.

Quarterly Economic Survey.

66. **Mr. Gogarty** asked the Minister for Finance his views on the recent ESRI quarterly economic survey. [2591/05]

Minister for Finance (Mr. Cowen): The ESRI published its most recent quarterly economic commentary on 21 December 2004. The ESRI is forecasting economic growth this year of 5.0% in GDP terms, and 4.6% in GNP terms. It is forecasting employment growth of 2.0% and an unemployment rate of 4.3%. These forecasts are in line with my own Department's forecasts for 2005, which were published at budget time.

On budget day, my Department forecast CPI inflation of 2.5% in 2005. I note that the ESRI forecast is somewhat lower at 2.1%. I am pleased to see, and obviously agree with the ESRI assessment, that the budget was progressive in terms of the direction of tax and social welfare measures in favour of those on lower incomes — it was a key objective of the budget.

Benchmarking Awards.

67. **Mr. Kehoe** asked the Minister for Finance if he has decided on the membership of the public service benchmarking body for its next phase of

[Mr. Kehoe.]
work; and if he will make a statement on the matter. [2570/05]

Minister for Finance (Mr. Cowen): In the first public service pay agreement under Sustaining Progress, the parties agreed that the benchmarking process was the appropriate way to determine public service pay rates. They committed themselves to engage in consultation in relation to the terms of reference, *modus operandi*, establishment and timescale of a further benchmarking exercise.

In the pay agreement reached in June 2004 under the mid-term review of Sustaining Progress, the parties agreed that the benchmarking body will commence the next benchmarking review in the second half of 2005 to report in the second half of 2007.

Under the agreement, the parties will review the operation of the first benchmarking exercise and consider ways in which, based on experience gained in the last exercise, the process can be improved and streamlined.

The membership of the benchmarking body and its terms of reference will be agreed between the two parties not later than July 2005. Membership of the benchmarking body has not yet been decided and will be the subject of consideration over the coming months.

Tax Code.

68. **Caoimhghín Ó Caoláin** asked the Minister for Finance if he has received a copy of the recent Irish Congress of Trade Unions report on inequality in the taxation system; and if he will make a statement on the matter. [2599/05]

Minister for Finance (Mr. Cowen): I assume the Deputy is referring to the ICTU autumn 2004 publication entitled Tax Cuts did not create the Celtic Tiger. I am aware of the document. I do not go along with its basic premise that a low tax regime is not in the interest of the country. I gave my detailed views on the issues involved in my address to the Seanad on 10 November 2004. I cited in detail the considerable achievements of the Government in improving the equity of the tax system for all income earners, in particular the lower paid since 1997 and the role of our low tax regime in achieving the unprecedented economic growth and increases in employment in recent years.

Decentralisation Programme.

69. **Mr. Deenihan** asked the Minister for Finance if a site has been acquired for the decentralisation of 50 Revenue posts to Listowel, County Kerry; when work will commence on the provision of a new building; and if he will make a statement on the matter. [2405/05]

Minister of State at the Department of Finance (Mr. Parlon): In response to OPW's nationwide advertisement in December 2003, 20 proposals

offering potential property solutions in Listowel were received. All submissions were subjected to an architectural assessment, following which a number of property solutions were short-listed for further investigation. The current position is that the evaluation of property proposals to fulfil the accommodation brief of the staff decentralising to Listowel is at an advanced stage. The short-listed proposals under consideration comprise both sites and building projects.

Formal negotiations have commenced with the respective owners of the properties. It is expected that the position in relation to the acquisition of a property solution to facilitate the decentralisation programme to Listowel will be finalised in the near future.

Revenue Commissioners' Investigations.

70. **Ms O'Sullivan** asked the Minister for Finance the number of persons, companies and trusts being investigated by the Revenue Commissioners arising from the Ansbacher accounts at the latest date for which figures are available; the number of cases in which settlements have been agreed and the total amount paid to date; the number of cases still outstanding; if additional action has been taken by the Revenue Commissioners arising from the report of the Ansbacher inspectors; and if he will make a statement on the matter. [2484/05]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that their Ansbacher review team has inquired into 289 cases to date and 108 of these cases have been finalised with Revenue. The 289 cases, taking account of spouses and connected companies, consist of 300 names. The 289 cases are made up of 179 cases listed on the High Court inspectors' report and 110 similar cases discovered by Revenue or listed on the authorised officer's report. A total of 211 cases have been under active investigation. The remaining cases consist of 62 non-resident persons, including 17 former Irish residents, 12 individuals who claimed the 1993 amnesty provisions and four cases with insufficient identity information.

The investigation includes examining the tax position of disclosed entities and accumulating and assembling information on other connected entities. The number of connected entities in relation to cases under investigation is now nearly 700. Revenue is making extensive use of its legislative powers to seek books, records, documents and information in the cases being investigated. Where appropriate, prosecutions will be considered but these will depend on the level of evidence available. Revenue has made six successful applications to the High Court for the production by financial institutions and third parties of books, records and other documentation, which are relevant to liabilities of Ansbacher account holders. Some 150,000 documents have been received under the terms of the High Court orders. Advanced investigative computer

software is used in controlling and managing the documentation.

To date a total of €45.53 million has been received, consisting of settlements and payments

	Cases	€ million
Cases involving Ansbacher or Ansbacher type arrangements	77	36.22
Other cases involving offshore funds or deposits	18	9.31
Total	95	45.53

Overall, 108 cases have been finalised to date with Revenue. These consist of 65 cases which were settled on payments of €35.56 million, 26 non-resident cases which are covered by the provisions of double taxation agreements and 17 cases which had no additional liability of which two were covered by the 1993 amnesty provisions.

Revenue made an application under section 11 of the Companies Act 1990 for a copy of the High Court inspectors' report which was made available to Revenue on 6 July 2002. The information in this report has been carefully considered as regards the tax liabilities of the persons concerned. In addition, Revenue made a further application to the High Court for access to the supporting papers to the High Court inspectors' report. Judgment was delivered by the President of the High Court in May 2004 to allow access to documents relating to clients of Ansbacher named in the High Court inspectors' report and those persons and companies, including members of the board, found by the High Court inspectors to have failed to co-operate with their inquiry. The judgment also allows for Revenue to make application and grounding affidavit for the obtaining of information and documents relating to any other individual or company. Access to documents is subject to the direction of the High Court. The High Court orders in the matter were granted in June 2004 and perfected in January 2005. Revenue has applied, on foot of the orders, for access to documentation in respect of certain cases named in the High Court inspectors' report.

Revenue has informed me that the investigations are time consuming and complex and are likely to continue for some time to come. Information regarding yields from the Ansbacher and other special investigations by Revenue is posted, and regularly updated, on its website www.revenue.ie.

71. **Ms B. Moynihan-Cronin** asked the Minister for Finance the number of persons, companies and trusts being investigated by the Revenue Commissioners arising from the clerical medical insurance-NIB inquiry at the latest date for which figures are available; the number of cases in which settlements have been agreed and the total amount paid to date; the number of cases still outstanding; and if he will make a statement on the matter. [2479/05]

on account, in respect of 95 cases. This is made up of:

Minister for Finance (Mr. Cowen): I am informed by the Revenue Commissioners that arising from the clerical medical insurance-NIB inquiry, 452 cases have been targeted for investigation. To date, 296 cases have been settled on payment of tax, interest and penalties amounting to a total of €48.70 million. A further 116 cases have been finalised with no additional liability arising. The remaining 40 cases are the subject of ongoing investigation, and in respect of which €4.76 million has been paid on account.

In the course of 2003, three cases were prosecuted, with fines being imposed in two cases and a suspended sentence imposed in the other. The individuals concerned have also settled their tax affairs and paid the outstanding tax, together with interest and penalties. A further case is currently under investigation with a view to prosecution.

Aggregate results of the ongoing investigations have been published each year since 1998 in the annual reports of the Revenue Commissioners. Individual details of settlements have also been published where the provisions of section 1086 of the Taxes Consolidation Act 1997 applied.

Tax Code.

72. **Ms Lynch** asked the Minister for Finance if he intends to initiate any review, similar to the one planned in regard to reliefs and exemptions for higher earners, of the legislative provisions regarding residency abroad for tax purposes, particularly in regard to the so-called Cinderella clause, whereby the day a person leaves the country by midnight does not count as a day of residence; and if he will make a statement on the matter. [2475/05]

Minister for Finance (Mr. Cowen): The residency rules are not covered by the review referred to. Such rules were last updated in the 1994 Finance Act by the then Fianna Fáil and Labour Government following a comprehensive review of the matter by the Revenue Commissioners and my Department. The resulting new rules set out in the 1994 Finance Act both simplified and clarified the whole area and were generally welcomed. These rules provide *inter alia* that an individual is deemed to be present in the State for a day if the individual is present in the State at the end of the day. This is in line with the Revenue administrative practice prior to the 1994 Finance Act which was based on the number of nights spent in the State.

Price Inflation.

73. **Mr. Sargent** asked the Minister for Finance the anticipated inflationary effect of price increases approved by the Government since the start of 2005. [2597/05]

Minister for Finance (Mr. Cowen): The CPI is forecast to increase by 2.5% in 2005. The price increases which were put to government for approval will add less than 0.25% to the CPI this year. There were no changes to indirect taxes in the budget so the CPI effect of these is nil.

Decentralisation Programme.

74. **Mr. Rabbitte** asked the Minister for Finance the anticipated costs, in terms of acquiring and equipping premises and other related costs at the latest date for which figures are available of the original decentralisation programme announced in budget 2004 and the slimmed down version announced in December 2004. [2489/05]

Minister of State at the Department of Finance (Mr. Parlon): The Government's decentralisation programme involves some 10,500 civil and public service jobs in more than 56 locations. As I have said on a number of occasions, the Government is committed to the full implementation of the programme. My office has been tasked with procurement of development sites in the designated locations and the procurement of accommodation solutions to the office and facility requirements of the Departments and agencies involved.

The Office of Public Works, having evaluated in excess of 700 proposed property solutions in relation to the decentralisation programme scheduled for the various locations around the country, has made significant progress in sourcing possible sites at the locations concerned.

The prevailing property market conditions in each geographical area will have a significant bearing on the cost of acquiring sites. As the acquisition process is still in progress, it is not possible at this stage to provide a precise estimate of the cost of the site acquisition programme. However, for working purposes only, an indicative figure of €75 million to €100 million is being used by the OPW.

As the Deputy will know, the decentralisation implementation group, DIG, announced the names of the Departments and organisations selected to move in the first phase of the programme on 24 November 2004. A further report from the group on the procurement and financial issues relating to property was also published on 24 November 2004.

The next stage in the decentralisation process will focus on the construction of office accommodation on the sites being procured by OPW. In line with the DIG report on procurement, the OPW advertised for expressions of interest in the first 15 design-build projects in December 2004. A significant response was received and the submissions are currently being evaluated.

In relation to the public private partnership approach recommended by the DIG, my office has been developing a comprehensive risk adjusted costing of project elements to measure the value for money of future PPP bids. It is anticipated that, in the majority of cases, the accommodation facilities will be provided by the construction of new office buildings and cost estimation can be approached on that basis. However, in advance of actual market testing of any procurement methodology, it is possible, at this time, only to assign the most general measurements of cost to such a large scale, diverse and complex programme.

It is estimated that approximately 210,000 sq. m., 2.26 m. sq. ft., of office space will be required to accommodate the total numbers included in the programme. Current industry cost norms in respect of commercial offices would indicate an average build-cost to fit-out standard, in the range of €1,450 per sq. m. to €2,000 per sq. m. Such figures exclude VAT, professional fees and inflation.

In addition the cost of equipping the accommodation to standard office equipment levels could be estimated at approximately €4,000 per person. This would exclude the cost of information and communication technology and specialised equipment requirements.

Such general measurements of cost do not include specialised facility and equipment requirements and other variables which would arise from the spread of possible procurement methodologies. In addition, general cost indicators of this type show a snapshot in time.

It is self-evident that a firmer scale of costs for the decentralisation programme will only emerge on foot of actual cost proposals being received from the market. Nevertheless, we can clearly anticipate that, generally speaking, the cost of providing accommodation infrastructure in provincial locations compared to central Dublin locations should yield considerable cost savings to the State over time in terms of site costs, capital build costs and, maintenance costs.

Tax Collection.

75. **Mr. English** asked the Minister for Finance the amount of income the State has lost out on through the illegal smuggling of cigarettes and alcohol into the State for the years 1997 to 2004; and if he will make a statement on the matter. [32570/04]

Minister for Finance (Mr. Cowen): It is not possible to provide an accurate figure for the amounts lost to the Exchequer in any year in respect of smuggling as the level of undetected smuggling can never be known. However, it is the view of the Revenue Commissioners that the level of penetration of the Irish market by contraband cigarettes and alcohol is low and consequently losses to the Exchequer are low.

Smuggling of excisable products is always a matter of concern and the Revenue Commis-

sioners have been actively engaged in combating it with many important seizures in recent years. In the period 1997 to 2004, Revenue's customs service made 18,730 seizures of cigarettes and tobacco, involving 576 million cigarettes and 40,000 kilos of tobacco. It is clear from the brands involved that many were destined for Northern Ireland or the UK. In the same period, there were 1,076 seizures, involving 575,000 litres of alcohol and several illicit distilleries were also detected.

Expenditure Review Initiative.

76. **Mr. Ring** asked the Minister for Finance if he has satisfied himself with the progress under the expenditure review initiative; and if he will make a statement on the matter. [2559/05]

Minister for Finance (Mr. Cowen): The first formal report from the expenditure review central steering committee on progress under the expenditure review initiative, ERI, for the period June 2002 to June 2004 was submitted to me on 3 November 2004 and forwarded to the Oireachtas Committee on Finance and the Public Service on 25 November 2004. This report found that progress had been made by Departments and offices in undertaking systematic evaluation both within and outside the ERI, and in building an evaluation culture. However, it also highlighted some deficiencies in the process and made a number of recommendations designed to improve it.

I am committed to ensuring that we get better value for money from public expenditure. I would like to see greater progress being made in improving the arrangements for carrying out expenditure reviews and in completing reviews. I have, therefore, accepted the steering committee's recommendations.

I attach particular importance to the recommendation of the steering committee that expenditure reviews should encompass significant spending programmes, that they should be completed on time, and that their recommendations should be followed up on. The responsibility in regard to implementation of these and the other recommendations rests in the first instance with Departments. I, therefore, wrote to all Ministers last November on receipt of the steering committee's report urging them to ensure that their Departments and offices take appropriate steps to implement the recommendations. My Department will shortly invite Departments and offices to propose topics for the next round of expenditure reviews for the period 2005-07 for submission to Government. I will take that opportunity to review progress in the interim and to ensure that the steering committee's recommendations for improvement are reflected in the next round of reviews.

Non-Resident Accounts.

77. **Ms O'Sullivan** asked the Minister for Finance the number of High Court orders sought to date by the Revenue Commissioners under the

Finance Act 1999 to require financial institutions to supply names, addresses and other relevant information regarding holders of bogus accounts at the latest date for which figures are available; the number of cases in which orders have been granted; the progress made to date in identifying the holders of such accounts who did not avail of the recent voluntary disclosure scheme; and if he will make a statement on the matter. [2483/05]

Minister for Finance (Mr. Cowen): Authorised Revenue officers are empowered to make an application to a judge of the High Court seeking an order requiring financial institutions to supply names, addresses and other relevant information concerning account holders who may have held bogus non-resident deposit accounts. Such applications are made under section 908 of the Taxes Consolidation Act 1997, as amended by the Finance Act 1999. Information supplied by the financial institutions under section 908 orders is the principal basis for identifying bogus non-resident account holders who did not avail of the voluntary disclosure scheme in 2001. This inquiry work commenced on 16 November 2001.

I am advised by the Revenue Commissioners that 18 applications for orders under section 908 have been made and granted. When one includes institutions, which have been taken over or amalgamated with other institutions, these orders seek information in respect of accounts in 26 financial institutions. No further applications for such orders are pending in regard to the bogus non-resident account inquiries.

A large volume of information has been reported to Revenue under the High Court orders. Inquiry work in relation to the examination of the first batch of taxpayers commenced on 11 October 2002. Further general issues of inquiry letters were made in January, May, July, September and October 2003 and January 2004. These general inquiry letter issues relate to 91,000 non-resident accounts that had Irish addresses connected to them. A total of 177,000 inquiry letters have been issued to taxpayers in respect of these non-resident accounts. The final general inquiry letter issue took place in January 2004.

The Revenue Commissioners have informed me that they are satisfied that significant progress has been made in this the final phase of the investigations. Since 15 November 2001 payments of €338 million have made to Revenue by taxpayers who held bogus non-resident accounts.

Decentralisation Programme.

78. **Mr. O'Dowd** asked the Minister for Finance if he is satisfied with numbers of persons from within the State agencies who have indicated a willingness to decentralise with their agencies; and his views on the assessments from some of the agencies of the risk of damage to delivery of services. [2580/05]

Minister for Finance (Mr. Cowen): I accept that the number of applications to the central

[Mr. Cowen.] applications facility, CAF, from the Civil Service are much better than those from the State agencies. Unlike the State agencies, the Civil Service has considerable previous experience of decentralisation and has a long tradition of inter-departmental transfers.

The decentralisation implementation group, DIG, asked that all organisations participating in the programme should prepare detailed implementation plans, including risk mitigation plans. These plans were prepared and submitted to the group. Most included risk mitigation strategies. In its July 2004 report, the group noted that the overall quality of the plans was good. It has recommended — paragraph 9.3 — that in preparing the next version of its implementation plan each organisation should ensure that a risk mitigation strategy is included. I am satisfied that this approach represents a realistic approach to risk identification and mitigation.

Question No. 79 answered with Question No. 29.

Bloodstock Industry.

80. **Mr. Wall** asked the Minister for Finance his views on reports that an EU investigation is being sought by British MEPs and the British bloodstock industry into whether tax exemptions on stud fees constitute illegal state aid; his response to this suggestion; and if he will make a statement on the matter. [31431/04]

Minister for Finance (Mr. Cowen): The Commission has been in correspondence with my Department regarding this exemption in response to a complaint made to it in July 2003. I do not know the source of the complaint. I am also aware that the matter has also been raised with the EU Agriculture Commissioner in the European Parliament.

The position is that in April 2004, the Commission asked for information which would allow it to establish whether the exemption may be considered compatible with state aid rules. The requested information, which included details on the number of stallions, price of nominations, the relevant tax brackets, the estimated number of beneficiaries as well as a precise description of the exemption, was supplied to the Commission in July 2004. No further communication has been received from the Commission to date. Ultimately, the issue as to whether or not aid granted by member states in any particular case is compatible with the state aid articles of the EC treaty is a matter for the Commission.

Tax Code.

81. **Mr. Broughan** asked the Minister for Finance his proposals for the review of tax reliefs and exemptions for high earners; if consultants have been appointed to assist in this process; the role he envisages for the Joint Committee on Fin-

ance and the Public Service; when the process will be completed; and if he will make a statement on the matter. [2465/05]

Minister for Finance (Mr. Cowen): I announced in my Budget Statement that my Department and the Office of the Revenue Commissioners will undertake a detailed review of certain tax incentive schemes and tax exemptions in 2005. This review will evaluate their impact and operation, including their economic and social benefits for the different locations and sectors involved and to the wider community. In addition, the review will examine the degree to which these schemes allow high income individuals to reduce their tax liabilities.

I subsequently announced in a press release on 6 January 2005 that my Department has advertised for external consultants to review certain tax incentive schemes. The consultants will evaluate the following incentive schemes: urban renewal; rural renewal; town renewal; living over the shop; multi-storey carparks; park and ride; student accommodation; third level buildings; hotels and holiday cottages; nursing homes; private hospitals; sports injuries clinics; child care facilities; and countrywide refurbishment scheme.

Tenders have been invited from suitably qualified consultants to undertake two separate studies in economic, fiscal and social terms, as necessary, of the impact, operation, effectiveness and cost of all the above tax incentive schemes. The request for tenders was placed in the Official Journal of the European Union on 24 December 2004. Decisions on the award of the contracts are scheduled for end March-early April 2005. It is envisaged that the consultancy review of these various reliefs will be completed by mid summer.

The review of tax reliefs includes a special public consultation process seeking submissions on measures that could be introduced that balance the benefit of such reliefs with the extent to which these are used by high earners to reduce their tax bill. The public consultation process was advertised on 8 January 2005 and submissions should be made before 31 March 2005.

The review will also involve the examination by my Department and the Revenue Commissioners of certain other tax exemptions, for example, for stallions, woodlands, artists and patent income. I would welcome the views of public representatives, either individually or via the forum of the relevant Oireachtas committees, and of the social partners in due course in relation to all these matters. The aim is to have all these examinations completed by the autumn so that the various issues can be examined in the context of the 2006 budget next December.

Question No. 82 answered with Question No. 23.

Capital Projects.

83. **Mr. English** asked the Minister for Finance if he has satisfied himself with the effectiveness

of the process whereby different funding options are being assessed for capital projects; and if he will make a statement on the matter. [2581/05]

Minister for Finance (Mr. Cowen): Capital projects are procured primarily by the traditional means of Exchequer capital or by public private partnership, PPP. In both cases, projects are subject to appraisal for value for money in accordance with the relevant guidelines laid down by my Department. It is a matter for the sponsoring Department or agency with the approval of the relevant sanctioning Department to determine which project option represents best value for money.

Under the general conditions of sanction for the multi-annual capital envelopes introduced in budget 2004, Departments are required to comply in all cases with my Department's guidelines for the appraisal and management of capital projects. Consultations with Departments on revising these guidelines are now complete and I will be submitting the revised guidelines to Government for approval to publish shortly.

To assist State authorities in determining the optimal means of financing public investment projects, the Government established the National Development Finance Agency, NDFA, on 1 January 2003. The NDFA's role includes advising on the financing and risk evaluation of Ireland's public-private partnership procurement projects and raising or arranging finance for appropriate capital projects. In this respect it provides a centralised expert service to Departments and certain other State authorities.

The PPP procurement option should be available to Departments and State authorities for application to appropriate projects where there is the right scale, risk and operational profile to harness the benefits of this new approach.

As the Deputy will be aware, there are also reforms planned in the area of public sector contracts for construction and construction related services. The reforms will involve the amendment and introduction of new standard forms of construction contracts which will transfer appropriate risks to contractors where they are best placed to manage them. These initiatives seek to reduce the potential for project cost overruns and provide better value for money for the State. Consultation with the construction industry on the contract-related material will commence shortly.

Disabled Drivers.

84. **Mr. Deasy** asked the Minister for Finance his plans for reform of the tax concessions for disabled drivers. [2566/05]

Minister for Finance (Mr. Cowen): I assume the Deputy is referring to the disabled drivers and disabled passengers — tax concessions — scheme. The scheme is open to people with disabilities who meet the specified criteria and have obtained a primary medical certificate to that effect. The senior area medical officer attached to the rel-

evant local health board is responsible for both the medical assessment and the issue of the medical certificate. The medical criteria for the purposes of the tax concessions under this scheme are set out in the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 1994.

An individual who qualifies under the medical criteria is issued with a primary medical certificate. Possession of a primary medical certificate qualifies the holder for remission or repayment of vehicle registration tax, VRT, a repayment of value added tax, VAT, on the purchase of the vehicle and a repayment of VAT on the cost of adaptation of the vehicle. Repayment of the excise duty on fuel used in the motor vehicle and exemption from annual road tax to local authorities are also allowed.

An interdepartmental review group was established to review the scheme. The group examined all aspects of the scheme, including the qualifying medical criteria, the benefits and the appeals process. The report of the group was published on my Department's website in July 2004 and copies have been placed in the Oireachtas Library.

Following on from the report's recommendations concerning the appeals process, amendments to the regulations governing the scheme were made to improve the operation of the appeals process. These were signed by the Minister for Finance on 23 July 2004. The amendments provided for changes as follows: expanding the panel of medical practitioners serving on the medical board of appeal from three to five; and amending the appeals process by introducing a six month waiting period between an appeal and subsequent application and introducing the requirement for a second or subsequent application to be certified by a registered medical practitioner to the effect that there has been material disimprovement in the medical condition since the previous application.

Given the scale and scope of the scheme, changes can only be made after very careful consideration. For this reason, the Government has decided that the Minister for Finance will consider the recommendations contained in the report of the interdepartmental review group in the context of the annual budgetary process having regard to the existing and prospective cost of the scheme.

Pension Provisions.

85. **Ms Shortall** asked the Minister for Finance the amount in the funds of the national pensions reserve fund at the latest date for which figures are available; the amount invested outside of Ireland; the amount held in cash balances; and if he will make a statement on the matter. [2494/05]

Minister for Finance (Mr. Cowen): The 2003 annual report of the National Pensions Reserve Fund Commission shows that at 31 December 2003 the marked to market value of the fund was €9,561 million. This included cash deposits of

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€1,283 million, net current assets of €36 million, unrealised gains on foreign derivative contracts of €70 million and equities and bonds worth €8,172 million. Of this latter figure, €8,099 million was invested in non-Irish equities and bonds.

The most recently published figures pertaining to the holdings of the National Pensions Reserve Fund were included in the end year press release of the National Treasury Management Agency which was issued on 31 December 2004. It shows that the estimated market value of the fund was €11,686 million at 31 December 2004. Of this amount, €1,309 million was held in cash and other net current assets, including derivatives, a total of €10,365 million was held in equities and bonds, and €12 million was held in property. The statement does not distinguish between Irish and non-Irish investments.

The commission's annual report is required to include information on the investment strategy followed by the fund, a report on the investment return achieved and a valuation of the net assets of the fund at year end. These requirements are designed to ensure that detailed information concerning the fund is made available to the Minister and the public at the appropriate time.

As the Deputy will be aware, the National Pensions Reserve Fund Commission, which manages the fund, is independent of Government. It controls and manages the fund with discretionary authority to determine and implement the fund's investment strategy. This investment strategy is based on a commercial investment mandate with the objective of securing the optimal return over the long-term, having regard to the purpose of the fund as set out in section 18(1) of the National Pensions Reserve Fund Act 2000 and the payment requirements of the fund as provided for under section 20 of the Act, provided the level of risk to the moneys held or invested is acceptable to the commission.

Tax Evasion.

86. **Mr. Howlin** asked the Minister for Finance the number of breaches detected of the Waiver of Certain Tax, Interest and Penalties Act 1993 in respect of each year since 1994; the number of prosecutions initiated and convictions secured arising from such detection; if he has satisfied himself that the law is being applied in the manner intended; if his attention has been drawn to comments made by a person (details supplied) regarding the difficulties faced in initiating prosecution for breaches of the Act; and if he will make a statement on the matter. [2473/05]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that there are two ways in which a taxpayer may have been in breach of the amnesty — first, in making a false declaration or, second, in not making a declaration. I am informed that the Revenue Commissioners do not have figures for the number of detected breaches of the amnesty.

Given the confidentiality conditions built into the 1993 amnesty legislation, such breaches are difficult to identify and prove.

Individuals and companies have been successfully prosecuted in recent years as a result of Revenue investigations, and although these investigations have in some instances involved consideration of possible amnesty breaches, it has not generally been possible to obtain the evidence necessary to meet the required standards of beyond reasonable doubt from an amnesty perspective. However one individual has been successfully prosecuted to date for failure to comply with the obligatory provisions of the Waiver of Certain Tax, Interest and Penalties Act, 1993, following a Revenue investigation and is awaiting sentence. There was also a recent jail sentence imposed in connection with an incorrect amnesty declaration.

Revenue's criminal investigation programmes have been refocused recently with the establishment of an investigations and prosecutions division, one of whose functions is to increase the number of prosecutions for serious tax evasion. Many of the cases currently under investigation relate to tax offences committed in recent years and do not therefore involve consideration of amnesty issues. However, a number of cases have been identified which could involve offences in relation to the amnesty and they will be investigated with a view to taking a criminal prosecution.

I am aware of the comments made by the chairman of the Revenue Commissioners at the Committee of Public Accounts in December 2004, when responding to questions on the 2003 report of the Comptroller and Auditor General on the issue of the tax amnesty. The chairman referred to the serious difficulties the Revenue Commissioners had in obtaining admissible evidence, due to the confidentiality safeguards enshrined in the amnesty legislation. He went on to say that there were two cases coming before the courts in the near future and that a great deal would depend on the outcome of these, as to whether the other cases being investigated would go for prosecution. One of these is the successful Revenue conviction mentioned earlier.

In view of this, I am satisfied the Revenue Commissioners are making every effort to ensure the law is applied in the manner intended by the legislation as passed by the Houses of the Oireachtas.

87. **Mr. Howlin** asked the Minister for Finance the number of court prosecutions initiated as a result of tax evasion in respect of each year since 1997; the number of cases in which convictions were secured; the number of cases in which prison sentences were imposed and the details of the sentence in each case; if he has satisfied himself with the level of court cases taken, in view of the high level of evasion; if he will report on the work of the investigations and prosecutions div-

ision of the Revenue Commissioners; and if he will make a statement on the matter. [2472/05]

Minister for Finance (Mr. Cowen): I am advised by the Revenue Commissioners that the

following table provides information on court prosecutions initiated for tax evasion.

Year	No of Convictions	Fines imposed	Custodial sentence (suspended in brackets)	Details of Custodial sentence
1997	1	€635	Nil	
1998	6	€42,854	2 (2)	(a) 6 months (suspended) (b) 2 years (suspended)
1999	1	€19,046	Nil	
2000	3	€952	2 (1)	(a) 2 years (18 months on appeal) (b) 12 months (suspended)
2001	4	€14,284	4 (2)	(a) 12 months (b) 6 months (suspended) (c) 6 months (suspended) (d) 3 months
2002	3	€5,540	1 (1)	6 months (suspended)
2003	6	€29,365	1 (1)	2 years (suspended)
2004	1	€5,000 and 180 hours community service.		
2005	2	€10,800 and adjourned to await report on suitability to serve 120 hours community service in lieu of 3 months prison sentence. Pleaded guilty to 8 charges, sentencing adjourned.		

Revenue has a very clear policy of prosecuting cases of serious tax evasion. The investigations and prosecutions division is responsible for this. Following Revenue re-structuring in 2003, all investigation activity was consolidated in this division with a remit to co-ordinate all Revenue prosecution work and in particular to increase the number of criminal investigations for serious tax offences and ultimately to increase the number of prosecutions. The number of investigators was also increased for this purpose.

Recent figures indicate that this approach is proving successful. There are currently 46 cases under investigation for potential prosecution, the DPP is considering seven cases and has given directions to prosecute in another five. Bench warrants have been issued in three cases for failure to attend court and four cases are in the court process. This is the highest combined figure to date and vindicates the decision to concentrate Revenue's prosecution resources in one area.

Stability and Growth Pact.

88. **Mr. Penrose** asked the Minister for Finance his views on the need for reform of the Stability and Growth Pact; the progress made by finance ministers on this issue at their January 2005 meeting; when the process will be completed; and if he will make a statement on the matter. [2485/05]

Minister for Finance (Mr. Cowen): The European Commission presented a formal communication on 3 September 2004 outlining a range of proposals for strengthening economic governance in the European Union and clarifying the implementation of the Stability and Growth pact. Since

then, the issues involved have been the subject of detailed and wide-ranging discussions.

At the recent ECOFIN Council of 18 January 2005, ministers had a useful exchange of views on this matter, and made progress in identifying areas of common ground. In its conclusions, the Council requested the economic and financial committee, EFC, to continue work on the following issues in light of the debate: consolidating the preventive part of the pact; improving implementation of the excessive deficit procedure, which is the corrective part of the pact; and improving governance.

The consideration of the issues involved is therefore ongoing. The Luxembourg Presidency of the EU has indicated its objective of achieving agreement on the matter by the European Council meeting in March 2005.

As regards Ireland's position, we are engaging fully with the ongoing discussions with a view to encouraging reforms which are in line with our economic priorities. For example, Ireland has long argued that countries with very low debt levels, and with clear investment needs, should not be unduly constrained from making the necessary resources available.

Tax Code.

89. **Mr. Timmins** asked the Minister for Finance if he is satisfied with the entry level to the top rate of income tax; and if he will make a statement on the matter. [2572/05]

Minister for Finance (Mr. Cowen): As a result of the budget, the standard rate bands for this and subsequent years are €29,400 for a single person,

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 €38,400 for a married one earner couple and €58,800 for a married two earner couple, of which €38,400 is transferable. Lone and widowed persons have a standard rate band of €33,400. Income above these levels is subject to the higher rate of tax of 42%.

The major portion of available resources for the personal tax package in budget 2005 was devoted to achieving the aim of taking the minimum wage out of the tax net. This fulfilled a key taxation commitment contained in An Agreed Programme for Government. It will benefit those on low incomes and will help remove 66,000 from the tax net for 2005. Overall, after budget 2005, there are more than 34% of income earners, 656,500, outside the tax net. This compares, for example with about 35% of income earners, 380,400, in 1997.

To the extent that further resources were available for tax reductions in the budget 2005 income tax package, they were used essentially to widen the standard rate bands so as to increase the entry level to the higher rate of tax. The increases in the standard rate band will ensure that an extra 52,000 taxpayers will not pay tax at the higher rate in 2005. The band widening in budget 2005 ensures that about 33% of income earners will pay tax at the higher rate in 2005 as compared with a projected 36% of income earners if no such measure had been included in the budget.

It should be noted that all income earners benefited from the tax changes in the recent budget and that while the proportion on the top rate increased, there was a reduction in their average tax rate, that is, tax as a percentage of income. It should also be noted that in 2005 a single PAYE worker on the average industrial wage will pay more than €200 less in tax in 2005 than in 1997 on a wage which is more than €11,000 greater in value.

Financial Services Sector.

90. **Mr. O'Shea** asked the Minister for Finance the progress in regard to any action taken by his Department and the Revenue Commissioners arising from the report of the High Court inspectors on National Irish Bank which was published on 30 July 2004; if his attention has been drawn to concerns expressed at the meeting of the Joint Committee on Finance and the Public Service, regarding the fact that a number of those named

in the report are still working in the financial services sector; and if he will make a statement on the matter. [2480/05]

Minister for Finance (Mr. Cowen): While I have no statutory function in the matter, I am advised by the Revenue Commissioners that early in 1998, when information became available that indicated possible tax evasion on the part of NIB customers who had availed of an offshore investment product, an investigation was initiated. This investigation is nearing completion and has resulted in recoveries of €53.46 million in tax interest and penalties. In addition, three taxpayers were convicted in connection with the submission of incorrect returns.

The report of the High Court inspectors was made available to the Revenue Commissioners after it was issued last year. It raises issues about the conduct of named former officials of the bank in relation to their role in marketing certain offshore, insurance based, investment products. Revenue has been considering the matter in the context of the available legislation relating to the offence of aiding abetting and assisting taxpayers to make and deliver incorrect tax returns but the matter is not yet finalised.

As the Deputy will be aware, the Irish Financial Services Regulatory Authority, IFSRA, assesses the fitness and probity of persons in key leadership positions as part of its supervisory functions. I understand that IFSRA has confirmed to the joint committee that it is actively examining the High Court inspectors report and taking appropriate action where such fitness and probity issues are raised. This is an operational matter for IFSRA and I do not propose to comment further on the position of any individual.

Credit Cards.

91. **Mr. Durkan** asked the Taoiseach the number of credit cards issued for departmental use to Ministers, Ministers of State or others; the person or persons authorised to use such cards; the circumstances in which use is permissible; the number of occasions on which they have been used in the life of the present Government; the purpose of such use; and if he will make a statement on the matter. [2404/05]

The Taoiseach: In addition to my departmental credit card, there are currently 21 credit cards issued for this Department. Details of authorised users are as follows:

Name	Position
Tom Kitt	Minister of State
Dermot McCarthy	Secretary General
Michael Collins	Second Secretary
David Feeney	Private Secretary to the Taoiseach
Una Claffey	Special Adviser
Gerry Howlin	Special Adviser
Joe Lennon	Special Adviser
Katherine Bulbulia	Special Adviser

Name	Position
Iarla Mongey	Head of Gov. Information Services
Peter Ryan	Assistant Secretary
Philip Kelly	Assistant Secretary
Mary Doyle	Assistant Secretary
Eoin O'Leary	Assistant Secretary
Martin Fraser	Principal Officer, Economic & Social Policy Division
George Shaw	Principal Officer, Economic & Social Policy Division
Aileen Healy	Finance Officer
Miriam Dollard	Personnel Officer
Mary Murphy	Personnel Officer
Geraldine Byrne-Nason	Director, National Forum on Europe
Brendan Ward	NESDO
Agnes Aylward	Ireland Newfoundland Partnership

It is the policy of the Department that departmental credit cards may only be used for official purposes. This can include charges for items such as travel, accommodation and entertainment expenses incurred while travelling on behalf of the Department and for the purpose of booking conferences or training courses.

It is the experience of the Department that most departmental credit cards are generally used on average three to four times per month — per card — although this will vary. For instance, a card may be used more in a particular month when the user travels on official business and not at all in other months.

Departmental Appointments.

92. **Mr. Kehoe** asked the Taoiseach the number of public appointments made in his Department since August 2004; the name of each appointee involved; and if he will make a statement on the matter. [2733/05]

The Taoiseach: My Department has not made any public appointments since August 2004. In relation to the bodies under the aegis of my Department, Professor Finbarr McAuley and

Patricia T. Rickard-Clarke were re-appointed to the Law Reform Commission in September 2004 and Marian Shanley in November 2004. Dr. Sean Barrett, economist, Trinity College, was appointed to the National Economic and Social Council, NESC, in January 2005. As a result of internal organisational changes within ICTU, Mr. Des Geraghty and Ms Angela Kirk replaced Mr. John Tierney and Ms Marie Levis on the Council of the National Centre for Partnership and Performance in September 2004.

Packaging Industry.

93. **Mr. Boyle** asked the Taoiseach if statistics are maintained on the value of the packaging industry here in terms of GDP, both as a percentage and in money terms; and if such information will be supplied. [2880/05]

Minister of State at the Department of the Taoiseach (Mr. Kitt): The exact information requested by the Deputy is not available. However, statistics are available from the annual census of industrial production in respect of the sector — manufacture of pulp, paper and paper products. The relevant details for 2002 are set out in the following table:

Sector (NACE categories)	Number of local units	Gross Output	Net Output (i.e. gross output minus industrial inputs)
	No.	€m	€m
All industries	5,535	99,966	60,373
<i>of which:</i>			
21 — Manufacture of pulp, paper and paper products	120	753	402
<i>of which:</i>			
2,112 — Manufacture of paper and paperboard	13	42	20
2,121 — Manufacture of corrugated paper and paperboard and of containers of paper and paperboard	54	339	163

Speech Therapy Services.

94. **Dr. Cowley** asked the Tánaiste and Minister for Health and Children when the needs of a person (details supplied) in County Mayo will be addressed; and if she will make a statement on the matter. [2442/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal services. This

[Mr. T. O'Malley.] includes responsibility for speech therapy. Accordingly, my Department has requested the chief officer for the executive's western area to investigate the matter raised and to reply directly to the Deputy.

Violence Against Women.

95. **Mr. Ring** asked the Tánaiste and Minister for Health and Children if she will provide funding to an organisation (details supplied). [2866/05]

Minister of State at the Department of Health and Children (Mr. S. Power): My Department does not directly fund or co-ordinate health and personal social services to victims of abuse. Moneys are made available each year, formerly through the health boards, and now through the Health Service Executive, for the provision of services to women victims of violence. In recent years, there has been a substantial increase in funding so that more than €12 million is provided annually for the provision of such services. It is a matter for the Health Service Executive to resource the provision of these services.

Cancer Screening Programme.

96. **Dr. Twomey** asked the Tánaiste and Minister for Health and Children the target dates for the rollout of BreastCheck nationally; and if she will make a statement on the matter. [2332/05]

129. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children when the rollout of BreastCheck services throughout the regions will be completed; if she will address the concerns expressed recently that a further delay is anticipated in regard to its extension to the south and west; and if she will make a statement on the matter. [2694/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 96 and 129 together.

The rollout of the national screening programme to the remaining counties is a major priority in the development of cancer services. This will ensure that all women in the 50 to 64 age group in every county have access to breast screening and follow-up treatment where appropriate. A capital investment of approximately €20 million has been approved to construct and equip two static clinical units, one in Cork and the other in Galway. This investment will also ensure that mobile units are available to screen women in the relevant age group throughout the country.

My Department is considering proposals for the development of the two static clinical units at Cork and Galway. It is intended that both facilities will be progressed simultaneously, under the capital investment framework for 2005 to 2009, and design briefs in respect of both have been completed. The capital funding involved in both facilities has already been indented under the

framework. It is anticipated that the advertisement for the appointment of a design team will be placed in the *EU Journal* in the coming weeks. As is normal, tenders for the construction element of these projects will not be sought until the design phase is completed.

Any woman irrespective of her age or residence who has immediate concerns or symptoms should contact her GP who, where appropriate, will refer her to the symptomatic services in her region.

Health Statistics.

97. **Dr. Twomey** asked the Tánaiste and Minister for Health and Children when she will publish a report of comprehensive health statistics for 2003 and 2004 as done in 2002; and if she will make a statement on the matter. [2333/05]

Tánaiste and Minister for Health and Children (Ms Harney): Since 1999, the Report on Health Statistics has been published in hard copy format every three years. Data for the interim years have been made available in updated tables on my Department's website and through direct requests to the Department. The latest edition was published in 2002 and the 2005 report is at an advanced stage of preparation. A number of the tables that will appear in the 2005 report are already available on the website. The Department's recently redesigned website, www.dohc.ie, facilitates improved display of and access to statistical data.

Cancer Screening Programme.

98. **Dr. Twomey** asked the Tánaiste and Minister for Health and Children if and when the HeBE report on cervical screening will be published; her target date for the rollout of the cervical screening programme; and if she will make a statement on the matter. [2334/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Health Board Executive, HeBE, commissioned an international expert in cervical screening to examine the feasibility and implications of a national rollout of a cervical screening programme. The examination included an evaluation of the pilot programme, quality assurance, laboratory capacity and organisation, and the establishment of national governance arrangements. The experts' report was published by HeBE on 14 December 2004.

My Department is consulting with relevant professional representative and advocacy groups on the report as an essential input into its preparation of a detailed response to the recommendations. These groups are the Irish College of General Practitioners, An Bord Altranais, the Academy of Medical Laboratory Science, the Institute of Obstetricians and Gynaecologists of the RCPI, the faculty of pathology of the RCPI, the Women's Health Council and the Irish Cancer Society.

Speech Therapy Services.

99. **Mr. Wall** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Kildare will receive speech therapy; and if she will make a statement on the matter. [2335/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal services. This includes responsibility for speech therapy. Accordingly, my Department has requested the chief officer for the executive's eastern regional area to investigate the matter raised and to reply directly to the Deputy.

Health Service Executive Staff.

100. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children her views on the failure of the chief executive of the north eastern area of the Health Service Executive to lift the suspension of a person (details supplied) as directed by her; and if she will make a statement on the matter. [2336/05]

Tánaiste and Minister for Health and Children (Ms Harney): I reviewed the suspension of the person concerned on 23 December 2004 and decided, based on legal advice and pursuant to the powers conferred on me as Minister for Health and Children by section 22 (3) of the Health Act 1970, to terminate the suspension with effect from that date. This decision was formally advised to the parties concerned. Following the enactment of the Health Act 2004, the person concerned is now an employee of the HSE and it is a matter for the executive to determine the appropriate course of action in response to my decision to lift the suspension.

Hospital Cleaning Services.

101. **Mr. Connolly** asked the Tánaiste and Minister for Health and Children if cleaning services in hospitals have been reduced within the past 20 years; her views on the direct link between hospital cleaning, declining hygiene standards and the potentially fatal MRSA infection; and if she will make a statement on the matter. [2337/05]

Tánaiste and Minister for Health and Children (Ms Harney): Infection control measures, including environmental cleaning and hand hygiene, are central to the control of health care associated infections, including drug-resistant organisms such as MRSA.

The Department's policy in this area is set out in the strategy for antimicrobial resistance in Ireland, SARI. A SARI infection control sub-committee is revising national guidelines for the control and prevention of MRSA in hospitals and in the community. These guidelines cover a number of areas including physical cleanliness of the environment, hand hygiene, antibiotic stew-

ardship programmes and availability of isolation facilities, as well as screening and detection protocols. When the guidelines are finalised, they will be considered by my Department and the Health Service Executive.

I have identified measures to improve cleaning services as one of the ten actions being undertaken to improve accident and emergency services.

Hospital Services.

102. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children the target date of completion and the moneys budgeted for 2005 for the development and expansion of minor injury units, chest pain clinics and respiratory clinics in hospitals to relieve pressure on accident and emergency departments; and if she will make a statement on the matter. [2338/05]

103. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children the target date of completion and the moneys budgeted for 2005 for the provision of a second MRI scanner at Beaumont Hospital; and if she will make a statement on the matter. [2339/05]

104. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children the target date of completion and the moneys budgeted for 2005 for the provision of acute medical units for non-surgical patients at Tallaght, St. Vincent's and Beaumont Hospitals; and if she will make a statement on the matter. [2340/05]

105. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children the target date of completion and the moneys budgeted for 2005 for the transfer of 100 high-dependency patients to suitable private nursing home care; and if she will make a statement on the matter. [2341/05]

106. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children the target date of completion and the moneys budgeted for 2005 for the negotiation with the private sector to meet the needs of 500 persons annually for intermediate care for up to six weeks; and if she will make a statement on the matter. [2342/05]

107. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children the target date of completion and the moneys budgeted for 2005 to expand home care packages to support 500 additional older persons at home; and if she will make a statement on the matter. [2343/05]

108. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children the target date of completion and the moneys budgeted for 2005 for the provision of more out-of-hours general practitioner services in order to keep people's need to attend accident and emergency units to a minimum; and if she will make a statement on the matter. [2344/05]

109. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children the target date of completion and the moneys budgeted for 2005 for the provision of dedicated cleaning services and security measures for accident and emergency

[Mr. Kenny.] departments; and if she will make a statement on the matter. [2345/05]

110. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children the target date of completion and the moneys budgeted for 2005 for the further expansion of palliative care facilities; and if she will make a statement on the matter. [2346/05]

111. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children the target date of completion and the moneys budgeted for 2005 for the provision of measures to enhance direct access for general practitioners to diagnostic services; and if she will make a statement on the matter. [2347/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 102 to 111, inclusive, together.

The areas referred to by the Deputy are part of a ten-point action plan for accident and emergency services which I announced on the publication of the Estimates for 2005. A sum of €70 million is available to the Health Service Executive this year for these initiatives. I have met senior management of the HSE and my Department is working closely with the HSE to ensure the early implementation of these measures.

Hospital Waiting Lists.

112. **Mr. Neville** asked the Tánaiste and Minister for Health and Children the waiting list for a cardiologist consultation before being put on the waiting list for treatment at the Mid West Regional Hospital, Dooradoyle. [2348/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the Mid West Regional Hospital, Dooradoyle. Accordingly, my Department has requested the chief officer for the executive's mid-west area to investigate the matter raised and to reply directly to the Deputy.

HSE Services.

113. **Mr. Ring** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Mayo will be called for prosthetic-orthotic treatment. [2349/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for persons resident in County Mayo. Accordingly, my Department has requested the chief officer for the executive's

western area to investigate the matter raised and to reply directly to the Deputy.

Nurses' Pay.

114. **Mr. Noonan** asked the Tánaiste and Minister for Health and Children if nurses working in the area of learning disability are earning considerably less than child care workers working in the same area; her views on whether this is anomalous; if her attention has been drawn to the difficulty in recruiting qualified nurses to work in this area due to this anomaly; the steps she intends to take to rectify the matter; and if she will make a statement on the matter. [2350/05]

Tánaiste and Minister for Health and Children (Ms Harney): The final report of the Joint Committee on Social Care Professions made recommendations on pay and grading structures for child care workers. The pay recommendation provided for increases of 17% to 27% for house-parents or child care leaders and assistant house-parents or child care workers in the residential sector. The benchmarking body, PSBB, referred to this report and recommended that these increases be extended to similar grades in the intellectual disabilities sector, IDS.

In March 2004, the Labour Court considered a claim from the Alliance of Nursing Unions for a 10.55% pay increase for nurses working in the intellectual disability sector, to restore a "differential" that existed between nurses and social care professionals prior to the determination of the PSBB. While the Labour Court accepted that Registered Nurses Intellectual Disability, RNID, had traditionally been paid more than social care professionals, it stated that no formal pay "differential" existed between the two grades. The court noted that an understanding had been reached at the Labour Relations Commission on 3 September 2003 between the employers and the Alliance of Nursing Unions, and that both parties had accepted that the report of the PSBB severed all pay links and established new absolute levels of pay for benchmarked grades.

There was also an acceptance that any future benchmarking exercise, or whatever subsequent arrangements are put in place for determining public service pay, is the appropriate forum to examine the position of RNIDs *vis-à-vis* other social care professionals. The court also noted that this understanding was rejected by members of the Alliance of Nursing Unions leading to the referral to the matter to the court.

The court issued its recommendation on 1 April 2004. Having considered the written and oral submissions, it was of the view that the claim could not be dealt with outside of the established agreements. Accordingly, the court recommended that the matter be dealt with in accordance with the understanding reached between the parties at the conciliation conference on 3 September 2003 and that it be give priority in this exercise. In the discussions on the second phase of the Sustaining Progress agreement, management agreed that the position of the RNID would be considered in the next benchmarking review which will commence in the second half of 2005.

The supply of adequate numbers of nurses has been a priority for the Government for several years. Since 2002, there have been 240 training places available each year on the four-year degree programme for intellectual disability nursing. Figures from An Bord Altranais show that in 2004 there were 146 newly registered nurses in intellectual disability nursing, of whom 138 had trained in Ireland.

The Health Service Executive, employer representative division, carries out a regular survey of nursing resources. The most recent report showed that the intellectual disability sector had increased its staffing by 89 in the 12-month period to 30 September 2004. The survey also found there were 84.56 nursing vacancies in the intellectual disabilities sector at the end of the third quarter in 2004. This was the lowest number of vacancies for that quarter in the sector since the commencement of the survey in 2000.

HSE Services.

115. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Clare will receive a bed lever from the Mid-Western Health Board; and if she will make a statement on the matter. [2434/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of health services in County Clare. Accordingly, my Department has requested the chief officer for the executive's mid-western area to investigate the matter raised and to reply directly to the Deputy.

Child Care Services.

116. **Mr. Neville** asked the Tánaiste and Minister for Health and Children the number of children and adolescents whom the health service has sent out of the country for institutional treatment; and the cost to the State in 2003 and 2004 of this treatment. [2446/05]

Minister of State at the Department of Health and Children (Mr. B. Lenihan): I understand the Deputy is referring to non-offending children with behavioural problems who are in need of special care or protection.

The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of services for the relatively small number of non-offending children with behavioural problems. Accordingly, my Department has requested the primary, community and continuing care directorate of the

Health Service Executive to investigate the matter raised and to reply directly to the Deputy.

Ambulance Service.

117. **Ms McManus** asked the Tánaiste and Minister for Health and Children if the ambulance centre at the Hospital of the Assumption, Castlemeadows, Thurles, County Tipperary will continue when the new hospital is complete; and if she will make a statement on the matter. [2447/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for ambulance services in County Tipperary. Accordingly, my Department has requested the chief officer for the executive's mid-western area to investigate the matter raised and to reply directly to the Deputy.

Suicide Incidence.

118. **Mr. Neville** asked the Tánaiste and Minister for Health and Children the number of suicides by gender for each year since 1994. [2448/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The number of deaths by suicide as published annually by the Central Statistics Office and a breakdown of these figures by gender are set out in the following table.

Year	Male	Female	Total
1994	305	90	395
1995	321	83	404
1996	345	64	409
1997	386	92	478
1998	433	81	514
1999	358	97	455
2000	395	91	486
2001	429	90	519
2002	371	80	451
2003	358	86	444

Violence Against Women.

119. **Mr. Ferris** asked the Tánaiste and Minister for Health and Children if she will address the lack of a coherent national strategy and of commitment by the Government to services in the violence against women sector. [2498/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The National Task Force on Violence against Women's report of 1997 set out a blueprint for a national strategy on violence against women and led to the establishment of the National Steering Committee on Violence against Women which is chaired by the

[Mr. S. Power.]

Minister of State at the Department of Justice, Equality and Law Reform.

The purpose of the steering committee is to provide a multidisciplinary, multi-agency and cohesive response to the problem of violence against women and in so doing to progress the recommendations of the task force. My Department is represented on the committee as is the Health Service Executive.

120. **Mr. Ferris** asked the Tánaiste and Minister for Health and Children if she will support the National Steering Committee on Violence Against Women by ensuring full, consistent representation by her Department on the committee, and support the proper level of staff resources with the necessary available time, commitment and seniority to drive this project forward. [2499/05]

Minister of State at the Department of Health and Children (Mr. S. Power): My Department is represented on and committed to the work of the National Steering Committee on Violence against Women, as is the Health Service Executive.

Services for Victims of Sexual Assault.

121. **Mr. Ferris** asked the Tánaiste and Minister for Health and Children if she will provide the leadership and resources to ensure that the working group on forensic medical examinations is able to meet and complete its report on needs and costings for national service provision as soon as possible, in view of the unlikelihood that the report will be available in time for the 2005 Estimates, and that it is able to look seriously at the sexual assault nurse examiner programmes already being used successfully in the US, Canada and the UK. [2500/05]

Minister of State at the Department of Health and Children (Mr. S. Power): Following a recommendation from the National Steering Committee on Violence against Women that the need for additional sexual assault units around the country should be examined by my Department, I have established a committee under the chairmanship of a senior departmental official to consider the matter. The committee will be representative of the relevant statutory, voluntary and professional interests and will report to me and to the committee as soon as possible.

122. **Mr. Ferris** asked the Tánaiste and Minister for Health and Children if she will take steps to ensure that her Department's working groups or committees dealing with sexual assault services will include provisions for the assessment of the differing needs of the various regions, rural and urban, as well as the needs of victims of both genders and of different cultural backgrounds. [2501/05]

Minister of State at the Department of Health and Children (Mr. S. Power): I presume the

Deputy is referring to a sub-committee of the National Steering Committee on Violence against Women which is being established under the aegis of my Department. I assure the Deputy that the group will be representative of the appropriate statutory, voluntary and professional interests and will be geographically representative.

Housing Aid for the Elderly.

123. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children further to Parliamentary Question No. 249 of 19 October 2004, if the sum allocated under the housing aid for the elderly scheme for a person (details supplied) in County Clare will be reviewed due to the high estimates submitted by the builder; and if she will make a statement on the matter. [2518/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of the housing aid scheme for the elderly in Clare, on behalf of the Department of the Environment, Heritage and Local Government. Accordingly, my Department has requested the chief officer for the executive's mid-western area to investigate the matter raised and to reply directly to the Deputy.

Hospital Services.

124. **Mr. P. Breen** asked the Tánaiste and Minister for Health and Children the reason Ennis General Hospital in County Clare was not included in her fact-finding mission to the mid-west and west regions when she visited Galway and Limerick hospitals, in view that the hospital is overcrowded and has inadequate facilities; if this is an indication that she is less committed to Ennis General Hospital; and if she will make a statement on the matter. [2519/05]

Tánaiste and Minister for Health and Children (Ms Harney): As the Deputy is aware from the reply to his question of 26 January 2005, I intend to meet with the Ennis Hospital development committee in the near future.

Inquiries into Medical Malpractice.

125. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children when the report of Judge Maureen Harding Clarke into the obstetrics and gynaecology unit at Our Lady of Lourdes Hospital in Drogheda will be published; if copies of the report will be furnished to the victims concerned in advance of wider publication; and if she will make a statement on the matter. [2524/05]

126. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children if she will establish a redress board for women victims of gross malpractice, including the carrying out of unnecessary caesarian hysterectomy procedures, at the obstetrics and gynaecology unit of Our Lady of Lourdes Hospital in Drogheda between 1974 and 1998; and if she will make a statement on the matter. [2525/05]

127. **Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Health and Children the investigations being carried out, including in her Department and by the Garda Síochána, into the disappearance of case files concerning the victims of gross malpractice at the obstetrics and gynaecology unit of Our Lady of Lourdes Hospital in Drogheda; the results of any such inquiries; when said investigations will conclude; if the reports will be made public; and if she will make a statement on the matter. [2526/05]

Tánaiste and Minister for Health and Children (Ms Harney): I propose to take Questions Nos. 125 to 127, inclusive, together.

The inquiry referred to by the Deputy is ongoing and, subject to legal advice, it is my intention to publish its report when it comes to hand.

I have received proposals from Patient Focus, the group which represents former patients of Our Lady of Lourdes Hospital, requesting the establishment of a redress board. I intend to meet with the group shortly to discuss their request. Following that meeting, I will consider the matter in consultation with Government colleagues.

The Garda authorities have informed my Department that the Garda Síochána has received a complaint and is conducting an investigation into the disappearances of a number of case files from Our Lady of Lourdes Hospital, Drogheda. The investigation is ongoing and, when concluded, a complete file will be forwarded to the Office of the Director of Public Prosecutions for directions. As the Deputy will appreciate, it would be inappropriate to comment further on this matter.

Hospitals Building Programme.

128. **Mr. Connaughton** asked the Tánaiste and Minister for Health and Children the progress made concerning the new community hospital for Tuam, County Galway; the outcome of discussions held recently with officials of the Western Health Board on this subject; and if she will make a statement on the matter. [2693/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services.

As part of the executive's responsibility to prepare and submit an annual service plan for my

approval, it is obliged under section 31 of the Act to indicate any capital plans proposed. In this process, the executive is expected to have regard to the full range of potential capital developments, its own criteria in determining priorities, available resources and any other relevant factors.

My Department is awaiting the 2005 service plan from the Health Service Executive. In the interim, my Department has asked the chief executive of the Health Service Executive, western area, to investigate the position regarding this project and to reply directly to the Deputy.

Question No. 129 answered with Question No. 96.

Cancer Screening Programme.

130. **Mr. Haughey** asked the Tánaiste and Minister for Health and Children the reason BreastCheck is not available to women over a certain age; and if she will make a statement on the matter. [2695/05]

Tánaiste and Minister for Health and Children (Ms Harney): The national breast screening programme now covers the eastern, north-eastern, south-eastern and midland regions of the country. Screening is offered, free of charge, to all women in those areas in the target age group of 50 to 64 years of age. The current priority of BreastCheck and my Department is to progress the rollout of breast screening to women in the same age group in the rest of the country. Following the national rollout and when the programme is sufficiently developed and quality assured, consideration will be given to extending the upper age limit.

Any woman irrespective of age or residence who has immediate concerns or symptoms should contact her GP who, where appropriate, will refer her to the symptomatic services in her region.

Home Help Services.

131. **Ms B. Moynihan-Cronin** asked the Tánaiste and Minister for Health and Children the number of hours allocated for home help services in County Kerry in 2002, 2003, 2004 and 2005; and the number of persons employed to provide home help in County Kerry in 2002, 2003, 2004 and 2005. [2696/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for the provision of home help services in County Kerry. Accordingly, my Department has requested the chief officer for the executive's southern area to investigate the matters raised and to reply directly to the Deputy.

Medical Cards.

132. **Mr. O'Shea** asked the Tánaiste and Minister for Health and Children if money received by persons on the maturing of their investment under the SSIA scheme will be assessed as means in regard to entitlement to a medical card; and if she will make a statement on the matter. [2719/05]

Tánaiste and Minister for Health and Children (Ms Harney): Entitlement to health services in Ireland is primarily based on residency and means. Under the Health Act 1970, determination of eligibility for medical cards is the responsibility of the Health Service Executive other than for persons aged 70 years and over, who are automatically fully eligible. Medical cards are issued to persons who, in the opinion of the Health Service Executive, are unable to provide general practitioner, medical and surgical services for themselves and their dependants without undue hardship.

It should also be noted that the Health Service Executive has discretion in regard to the issuing of medical cards and a range of income sources are excluded when assessing medical card eligibility. Despite someone having an income that exceeds the guidelines, a medical card may still be awarded if the Health Service Executive considers that person's medical needs or other circumstances justify this. It is open to all persons to apply to the Health Service Executive for health services if they are unable to provide these services for themselves or their dependants without hardship.

With regard to investment income generally, the Health Service Executive takes interest from savings into consideration in the assessment of means for a medical card. The question of the treatment of SSIA proceeds in the assessment of means for a medical card is under consideration.

Health Services.

133. **Mr. Ring** asked the Tánaiste and Minister for Health and Children when a person (details supplied) in County Mayo will be called for orthodontic treatment; and the place they hold on the waiting list. [2720/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for orthodontic services. Accordingly, my Department has requested the chief officer for the executive's western area to investigate the matter raised and to reply directly to the Deputy.

Drugs Payment Scheme.

134. **Ms O'Sullivan** asked the Tánaiste and

Minister for Health and Children if she will address the anomaly whereby full-time students over 23 and living at home with their families are considered as dependants for medical card qualification, whereas they cannot be included as part of the family for the drugs payment scheme; and if she will make a statement on the matter. [2721/05]

Tánaiste and Minister for Health and Children (Ms Harney): People aged 16 to 25, including students, who are financially dependent on their parents are entitled to a medical card if their parents are medical card holders. Dependants of non-medical card holders are not normally entitled to a medical card except where they have an entitlement under EU regulations or where they are in receipt of a disability allowance.

Students who are financially independent of their parents are entitled to apply for a medical card in their own right and are assessed on the same criteria as all other applicants. The decision on whether a person is regarded as a dependant or as financially independent is made by the chief officer of the relevant Health Service Executive area, based on the circumstances of the individual case.

Anyone who does not have a medical card is eligible for the drugs payment scheme. Under the scheme no individual or family pays more than €85 per month for approved prescribed medicines, while the State pays the balance. Dependants for the purposes of the monthly threshold include the spouse and any children under 18 years. A dependant with a physical disability or a mental handicap or illness who cannot maintain himself or herself fully, who is ordinarily resident in the family home and who does not hold a current medical card, may be included in the family expenditure, regardless of age. Dependants over 18 and under 23 who are in full-time education are also included. The upper age limit is in keeping with family law legislation. People over the age of 18 who are not in full-time education, or who are over the age of 23 years and are in full-time education, and who are not eligible for a medical card can avail of the drugs payment scheme in their own right. I have no plans to amend the conditions of the drugs payment scheme for dependants and inclusion in the monthly threshold.

Health Service Executive.

135. **Mr. Kenny** asked the Tánaiste and Minister for Health and Children the reason persons (details supplied) in Dublin 10 have been on a waiting list for orthodontic treatment for more than three years; the further reason the cost of each person's treatment is more than double that in Northern Ireland; and if she will make a statement on the matter. [2722/05]

Tánaiste and Minister for Health and Children (Ms Harney): The Health Act 2004 provided for the Health Service Executive, which was estab-

lished on 1 January 2005. Under the Act, the Executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. This includes responsibility for orthodontic services. Accordingly, my Department has requested the chief officer for the executive's eastern area to investigate the matter raised and to reply directly to the Deputy.

136. **Mr. Wall** asked the Tánaiste and Minister for Health and Children the position regarding the application by a person (details supplied) in County Kildare for the domiciliary care allowance; and if she will make a statement on the matter. [2723/05]

Minister of State at the Department of Health and Children (Mr. T. O'Malley): The Health Act 2004 provided for the Health Service Executive, which was established on 1 January 2005. Under the Act, the executive has the responsibility to manage and deliver, or arrange to be delivered

on its behalf, health and personal social services. This includes responsibility for the assessment of entitlement and payment of the domiciliary care allowance. Accordingly, my Department has requested the chief officer for the executive's eastern regional area to investigate the matter raised and to reply directly to the Deputy.

Departmental Appointments.

137. **Mr. Kehoe** asked the Tánaiste and Minister for Health and Children the number of public appointments made in her Department since August 2004; the name of each appointee involved; and if she will make a statement on the matter. [2734/05]

Tánaiste and Minister for Health and Children (Ms Harney): I take it the Deputy is referring to persons appointed by the Minister for Health and Children to State boards under the aegis of the Department, from 1 August 2004 to date. There were 76 such appointments as set out in the following table.

Appointments to State Boards 1 August 2004 to 31 January 2005.

	Board/Agency	Appointee	Date of Commencement of Appointment
1	Bord na Radharcmhastóirí (the Opticians Board)	Geraldine Comer	30/11/04
2		Martin Coyne	30/11/04
3		Garry Treacy	30/11/04
4		Denise McAuliffe	30/11/04
5	Crisis Pregnancy Agency	Peter Finnegan	13/12/04
6	Dublin Dental Hospital Board	Bernard McCartan	20/12/04
7		Edward Cotter	20/12/04
8		Eamon Croke	20/12/04
9		William Watts	20/12/04
10		Jane Davis	20/12/04
11		Pat Harvey	20/12/04
12		Deirdre Sadlier	20/12/04
13		Angela Kerins	20/12/04
14		Ann Murphy	20/12/04
15		Colette Morrissey	20/12/04
16		Michael Horgan	20/12/04
17		Colm A. O'Moráin	20/12/04
18		Diarmuid B. Shanley	20/12/04
19		John Clarkson	20/12/04
20	Food Safety Authority	Mary Falvey	22/11/04
21	Health Service Executive	Liam Downey	01/01/05
22		Anne Scott	01/01/05
23		Maureen Gaffney	01/01/05
24		Michael McLoone	01/01/05
25		Michael Murphy	01/01/05
26		Niamh Brennan	01/01/05
27		John A. Murray	01/01/05
28		Eugene McCague	01/01/05
29		P.J. Fitzpatrick	01/01/05
30		Donal de Buitleir	01/01/05

	Board/Agency	Appointee	Date of Commencement of Appointment
31	Irish Blood Transfusion Service	Helen Enright	04/11/04
32		Jane O'Brien	04/11/04
33		Mary Cahill	04/11/04
34	Leopardstown Park Hospital Board	Kevin Dalton	03/09/03
35		Sandra Ronayne	03/09/03
36	Medical Council	Áilis Ní Rián	31/08/04
37		Kieran Murphy	30/11/04
38	National Breast Screening Board	Sheelagh Ryan	01/01/05
39		Olivia O'Leary	01/01/05
40		Sean Hurley	01/01/05
41		Pat McLoughlin	01/01/05
42		Niall O'Higgins	01/01/05
43	National Council on Ageing and Older People	Oliver R. Clery	23/12/04
44		Paul O'Donoghue	23/12/04
45		Eileen O'Dolan	23/12/04
46		Annette Kelly	23/12/04
47		Elaine Soffe	23/12/04
48		Ruth Loane	23/12/04
49		Kit Carolan	23/12/04
50		John Grant	23/12/04
51		Dauida de la Harpe	23/12/04
52		Paddy O'Brien	23/12/04
53		Martina Queally	23/12/04
54		Bernard Thompson	23/12/04
55		Sylvia Meehan	23/12/04
56		Noel Byrne	23/12/04
57	John Brady	23/12/04	
58	National Social Work Qualifications Board	Mary Allen	21/09/04
59	National Treatment Purchase Fund Board	Frank Chambers	02/09/04
60		Victor Boyhan	02/09/04
61		Ray Doherty	02/09/04
62		John O'Dwyer	02/09/04
63		Mary Brazil	13/09/04
64		Lenore Mrwicka	23/09/04
65		Christy Nolan	23/09/04
66	John Stephens	23/09/04	
67	Tallaght Hospital Board	Richard Conroy	10/12/04
68		Gerry Hurley	10/12/04
69		Chris Flood	10/12/04
70		Robert Kelly	10/12/04
71		Michael Gannon	10/12/04
72		Salter Sterling	10/12/04
73		Catherine Quinn	10/12/04
74		Tony Morris	10/12/04
75	Voluntary Health Insurance Board	Jim Kelly	01/02/05
76		Julia Neuberger	01/02/05

Care of the Elderly.

138. **Aengus Ó Snodaigh** asked the Tánaiste and Minister for Health and Children her plans to set out in legislation or otherwise, minimum

standards of care for the elderly in the State, towards a single common standard for private nursing homes, Government-run nursing homes and for those cared for in their own home that

will prevent abuse or neglect of older persons; if she plans to establish an ombudsman for older persons; if she will develop an action plan on elder abuse; and if there will be a full investigation into the extent of elder abuse in the State. [2846/05]

Minister of State at the Department of Health and Children (Mr. S. Power): The Nursing Home (Care and Welfare) Regulations 1993 set out the standards to which the private nursing home sector must adhere for the purpose of registration under the Health (Nursing Homes) Act 1990. The regulations apply only to the private nursing home sector and do not cover public long-stay facilities for older people. However, there is a commitment in the health strategy to extend the remit of the social services inspectorate to long-stay facilities for older people, both public and private. In addition, my Department is carrying out a review of the nursing home subvention scheme and one of the common themes emerging from this process is the need for common standards between the public and private sectors.

The report of the working group on elder abuse, *Protecting Our Future*, was launched on 11 of November 2002. This report, in starting with a definition of elder abuse and recommending the establishment of structures to deal with suspected cases will, I hope, give older people who feel they are the subject of abuse in any shape or form, the confidence to report their anxieties, as appropriate, to a social worker, a public health nurse, a member of the Garda Síochána or any professional or care worker.

The report recommended the establishment of a national implementation group which was set up in December 2003 and has commenced work. Furthermore, funding of €2.45 million has been provided to the former health boards to commence the elder abuse programme since the publication of the report. In the circumstances I do not consider it appropriate to establish an office of ombudsman for older people.

Tax Code.

139. **Mr. Perry** asked the Minister for Finance if he will take action with regard to the refunding of VAT on safety equipment which is now legally required for small open fishing vessels such as currachs and punts. [2513/05]

Minister for Finance (Mr. Cowen): Fishermen who are registered for VAT are entitled to claim a refund for all VAT charged to them in respect of equipment used for their business. Fishermen who are not registered for VAT are entitled to claim back VAT charged to them as follows, under Section 29, remission or repayment of tax on fishing vessels and equipment of the 1979 VAT regulations: VAT charged on the purchase, intra-community acquisition, importation, hire, maintenance and repair of seafishing vessels of a gross tonnage of not more than 15 tonnes, provided the vessel concerned has been the subject

of a grant or loan from An Bord Iascaigh Mhara; VAT charged on the purchase of certain equipment related to the operation of a vessel which in the case of safety equipment would include: anchors, autopilots, bilge and deck pumps, buoys, floats, compasses, life boats and life rafts, marine lights, radar apparatus, radio navigational aid apparatus, radio telephones, provided the vessel concerned has been the subject of a grant or loan from An Bord Iascaigh Mhara.

There is no provision for relief on safety equipment, other than in the circumstances already set out. I have no plans to amend the VAT regulations that apply to unregistered fishermen.

140. **Ms O. Mitchell** asked the Minister for Finance if the Government intends to provide tax incentives to users of rail freight to encourage this method of transport over road transport. [2700/05]

Minister for Finance (Mr. Cowen): The Government has no intention at present of introducing a tax incentive scheme to encourage the use of rail freight over road transport. It should be noted that if a tax incentive were given to freight operators to use rail transport instead of road transport, it would appear to constitute State aid to a particular business sector to the detriment of another competing business sector. As such it would have to be notified to the EU Commission and it is unclear what the outcome would be.

Question No. 141 answered with Question No. 15.

Question No. 142 answered with Question No. 40.

Tax Yield.

143. **Mr. Ring** asked the Minister for Finance how much tax was collected from persons in receipt of short-term social welfare payments in 2004. [2413/05]

Minister for Finance (Mr. Cowen): The Revenue Commissioners say the available statistics on tax receipts do not enable the amount of tax collected from persons in receipt of short-term social welfare payments to be identified within the overall tax yield.

However, income distribution information relating to the short “tax year” 2001, the most recent year available, indicate that some 39,451 persons with total earned income of €790 million in that year, including unemployment benefit and or disability benefit amounting to €93 million, had a total income tax liability of €85 million.

The extent to which taxation arises on social welfare income depends on the amount of other income the social welfare recipient, or the recipient’s spouse, has in the particular tax year. If there is no other income in addition to the social welfare payment, the existing personal tax credits

[Mr. Cowen.]

can be expected to ensure that there is no income tax to be paid on the social welfare income itself.

It should be noted that as PAYE taxpayers were charged to tax on their earnings in the period from 6 April to 31 December 2001 and self-employed taxpayers were assessed to tax for the short “year” on 74% of the profits earned in a 12 month accounting period, the income figures are not directly comparable with those of earlier or later years.

Tax Code.

144. **Dr. Cowley** asked the Minister for Finance why his Department has two different tax nets for married couples (details supplied); the further reason the home carer tax credit has not increased in the past two years; if this is meant to be a compensation for single income families; if his Department has plans to change this system; and if he will make a statement on the matter. [2414/05]

Minister for Finance (Mr. Cowen): The standard rate band for a married one-earner couple is €38,400. For a married two-earner couple it is €58,800 of which €38,400 is transferable between spouses. The difference in treatment between married one-income and married two-income couples with regard to the standard rate band arises as part of the policy of band widening which was commenced in Budget 2000.

The aim was to achieve a position whereby eventually each individual would have his or her own non-transferable standard rate band, with a view to achieving several objectives: it was seen to be the most cost-effective way of moving towards a position where 20% of income-earners are on the top rate of tax. This is one of the key Government taxation priorities set out in the Government programme and endorsed in the current national agreement Sustaining Progress; it helped to deal with the situation where single people on moderate wages had a relatively high tax burden; and it also helped address the problem whereby married persons returning to the workforce faced high marginal rates of tax almost from the first euro of earnings because the full band was already being used by their spouses.

Married couples can still benefit from double personal tax credits. The employee, PAYE, credit is available only to employees and not to others so it is not doubled up for a married one-earner. However, this has always been the position for the PAYE credit which was introduced as an allowance in 1979. There are costs associated with earning an income which are likely to be greater if two persons rather than one person must work outside the home to earn the same total income.

The home carer tax credit, formerly an allowance, was introduced in Finance Act 2000 and is designed to recognise the contribution made by a spouse who remains working in the home in order to care for children or the aged or incapacitated, other than the spouse of the claimant. It amounts

to €770 per annum. The provision is intended to cover situations where a spouse has forfeited a second income to care for dependants in the home. It is available only to married couples who are jointly assessed for tax.

The home carer tax credit was not increased for 2004 because of the limited resources available for a tax package in Budget 2004. Such resources as were available were used to assist the low paid and the elderly through increases in the value of the employee credit and the age exemption limits. While it was decided not to increase the home carer tax credit in Budget 2005, couples who benefit from the credit will gain significantly in 2005 from the income tax changes I announced in the budget. For example, a married one-earner on PAYE with two children on a salary of €58,800 per annum will gain €765.48 from the budget. This is made up of €658 from increases in tax credits and band widening as well as €180 from increases in child benefit, less €72.52 in additional social insurance contributions.

Nobody has lost out as a result of the introduction of the band widening policy relative to his or her former position. As a result of positive developments in the tax system over recent years, including band widening, all categories of income earner, including married one-earner couples, have seen their average tax rates fall considerably.

In an international context, the most recent data available from the OECD for 2003 indicates that for the average production worker, who is married with two children with a carer in the home, Ireland now has the lowest tax wedge — income tax, levies, and employers and employees PRSI, as a percentage of gross income plus employer’s PRSI — in the EU and in the OECD. Furthermore, recently released OECD data show that the tax wedge for such workers has fallen more sharply in Ireland than in any other OECD country reflecting the progress the Government has made in this area.

Motor Vehicle Registration.

145. **Mr. P. Breen** asked the Minister for Finance if he will consider an amendment to the vehicle registration tax regulations as they apply to buses with removable seats; and if he will make a statement on the matter. [2415/05]

Minister for Finance (Mr. Cowen): The definition of a bus for vehicle registration tax purposes is contained in Section 130 of the Finance Act 1992. It is defined as: “a vehicle which is designed, constructed or adapted for the conveyance of persons and so as to provide seating accommodation in permanent fixtures for more than 11 passengers”. The term “permanent fixtures” requires that all seating in the vehicle be secured by a bolted mechanism or a similar method of permanently configuring the seating and must not be capable of being clipped out or released easily.

A bus, as defined, is classified as category C and attracts a vehicle registration tax liability of €50. Changing the regulations may give rise to unintended consequences such as vehicles being adapted for the sole purpose of obtaining a reduced vehicle registration tax charge. Health and safety issues may also arise. For these reasons, I am not prepared to amend the regulations at this time.

146. **Mr. R. Bruton** asked the Minister for Finance if his attention has been drawn to the complaint by an organisation (details supplied) of discrimination in the operation of the VAT system; and if he will make a statement on the matter. [2416/05]

Minister for Finance (Mr. Cowen): The Revenue Commissioners inform me that for reasons of confidentiality they are not in a position to disclose information regarding the tax affairs of a third party. However, the matter in question is receiving attention, and the Revenue Commissioners will act to rectify any problems that may exist at the first opportunity. The organisation in question should contact its local tax district with any further queries regarding its own taxable activities.

Banking Sector Regulation.

147. **Mr. Perry** asked the Minister for Finance if he has carried out an assessment of the interest-only endowment funded mortgage; if he has issued any report on same; if his attention has been drawn to an additional interest charge on this type of loan (details supplied); and if he will make a statement on the matter. [2515/05]

Minister for Finance (Mr. Cowen): I am aware of recent reports about endowment mortgages. However, the investigation of these reports is a matter in the first instance for the Irish Financial Services Regulatory Authority, which is statutorily independent in the carrying out of its regulatory functions. In 2004 the Irish Financial Services Regulatory Authority wrote to all lenders and insurers seeking information on their endowment businesses. The information requested included details of *inter alia*, the number of endowment policies in force, the number of policyholders likely to be impacted by shortfalls and requested details of the steps institutions are taking to inform and advise their customers of options available where a shortfall is projected.

Responses have been received from the institutions surveyed. The process of compiling and analysing the information submitted is under way, with a view to ascertaining a clearer picture of the nature and extent of the shortfall problem. When the information has been analysed, the Irish Financial Services Regulatory Authority will consider what appropriate action should be taken.

Decentralisation Programme.

148. **Mr. Durkan** asked the Minister for Finance the exact number of civil servants relocated under the Government's decentralisation plan; and if he will make a statement on the matter. [2685/05]

Minister for Finance (Mr. Cowen): The number of posts to be decentralised from my Department and bodies under the aegis of my Department was published on the central applications facility, which was launched on 12 May 2004, and are as follows:

Organisation	Location	Number of posts
Dept of Finance	Tullamore	131
	Kildare	34
Revenue Commissioners	Athy	250
	Kilrush	50
	Listowel	50
	Newcastle West	50
Ordnance Survey Ireland	Kildare	379
	Dungarvan	210
OPW	Trim	349
	Claremorris	150
	Kanturk	100
Valuation Office	Youghal	100
Public Appointments Service	Youghal	100

The report of the decentralisation implementation group of 19 November 2004 set out 15 organisations to be included in an "early movers" group and a further group of six possible "early movers" with a range of indicative dates for decentralisation of third quarter 2006 to third quarter 2008. In line with this there have been no staff moves to decentralisation locations to date.

Drainage Schemes.

149. **Mr. Durkan** asked the Minister for Finance if he has plans for drainage of major rivers or waterways throughout the country either directly or through the local authorities. [2686/05]

160. **Mr. Durkan** asked the Minister for Finance the number of locations in respect of which he expects his Department to support local initiatives to alleviate flooding in urban and rural areas in 2005; and if he will make a statement on the matter. [2860/05]

Minister of State at the Department of Finance (Mr. Parlon): I propose to take Questions Nos. 149 and 160 together.

There are no plans for drainage for major rivers or waterways either directly or through local

[Mr. Parlon.]

authorities other than maintenance of arterial drainage schemes previously completed.

The commissioners of public works work closely with local authorities in the areas where proposals to alleviate localised flooding are being contemplated or progressed. The commissioners expect to work with local authorities on initiatives for Kilkenny, Clonmel, Waterford, Carlow, the River Tolka in Counties Dublin, Meath and Fingal, Ennis, Mallow, Fermoy, Enniscorthy, Templemore, Arklow, Tullow and Mornington. These initiatives are at various stages of progress from feasibility study to execution of works.

The commissioners are also examining several other requests for assistance with flooding problems from local authorities and individuals but no decisions on funding have been made.

Civil Service Applicants	New Decentralised Locations	Existing Provincial Offices	Total
Dublin Civil Servants	3,711	525	4,236
Provincial Civil Servants	3,350	566	3,916
Total	7,061	1,091	8,152

The results are encouraging and provide a very good base from which to move forward.

Economic Competitiveness.

151. **Mr. Durkan** asked the Minister for Finance if he has addressed all or any of the factors now deemed to affect the competitiveness of the economy; and if he will make a statement on the matter. [2688/05]

Minister for Finance (Mr. Cowen): Various factors affect the competitiveness of the economy. As Minister for Finance, my remit covers the macro-economic factors relating to competitiveness, principally prices and wages. The recent strengthening of the euro and its negative impact on our competitiveness further emphasises the need to keep domestic costs down.

I welcome the downward trend in the rate of consumer price index inflation last year. The 2.2% increase last year was the lowest rate of increase since 1999. My decision not to increase excise rates in the budget will help inflation in 2005. We cannot control the rate of inflation; external factors have much to do with that outcome. We can, however, seek to ensure that our domestic cost base does not add to it. That is why we need sensible income policies and a greater role for competition in the economy. This is how we can best protect jobs and living standards. The consensus approach to wage determination has a crucial role in improving competitiveness, by delivering moderate wage increases. In this context, wage increases must be limited to those negotiated under Sustaining Progress. My Department participates fully in the negotiations of these agreements. Officials from my Department are also participating in the anti-inflation

Decentralisation Programme.

150. **Mr. Durkan** asked the Minister for Finance the number of civil servants who have volunteered for decentralisation; and if he will make a statement on the matter. [2687/05]

Minister for Finance (Mr. Cowen): The results published following the closure of the priority period for applications for decentralisation, 7 September 2004, showed that 8,958 applications were received during the priority period, of which 4,813 were from people located in Dublin. Of these, 8,152 were from civil servants, 4,236 of whom are based in Dublin.

Since then, more than 500 new applications have been received most from civil servants. The table shows a break down of civil service applications.

initiative set up as part of Sustaining Progress with a view to examining ways of reducing inflation.

It is also important to maintain spending growth in line with revenue growth, thus keeping the burden of taxation low in order to maximise our economic growth potential. We are maintaining capital expenditure at the current high levels relative to GNP in order to reduce the existing infrastructural deficit.

Price Inflation.

152. **Mr. Durkan** asked the Minister for Finance his proposals to reduce inflation other than that reflected through the consumer price index; and if he will make a statement on the matter. [2689/05]

Minister for Finance (Mr. Cowen): The Director General of the Central Statistics Office has sole responsibility for, and is independent in, deciding the statistical methodology and professional standards to be used in compiling the consumer price index. The index is designed to measure the change in the average level of the prices paid by consumers for goods and services. It measures in index form the monthly changes in the cost of purchasing a representative basket of consumer goods and services.

I welcome the downward trend in the rate of consumer price index inflation last year. The 2.2% increase last year was the lowest rate of increase since 1999. Maintaining a moderate rate of inflation remains a key priority of economic policy because of its importance in restoring competitiveness. I made no changes to indirect taxes in the budget and this will help to keep inflation low in 2005.

Job Protection.

153. **Mr. Durkan** asked the Minister for Finance his plans to counter job relocation to low wage economies; and if he will make a statement on the matter. [2690/05]

Minister for Finance (Mr. Cowen): In the future Ireland will face constant and unavoidable competition from other economies, some of them low wage economies, for jobs and investment. To ensure that we are best placed to retain existing jobs and to attract new investment we must remain focused on restoring and enhancing national competitiveness.

Developments in prices and wages are an important component of competitiveness. Recent trends in the euro-dollar exchange rate and the resulting negative impact on competitiveness emphasise the need to keep domestic costs down. Government policies are focused on this. The downward trend in the rate of consumer price index inflation in 2004 is welcome from a competitiveness perspective and my decision not to increase indirect taxes in the budget will further help curb inflation in 2005. Sensible incomes policies and a greater role for competition are also critical to keeping domestic costs competitive.

The consensus approach to wage determination, therefore, has a crucial role to play in ensuring that wage developments evolve in a manner that is supportive of our competitive position. In this context wage increases must be limited to those negotiated under Sustaining Progress. It is also important to maintain spending growth in line with revenue growth, thus keeping the burden of taxation low in order to maximise our economic growth potential.

Ireland, however, like other high income economies, cannot seek to compete with lower wage economies on the basis of wages alone, and we must be cognisant of other factors which enhance our attractiveness as a business location. These include skills, the quality of our infrastructure, regulatory structures and the stability of the business environment. In the future, Ireland must seek to continue moving up the value chain attracting investment increasingly from high value added sectors such as information technology, business services and pharmaceuticals, for example, where the skills of the available workforce and the quality of the business environment and the available infrastructure are critical.

That is why the Government remains so committed to maintaining capital expenditure at the current high levels relative to GNP in order to reduce the existing infrastructural deficit. As outlined in the budget, over the 2005-09 period we will maintain our high level of investment in infrastructure at nearly twice the European average. Investment in education is also important to ensure that the Irish workforce possesses the skills to compete successfully in the future.

Tax Code.

154. **Mr. Durkan** asked the Minister for Finance the total expected receipts for the entire motor industry by way of VRT excise duty, VAT or other taxation including road tolls; and if he will make a statement on the matter. [2691/05]

Minister for Finance (Mr. Cowen): I am not in a position to give the total expected receipts for 2005 in respect of the entire motor industry. However, according to the Revenue Commissioners, the estimated yield in 2004, from the motor industry in terms of VAT, excise and vehicle registration tax is shown in the tables.

VAT Yield	2004
	€ million
Petrol	327.94
Auto Diesel	38.17
Motor Oil & LPG	2.38
Cars	480.00
Motor Cycles	5.00
Car Repairs	33.77
Car Accessories	27.94
Car Hire	12.82
Driving Instruction	3.20
Haulage	30.85
Total	962.07

Minerial Oil Tax	2004
Petrol	971.30
Auto Diesel	873.90
Auto LPG	0.10
Total	1,845.30

VRT	2004
Cars	930.70
Motor Cycles	3.20
Car Derived Vans	10.20
Commercial Vehicles	2.60
Total	946.70

The Department of the Environment, Heritage and Local Government reports that receipts for annual road tax for 2004 were approximately €750 million. The Department of Transport informs me that income from road tolls to the Exchequer was €8 million for 2004, with VAT receipts of approximately €10 million. Expected receipts for 2005 in respect of annual road tax and road tolls will be published in the Revised Estimates Volume.

State Property.

155. **Mr. Haughey** asked the Minister for Finance if he will waive his interest in a piece of land

[Mr. Haughey.]
in Dublin 11, in view of the provisions of the State Property Act 1954; if he has received a request to do this by a company (details supplied); and if he will make a statement on the matter. [2692/05]

Minister for Finance (Mr. Cowen): My Department has received an application from solicitors regarding this matter and is considering it.

Departmental Appointments.

156. **Mr. Kehoe** asked the Minister for Finance the number of public appointments made in his Department since August 2004; the name of each appointee involved; and if he will make a statement on the matter. [2735/05]

Minister for Finance (Mr. Cowen): Since 1 August 2004, there have been three public appointments in my Department. In accordance with the provisions of section 11(1) of the Public Service Management Act 1997, the Government has appointed at my request one special adviser, Mr. Gerry Steadman.

I have also appointed a personal secretary and personal assistant. These posts are held on a contract basis by Ms Elaine Hogan and Ms Sinéad Dooley respectively.

Flood Relief.

157. **Mr. McGuinness** asked the Minister for Finance the work which is to be undertaken at the water barrack, Kilkenny to relieve the flooding of the amenity area at this location as a consequence of work carried out in the area as part of the flood relief scheme; if the design of a grid in the river at the same location will be examined; the person who is responsible for cleaning this grid; if signs will be erected at the footbridge clearly indicating the danger particularly for children; if the area and the playing field will be reinstated when the temporary road is removed; and if he will make a statement on the matter. [2855/05]

Minister of State at the Department of Finance (Mr. Parlon): The area in question is the playing field next to the new trash rack on the River Breaghagh, upstream of Blackcat Bridge. The drainage scheme works are not designed to provide flood protection to the playing fields area. This area has always been susceptible to flooding and will continue to flood during high river flows, when it acts as a flood plain. Such flooding is not a consequence of the drainage scheme works.

The “grid” to which the Deputy referred is a trash rack the function of which is to trap flood debris upstream of the residential and commercial areas provided with flood protection by the drainage scheme. As the trash rack and the area immediately surrounding it are within the contractor’s site, it cleans the rack when instructed to do so by the resident engineering staff. When the contractor hands back this area, responsibility for regular cleaning of the rack will lie with the

Office of Public Works as part of its maintenance responsibilities.

During the extreme weather conditions experienced in October 2004, many areas suffered severe urban flooding. At this time, the playing field area flooded which was not unexpected, given that the area acts as a flood plain. This flooding was not connected with the presence of the trash rack. The Office of Public Works is not aware of any instances of flooding of the playing fields, or other areas upstream, attributable to the presence of the trash rack. There are no plans to examine the design of the rack.

Fencing will be installed adjacent to the trash rack to minimise access to it. A “Danger — Keep Out” warning sign will be erected on the access gate to the trash rack. The grassed area surrounding the trash rack, including a corner of the playing field, will be reinstated by the contractor. This work cannot be carried out until the ground in the area has dried out sufficiently.

Tax Yield.

158. **Mr. Durkan** asked the Minister for Finance if he expects increased receipts for the motor industry in 2005 in view of initial car sales; and if he will make a statement on the matter. [2856/05]

Minister for Finance (Mr. Cowen): New car registrations of 30,554, as advised by the Revenue Commissioners, for the first 15 working days of 2005 are approximately 24% higher than for the same period in 2004. While these figures are encouraging from a tax revenue point of view, it is too early in the year to say what receipts will turn out to be for the year as a whole, based on just the first three weeks car registration data.

159. **Mr. Durkan** asked the Minister for Finance if his budgetary proposals for 2005 are predicated in any way on expected income from tolls; and if he will make a statement on the matter. [2857/05]

Minister for Finance (Mr. Cowen): The Department of Transport receives the State’s share of income from the Westlink Toll Bridge as an appropriation-in-aid. The estimated amount for 2005 will be published in the Revised Estimates Volume for 2005 which will be published shortly. In 2004 the Department of Transport received €8.044 million under this heading and total gross spending by that Department in 2004 was €1.96 billion.

Question No. 160 answered with Question No. 149.

Urban Renewal Schemes.

161. **Mr. Durkan** asked the Minister for Finance the extent to which his Department intends to fund, directly or indirectly, various projects in County Kildare in 2005; and if he will make a statement on the matter. [2861/05]

Minister for Finance (Mr. Cowen): My Department is not responsible for spending by other Departments on a geographical or other basis. Plans for the funding of projects, including in Kildare, are a matter for each Department having regard to its particular area of responsibility and the allocation made to it by the Dáil.

The amount allocated to my Department's Vote, Vote 6, in the 2005 Abridged Estimates Volume is €102.544 million. This is made up of administration expenditure of €46.821 million, of which €35.055 million is pay; programme expenditure of €55.859 million, of which €44.751 million is current expenditure and €11.108 million is capital; and appropriations-in-aid of €0.136 million.

My Department's capital allocation of €11.108 million is divided as follows: amount of capital allocated: grants-in-aid, to the Economic and Social Research Institute and Ordnance Survey Ireland, €4.126 million; Information Society Fund, for distribution to other Departments, €3.5 million; child care initiative, provision of facilities across the civil service, €1.75 million; Northern Ireland peace programme and related items €1.517 million; procurement management reform €0.215 million.

Given the level of these capital allocations plus the fact that they are for the most part paid to other Departments and bodies, my Department will not have expenditure on capital projects in Kildare in 2005. Although the Office of Public Works is not funded directly or indirectly by my Department, my Department has asked that office to communicate to the Deputy any relevant information on planned funding by that office of capital projects in Kildare in 2005.

Economic and Monetary Union.

162. **Mr. Durkan** asked the Minister for Finance the outcome of any discussions he has had with his EU colleagues in regard to taxation or economic policy; and if he will make a statement on the matter. [2862/05]

Minister for Finance (Mr. Cowen): The Economic and Finance Ministers meet monthly at the ECOFIN Council meeting where taxation and economic policy matters are discussed. In advance of those meetings, the Euro area Ministers meet informally at Eurogroup to discuss matters of particular relevance to their economies in the context of Economic and Monetary Union.

Useful discussions have been held on direct and indirect taxation issues. On the direct tax side, the Council agreed on the proposal to amend the Mergers Directive. On the indirect tax side, views have been exchanged on VAT dossiers, such as the place of supply of services and reduced rates and on excise dossiers, such as the Commission report on alcohol excises.

I and my colleagues at Eurogroup and ECOFIN Council regularly discuss matters of common

interest in regard to the European and broader international economy. The European Commission presented a formal communication on 3 September 2004, outlining a range of proposals for strengthening economic governance in the European Union and clarifying the implementation of the Stability and Growth Pact. Since then, the issues involved have been the subject of detailed and wide-ranging discussions, which continue. At the recent ECOFIN Council of 18 January 2005, Ministers had a useful exchange of views on this matter and identified some areas where further discussions at technical level should be pursued.

Economic Competitiveness.

163. **Mr. Durkan** asked the Minister for Finance if he expects Ireland to compete with low wage economies successfully; and if he will make a statement on the matter. [2863/05]

Minister for Finance (Mr. Cowen): Ireland will face significant competition from other economies, some of them low wage economies, for jobs and investment. To ensure that we are best placed to retain existing jobs and to attract new investment Government policies remain focused on restoring and enhancing national competitiveness.

The Government is committed to ensuring that prices and wages evolve in a manner that maintains our competitiveness. My decision not to increase indirect taxes in the budget will further help inflation in 2005. In addition, sensible incomes policies and a greater role for competition are also critical to keeping domestic costs competitive.

However, Ireland, like other high income economies, cannot seek to compete with low wage economies on the basis of wages alone, and we must be cognisant of other factors which enhance our attractiveness as a business location. These include skills, the quality of our infrastructure, regulatory structures and the stability of the business environment.

Ireland must seek to continue moving up the value chain attracting investment increasingly from high value added sectors such as information technology, business services and pharmaceuticals, for example, where the skills of the available workforce and the quality of the business environment and the available infrastructure are critical. This is why the Government remains so committed to maintaining capital expenditure at the current high levels relative to GNP in order to reduce the existing infrastructural deficit.

As outlined in the budget, over the 2005-09 period we will maintain our high level of investment in infrastructure at nearly twice the European average. Investment in education is also important to ensure that the Irish workforce possesses the skills to compete successfully in the

[Mr. Cowen.]
future. By taking the correct actions today on the factors which affect our competitiveness we will be able to continue competing successfully in the global economy.

Special Savings Incentive Schemes.

164. **Mr. Durkan** asked the Minister for Finance his predictions in respect of the expected payout on the Special Savings Incentive Accounts Scheme; and if he will make a statement on the matter. [2864/05]

165. **Mr. Durkan** asked the Minister for Finance the full extent of the expected payout under the Special Savings Incentive Accounts Scheme; and if he will make a statement on the matter. [2865/05]

Minister for Finance (Mr. Cowen): I propose to take Questions Nos. 164 and 165 together.

The Special Savings Incentive Accounts 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.

I presume the Deputy's reference to "payout" is to the total amount that will accrue to investors at the end of the five year period, comprising the capital saved by investors, the investment return on that capital and the Exchequer contribution. I do not wish to speculate on the amounts estimated to be paid out on maturation of the scheme in 2006 and 2007 as the scheme will not begin to mature for more than another year and there are several variables involved.

These include: participants withdrawing from the scheme or varying their monthly contributions between now and the end of the scheme; the eventual accrued investment return, which will vary depending on the interest rate of the financial institution where a particular account is held or on Stock Exchange fluctuations during the entire investment period; and the eventual amount of exit tax to be received at the end.

As indicated in replies to previous questions, it is not possible to give a definitive answer as to the eventual cost of the scheme as it is subject to the variables outlined. The cost of the scheme in 2004 was €548 million. The estimated cost in 2005 is €560 million. This, however, is not a conclusive figure, and the final figure may be different if account holders change their monthly contributions. The total gross cost over the period of the scheme will be reduced by the exit tax to be received at the end.

Foreshore Licences.

166. **Mr. Ferris** asked the Minister for Communications, Marine and Natural Resources if he will make a statement on the granting of a

foreshore licence to a person (details supplied) in County Donegal; and the implications the proposed development will have for the local area and shore amenities. [2427/05]

Minister of State at the Department of Communications, Marine and Natural Resources

(Mr. Gallagher): The Department is processing an application from the person in question for a foreshore lease to occupy an area of foreshore at Ballyboe, Rathmullan for the purpose of constructing a car park, a wastewater treatment system, and a seawall with rock armour.

Full consideration will be given to all relevant issues and concerns, including the possible amenity implications of the proposal, before a decision is made on the application.

Coastal Erosion.

167. **Ms B. Moynihan-Cronin** asked the Minister for Communications, Marine and Natural Resources the steps proposed to deal with coastal erosion at Carrickfin and Kincasslagh, County Donegal; and if he will make a statement on the matter. [2428/05]

Minister of State at the Department of Communications, Marine and Natural Resources

(Mr. Gallagher): Responsibility for coast protection rests with the property owner, whether it be a local authority or a private individual. In July 2002 the Department requested all coastal local authorities to submit proposals, in order of priority, for consideration in the context of the 2003-06 national coast protection programmes. Donegal County Council did not submit a proposal for Carrickfin or Kincasslagh.

If Donegal County Council submits proposals to me in respect of Carrickfin and Kincasslagh I would have them evaluated by the Department, and they would be considered in the context of the amount of Exchequer funding available for coast protection works and overall national priorities.

Tourism Industry.

168. **Mr. Kenny** asked the Minister for Communications, Marine and Natural Resources the details of a proposal to open an aquatic marine life centre in the north-west; if State funding will be granted to this project; if a decision on the location of this centre has been taken; if not, the towns which are being considered for this centre; and if he will make a statement on the matter. [2429/05]

Minister of State at the Department of Communications, Marine and Natural Resources

(Mr. Gallagher): No proposal on the lines to which the Deputy referred has been brought to my attention. There are no funds available within the Department to assist such a project and I am not aware of any application being made to the

Department for funding for this proposal. If the project has a tourism dimension, it might be eligible to apply for funding under the tourism measure of the national development plan, which is administered by Fáilte Ireland.

Health and Safety Regulations.

169. **Mr. Perry** asked the Minister for Communications, Marine and Natural Resources if he will review the new safety regulations which stipulate that vessels under 6 metres have to carry an enormous amount of safety equipment. [2514/05]

Minister of State at the Department of Communications, Marine and Natural Resources (Mr. Gallagher): The Department has an ongoing safety programme involving an appropriate combination of statutory regulation, enforcement and safety awareness promotion with the aim of achieving the highest level of safety at sea, including on fishing vessels.

The Sea Fisheries (Amendment) Act 2003 provides that the licensing authority shall not grant a sea-fishing boat licence unless an independent survey of the boat conducted by a competent person, approved by the licensing authority has confirmed to the satisfaction of the authority that the boat is in a safe and seaworthy condition.

In the case of fishing vessels less than 15 metres in length the Department introduced a new code of practice for such vessels last year. This code sets minimum standards of safety for the vessel to protect all persons on board. It covers vessel design, construction, machinery, safety equipment and stability issues.

The code provides for a declaration of compliance that the fishing vessel complies with the code, to be completed by the authorised person who conducts the survey. The licensing authority grants a sea-fishing boat licence on the basis of this declaration.

In developing the code the maritime safety directorate of the Department recognised that different safety standards are appropriate to different sizes of vessel, and for that reason the code contains less onerous equipment requirements for open and decked fishing vessels under 6 metres. The safety equipment requirements contained in the code for such small vessels are those which were already mandatory under existing safety legislation.

I consider that this level of safety equipment is the minimum necessary for such vessels. My main concern is to enhance safety at sea and compliance with the code is the best way to ensure the safety of fishing vessels and their crews.

Broadcasting Funding Scheme.

170. **Mr. Gogarty** asked the Minister for

Communications, Marine and Natural Resources if funding is available from the State to community radio stations here. [2709/05]

171. **Mr. Gogarty** asked the Minister for Communications, Marine and Natural Resources, in recognising the huge benefits of community radio for large population centres such as Lucan, and the high costs of accommodation in urban areas, if he will examine mechanisms to provide special start-up funding for a radio station (details supplied) in addition to that available under the community radio support scheme in order that a suitable premises can be identified as early as possible, in recognition also of this station's fundraising efforts. [2729/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): I propose to take Questions Nos. 170 and 171 together.

My Department does not have any funds at its disposal to assist private radio stations with their capital or operational costs and I have no proposals to introduce public funding of this nature. Under the broadcasting funding scheme, all radio stations licensed by the Broadcasting Commission of Ireland will be able to seek access to public funding later this year to assist with the cost of certain radio programming.

Departmental Appointments.

172. **Mr. Kehoe** asked the Minister for Communications, Marine and Natural Resources the number of public appointments made in his Department since August 2004; the name of each appointee involved; and if he will make a statement on the matter. [2736/05]

Minister for Communications, Marine and Natural Resources (Mr. N. Dempsey): The information requested by the Deputy about appointments made to the boards of State-sponsored bodies since August 2004 is set out in the following table.

The following staff appointed by me during my tenure as Minister for Education and Science have been re-appointed by me in the Department of Communications, Marine and Natural Resources: press adviser; personal assistant and personal secretary. In addition, the special adviser appointed by me during my tenure as Minister for Education and Science has been reassigned to me at the Department of Communications, Marine and Natural Resources with effect from 30 September 2004.

The following staff appointed by the Minister of State at my Department, Deputy Gallagher, during his tenure as Minister of State at the Department of Environment, Heritage and Local Government, have been re-appointed by him in the Department of Communications, Marine and Natural Resources: personal assistant; personal secretary; two civilian drivers.

[Mr. N. Dempsey.]

Appointments to the Boards of State-sponsored Bodies under the aegis of the Department of Communications, Marine & Natural Resources made since August, 2004

An Post

Board Member (Elected Employees)	Appointment Date	Expiry Date
Mr. Jerry Condon	01.11.2004	31.10.2008
Mr. Patrick Compton	01.11.2004	31.10.2008
Mr. Patrick Davoren	01.11.2004	31.10.2008
Mr. Thomas Devlin	01.11.2004	31.10.2008
Mr. Terry Keller	01.11.2004	31.10.2008

Aquaculture Licence Appeals Board.

Board Member	Date of Appointment	Expiry Date
Mr. Sean Murphy*	01.01.05	31.12.07
Mr. Lorcan Ó Cinneide*	01.01.05	31.12.07
Mr. Mario J. Minehane*	01.01.05	31.12.07
Ms Mary McMahon	01.01.05	31.12.06
Ms Karin Dubsky	01.01.05	31.12.06
Mr. Damian McDonald	01.01.05	31.12.06

* re-appointed

Bord na Móna

Board Member	Date of Appointment	Expiry Date
Mr. Fergus McArdle (Chairman)	28.09.04	27.09.09
Ms Anne Heraty	28.09.04	27.09.09

Bord Iascaigh Mhara

Board Member	Date of Appointment	Expiry Date
Ms Rose McHugh	29.09.04	23.04.07

Commission for Energy Regulation (CER)

Board Member	Date of Appointment	Expiry Date
Mr. Tom Reeves (Chairman)	14.10.2004	
Mr. Michael Tutty	14.10.2004	
Ms Regina Finn	Commencing on Feb 1st 2005	

Commission for Communications Regulation (ComReg)

Board Member	Date of Appointment	Expiry Date
Mr. Mike Byrne	01.12.2004	30.11.08

The Digital Hub

Board Member	Date of Appointment	Expiry Date
Mr. Joe Murphy	29.09.04	29.09.07

Drogheda Port Company

Board Member	Date of Appointment	Expiry Date
Mr. Cormac Bohan	29.09.04	28.09.09
Mr. Paddy Traynor (Chairman)	20.12.04	19.12.09
Cllr. Paul Bell	04.08.04	03.08.09

Eirgrid

Board Member	Date of Appointment	Expiry Date
Ms Martina Moloney	15.09.04	15.09.09
Mr. Maurice Holly (staff representative)	21.09.04 (re-appointed)	21.09.09

ESB

Board Member	Date of Appointment	Expiry Date
Mr. Brendan Byrne	01.09.04	31.08.09

Galway Harbour Board

Board Member	Date of Appointment	Expiry Date
Cllr. Joe Tierney	13.08.04	12.08.09

New Ross Port Company

Board Member	Date of Appointment	Expiry Date
Cllr. Larry O'Brien	26.11.04	25.11.09

Marine Institute

Board Member	Appt Date	Expiry Date
Ms Terry Fleming	29.09.04	28.09.09

Port of Cork Company

Board Member	Date of Appointment	Expiry Date
Cllr. Michael Hegarty	04.08.04	03.08.09

Port of Waterford Company

Board Member	Date of Appointment	Expiry Date
Ms Lola O'Sullivan	29.08.04	28.08.09

[Mr. N. Dempsey.]

Southern Regional Fisheries Board

Board Member	Date of Appointment	Expiry Date
Mr. Pat Bowe	14.12.04	31.12.05

Overseas Development Aid.

173. **Mr. P. McGrath** asked the Minister for Foreign Affairs if, in view of the Government's spending estimates revealing that it no longer plans to keep its promise to raise overseas aid to 0.7% of GNP by 2007, and in view of the fact that before Budget 2005, several of this Deputy's constituents, with others from around the country, sent cheques to the Taoiseach (details supplied) to make up their share of the difference between the Government's planned spending in 2005 and the amount it would take to allow Ireland to reach 0.7% by 2007, he will acknowledge that he received these cheques; the number of such cheques he received; the Government's plans for the cheques; and if he will make up the rest of the shortfall following the example set by these persons. [2497/05]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): During the month of December, the Taoiseach's office received 30 such cheques. Where addresses were supplied, the cheques are being returned. In any event, the cheques are not being cashed. If members of the public wish to make a personal contribution to overseas development, they could donate to one of our international aid agencies who perform such outstanding work. As it would be given to an "eligible charity" under Section 848A of the Taxes Consolidation Act 1997, the donation, providing it is more than €250, will qualify for tax relief, therefore benefiting the designated charity further.

The allocation for 2005 provides for an increase of €70 million in Government spending on official development assistance this year. This will bring total Government aid to the developing world to approximately €545 million in 2005. In addition, the Government has agreed to make further increases of €65 million in each of the years 2006 and 2007. As a result of these substantial increases Ireland will spend €1.8 billion on development assistance over the coming three years.

I welcome these increases. The three year multi-annual commitment, incorporating very substantial annual increases, gives my Department a sound basis to carry forward the long-term planning which is so important for development work.

The Government remains strongly committed to achieving the UN target for expenditure on Overseas Development Aid. The issue of how best to meet the target, and in what timeframe, is under ongoing review. In the coming months also, Development Cooperation Ireland will launch a

consultative process that will lead to a White Paper on development assistance. All interested stakeholders will be asked for their views.

Departmental Appointments.

174. **Mr. Kehoe** asked the Minister for Foreign Affairs the number of public appointments made in his Department since August 2004; the name of each appointee involved; and if he will make a statement on the matter. [2737/05]

Minister for Foreign Affairs (Mr. D. Ahern): I have made three appointments to the board of the Ireland-United States Commission for Educational Exchange — the Fulbright Commission — since August 2004. My predecessor made five reappointments and three appointments to the DION committee. I will give details of the three people I appointed to the board of the Ireland-United States Commission for Educational Exchange for a two-year term. Dr. Donal Thornhill is a former Chairman of the Higher Education Authority. Professor Joyce O'Connor is the president of the National College of Ireland and Ms Una Halligan is the government and public affairs director of Hewlett Packard Ireland.

The Irish Fulbright Commission finances study, research, teaching and other educational activities between Ireland and the United States. It consists of eight members, four appointed by the Minister for Foreign Affairs and four by the United States Ambassador to Ireland. I expect to appoint a fourth member shortly. The DION committee is an advisory committee to the Government that was established in 1984 in response to concern about the circumstances of Irish emigrants in Britain. My predecessor, the Minister, Deputy Cowen, reappointed the following members to the committee with effect from 1 September 2004: Mr. Michael Forde, who is the chairman of the Irish World Heritage Centre in Manchester; Dr. Breda Gray, who is a lecturer in social policy at the University of Limerick; Dr. Theresa Joyce, who works for the south London and Maudsley NHS trust; Mr. Jim O'Hara, who works for the Irish Youth Foundation UK; and Ms Catherine Quinn, who is a former member of the Eastern Regional Health Authority and the County Dublin VEC. The following members were newly appointed to the committee by the Minister, Deputy Cowen, with effect from 1 September 2004: Mr. Séamus McGarry, who is the former chairman of the Federation of Irish Societies and a member of the Ireland Fund; Mr. Michael Lonergan, who is a first secretary of the Irish embassy in London; and Ms Amanda Bane,

who is a third secretary of the Irish embassy in London.

Human Rights Issues.

175. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if his attention has been drawn to the case of a person (details supplied); if he has made representations to the German authorities in respect of this case and its negative repercussions for the achievement of a peaceful resolution in the case of the Turkish-Kurdish conflict; and if he will make a statement on the matter. [2840/05]

Minister for Foreign Affairs (Mr. D. Ahern): I understand that Mr. Remzi Kartal was detained in Germany on 22 January on the basis of an international arrest warrant issued by Turkey. Mr. Kartal is detained in Nuremberg and his case is under consideration by the German judicial authorities. I do not intend to make representations to the German authorities about this case.

Election Observers.

176. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if Ireland sent observers to the elections in Iraq. [2841/05]

Minister for Foreign Affairs (Mr. D. Ahern): Ireland did not send observers to the elections in Iraq.

Foreign Conflicts.

177. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if he has expressed concern over recent sabre-rattling by the US President and Vice President towards Iran. [2842/05]

Minister for Foreign Affairs (Mr. D. Ahern): The views of the United States on Iran are well known. Its concerns about Iran's nuclear programme are shared by the European Union. The EU has been in negotiation with Iran to address the concerns. As a result, Iran has suspended certain aspects of its nuclear programme. Negotiations are proceeding and I hope further progress can be made.

European Council Meetings.

178. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs the issues which Irish representatives will raise with the US President on his EU tour in February 2005. [2843/05]

Minister for Foreign Affairs (Mr. D. Ahern): President Bush will meet the European Council during his visit to Brussels on 22 February 2005. Discussions are ongoing about the agenda for the meeting. I welcome the visit as reflecting a desire on the part of the United States and the EU to continue to strengthen the transatlantic relationship. Ireland and its EU partners favour a focused and practical discussion on a number of key issues at the meeting. The Middle East peace process is likely to be included on the agenda. Enhanced

US engagement on that issue is critically important. We would like to engage with the US on the crucial debate this year about strengthening the United Nations system. The need for effective multilateralism is particularly relevant in the aftermath of the tsunami disaster, as well as in respect of global problems such as the spread of HIV-AIDS. The US will want to address the situation in Iraq, for example in the context of this week's elections. There will be other opportunities in the months ahead to continue our discussions with the US on a range of issues, bilaterally and in the EU context, particularly at the next regular EU-US summit meeting.

Human Rights Issues.

179. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if he has raised concerns with the Chinese authorities over the arrest of a person (details supplied); and if such actions on the part of the Chinese authorities fall into the category of understandable human rights violations in the name of national cohesion. [2844/05]

Minister for Foreign Affairs (Mr. D. Ahern): I am aware of a media report that Mr. Zhao Xin was arrested on 21 January 2005. According to the report, Mr. Zhao's application to hold a parade "to protest against the authority's forcefully depriving the citizens of their rights to commemorate Zhao Ziyang, the former General Secretary of the Chinese Communist Party" was rejected. While no further information is yet available on the case, I assure the Deputy that it will be followed up through the appropriate channels. As I said in response to a question from the Deputy last week, the universal nature of international human rights standards means that national particularities, such as history and cultural tradition, are not an excuse for non-compliance with international human rights obligations.

Overseas Development Aid.

180. **Aengus Ó Snodaigh** asked the Minister for Foreign Affairs the actions taken or representations made to ensure that tsunami humanitarian and reconstruction aid is not denied or misused by any recipient State for counterinsurgency purposes. [2845/05]

Minister of State at the Department of Foreign Affairs (Mr. C. Lenihan): Ireland delivers humanitarian relief through Irish and international NGOs and respected multilateral organisations such as UN agencies and the International Red Cross. This practice will be followed in the disbursement of funds to the victims of the tsunami crisis. The Government has appointed the former Minister of State, Mr. Chris Flood, who is currently the chairperson of the advisory board for Development Co-operation Ireland, as this country's special envoy in the area. His functions will include, *inter alia*, tracking the use of the Government's funding to ensure that funds are

[Mr. C. Lenihan.]
used effectively for the purposes intended and that best international practice is followed.

Swimming Pool Projects.

181. **Mr. Coveney** asked the Minister for Arts, Sport and Tourism further to a request which he received in November 2004, when he will be able to meet the delegation of Cork City councillors in relation to funding for the redevelopment of the Gus Healy swimming pool, Douglas, Cork; and if he will make a statement on the matter. [2699/05]

Minister for Arts, Sport and Tourism (Mr. O'Donoghue): In a letter dated 16 December 2004, Cork City Council requested a meeting with me to discuss grant aid for the refurbishment of Douglas swimming pool. Due to a heavy schedule of commitments, I am not in a position to meet a delegation at this time. The request will be kept on file and I will be in touch with the council if an opportunity arises for such a meeting in the future.

The local authority swimming pool programme, which is administered by the Department of Arts, Sport and Tourism, provides grant aid towards the capital costs of new pools or the refurbishment of existing pools. The closing date for the receipt of applications under the current programme was 31 July 2000. No application was made in respect of a swimming pool in Douglas before that date. The priority in respect of the programme is to support the proposals on hand. New proposals for swimming pools are not being considered at this time. The Department is conducting an expenditure review of the swimming pool programme. The review is examining, *inter alia*, how the programme has worked so far, the benefits which have accrued to areas where pools have been built through the existing programme and the amendments, if any, which are required to ensure the effective and efficient delivery of the programme. This review is expected to be completed by the middle of this year. The question of reopening the programme can be considered after the review has been completed.

Visa Applications.

182. **Ms O'Sullivan** asked the Minister for Enterprise, Trade and Employment when an application by a person (details supplied) in County Limerick for a work visa will be decided; and if he will make a statement on the matter. [2419/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): The work permit section of the Department of Enterprise, Trade and Employment received a work permit application from the relevant employer to employ the employee in question on 19 August 2003. The section subsequently informed the employer that the application had been refused and informed him of his right of appeal. No such appeal was

received. A further application was received on 30 November 2004 under the spousal scheme. The work permit section has recently taken a decision to refuse the application on the basis that the employee's spouse job specifications to date are not in line with those of an IT professional on a work authorisation or work visa. The employer has been informed of the decision and of his right to appeal. No such appeal has been received to date.

National Minimum Wage.

183. **Mr. Morgan** asked the Minister for Enterprise, Trade and Employment his views on the demand from the Irish Congress of Trade Unions for a €1.75 increase in the national minimum wage from 1 May 2005. [2420/05]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): The parties to the mid-term review of part two of Sustaining Progress — Pay and the Workplace — agreed to ask the Labour Court to review the national minimum wage and to make a recommendation to the Minister for Enterprise, Trade and Employment, in accordance with the National Minimum Wage Act 2000, to apply with effect from 1 May 2005. The Labour Court has undertaken a review of the national minimum wage in line with that commitment. As I have just received the Labour Court recommendation, it would be inappropriate for me to comment on the matter at this stage.

Employment Support Services.

184. **Mr. Sargent** asked the Minister for Enterprise, Trade and Employment if his attention has been drawn to an apparent deficiency in the administrative processes of the Employment Appeals Tribunal (details supplied); if, in view of the fact that the Office of the Ombudsman has no powers to investigate or make recommendations in relation to this apparent deficiency, he will take steps to rectify it; and if he will make a statement on the matter. [2421/05]

Minister of State at the Department of Enterprise, Trade and Employment (Mr. Killeen): The Employment Appeals Tribunal is empowered under section 39 of the Redundancy Payments Act 1967, as amended, to give notice to a person to attend before it and to produce documents under his or her control which relate to the matter under investigation by the tribunal. In this particular case, it appears that the party concerned was served with such a notice, in which case there is no apparent deficiency in the administrative process of the tribunal. I emphasise that the Employment Appeals Tribunal is an independent body in the discharge of its functions. I have no function in its day-to-day operations. The Ombudsman is precluded under the Ombudsman Act 1980 from examining complaints relating to the Employment Appeals Tribunal.

FÁS Training Programmes.

185. **Mr. J. Higgins** asked the Minister for Enterprise, Trade and Employment the part-time work related training which is offered by FÁS to lone parents under the age of 25; and if there are plans to develop a training intervention to meet the needs of this disadvantaged group. [2422/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): Lone parents can participate on all FÁS training and employment programmes, some of which are delivered on a part-time basis. According to FÁS, 9,685 lone parents completed training and employment programmes in 2004. Some 91% of them completed employment programmes such as community employment or job initiative. Some 254, or 3%, of the lone parents on employment programmes were under 25 years of age, 46% were between 25 and 34, 35% were between 35 and 44 and the remaining 16% were 45 years or over. In 2005, FÁS plan to conduct a customer survey of lone parents' experience of FÁS services. Arising from this survey, specific interventions for lone parents will be considered.

Job Losses.

186. **Ms B. Moynihan-Cronin** asked the Minister for Enterprise, Trade and Employment the discussions he has had with IDA Ireland or other statutory agencies regarding the closure of a plant (details supplied) in County Kerry, particularly on the future use of the vacated premises; and if he will make a statement on the matter. [2682/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): It was with regret that I learnt of the announcement by Sara Lee on 13 January 2005 that it intends to close its plant in Killarney, County Kerry, by March 2005 with the loss of 92 jobs. I understand that the premises is owned by the company. I assure the Deputy that the development agencies under the auspices of the Department of Enterprise, Trade and Employment would be happy to work with the company to market the facility through their national and international network of offices. FÁS has contacted the company and will make available its full range of services to the workers who are to be made redundant. In this regard, FÁS has arranged to attend the plant this week to register workers.

The industrial development agencies are continuing to promote the region actively to potential investors from the manufacturing and international services sectors. IDA Ireland has completed site development works on its 4.66 hectares business and technology park at Tiernaboul in Killarney, to continue to improve the attractiveness of Killarney as a location for inward investment. The work, which cost approximately €1 million, has resulted in the upgrading of the overall appeal of the location. A local group of business people has completed a

new 14,716 sq. ft. building on the park under the business expansion scheme. IDA Ireland is actively marketing this facility to potential investors.

Enterprise Ireland has offered support in helping to identify and provide support for potential start-ups which may exist from within the workforce. The agency has met the mayor of Killarney to discuss assistance for potential start-ups. It has had an initial meeting with officials of Killarney Chamber of Commerce to explore a strategy to develop a replacement industry for the town.

Personal Injuries Assessment Board.

187. **Mr. Hogan** asked the Minister for Enterprise, Trade and Employment the number of staff employed by the Personal Injuries Assessment Board; the number of these employees who were formerly employed by the claims departments of insurance companies; and if he will make a statement on the matter. [2683/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): The Personal Injuries Assessment Board was established by ministerial order on 13 April 2004. As of 1 June 2004, all personal injury claims arising from workplace accidents, where an employee is seeking compensation from his or her employer, must be referred to the Personal Injuries Assessment Board before legal proceedings are issued. As of 22 July 2004, all motor liability and public liability claims must be referred to the Personal Injuries Assessment Board before legal proceedings are issued.

The board's structure and staffing levels have been agreed. When the board is fully operational, it will have a staffing complement of up to 85, in addition to the chief executive officer. The board uses an outsourced service centre to assist injured parties in completing their claim submissions and to ensure that a comprehensive, fair and independent service is provided. Following a significant recruitment campaign, I understand that the board has recruited sufficient staff to serve its current needs. The recruitment of staff and information about employees' previous employment history is an operational matter for which the chief executive officer of the board has responsibility.

Job Creation.

188. **Mr. Hogan** asked the Minister for Enterprise, Trade and Employment the levels of investment and employment through Enterprise Ireland and IDA Ireland sanctioned and operable for each of the years 2000 to 2004 inclusive for Waterford city and county and Kilkenny city and county; and if he will make a statement on the matter. [2684/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): Support for job creation and investment in individual counties is a day-to-day operational matter for the development agencies as part of their responsibility under the Industrial

[Mr. Martin.]

Development Acts. While I may give general policy directives to the agencies, I am precluded under the Acts from giving directives about individual undertakings or giving preference to one area over others. The agencies have informed me that data on job creation is compiled from the annual Forfás employment survey and that county data for 2004 will not be available until mid-2005.

The following tables give details about payments to client companies by Enterprise Ireland and IDA Ireland:

Payments to client companies in Waterford by Enterprise Ireland

2000	2001	2002	2003
€2,113,826	€3,476,484	€2,492,053	€4,295,995

Payments to client companies in Waterford by IDA Ireland

2000	2001	2002	2003
€2,641,000	€1,371,000	€2,766,000	€4,853,000

Payments to client companies in Kilkenny by Enterprise Ireland

2000	2001	2002	2003
€2,847,506	€531,073	€632,068	€855,592

Payments to client companies in Kilkenny by IDA Ireland

2000	2001	2002	2003
€0	€111,000	€16,000	€205,000

The following tables give details about employment figures in client companies supported by Enterprise Ireland and IDA Ireland:

Employment figures in client companies in Waterford (excluding part-time or contract jobs)

Enterprise Ireland

	2000	2001	2002	2003
Full-time gains	+300	+423	+433	+424
Full-time losses	-427	-292	-527	-269

Employment figures in client companies in Waterford (excluding part-time or contract jobs)

IDA Ireland

	2000	2001	2002	2003
Full-time gains	+318	+479	+575	+549
Full-time losses	-533	-233	-224	-174

Employment figures in client companies in Kilkenny (excluding part-time or contract jobs)

Enterprise Ireland

	2000	2001	2002	2003
Full-time gains	+290	+233	+531	+285
Full-time losses	-100	-178	-279	-580

Employment figures in client companies in Kilkenny (excluding part-time or contract jobs)

IDA Ireland

	2000	2001	2002	2003
Full-time gains	+40	+103	+105	+7
Full-time losses	-128	-50	-33	-98

Social Welfare Schemes.

189. **Mr. Kenny** asked the Minister for Enterprise, Trade and Employment his views on whether the discrepancy in pay rates between those on the social employment scheme and those on the community employment scheme is justified; and if he will make a statement on the matter. [2714/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): The social economy programme and the community employment scheme are two separate initiatives with individual aims and objectives. The social economy programme provides funding for social enterprises with a view to establishing the enterprises on a viable basis and thereby providing permanent employment opportunities within the enterprises. The funding provided by FÁS to the enterprises includes wage support to the level of the minimum hourly wage. The wage rates are set by individual enterprises, which are free to top up the FÁS support from within their own resources.

The community employment scheme provides eligible unemployed people with the opportunity to engage in useful work within their communities. It aims to help individuals to re-enter the active workforce by breaking their experience of unemployment through a return to work route and to assist them to enhance and develop their technical and personal skills. The emphasis on the programme is on progression into employment or further training. Involvement in the scheme is finite and participants must leave when their duration has expired.

Departmental Appointments.

190. **Mr. Kehoe** asked the Minister for Enterprise, Trade and Employment the number of public appointments made in his Department since August 2004; the name of each appointee involved; and if he will make a statement on the matter. [2739/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): I have made six appointments in the Department of Enterprise, Trade and Employment since the Cabinet reshuffle in September 2004. I have appointed a special adviser, Mr. Christopher Mannion; a policy adviser, Ms Deirdre Gillane; a press adviser, Ms Caitriona Meehan; two personal assistants, Ms Melanie Hewitt and Ms Ann Donnelly; and a personal secretary, Ms Elizabeth O'Donoghue. In addition to this, Deputy Killeen, the Minister of State at the Department of Enterprise, Trade and Employment, has made four appointments since the Cabinet reshuffle last year. He has appointed a personal assistant, Mr. Pat Daly; a personal secretary, Ms Suzanne Roche; and two civilian drivers, Mr. Thomas Kierce and Mr. Tom Keating.

Community Employment Schemes.

191. **Mr. Stanton** asked the Minister for Enterprise, Trade and Employment further to his press release of 10 November 2004 and the extension of the three year cap for the over 55s, if he will allow those who had to leave community employment immediately prior to the cap being extended to rejoin the schemes; and if he will make a statement on the matter. [2751/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): I have been informed by FAS that the placement policy in respect of community employment programmes for 2005 has been formulated on the basis of the changes I announced on 10 November 2004. In the circumstances, it is not feasible to accommodate the persons referred to by the Deputy.

Industrial Development.

192. **Mr. Neville** asked the Minister for Enterprise, Trade and Employment his plans for business and industry to locate at the business park in Askeaton, County Limerick. [2879/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): The attraction of business and industry to the business park at Askeaton is a day-to-day operational matter for the relevant development agencies. IDA Ireland is the national agency with statutory responsibility for the attraction of foreign direct investment to Ireland and its regions, while Shannon Development is responsible for indigenous industry in the mid-west area. The business park is a land bank of approximately 227 acres that is owned by Shannon Development. IDA Ireland and Shannon Development are actively marketing the park for new investment and jobs. In particular, they are promoting the park as an attractive location for new projects from the pharmaceutical and chemical sector. Decisions on where to locate a project, including what areas to visit as potential locations, are taken by investors.

The Askeaton area has a good mix of Irish industry and foreign direct investment, with major multinational corporations such as Wyeth

and Aughinish Alumina Limited located there. I understand that the business park has been identified as an important site from a business and employment perspective for the county and the region in the planning and land use transportation study, the mid-west regional planning guidelines and in the draft county development plan. I am confident that the strategies and policies being pursued by the development agencies, together with the Government's ongoing commitment to regional development, will bear fruit in terms of delivering the maximum possible level of additional jobs.

Work Permits.

193. **Mr. Boyle** asked the Minister for Enterprise, Trade and Employment if he has satisfied himself that artists, as cultural workers, are facilitated in working here and that no necessary restraints exist in bringing such workers to Cork, during the European Year of Culture. [2881/05]

Minister for Enterprise, Trade and Employment (Mr. Martin): Artists who are citizens of the European economic area and Switzerland are free to enter and work in the State. Artists who are from territories outside these areas are required, under section 2 of the Employment Permits Act 2003, to obtain an employment permit to work in the State. However, applications for entertainment work permits are fast-tracked and are processed within a shorter period than general work permit applications.

Social Welfare Code.

194. **Mr. Ring** asked the Minister for Social and Family Affairs his plans to alleviate the problem which has arisen for persons no longer able to sign on at Garda stations. [2371/05]

Minister for Social and Family Affairs (Mr. Brennan): Until recently, recipients of unemployment payments residing more than six miles, or 9.7 km, from their nearest social welfare local or branch office signed a declaration at their local Garda station for the purpose of proving unemployment. This service was instituted as a service to customers at a time when transport was less frequent and travel was more difficult than today. Since the end of November 2004, all customers who previously signed on at Garda stations are self-certifying and returning their signing dockets directly to the social welfare local or branch offices.

Revised signing arrangements will apply in the early part of 2005. Customers residing up to 16 km from their social welfare local or branch office will attend that office once every four weeks for certification purposes. Customers residing over 16 km from their local or branch office will self-certify every four weeks and attend the office every 12 weeks. These customers will be offered the flexibility to attend at the office on any day in a designated week. A flexible approach to cer-

[Mr. Brennan.]
 tification will be adopted for customers on off-shore islands and other remote areas of the country. The changes represent a significant improvement in customer service by enabling all unemployed customers to have direct contact with their social welfare local or branch office, where they can be directed to the many educational and work supports available to the unemployed.

To qualify for unemployment payment, a person must show that he or she is available for and genuinely seeking work. The Department of Social and Family Affairs normally expects unemployed customers to take up offers of employment within a reasonable distance of their residence and to travel there on a daily basis. A distance of 11 miles would not be considered excessive. In such circumstances it is not unreasonable to require a customer who is actively seeking work to travel to his social welfare local office for certification purposes once every 12 weeks. If customers have particular difficulties with the revised arrangements, officials in the local offices will be glad to consider them and to make whatever adjustments are considered appropriate.

Community Development.

195. **Mr. Stanton** asked the Minister for Social and Family Affairs the number of changes that he announced to the cutbacks of 2004 on 1 December 2004 which require circulars to community welfare officers; if he will identify each change that requires a circular to community welfare officers; if and when he has issued these circulars; when each change comes into effect; and if he will make a statement on the matter. [2376/05]

196. **Mr. Stanton** asked the Minister for Social and Family Affairs the date on which each of the changes that he announced to the cutbacks of 2004 on 1 December 2004 come into effect; and if he will make a statement on the matter. [2377/05]

197. **Mr. Stanton** asked the Minister for Social and Family Affairs the number of persons affected by each of the changes that he announced to the cutbacks of 2004 on 1 December 2004; the cost to the State; and if he will make a statement on the matter. [2378/05]

Minister for Social and Family Affairs (Mr. Brennan): I propose to take Questions Nos. 195 to 197, inclusive, together.

At the time of the recent budget, I announced my intention to make changes relating to the rent supplement and crèche and diet supplements, which are provided for under the supplementary welfare allowance scheme, which is administered on my behalf by the community welfare staff of the health service executive.

I have made two changes in the conditions for receipt of rent supplement. To ensure that bona

fide tenants may access rent supplement in appropriate circumstances, I have abolished the six months prior renting requirement. Rent supplement may be paid where the applicant has established himself or herself in rented accommodation within his or her own resources, with an expectation that this would continue into the future and then suffers a substantial change in circumstances whereby he or she can no longer afford the rent. Rent supplement continues to be payable in other specific hardship circumstances, or where there is an assessed housing need. I have also eased the rules relating to the refusal of local authority accommodation. Until now, rent supplement was not payable if a person refused a second offer of local authority accommodation within a 12 month period. Rent supplement may now be paid unless a person has refused, within an 18 month period, three offers of accommodation from a local authority.

I have also eased the means test for rent or mortgage interest supplement. The additional income from part-time employment, participation in approved training courses and a portion of maintenance payments to be disregarded has been increased from €50 to €60 per week. Regulations have been made to give effect to these changes from 31 January 2005.

In relation to crèche supplements I have allocated additional funding of €2.3 million, an amount equivalent to the savings achieved by the discontinuation of crèche supplements in 2004, to enable existing crèche supplements to remain in place, where appropriate, in individual cases and 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 a necessary as part of their work with the family. I will consult my colleagues, the Ministers for Health and Children and Justice, Equality and Law Reform about the most appropriate way to channel this funding. The revised rent and crèche supplement measures have been advised to community welfare staff by way of a circular that my Department issued to them on 31 January 2005.

I have allocated additional funding to make improvements in the diet supplement scheme. The Department of Social and Family Affairs is examining a report which was commissioned from the Irish Nutrition and Dietetic Institute relating to what constitutes a healthy eating diet, special diets arising from medical conditions and the costs associated with providing for the diets. As soon as the examination of the report has been concluded, I will announce changes in the operation of the diet supplement scheme.

I will outline the position in respect of the other revised measures I announced following the 2005 budget. The transitional payment for recipients of one parent family payment has been restored and is 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 has been reduced from 15 months to 12 months. The cost of education allowance has been increased by €254 to €400. The income limit for entitlement to half-rate child dependant increases for unemployment, disability and related schemes has been increased by €50 per week to €350. The saving of €700,000 from last year's MABS supplement measure is being redirected to the MABS service to enable it to further improve its services. Some €19 million in funding from the rent supplement scheme has been transferred to local authorities as an initial measure to enable them to put long-term housing solutions in place through the new rental accommodation scheme. Given the demand led nature of the schemes involved, it is not possible to be definitive on cost, but the full year estimate for the measures I have detailed is estimated at approximately €36 million.

Social Welfare Benefits.

198. **Mr. Ring** asked the Minister for Social and Family Affairs the number of persons who were in receipt of short-term social welfare payments in 2004. [2430/05]

Minister for Social and Family Affairs (Mr. Brennan): I understand the Deputy is interested in the number of recipients of social welfare schemes under which the Christmas bonus is not payable. The requested information is contained in the following table, which details the number of persons in receipt of weekly short-term social welfare payments at the end of 2004 and to whom the Christmas bonus was not paid.

Scheme	Number in receipt of payment under the scheme on 31 December 2004
Disability Benefit	58,726
Injury Benefit	915
Interim Disability Benefit	316
Carer's Benefit	679
Unemployment Benefit	57,699
Short-term Unemployment Assistance	20,605
Supplementary Welfare Allowance	29,748
Part-time Job Incentive	326
Family Income Supplement	14,727
Maternity Benefit	10,356
Health and Safety Benefit	21
Adoptive Benefit	26

199. **Mr. Ring** asked the Minister for Social and Family Affairs the reason his Department is taking so long to award the carer's allowance to a person (details supplied) in County Mayo. [2431/05]

Minister for Social and Family Affairs (Mr. Brennan): The person concerned has been awarded carer's allowance with effect from 11

November 2004, at the maximum weekly personal rate of €139.60, increasing to €153.60 from 6 January 2005, together with a dependent child allowance of €8.40 per week. She has been notified of this decision. Carer's allowance personal payable order books are renewed on a six monthly basis. This process is under way. The carer's allowance book for the person concerned will issue with the bulk renewal of books on 17 February 2005. Any arrears of allowance due to her will issue shortly after.

200. **Caoimhghín Ó Caoláin** asked the Minister for Social and Family Affairs if his attention has been drawn to the case of a person (details supplied); if his attention has been further drawn to the number of other immigrants who are in the same predicament; if he plans changes to the legislation to protect these workers; and if he will make a statement on the matter. [2432/05]

Minister for Social and Family Affairs (Mr. Brennan): The supplementary welfare allowance scheme, which is administered on my behalf by the community welfare staff of the Health Service Executive, is one of a number of social assistance schemes which is subject to a habitual residence condition with effect from 1 May 2004. The effect of the condition is that a person whose habitual residence or "centre of interest" is deemed to be other than in this State or the common travel area has no entitlement to certain social welfare payments, including supplementary welfare allowance. A person's habitual residence for social welfare purposes is decided in accordance with European Court of Justice case law. The condition is not determined on the basis of citizenship, nationality, immigration status or any other extraneous factor.

The Dublin and north-east region of the Health Service Executive, which was contacted about this case, has advised that the person concerned was refused basic supplementary welfare allowance because he did not satisfy the habitual residency condition. He was advised of his right to appeal against the decision. Given his particular situation, a once-off exceptional needs cash payment was paid by the community welfare officer to the person concerned in respect of his basic needs and he was provided with emergency accommodation for a week. He has been advised that he has the option of being accommodated by the reception and integration agency of the Department of Justice, Equality and Law Reform pending his return home. The question of a change in the terms under which work permits are issued to immigrant workers is a matter for consideration by the Minister for Enterprise, Trade and Employment.

201. **Mr. Stanton** asked the Minister for Social and Family Affairs the criteria that will apply to carers who will receive the annual respite care grant and who are providing full-time care to a person who needs such care; the employment related conditions that will apply; when he will

[Mr. Stanton.]
 issue directions or guidelines in this regard; and if he will make a statement on the matter. [2444/05]

Minister for Social and Family Affairs (Mr. Brennan): The conditions for receipt of the extended respite care grant will be set out in the forthcoming Social Welfare Bill and regulations. As I set out in my speech at budget time, the carer must be providing full-time care to a person who is in need of such care. As with recipients of carer's allowance, a full-time carer must not be engaged in employment for more than ten hours per week. Those who are on unemployment payments will be excluded as they are required to be available for and actively seeking full-time work. Full details of the conditions for the receipt of the extended respite care grant will be widely publicised in advance of the payment date.

Decentralisation Programme.

202. **Mr. Crawford** asked the Minister for Social and Family Affairs the position regarding the progress towards the decentralisation of 85 personnel from his Department to Carrickmacross in County Monaghan; and if he will make a statement on the matter. [2702/05]

Minister for Social and Family Affairs (Mr. Brennan): The decentralisation implementation group's report to the Minister for Finance on 19 November 2004 recommended the locations and organisations to be included in the first phase of moves and those to be regarded as potential early movers. While Carrickmacross was not included in the first phase of moves or as a potential early mover, the decentralisation implementation group is scheduled to report again in the spring about the phasing of locations not covered in the November report. The Department of Social and Family Affairs is revising its implementation plan for the first phase of moves and will examine subsequent phases in the light of this revision and the next report of the decentralisation implementation group. The Department remains committed to the relocation of 85 posts to Carrickmacross under the decentralisation programme.

Social Welfare Code.

203. **Mr. O'Shea** asked the Minister for Social and Family Affairs if money received by persons on the maturing of their investment under the SSIA scheme, will be assessed as means in regard to entitlement to social welfare payments; and if he will make a statement on the matter. [2726/05]

Minister for Social and Family Affairs (Mr. Brennan): In assessing means for social assistance purposes, moneys held in special savings investment accounts are treated in the same manner as

other capital. Account is taken of any cash income the person may have, along with the value of capital and property, except the home. Capital may include stocks and shares of every description, which are assessed according to their current market value, savings certificates, bonds and national instalment savings, which are assessed according to their current market value and money invested in a bank, building society etc.

Last October, I asked the Department of Social and Family Affairs to conduct a comprehensive examination of the current arrangements for the assessment of capital, particularly as they apply to SSIA's, with a view to bringing forward proposals in budget 2005. On budget day, I was pleased to announce that the amount of capital disregarded for means test purposes for all schemes, other than supplementary welfare allowance, will be increased from €12,694.38 to €20,000, an increase of over €7,300. The enhanced disregard applies to all capital, regardless of whether it is held in an SSIA or with a credit union, An Post or any other bank or other financial institution. The new arrangements will mean that a single non-contributory pensioner with no other means can have capital of up to €28,000 and still qualify for a pension at the maximum rate. This figure is doubled in the case of a pensioner couple. It is estimated that the measure, which takes effect in June 2005, will benefit approximately 12,000 claimants at a cost of €5.1 million in a full year.

SSIA's were introduced in 2001 as part of an overall Government strategy to encourage a regular savings culture among the population in general. The new arrangements announced by me on budget day are consistent with this strategy and are designed to ensure that 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.

Pension Provisions.

204. **Mr. Penrose** asked the Minister for Social and Family Affairs if he will give consideration to awarding all home-makers of pensionable age an individual non-contributory pension; and if he will make a statement on the matter. [2727/05]

Minister for Social and Family Affairs (Mr. Brennan): A number of arrangements in the social welfare code take account of the work of people in the home for pension purposes. The Government is committed to extending pension cover to as many people as possible. A number of measures which have been introduced in recent years make it easier for people to qualify for pensions. I refer, for example, to extended social insurance coverage and an easing of the qualifying conditions for old age contributory and retirement pensions. The latter measures are of

particular benefit to women who may have less than complete social insurance records due to working in the home. In 1997, the yearly average number of contributions required for pension purposes was reduced from 20 to ten. 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.

The Government is committed to increasing the payment for qualified adults aged 66 or over to the same level as the personal rate of the old age non-contributory pension. In this regard, a number of special increases have been given over several budgets in pursuit of this target. Since October 2002, new pension claimants can opt to have the part of the payment in respect of their spouse or partner paid direct to that person.

The homemaker's scheme was introduced in 1994 to protect the pension entitlements of those who take time out of the paid workforce for caring duties. The scheme allows up to 20 years to be disregarded when a person's insurance record is being averaged to assess entitlement for contributory pension purposes. The scheme will not of itself qualify a person for a pension as the standard qualifying conditions relating to the type and number of contributions paid or credited must also be satisfied.

The scheme is being reviewed as part of the second phase review of the qualifying conditions for the old age contributory and retirement pensions. The review is due for completion in the next few months and developments in respect of the homemaker's scheme will be considered in the light of the conclusions of the review.

The old age non-contributory pension is a social assistance scheme designed to provide financial support for older people who do not qualify for one of the contributory pension schemes. Like other social assistance schemes, it features a means test which is intended to ensure that available resources are targeted at those who are most in need. In this regard, budget 2005 provides for the disregard of the first €20,000 of savings or other assessable assets, such as shares or bonds, when means are being assessed. The operation of the means test is kept under review and changes are made as required.

Social Welfare Benefits.

205. **Mr. Ring** asked the Minister for Social and Family Affairs his plans to review the guidelines pertaining to an adult dependant of persons on certain social welfare payments, to increase the amount of money a dependant is permitted to earn before payments are affected and to allow for the permitted 15 hours weekly working to be carried out over two to three days as opposed to

the present system whereby the hours must be carried out over a five day period. [2730/05]

Minister for Social and Family Affairs (Mr. Brennan): The maximum rate of qualified adult increase is payable where a claimant's spouse or partner has a gross weekly income not exceeding €88.88. Regulations provide for the gradual or tapered withdrawal of the qualified adult allowance for claimants of certain welfare payments where the spouse or partner of the claimant is earning between €88.88 and €220 per week. The allowance is fully withdrawn if the spouse or partner's weekly income exceeds €220.

In addition to the above, where the spouse or partner is engaged in insurable employment, certain means-based social assistance schemes, such as unemployment assistance, pre-retirement allowance and disability allowance, disregard €38.09 plus expenses where he or she is employed for up to three days, or €88.88 where he or she is employed four days or more. Some 50% of the balance is then assessed. There is no restriction on the number of hours which a spouse or partner may work. Any change to the existing arrangements would have to be considered in a budgetary context and in light of competing priorities.

Departmental Appointments.

206. **Mr. Kehoe** asked the Minister for Social and Family Affairs the number of public appointments made in his Department since August 2004; the name of each appointee involved; and if he will make a statement on the matter. [2740/05]

Minister for Social and Family Affairs (Mr. Brennan): The five statutory agencies operating under the aegis of the Department of Social and Family Affairs are the Pensions Board, the Combat Poverty Agency, Comhairle, the Social Welfare Tribunal and the Family Support Agency. The Pensions Ombudsman also comes under the remit of the Department. One appointment was made to the board of the Combat Poverty Agency and two appointments were made to the board of Comhairle since 1 August 2004. Mr. Séamus McAleavey was appointed to the board of the Combat Poverty Agency on 2 September 2004. Ms Mary Lyne and Mr. Brian Flynn were appointed to the board of Comhairle on 1 September 2004. No appointments have been made to the Pensions Board, the Social Welfare Tribunal, the board of the Family Support Agency or to the position of Pensions Ombudsman in the period concerned.

Road Fatalities.

207. **Mr. Neville** asked the Minister for Transport the number of deaths from road accidents for each year since 1994. [2453/05]

Minister for Transport (Mr. Cullen): Statistics relating to road accidents, based on information provided by the Garda Síochána, are published by the National Roads Authority in its annual road accident facts reports. The most recent

report is in respect of 2002 and that report, with reports relating to previous years, are available in the Oireachtas Library. The table below sets out the number of fatalities in Ireland from 1994 to 2004:

Year	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003*	2004*
Number of deaths	404	437	453	472	458	413	415	411	376	335	380

*Provisional figures (source Garda Síochána).

Road Network.

208. **Mr. Durkan** asked the Minister for Transport the extent which he expects public expenditure to be affected by the increased dependency on tolls in respect of delivering on the NDP; and if he will make a statement on the matter. [2858/05]

Minister for Transport (Mr. Cullen): The national development plan and the capital investment framework provide for the substantial Exchequer investment in the upgrade of the national roads network to be supplemented by private finance. The capital investment framework provides for investment of private finance of €1.36 billion in toll-based PPPs between 2005 and 2009. Subject to the outcome of the tendering process, it is expected that the current national roads PPP programme will secure this level of private funding. The national roads PPP programme comprises ten projects. One project, the west-link bridge, has been completed; three projects, the Kilcock-Kinnegad, Dundalk western and Fermoy bypasses, are under construction; and six projects are at earlier stages of planning.

Traffic Management.

209. **Mr. O'Shea** asked the Minister for Transport his proposals to address the concerns of the Coach Tourism and Transport Council regarding the new maximum speed limits (details supplied); and if he will make a statement on the matter. [2435/05]

Minister for Transport (Mr. Cullen): I made regulations on 12 January 2005 to prescribe a maximum speed limit for certain classes of vehicles from 20 January 2005. I prescribed an 80 km/h limit for vehicles that have accommodation for more than eight passengers. In setting the metric speed limit for this class of large vehicle, I made no change to the speed limit policy that had applied since 1992 other than converting the previous maximum limit of 50 miles per hour to the nearest equivalent metric value, 80 km/h. I have made it clear that I will revisit the matter of maximum speed limits for these and other specified classes of vehicles. The Coach Tourism and Transport Council will be consulted in this review process.

Rules for traffic driving on motorways were introduced in October 1997 under the Road

Traffic (Traffic and Parking) Regulations 1997 (S.I. No. 182 of 1997). One of the regulations prohibits the driving of a vehicle for which an ordinary speed limit of not more than 50 mph is prescribed in the traffic lane nearest the right hand edge of a carriageway having more than one traffic lane except where it is necessary to proceed in that lane due to an obstruction or because another lane or lanes are for the time being closed to traffic. I made no change to the policy that has applied since 1997 for the relevant classes of vehicles other than converting the previous maximum limit of 50 miles per hour to the nearest equivalent metric value, 80 km/h. A general review of the current road traffic regulations will be undertaken later this year and the present motorway driving rules will be considered in that context. The issue will form part of the consultation process I will pursue with the Coach Tourism and Transport Council on speed limits.

Departmental Appointments.

210. **Mr. Kehoe** asked the Minister for Transport the number of public appointments made in his Department since August 2004; the name of each appointee involved; and if he will make a statement on the matter. [2741/05]

Minister for Transport (Mr. Cullen): I refer the Deputy to my response to Question No. 598 of Wednesday, 26 January 2005.

Driving Tests.

211. **Mr. N. O'Keeffe** asked the Minister for Transport the position in relation to driving tests in cases in which a temporary insurance certificate is displayed on the vehicle of the person being tested as in the case of a person (details supplied) in County Cork. [2873/05]

Minister for Transport (Mr. Cullen): All driving test candidates are informed, in literature issued with their driving test appointment letter, that a current valid insurance disc must be displayed on the vehicle being used for the driving test. The Road Traffic (Insurance Disc) Regulations 1984 set out the information which must be displayed on an insurance disc. The driving test is conducted if the disc displayed on the vehicle at the time of the test is in the scheduled form and has not expired. In the case of the person concerned, the driver tester conducting the test reported that the insurance disc on display on

the vehicle presented for the driving test expired on 4 January 2005. Accordingly, the driving test could not be conducted. This information was communicated in writing to the person concerned on the day.

Community Schemes.

212. **Mr. Durkan** asked the Minister for Community, Rural and Gaeltacht Affairs the extent to which his Department expects to fund or support community schemes throughout the country in 2005; and if he will make a statement on the matter. [2859/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Some €45.7 million is provided in my Department's Vote for the local development social inclusion programme to support local development social inclusion measures. Funding is allocated to partnerships and community groups to deliver the local development social inclusion programme under three measures — services for the unemployed, community based youth initiatives and community development. Capital funding of €6 million is being made available in 2005 to support small scale localised actions in RAPID areas, through co-funding with the relevant Department or agency. Funding of €1.333 million is available to support ADM and local areas in the implementation of the programme. Details of the areas covered by the local development social inclusion programme and RAPID are available on the Department's website, www.pobail.ie.

There is provision of €22.4 million in the Department's vote for the community development programme to support 185 community development projects in disadvantaged areas. Community development projects are funded to provide community based resource centres to build the capacity of local communities and to act as a focal point for activities such as child care, services for the elderly and youth activities. On foot of budget 2004, an additional funding of €5 million will be allocated to support the development of community services.

The Department provides a range of once-off grants to a wide variety of locally based community and voluntary groups. Funding of approximately €2.9 million has been allocated in 2005 to provide for grants in certain categories. Equipment and refurbishment grants are targeted at voluntary and community organisations in disadvantaged areas. Education, training and research grants provide once-off payments to fund training, education or research initiatives aimed at supporting and enhancing the effectiveness of local community and voluntary groups in disadvantaged areas.

The scheme of community support for older people encourages and assists local support for older people through a community based grant scheme to improve the security of such people. Funding is provided by way of grant aid to voluntary groups and organisations, which have under-

taken to identify the elderly people in need of assistance under the scheme. Funding of approximately €2.8 million has been allocated to the scheme in 2005.

The Department is also responsible for the work of the 14 local drugs task forces in Dublin, Cork and Bray and the ten regional drugs task forces in the rest of the country. It also funds the premises initiative which is designed to meet the accommodation needs of community based drugs projects and the young people's facilities and services fund development groups, which are based in the 14 local drugs task forces areas, as well as Carlow, Waterford, Limerick and Galway. The amount available to fund these initiatives in 2005, as well as the National Advisory Committee on Drugs, is €30.5 million.

Some €22.147 million is being provided in the 2005 Abridged Estimates for schemes to benefit communities in Gaeltacht areas, for example by means of road improvements, marine works, group water schemes, leisure facilities and cultural initiatives. The Department has a capital allocation of €12.8 million available for island development purposes in 2005. While the greater part of this funding will be spent on essential public infrastructure on the islands, a proportion will also be allocated towards community led projects such as recreational facilities and community centres. The Department will also provide funding of €34.3 million to Údarás na Gaeltachta to assist in developing industries, services and employment opportunities, in addition to fostering and strengthening the Irish language in Gaeltacht areas.

Under the CLÁR programme, community groups can avail of assistance under the measures detailed at the end of this reply. The areas targeted under the programme, which will continue to benefit from assistance in 2005, are parts of counties Cavan, Clare, Cork, Donegal, Galway, Kerry, Limerick, Longford, Louth, Mayo, Meath, Monaghan, Roscommon, Sligo, Tipperary, Waterford, Westmeath and all of County Leitrim. The 2005 provision for the programme is €13.2million. The rural development fund also assists community groups. Applications may be submitted for consideration at any time throughout the year. The 2005 provision will be indicated in the Revised Estimates volume to be published shortly.

The Department provides support to rural communities under the LEADER+ initiative, the area-based rural development initiative and the rural development initiatives of the cross-Border programmes INTERREG IIIA and PEACE II. The essential aim of the LEADER+ initiative, which has a public contribution of some €73.7 million, is to encourage new approaches to integrated and sustainable development in rural communities. The initiative is in place in 22 areas throughout the country. The area-based rural development initiative has a public contribution of €75.6 million. The initiative complements the

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LEADER+ programme and ensures the availability of funding in the 13 areas that were not appointed to deliver the LEADER+ programme. Funding for rural and agri-tourism is provided from the programme on a nationwide basis. In addition, the three collective bodies, Muintir na Tíre, Irish Farmhouse Holidays and Irish Country Holidays, that are not eligible under LEADER+ receive assistance under this programme.

Under the INTERREG III Ireland and Wales programme, 2000-06, there is a rural development and diversification measure to promote the economic and social well-being of the rural communities in INTERREG target areas. The total funding package for the measure is €10 million between 2000 and 2006. To date, over 60% of this funding has been committed. The rural initiative measure of the INTERREG IIIA Ireland and Northern Ireland programme, 2000-06, aims to develop and strengthen the rural economy in disadvantaged cross-Border areas. The funding package amounts to €14 million over the period of the programme between 2000 and 2006. To date, in excess of €6 million, or almost 50%, has been committed.

Funding is provided in two measures under the PEACE II programme, 2000-04, promoting rural community networking in marginalised rural communities and rural development co-operation and diversification. The funding package for both measures amounts to €5.7 million, of which over 60% has been committed.

I will conclude by giving further information about the CLÁR Programme. CLÁR provides funding to householders in the group water schemes by way of limited top up grants. Applicants contact their local authority, which administers the schemes. As the schemes are demand-led, there is no specific allocation. CLÁR funds local improvement scheme roads to provide support for better road access to homes in remoter areas. Applicants contact their local authority, which administers the scheme. The allocation is determined by the level of investment by the local authority from its county local improvement scheme allocation. The 2005 allocations to local authorities have not yet been made by the Department of the Environment, Heritage and Local Government.

CLÁR supports the joint village enhancement scheme operated by the LEADER companies and the local authorities covering small-scale infrastructural projects. Applicant villages, which also contribute to the scheme, should contact their local LEADER group. The total CLÁR funding for the scheme in 2004-05 is €800,000. CLÁR and the local authorities co-fund a local authority housing estate enhancement scheme with a local contribution for each project, which is selected by the local authority. A scheme for 2005-06 is being discussed at present with the local authorities. CLÁR and Foras na Gaeilge jointly fund a bilingual signage scheme for com-

munity projects in villages selected by LEADER under the village enhancement scheme. A bilingual townland signage scheme also operates with funding from the local community. As this scheme is demand led, there is no specific allocation.

CLÁR provides limited top-up funding to projects that are selected under the sports capital grants scheme run by the Department of Arts, Sport and Tourism and recommended for CLÁR support by that Department. The allocation for 2005 will not be finalised until the projects under the 2005 scheme are selected by the Department of Arts, Sport and Tourism. Community based projects attracting less than 50% public funding under LEADER may qualify for CLÁR top-up funding subject to certain conditions. As the scheme is demand led, there is no specific allocation. Applicant villages should contact their local LEADER group.

The school outdoors play facilities enhancement scheme aims to improve outdoor play facilities in small rural primary schools in CLÁR areas. It is co-funded by CLÁR and the Department of Education and Science, up to 75% of the cost, supplemented by a 25% contribution from local sources. For 2004-05, €1 million has been provided under CLÁR, matched by €1 million from the Department of Education and Science.

Harbours and Piers.

213. **D'fhiafraigh Ms B. Moynihan-Cronin** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an bhfuil sé in ann deontas a chur ar fáil le cé úr a thógáil ag An Rannaigh, Oileán Árainn Mhóir, i dTír Chonaill; agus an ndéanfaidh sé ráiteas ina thaobh. [2408/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): I 2001, ar iarratas ó mo Roinnse, chuir Comhairle Chontae Dhún na nGall réamh-thuarascáil ar fáil maidir le forbairt na saoráidí calaíochta ag Rannach, Oileán Árainn Mhór. Moladh dhá rogha sa tuarascáil sin — síneadh 30 milliúin a chur leis an gcé atá ann faoi láthair ar chostas €1.5 milliúin nó síneadh 65 milliúin a chur léi ar chostas €3 milliúin. Dheimhnigh an tuarascáil chomh maith gur chun sochair thionscal na hiascaireachta áitiúil a rachadh aon áis nua ag an láthair seo. Tá meastachán faighte ag mo Roinn ón gcomhairle chontae maidir le costais deartha agus ullmhú doiciméad cónartha don tógra seo. Tá an t-iarratas sin á mheas ag oifigigh mo Roinne faoi láthair i gcomhthéacs an tsoláthair atá ar fáil le caitheamh ar fhorbairt chéanna ar na hoileáin agus sa Ghaeltacht sna blianta amach romhainn agus na éilimh éagsúla ar an soláthar sin.

Scéim na mBóithre Áise.

214. **D'fhiafraigh Ms B. Moynihan-Cronin** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an bhfuil deontas ceadaithe maidir le hobair dheisiúcháin a dhéanamh ar bhóthar contae Bhaile Ard,

Oileán Árann Mhóir, i dTír Chonaill; agus an ndéanfaidh sé ráiteas ina thaobh. [2409/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Tá iarratas faighte ag mo Roinn ar chúnamh le haghaidh caoi a chur ar bhóthar chontae an Bhaile Ard ar Oileán Árann Mhóir. Déanfar an t-iarratas seo a mheas i gcomhthéacs an tsoláthair atá ar fáil dom le caitheamh faoi Chlár Oibre na n-Oileán 2005 agus na n-éileamh éagsúil ar an soláthar sin.

Summer Jobs Scheme.

215. **Mr. Ring** asked the Minister for Community, Rural and Gaeltacht Affairs if there are plans to reintroduce the student summer job scheme. [2423/05]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): I refer the Deputy to my replies to Question No. 751 of 7 May 2003, Question No. 419 of 24 June 2003 and Question No. 148 of 25 June 2003. There are no plans at present to reintroduce the student summer jobs scheme.

National Anti-Poverty Networks.

216. **Mr. O'Shea** asked the Minister for Community, Rural and Gaeltacht Affairs his proposals to restore the core funding from his Department to a group (details supplied) in County Galway; and if he will make a statement on the matter. [2425/05]

217. **Mr. O'Shea** asked the Minister for Community, Rural and Gaeltacht Affairs his views on whether the withdrawal of funding by his Department from a group (details supplied) is a sinister move to silence an effective critical voice; and if he will make a statement on the matter. [2436/05]

218. **Mr. O'Shea** asked the Minister for Community, Rural and Gaeltacht Affairs his views on whether a group (details supplied) has during 25 years earned respect at local, national and international levels for its anti-poverty and equality work and that consequently the withdrawal of its funding is unwarranted; and if he will make a statement on the matter. [2437/05]

219. **Mr. O'Shea** asked the Minister for Community, Rural and Gaeltacht Affairs if the refusal of a group (details supplied) to endorse the last national agreement, Sustaining Progress, influenced the decision to withdraw funding from this group; and if he will make a statement on the matter. [2438/05]

220. **Mr. O'Shea** asked the Minister for Community, Rural and Gaeltacht Affairs his views on the withdrawal of funding from a group (details supplied); and if he will make a statement on the matter. [2439/05]

221. **Mr. Gregory** asked the Minister for Community, Rural and Gaeltacht Affairs the reason for the withdrawal of funding from a group

(details supplied); if he will reconsider this decision; and if he will make a statement on the matter. [2512/05]

222. **Mr. F. McGrath** asked the Minister for Community, Rural and Gaeltacht Affairs if support will be given to a group (details supplied) in such programmes as the social economy programme and the local development programmes; and if he will reverse his decision on this matter and support the development of a more inclusive and informed society. [2529/05]

223. **Mr. Hogan** asked the Minister for Community, Rural and Gaeltacht Affairs the reason funding was withdrawn from a group (details supplied); if he will review this decision; and if he will make a statement on the matter. [2665/05]

224. **Mr. J. Higgins** asked the Minister for Community, Rural and Gaeltacht Affairs if, in view of the crucial role that a group (details supplied) has played in supporting local and national groups combating poverty and inequality to collectively analyse and express their experience of Government policies, he will immediately reverse his decision to withdraw funding from this group. [2666/05]

226. **Ms Shortall** asked the Minister for Community, Rural and Gaeltacht Affairs the reasons for his decision to axe funding to a group (details supplied); if he will report on the evidence upon which this decision was based; and if he will make a statement on the matter. [2710/05]

227. **Ms F. O'Malley** asked the Minister for Community, Rural and Gaeltacht Affairs the reason funding for a group (details supplied) has been withdrawn; and if he will make a statement on the matter. [2711/05]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): I propose to take Questions Nos. 216 to 224, inclusive, and 226 and 227 together.

The Deputies may be aware that I have confirmed continued funding of nine national anti-poverty networks in the amount of €1.351 million annually, representing effectively a 5% increase in funding for the networks concerned, whose focus is on Travellers, unemployment, refugees, rural poverty, lone parents, older people and disabled people. This decision is in line with my Department's commitment, in the context of funding of the NAPNs, to focus on concentrating available resources on support for communities experiencing disadvantage, exclusion and isolation. I do not believe the community workers' co-operative meets this criterion. There is already a well-developed structure providing support to the sector and, accordingly, CWC funding as an anti-poverty network will be discontinued from 30 March 2005.

This decision is taken in the context of existing substantial funding by the Department of six regional support agencies, amounting to €2.3 million; 38 partnership companies, amounting to

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 €45.7 million; 185 community development projects, amounting to €20.1 million; and, under the White Paper, 69 networks and federations, including the NAPNs, amounting to €4.2 million. Funding of community workers co-operative projects in the amount of €358,413 under the PEACE programme is not affected by this decision.

Dormant Accounts Fund.

225. **Ms B. Moynihan-Cronin** asked the Minister for Community, Rural and Gaeltacht Affairs when the next round of applications for funding from the dormant accounts fund will open; and if he will make a statement on the matter. [2667/05]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): The Dormant Accounts (Amendment) Bill 2004 was published on 24 June 2004 fulfilling a commitment by Government in December last following its review of arrangements in regard to dormant accounts funding. The Bill is currently before the Oireachtas and provides, *inter alia*, for significant changes to the disbursement process. Subject to the timing of its enactment, a round of applications for funding may be anticipated during 2005.

Questions Nos. 226 and 227 answered with Question No. 216.

Dormant Accounts Funds.

228. **Mr. Kehoe** asked the Minister for Community, Rural and Gaeltacht Affairs the amount which has been distributed to date under the dormant accounts funds; the amount which has been given to agencies or organisations (details

supplied); the date they were given in each case; and if he will make a statement on the matter. [2731/05]

Minister of State at the Department of Community, Rural and Gaeltacht Affairs (Mr. N. Ahern): Decisions on the disbursement of funds from dormant accounts moneys are currently a matter for the Dormant Accounts Fund Disbursements Board, an independent body established under the Dormant Accounts Acts. In June 2004, the Government announced an increase, from €30 million to €60 million, in the overall amount that the Dormant Accounts Fund Disbursements Board may spend under the initial round of funding.

The board has engaged Area Development Management Limited to administer this initial round of funding on its behalf and the process of assessing and approving applications received is ongoing. Up to the end of December 2004, the board had approved 420 projects for funding, totalling approximately €42 million. Between October and December alone, the board approved 290 projects, totalling approximately €30 million.

The details of all the approvals to date, including the names of the individual organisations and the specific grant amounts are appended for the Deputy's information. I will arrange for a list of these approvals, sorted and summarised in county order, to be forwarded to the Deputy this week.

The draw-down of funding is subject to the satisfactory completion of legal contracts between the individual groups and the board. As part of this process, groups are required to submit necessary documentation, such as agreed budgets, tax clearance certificates and evidence of insurance, to ADM before payments are actually made. I understand that, to date, approximately €1.5 million has been paid by ADM to organisations approved for funding.

Group/Organisation	Grant (€)
Donegal Youth Information Centre	37,450.00
Clonmel Borough Council/SEHB	7,449.38
Clonmel Borough Council	74,431.03
Cloyne Diocesan Youth Service	131,000.00
Eiri Corca Baiscinn	47,000.00
North & West Connemara Rural Project Ltd.	120,200.00
St. Laurence O'Toole GAA Club	170,000.00
St. Olivers Community Management Committee	6,068.00
Mayfield Community Adult Learning Project	7,874.00
Avondhu Dev. Group Ltd.	147,299.00
Clonmel Borough Council	3,375.90
EIRI Corca Baiscinn, Kilkee, Co. Clare	58,000.00
Ballyfermot Youth Services, Dublin 10	34,000.00
Labre Park After Schools Programme, Ballyfermot, Dublin 8	158,920.00
FACT Ballincollig Family Resource Centre Ltd., Co. Cork	60,000.00
Nagle Centre, Slievekeale Rd., Waterford	89,578.00
Knockanrawley Resource Centre Ltd., Tipperary Town	110,000.00
St. Saviours National School, Ballybeg, Waterford	35,636.00
Ferns Diocesan Youth Service, Francis St., Wexford	53,601.00

Group/Organisation	Grant (€)
Youth New Ross, Co. Wexford	121,565.00
Waterford Pathways, Manor St., Waterford	30,500.00
Kerry Diocesan Youth Service (KDYS, Tralee)	32,500.00
Drogheda Youth Development, Co. Louth	167,920.00
Barnardos Carlow Family Support Project	19,000.00
Athy Youth Project, Co. Kildare	58,775.00
Athy Travellers' Club, Co. Kildare	50,420.00
Wexford Education Network	149,616.00
Clare Youth Service, Ennis, Co. Clare	78,828.00
Blanchardstown Travellers Support Group, Dublin 15	106,300.00
Little Bray Family Resource Centre, Co. Wicklow	75,288.00
Tallaght Intercultural Action, Dublin 24	130,000.00
Dillon's Cross/Post Release Project, Cork	34,133.00
Ballymun Job Centre, Dublin 11	79,127.00
Community Women's Education Initiative Ltd, Lr John Street, Cork	24,726.00
Barnardos Childrens Services Dublin North, Mulhuddart, Dublin 15	80,000.00
Blakestown and Mountview Youth Initiative, Clonsilla, Dublin 15	78,742.00
Dolphin House Community Development Association, Rialto, Dublin 8	118,000.00
Darndale Belcamp Integrated Childcare Service, Dublin 17	84,000.00
Dublin Aids Alliance (DAA) LTD, Parnell Sq., Dublin 1	41,000.00
Larkin/ Shelbourne Project, Dublin 1	100,000.00
Fettercairn Youth Horse Programme, Tallaght, Dublin 24	184,314.00
St. Andrew's Resource Centre, Pearse St., Dublin 2	125,200.00
Mellow Springs Childcare Dev, Finglas, Dublin 11	85,790.00
O'Devaney Gardens Forum, Dublin 7	66,943.00
Youth Horizons, Dublin 24	45,000.00
Loreto Centre, Dublin 12	48,148.00
Dime Project Advisory Committee, Dublin 1	135,318.00
Fingal ICTU Centre for the Unemployed, Finglas, Dublin 11	100,878.00
Adventure Sport Project, Dublin 1	113,680.00
St. Vincent de Paul, Cork	20,000.00
Gateway Project, Dublin 7	6,900.00
Irish Traveller Movement, Temple Bar, Dublin 2	129,510.00
Board of Management of Ballyspillane Community and Family Resource Centre, Killarney, Co Kerry	20,000.00
Tramore YDP — Foroige, Co. Waterford	161,625.00
Kildare Youth Services (Curragh Youth Project)	81,226.00
Rosemount Community Dev Group, Dublin 14	50,974.00
Taghmon Action Group, Co. Wexford	70,000.00
Family-School-Community Educational Disadvantage Partnership, Limerick	331,396.00
Families and Schools Together, Jobstown, Tallaght, Dublin 24	77,245.00
National College of Ireland, Mayor St., Dublin 1	33,950.00
St. Peter Apostle JNS, Clondalkin, Dublin 22	41,000.00
TOFE Program (School Completion Prog), Dublin 15	37,600.00
Learning Through Arts Scholarship Programme, Dublin 1	91,000.00
Our Lady Immaculate Junior National School, Darndale, Dublin 17	10,000.00
Castlecomer Community School, Co. Kilkenny	147,640.00
Tralee Learning Together Network	137,500.00
Drogheda Northside Partnership (DNCP), Co. Louth	41,000.00
The Glen CDP, Cork	6,000.00
The Larkin Centre, 57-58 North Strand Road, Dublin 3	147,700.00
Ronanstown CDP/Womens Ed Forum, Clondalkin, Dublin 22	79,670.00
North Clondalkin CDP/Campus	47,712.00
Co-Operation Fingal, Co. Dublin	66,000.00
Borrisokane Area Network Development Co., Co. Tipperary	3,000.00
Borrisokane AND Company Ltd, Co. Tipperary	17,687.00
Wicklow Working Together Ltd.	22,500.00
City of Galway VEC	20,214.00

Group/Organisation	Grant (€)
Literacy Service, Co. Westmeath VEC	116,000.00
Junior Certificate School Programme Demonstration Library Project, Dublin 12	113,500.00
Scoil na Croise Naofa, Mahon, Co. Cork	10,000.00
TASS (Target After School Service), Drogheda	122,750.00
Tallaght Volunteer Bureau, Dublin 24	46,762.00
Frenchpark & Districts Childcare, Roscommon	190,000.00
Inishowen Women's Information Network, Lifford, Co Donegal	100,000.00
Bedford Row Family Centre, Limerick City	70,941.00
Tralee Town Council	175,000.00
The Glen CDP, Cork	67,637.00
South Westmeath Literacy Scheme, Athlone	17,500.00
Mountmellick Development Association	60,332.60
St. Paul's Scout Unit, Lisduggan, Waterford	95,000.00
Foroige/Cootehill/Ballybay Adolescent Friendly Health Project	178,313.00
West Dublin YMCA	127,850.00
National Adult Literacy Agency (NALA)	123,225.00
North Tipperary VEC	182,000.00
ASSET	100,000.00
St. Bernadette's Pre-School for Travelling Children	9,900.00
IRD Duhallow Youth & Education Group	100,000.00
Step by Step Child and Family Project	3,000.00
The BLOCK Project	90,125.00
Blackwater Community School/Lismore GAA	123,684.00
Second Chance Education Project for Women	68,436.00
South Kerry Development Partnership	18,000.00
Kilrush Family Resource Centre Ltd	75,000.00
Family Supports — Breakfast Club BAP	11,431.00
De La Salle College	51,000.00
Holy Family BNS Board of Management	12,450.00
City of Galway VEC	63,620.00
Westside Community Development Resource Centre Ltd	14,000.00
Cuan Mhuire	297,206.00
Galway City and County Childcare Committee	90,000.00
St. Mary's Community Adult Education Committee	86,145.00
Board of Management (Swinford National School)	32,422.00
South Kerry Development Partnership	44,940.00
Tuam Travellers Education	238,480.00
Tipperary Community Hostel Project Ltd	300,000.00
Northside Partnership	235,000.00
Accessible Community Transport Southside Ltd	25,000.00
Walkinstown Association for Handicapped People Ltd	20,000.00
National Training and Development Institute	82,246.00
Laois Sports Partnership LTD	35,000.00
National Council for the Blind of Ireland	636,000.00
Dun Laoghaire VEC	94,400.00
Duneske Leisure Limited	104,491.00
Cahir Development Association Ltd	70,000.00
Bodywhys	91,659.00
St. Loman's Mental Health Association	31,195.00
Western Care Association	140,000.00
Western Care Association	69,000.00
Autism Service	59,200.00
Camphill Communities of Ireland	360,000.00
CoAction West Cork Ltd.	93,735.00
Irish Progressive Association for Autism	5,600.00
Greater Blanchardstown Development Project	46,257.00
Ballywaltrim Community Centre Ltd.	786,538.00
Dundalk Town Council	40,500.00

Group/Organisation	Grant (€)
Dundalk Town Council	41,000.00
Hope House	400,000.00
Avondhu Development Group Ltd.	28,014.00
Leitrim Gaels Community Development Ltd.	367,000.00
St. Brendan's Park FC	114,760.00
Ballyforan Community Hall	20,000.00
Cunamh Energy Action Ltd.	18,612.00
Longmeadows Pitch and Putt Company	174,000.00
Clondalkin Local Employment Service (CLES)	24,675.00
Achill Scouting 22nd Unit — Mayo	38,373.00
Voice of Older People — County Donegal	54,000.00
Cork Simon Community	274,382.00
Ennis Town Council	17,479.00
Aisling Group/Bradan Day Programme	112,000.00
St. Paul's Youth Club	50,000.00
St. Monica's Youth Centre	35,000.00
Glen Resource and Sports Centre Ltd.	75,890.00
Dromcollogher & District Respite Care Centre	120,000.00
Our Ladies of Victories Youth Centre	20,000.00
St. Teresa's Boys/Girls Football Club	42,000.00
37th Cork Togher Scout Group	14,000.00
Valentia Community Health and Welfare Association Ltd.	100,000.00
Kilbarrack CDP	10,000.00
Community Care of the Elderly	17,000.00
Ballyfarnon Community Enterprise Group Ltd.	28,851.00
The Carer's Association	10,000.00
Inch Community Council	20,000.00
Waterford Regional Youth Service	400,000.00
Portumna Social Services Committee	32,000.00
Inishowen Partnership Company	62,124.00
Adapt Kerry Ltd., T/A Kerry Refuge Support Services	874,692.00
Kilteevan Community Development Group	310,550.00
Dublin City Council	72,000.00
Limerick City Council	55,495.00
An Siol Community Development Project	40,895.00
Men's Development Network	120,000.00
Farranaree Family Resource Centre	31,500.00
Ballyfermot Travellers Action Project	60,100.00
South End Community Action Team (SECAT)	149,500.00
St. Mary's Senior Citizens Club, Knocknaheeny	180,000.00
Midlands Regional Youth Service	46,230.00
Cork Campus Radio 97.4 FM	3,500.00
Kiltyclogher Community Council	29,050.00
The Vincentian Partnership for Social Justice	100,000.00
Athy Town Council	70,838.00
Donore Harriers	132,059.00
Easkey Community Council Ltd.	120,000.00
Scouting Ireland	22,297.00
National Suicide Research Foundation	84,140.00
Galway City Health Forum	83,000.00
Glengariff Playground Development Ltd	58,553.00
Glenfinn Area Council	450,000.00
Order of Malta Ambulance Corps	300,000.00
Tolka River Project Ltd	10,645.00
Tallaght Centre for the Unemployed Ltd	125,000.00
Sisters of Our Lady of Charity Residential Hostel	100,000.00
Avoca Aftercare Project Ltd	400,000.00
Crosscare Aftercare Support Unit, Dublin 7	103,000.00

Group/Organisation	Grant (€)
Youghal Youth Committee (Foroige), Co. Cork	130,000.00
Mayfield Employment Action Project Ltd., Old Youghal Road, Co. Cork	5,231.00
Tallaght West Education Support Forum, Dublin 24	52,300.00
National Adult Literacy Agency, Dublin 1	69,555.00
Co. Wexford Community Workshop, Enniscorthy	250,000.00
Irish Rural Link, Moate, Co. Westmeath	45,109.61
Wexford Borough Council	160,000.00
Mallow Daycare Centre, Cork	6,029.75
Tralee Community Development Project Ltd., Kerry	199,912.05
Monsignor McCarthy Steering Committee, Athlone, Co. Westmeath	110,300.00
Merchants Quay Project, Dublin 8	157,709.00
Leitrim County Council	40,000.00
Sligo County Council	117,800.00
North Cork Adult Basic Education Service, Mallow	49,331.00
Collinstown Park School Completion Programme	71,500.00
Galway Rural Development	430,000.00
The Autistic Outreach Unit	20,000.00
The Linkup Project	24,000.00
The Alzheimers Society of Ireland	25,000.00
Bantry Integrated Development Group	327,000.00
Mountwood Fitzgerald Park Community Development Project	127,500.00
Longford Women's Link, Ardnacassa Ave, Longford.	84,272.00
Kerry Rape and Sexual Abuse Centre	95,800.00
Clonliffe and Croke Park Community Hall	15,000.00
Beacon of Light Counselling Centre	80,000.00
Sligo Borough Council	203,280.00
Co. Roscommon Higher Education Centre	104,000.00
KDYS Youth Centre, Kerry	154,357.00
Futurama Out of School Transition Initiative, Dublin	190,000.00
Emotional Behavioural Difficulties Project, Dublin 22	141,358.00
City of Limerick VEC Adult Education Service	249,540.00
Vocational School Abbeyfeale, Limerick	9,600.00
Ballyowens Meadow School, Stillorgin, Dublin	50,000.00
The Swan Group, Sligo	3,053.00
AWARE, Dublin 2	141,000.00
Our Lady of Lourdes Community Services Group, Limerick	122,772.00
Clonmel Celtic Football Club, Tipperary	49,000.00
Waterford City Council	200,000.00
Cavan County Council	278,210.00
Ennis Town Council, Clare	278,764.79
County Leitrim Partnership Ltd.	73,991.00
Clondalkin Community Health Initiative, Dublin 22	133,230.00
Northside Partnership	331,000.00
Tir na nOg Pre-School for Travelling Children, Ballyfermot, Dublin 10	111,700.00
St. Fergals Resource Centre, Bray, Co. Wicklow	75,288.00
The Shanty Educational Project Ltd, Tallaght, Dublin 24	62,346.00
St. Teresa's Gardens Environment and Employment Project, Dublin 8	7,741.00
Dublin CABAS School Parent Group, Kilbarrack, Dublin 5	49,884.00
Pathways Through Education Community Links Programme, Dublin 1	212,571.00
Mary Queen of Angels, Ballyfermot, Dublin 10	102,173.00
The Web Project, Taylors Lane, Dublin 16	17,000.00
Togher Family Centre After Schools Activity Programme, Togher, Cork City	29,620.00
Colaiste Eoin Secondary School/Co Cork VEC, Youghal, Co Cork	50,852.00
Bray Adult Learning Centre, Co Wicklow VEC Adult Education Service, Co Wicklow	78,740.00
Inishowen Partnership Company, Buncrana, Co. Donegal	6,000.00
Educational Disadvantage Centre, Drumcondra, Dublin 9	158,158.00
Cherry Orchard Equine, Education and Training Centre, Ballyfermot, Dublin 10	297,400.00
Parkside Community Development Project Ltd, Ballina, Co. Mayo	10,500.00

Group/Organisation	Grant (€)
Kilbarrack CDP, Children's Centre, Dublin 5	3,000.00
Board of Management St. John's and St. Paul's NS, Co. Louth	104,700.00
Board of Management, Scoil Phadraig Naofa, Athy, Co. Kildare	41,000.00
The Blue Box Creative Learning Centre, Limerick City	71,500.00
Comhlámh, The Irish Association of Development Workers, Dublin 2	20,000.00
St. Peter Apostle SNS, Clondalkin, Dublin 22	20,000.00
ABAILE, Co. Louth	54,894.00
WESLIN — Waterford Early School Leaving Integrated Network, Waterford City	90,579.00
NWHB, Barrack St., Sligo Town	63,251.00
Kerry Education Service, Tralee, Co. Kerry	144,000.00
Ballinasloe Community Resources Ltd, Ballinasloe, Co. Galway	53,000.00
Beara Youth Development Project (YDP) — Foroige, Castletownbere, Co. Cork	108,000.00
Global Action Plan, Dublin 9	40,000.00
Huntingtons Disease Association of Ireland, Dublin 7	3,536.00
KARE, Co. Kildare	194,000.00
Delta Centre Ltd., Carlow Town	200,000.00
Co-operation Fingal, Balbriggan, Co. Dublin	171,616.00
ROSEQUAL Ltd., Roscommon Town	21,374.00
Walkinstown Association for Handicapped People Ltd., Dublin 12	8,800.00
Walkinstown Association for Handicapped People Ltd., Dublin 12	50,000.00
Disability Federation of Ireland, Fumbally Lane, Dublin 8	79,850.00
Avondhu Development Group Ltd., Mallow, Co. Cork	20,777.00
Employ Ability Ltd., Old Naas Road, Dublin 12	144,830.00
Mental Health Ireland, Dun Laoghaire, Co. Dublin	97,576.00
Spinal Injuries Action Association, Dun Laoghaire, Co. Dublin	66,312.00
Kilcannon Industries Limited, Enniscorthy, Co. Wexford	250,000.00
Ballincollig Child and Family Clinic, Ballincollig, Co. Cork	10,234.00
Waterford Befriending Project, Tramore, Co. Waterford	60,000.00
St. Mary's Hall Committee, Carrick on Shannon, Co. Leitrim	20,000.00
Aspire, the Asperger Syndrome Association of Ireland, Dublin 7	22,200.00
Service Users Forum-South East Region, Kilkenny City	34,000.00
Schizophrenia Ireland, Dublin 7	30,500.00
Myasthenia Gravis Association, Ennis, Co. Clare	6,000.00
Kilrush Family Resource Centre Ltd., Kilrush, Co. Clare	21,000.00
Walkinstown Association for Handicapped People Ltd., Dublin 12	10,000.00
Board of Management, Our Lady of Good Counsel Special School, Ballincollig, Co. Cork	17,902.00
Cneasta, Buncrana, Co. Donegal	52,500.00
Brothers of Charity Services, Limerick Region, Limerick	60,599.00
North Western Health Board Assistive Technology Unit, Sligo Town	112,000.00
Hospitaller Order of St. John of God, Celbridge, Co. Kildare	167,336.00
The Royal Hospital Donnybrook, Dublin 4	78,555.00
Hazel Day Hospital, Blanchardstown, Dublin 15	22,700.00
AHEAD Association for Higher Education Access and Disability, Dublin 2	123,500.00
Sisters of Charity of Jesus and Mary, Co. Kildare	300,000.00
Ballyduff National School, Kilmeaden, Co. Waterford	21,000.00
Aiséiri Treatment Centre, Cahir, Co. Tipperary	47,000.00
Brothers of Charity Services, Roscommon Town	7,500.00
RehabCare, Sandymount, Dublin 4	45,277.00
Easi Access Transport Ltd., Bray, Co. Wicklow	129,894.00
Lucan Disability Action Group Ltd., Lucan, Co. Dublin	22,900.00
Togher Family Centre, Togher, Co. Cork	3,447.00
Ability Enterprises Ltd, Ballindine, Co. Mayo	41,441.00
North West Parents and Friends, Sligo Town	110,000.00
Brothers of Charity Services, Roscommon, Roscommon Town	161,862.00
Marian Centre Special School, Tullamore, Co. Offaly	60,000.00
Avondhu Development Group, Mallow, Co. Cork	36,663.00
Cluain Training and Enterprise Centre Ltd., Clonmel, Co. Tipperary	88,237.00
Blue Teapot Theatre Company, Renmore, Co. Galway	45,722.00

Group/Organisation	Grant (€)
The Royal Hospital Donnybrook Voluntary Housing Association Ltd., Ranelagh, Dublin 6	11,117.00
Irish Wheelchair Association and National Council for the Blind of Ireland, Clane, Co. Kildare	211,800.00
County Wexford Community Workshop (Enniscorthy) Limited, Enniscorthy, Co. Wexford	115,000.00
Western Care Association, Castlebar, Co. Mayo	70,000.00
Childhood Days for Children with Learning Disability Ltd., Drumshanbo, Co. Leitrim	24,826.00
Longford Dyslexia Association, Ballinalee, Co. Longford	10,000.00
The Royal Hospital Donnybrook Voluntary Housing Association Ltd., Ranelagh, Dublin 6	34,340.00
Alzheimer Society of Ireland, Blackrock Branch, 34 Northumberland Ave., Dun Laoghaire	2,277,171.00
Peamount Hospital, Newcastle, Co. Dublin	783,000.00
Senior Citizens Social Housing Unit Beaufort, Dun Laoghaire	3,500.00
Kerry Adolescent Counselling Service, Tralee, Co. Kerry	35,000.00
The Midland Health Board Steering Group on Suicide, Portlaoise, Co. Laois	14,264.00
SAOL, Dublin 1	105,500.00
Loughlinstown Community Rooms, Dun Laoghaire, Co. Dublin	20,247.00
Ogra Chorcaí Ltd., Cork City	200,775.00
Smashing Times Theatre Company Ltd., Dublin 7	79,990.00
Common Ground Ltd., 10 Grattan Crescent, Dublin 8	32,333.00
Comhar Chathair Chorcaí, Mallow Rd., Cork City	10,750.00
Dominican Day Centre for Senior Citizens, Dublin 1	10,696.00
Galway Rape Crisis Centre, Galway City	81,879.00
Mulhuddart Resource Centre, Dublin 15	2,500.00
Mulhuddart Corduff Community Drug Team, Dublin 15	13,080.00
Vista Community Development Project, Dublin 8	8,000.00
CANDO Ltd., Dublin Rd., Carlow Town	6,000.00
Mountview Senior Citizens Support Group, Blanchardstown, Dublin 15	15,000.00
Streetline Ltd., Dublin 1	25,000.00
West Cork Carers Support Group Ltd., Bantry, Co. Cork	81,580.00
TRAIL, Dublin 1	80,000.00
Samaritans, 112 Marlborough St., Dublin 1	97,998.00
Dublin Simon Community, Dublin 1	160,885.00
The National Network of Women's Refuges and Support Services, Athlone, Co. Westmeath	45,000.00
Longford Community Resources Ltd., Longford Town	150,376.00
Youth Projects Network, Dublin North-East Inner City, Dublin 3	39,900.00
Killinarden Drug Primary Prevention Group, Tallaght, Dublin 24	40,000.00
Finglas Cabra Partnership/Finglas RAPID Programme, Finglas, Dublin 11	107,865.00
Ballinasloe Social Services Ltd., Ballinasloe, Co. Galway	25,846.00
Kerry Respite Care Ltd., Co. Kerry	118,987.00
Finglas Sports Development Group, Finglas West, Dublin 11	26,160.00
Southern Health Board, Tralee, Co. Kerry	7,500.00
Leenane Development Association, Leenane, Co. Galway	7,040.00
Drogheda Borough Council, Drogheda, Co. Louth	18,000.00
Catherine McAuley Centre, Dublin 2	68,208.00
ADAPT (Limerick), Limerick City	285,000.00
An Siol Senior Citizens Project, Dublin 7	38,000.00
The Traveller Visibility Group, The Glen, Cork City	5,580.00
Franciscan Social Justice Initiatives, Dublin 8	93,541.00
Longford Community Resources Ltd., Longford Town	110,354.00
Carrick-on-Suir Neighbourhood Youth Project, Carrick-on-Suir, Co. Tipperary	89,561.00
St. Brendan's The Glen Snr. Citizens, Cork City	30,000.00
Carrick-on-Shannon Active Age Group, Co. Leitrim	5,882.00
Watergate Muintir Community Council, Limerick City	71,600.00
Awareness Education Office, Dublin 7	105,500.00
Whitefriar Street Community Education & Development Project, Dublin 2	4,350.00
Cairde, Dublin 1	76,072.00
Galway Refugee Support Group, Headford Road, Galway City	82,710.00
Mulhuddart Lifestart, Dublin 15	70,090.00
Dublin North East Community Communications Co-Operative, Bunratty Road, Dublin 17	126,000.00
Dochas Family Centre, Clondalkin, Dublin 22	200,000.00

Group/Organisation	Grant (€)
After Care Recovery Group Ltd., Dublin 1	28,653.00
Adrigole Family Resource Centre, Beara, Co. Cork	7,200.00
2nd Galway Tuam Scouts SI, Co. Galway	110,000.00
Togher Wednesday Social Group, Co. Cork	4,000.00
Little Bray Family Resource Centre, Bray, Co. Wicklow	62,940.00
Kerry Suicide Support Group, Castleisland, Co. Kerry	42,000.00
Foroige, Rockwood Parade ,Sligo Town	101,280.00
Carlow Regional Youth Services Ltd., Carlow Town	64,699.00
Corduff Community Resource Centre, Corduff, Dublin 15	30,000.00
Cork Threshold Housing Advice Service	174,303.00
Millennium Holiday Home Project	17,500.00
Catholic Youth Care/Bray Outdoor Pursuits Project, Bray, Co. Wicklow	78,150.00
MAAN Group, Dublin 22	162,500.00
Neighbourhood Youth Project, Castlerea, Co. Roscommon	10,000.00
Tallaght Homeless Advice Unit, Tallaght, Dublin 24	155,000.00
Tallaght Homeless Advice Unit, Tallaght, Dublin 24	90,658.00
Parasuicide Intervention Study Group, Wilton, Cork City	96,900.00
Kerry Diocesan Youth Service (KDYS, Killarney), Killarney, Co. Kerry	120,000.00
Doras Luimni, South Circular Rd., Limerick City	41,754.00
Socially Inclusive Health Centre — SWAHB, Dublin 12	130,500.00
Ana Liffey Drug Project, Dublin 1	35,000.00
Dublin 15 Playground Action Group, Blanchardstown, Dublin 15	26,800.00
Blakestown Community Resource Centre, Blakestown, Dublin 15	134,000.00
Farranree Alcohol and Drugs Awareness Project, Farranree, Cork City	21,180.00
Ballybane/Mervue Community Development Project, Galway City	107,423.00
Cumas and Cairdeas, Clondalkin, Dublin 22	13,400.00
Bray Community Enterprise, Bray, Co Wicklow	55,600.00
Crumlin Sports Employment Project, Dublin 6W	60,000.00
Inishowen Partnership Company, Buncrana, Co. Donegal	4,500.00
St. Catherines Community Services Centre, Carlow Town	11,000.00
North Wall Womens Centre, Dublin 1	119,700.00
Ballymoe Development Centre Ltd., Galway City	60,000.00
Deora Project, Seville Place, Dublin1	45,000.00
Duhallow Carers Network, Mallow, Co. Cork	950.00
Loughlinstown Playgroup Development Group, Loughlinstown, Co. Dublin	51,250.00
Harmony Community Development Programme, Athlone, Co. Westmeath	110,151.00
Mahon Resource Centre Ltd., Cork City	141,205.00
Basement Project Trading as Mountwood Fitzgerald Park CDP, Dun Laoghaire, Co. Dublin	300,000.00
Homeless Network, Cope Street, Dublin 2	132,492.00
Community After Schools Project (CASPr), Dublin 1	40,000.00
Mayfield Community Arts Centre Newbury House, Mayfield, Cork City	45,000.00
Mulranny Day Centre Housing Company Limited, Mulranny, Co. Mayo	152,310.00
Limerick Travellers Development Group, Limerick City	41,000.00
Vita House Family Centre, Roscommon Town	65,000.00
Bunratty Road Tenants Association, Coolock, Dublin 17	38,860.00
Hillside Club, Ballinalee, Co. Longford	1,000.00
Churchfield Community Trust, Cork City	172,520.00
Cope — Meals on Wheels, Tuam Road, Galway City	90,750.00
Sligo Northside Community Partnership Ltd., Sligo Town	129,010.00
Rahoon Family Centre, Galway	15,383.00
Roma Support Group, Dublin 1	65,000.00
Dublin Community Games, Dublin 7	70,000.00
Waterford Local Economic Development Co. Ltd., Kilbarry, Waterford	816,000.00
Gurranabraher Churchfield Development Group, Gurranabraher, Cork	485,000.00

RAPID Programme.

229. **Mr. Kehoe** asked the Minister for Com-

munity, Rural and Gaeltacht Affairs the amount of funding that has been distributed to each RAPID programme in towns (details supplied);

[Mr. Kehoe.]
what amount was budgeted for in each RAPID project; and if he will make a statement on the matter. [2732/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): My Department, supported by ADM Limited, co-ordinates the implementation of the RAPID programme. It is, therefore, a matter for each of the other Departments to report details of funding for the proposals that fall within its remit.

My Department allocated funding to New Ross and Wexford under a number of co-funded schemes. Total funding of €40,000 was allocated to each town under the local authority housing estate enhancement scheme, which is co-funded with the local authorities. My Department also co-funded a playground scheme with the Department of Health and Children and total funding of €60,000 was allocated to each town for the development of new playgrounds. My Department also provided additional top-up funding to successful projects in RAPID areas under the sports capital programme 2004. Details of funding allocated are as follows:

	€
New Ross AFC	5,800
Sarsfields GAA Club	10,823
Faythe Harriers GAA Club	7,500

The Dormant Accounts Fund Disbursements Board allocated funding for the following projects in RAPID areas:

	€
Youth Information Centre, New Ross	121,565
Ferns Diocesan Youth Service, Wexford	53,601
Wexford Education Network	149,616
Wexford Borough Council	160,000

Funding of €182,200 was provided by my Department to the Access 2000 CDP in Wexford town in December 2004. The grant was provided to purchase a premises.

Departmental Appointments.

230. **Mr. Kehoe** asked the Minister for Community, Rural and Gaeltacht Affairs the number of public appointments made in his Department since August 2004; the name of each appointee involved; and if he will make a statement on the matter. [2742/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): No non-Civil Service appointments have been made by me, in my Department, since August 2004.

Foras na Gaeilge.

231. **D'fhiafraigh Mr. Kenny** den Aire Gnóthai

Pobail, Tuaithe agus Gaeltachta an gcuirfidh sé tuilleadh airgid ar fáil do Fhoras na Gaeilge i leith na sáiroibre atá déanta ag Coiste Dúiche Mhaigh Eo ó thaobh fhorbairt na Gaeilge de, ó thaobh na gcúrsaí a cuireadh ar bun le tamall anuas; agus an ndéanfaidh sé ráiteas ina thaobh. [2794/05]

Minister for Community, Rural and Gaeltacht Affairs (Éamon Ó Cuív): Tuigfidh an Teachta gur cheist d'Fhoras na Gaeilge féin cinntí a dhéanamh maidir le soláthar deontas, i gcomhréir leis an réimse reachtúil ina bhfeidhmíonn sé agus na Pleananna Gnó agus Corparáide atá aige.

Mar eolas don Teachta, tuigtear dom go bhfuil Foras na Gaeilge tar éis scéim nua a aontú le Coiste Dúiche Mhaigh Eo don tréimhse 2005 go 2007 agus go bhfuil maoiniú de €144,554 ceadaithe don tréimhse sin.

Grant Payments.

232. **Mr. N. O'Keeffe** asked the Minister for Agriculture and Food if a person (details supplied) in County Cork is entitled to the maximum forestry premium. [2876/05]

Minister for Agriculture and Food (Mary Coughlan): There was no change in forestry premium rates over the period referred to. However, the person in question is in receipt of the non-farmer rate of forestry premium, which is lower than that paid to applicants who qualify for the farmer rate of premium.

Freedom of Information.

233. **Mr. Sargent** asked the Minister for Agriculture and Food the basis on which the seeking of the informal third party observations are conducted under the Freedom of Information Acts, such as that sought by phone on 7 October 2004 in a case (details supplied). [2351/05]

Minister for Agriculture and Food (Mary Coughlan): When considering the public interest, the FOI unit of my Department, in accordance with the guidance of the FOI central policy unit of the Department of Finance, advises all decision-makers to consult any third parties informally when deliberating over the release of records involving these parties.

234. **Mr. Sargent** asked the Minister for Agriculture and Food if she will provide a copy of the record of the telephone conversation and any observations and reports sought by phone on 7 October 2004 in a case (details supplied) by the officer involved or any other officer; and if she will make a statement on the matter. [2352/05]

Minister for Agriculture and Food (Mary Coughlan): As the record referred to by the Deputy involves a private citizen, consideration of its release would require prior consultation with the person involved. As the Deputy will be aware, the Freedom of Information Acts 1997 and 2003 set out a procedure for the release of

Departmental records, including records of the kind referred to by the Deputy.

235. **Mr. Sargent** asked the Minister for Agriculture and Food the number of times in 2002, 2003 and 2004, respectively, on which her Department sought informal third-party observations by phone in respect of FOI requests or FOI internal reviews. [2353/05]

Minister for Agriculture and Food (Mary Coughlan): My Department does not keep records of the number of times in which informal third party observations are sought by phone in respect of FOI requests or FOI internal reviews.

236. **Mr. Sargent** asked the Minister for Agriculture and Food the reference number, date and a summary of each of the five outstanding forestry-related appeals with the Office of the Information Commissioner; and the date on which the commissioner first sought information from her Department or the Department of Communications, Marine and Natural Resources. [2354/05]

Minister for Agriculture and Food (Mary Coughlan): Details of the five outstanding forestry-related appeals with the Office of the Information Commissioner are as follows:

Dept. Ref. No.: FOI/135/2002	Summary of Request
Office of the Information Commissioner Ref. No.: 020523 Date of request: 7 August 2002 Date on which Information Commissioner first sought information from the Department of Communications, Marine and Natural Resources: 29 October 2002	Requester sought: copies of the annual report and accounts of 1998, 1999, 2000 and 2001 in respect of each Christmas tree farm partnership between Coillte Teoranta and/or its subsidiaries and financial institutions and of their respective subsidiaries; copies of records showing the Department's/Minister's observations thereon, including correspondence to or from Coillte Teoranta and other parties.
Dept. Ref. No.: FOI/95/2002 Office of the Information Commissioner Ref. No.: 020413 Date of request: 4 June 2002 Date on which Information Commissioner first sought information from the Department of Communications, Marine and Natural Resources: 14 August 2002	Summary of Request Requester sought: access to non-personal records showing when the Minister or Department first became aware of the problems which led to a write-off of approximately €2 million of Christmas tree farm assets by Coillte Teoranta; copies of records showing the Department's/Minister's observations on the problem, including correspondence to or from Coillte Teoranta and other parties.

Dept. Ref. No.: FOI/141/2001	Summary of Request
Office of the Information Commissioner Ref. No.: 010354 Date of request: 12 July 2001 Date on which Information Commissioner first sought information from the Department of Communications, Marine and Natural Resources: 31 January 2002	Requester sought copies of records concerning the manner in which Coillte Teoranta has accounted for transactions with the Irish Forestry Unit Trust, IFUT.
Dept. Ref. No.: FOI/23/2001 Office of the Information Commissioner Ref. No.: 010140 Date of request: 30 December 2000 Date on which Information Commissioner first sought information from the Department of Communications, Marine and Natural Resources: 25 October 2001	Summary of Request Requester sought records about a commercial wood in Whitefield, Beaufort, County Kerry.
Dept. Ref. No.: FOI/14/2001 Office of the Information Commissioner Ref. No.: 010181 Date of request: 17 January 2001 Date on which Information Commissioner first sought information from the Department of Communications, Marine and Natural Resources: 18 February 2002	Summary of Request Requester sought copies of Department of Communication, Marine and Natural Resources records on its past, present and proposed future involvement in the millennium forest project.

237. **Mr. Sargent** asked the Minister for Agriculture and Food the reference number of the

forestry-related FOI appeals in respect of which her Department is awaiting receipt from the Department of Communications, Marine and

[Mr. Sargent.]
Natural Resources of two sets of records.
[2355/05]

Minister for Agriculture and Food (Mary Coughlan): The information requested by this Deputy is as follows:

	Department of Communications, Marine and Natural Resources Ref. Nos.	Information Commissioner's Ref. Nos.
Appeal 1	FOI/14/2001	010181
Appeal 2	FOI/23/2001	010140

I understand that the Office of the Information Commissioner has been directly provided by that Department with copies of all the records relevant to these appeals.

Bovine Disease Controls.

238. **Mr. Sargent** asked the Minister for Agriculture and Food if P1230873 is a valid herd number; if it was allocated to a person (details supplied) or any other person; and the reason the number P1230873 and the phrase containing this person's name appears on a record. [2356/05]

Minister for Agriculture and Food (Mary Coughlan): According to my Department's records, P1230873 is a valid herd number. It is registered in the name of the spouse of the person named. This record, which was disclosed under an FOI request, was part of a forestry grant and premium application by a person who purchased land from the person named. It would appear that the herd number and the phrase were inserted on the application by the person completing the application form. I am not aware of the reason for this.

Grant Payments.

239. **Mr. McGuinness** asked the Minister for Agriculture and Food if an appeal in the name of a person (details supplied) in County Kilkenny relative to payments under the REP scheme will be expedited; and if she will make a statement on the matter. [2357/05]

Minister for Agriculture and Food (Mary Coughlan): The person named reduced the size of his holding and a penalty was imposed on him in November last. He appealed the penalty directly to the Agriculture Appeals Office. At the request of the appeals office, my Department is reviewing the penalty. My Department will shortly convey its decision to the appeals office, which will make a final determination. The Agriculture Appeals Office is statutorily independent of my Department.

Bovine Diseases.

240. **Mr. Connolly** asked the Minister for Agriculture and Food if a bounty is available to farmers for killing badgers; if there is a licence avail-

able to farmers to cull badgers; and if she will make a statement on the matter. [2358/05]

241. **Mr. Connolly** asked the Minister for Agriculture and Food if pilot schemes of badger culling have been introduced here to combat the spread of tuberculosis in cattle; the number of badgers killed to date; and if she will make a statement on the matter. [2359/05]

242. **Mr. Connolly** asked the Minister for Agriculture and Food the number of badgers culled in the interests of eradicating bovine tuberculosis; the methods of killing used; and if she will make a statement on the matter. [2360/05]

Minister for Agriculture and Food (Mary Coughlan): I propose to take Questions Nos. 240 to 242, inclusive, together.

Various scientific investigations into the role of badgers in the spread of bovine TB have concluded that there is a link between infected badgers and the transmission and spread of the disease. The first study of the effect of the removal of badgers on the incidence of bovine TB took place in east Offaly in the 1980s and early 1990s and demonstrated that the removal of badgers resulted in a substantial reduction of TB in the bovine herd. A more recent study was undertaken by the Centre for Veterinary Epidemiology and Risk Analysis, CVERA, on behalf of my Department and confirmed the findings of the east Offaly study. This study compared the incidence of TB in cattle in four areas — removal areas — where badgers were removed and in four other areas — comprising the reference area — where badger disturbance was minimal. The study also made comparisons with the incidence in the areas in the pre-study period. The study revealed that the removal of badgers resulted in a very significant decline in the incidence of TB in the cattle herd in the removal areas between the pre-study period and the study period, particularly in the final two years of the latter period, and by comparison with the reference areas. For example, the total number of confirmed cases in the removal areas was almost 60% lower in the study period than in the pre-study period. For the reference areas, there was little difference compared with the national trend in the incidence of the disease in the two periods.

Currently, my Department undertakes badger removals under arrangements agreed with the Department of the Environment, Heritage and Local Government. Under these arrangements, where an epidemiological investigation rules out other immediate causes as the source of TB and where evidence of badger activity on the holding has been found, a Department veterinary inspector may make an application for a badger capture licence to the National Parks and Wildlife Service. A condition of the licence is that constraints be checked at least once every 24 hours. In my Department's wildlife programme, the protocols for removing badgers include this condition. The badgers are killed by trained farm relief service

employees using a 0.22 in. rifle. All badgers removed undergo *post mortem* examination for evidence of TB and some are submitted for pathological tests. There is no bounty available to farmers for killing badgers. Issuing of the licences to cull badgers is a matter for the Minister for the Environment, Heritage and Local Government. Over the past four years, some 16,400 badgers have been culled under the Department's research programme.

My Department is satisfied that its current badger removal policy is justified and has contributed to the decline in the number of TB reactors and the costs associated with bovine TB.

Grant Payments.

243. **Mr. Noonan** asked the Minister for Agriculture and Food when a REP scheme payment will be made to a person (details supplied) in County Limerick. [2361/05]

Minister for Agriculture and Food (Mary Coughlan): The application from the person named was received in my Department on 3 December last and is being processed in accordance with the targets set out in the protocol on direct payments to farmers.

244. **Mr. Crawford** asked the Minister for Agriculture and Food when a person (details supplied) in County Monaghan will receive details of their single payment entitlement; and if she will make a statement on the matter. [2362/05]

Minister for Agriculture and Food (Mary Coughlan): A certificate of provisional entitlements under the single payment scheme was issued to the person named on 8 October 2004. The statement included a detailed breakdown of how the provisional entitlements were calculated.

Farmers who are not satisfied with their provisional entitlement statement may seek a review on a form which is available from all local offices of my Department and from my Department's website. To date, a review form has not been received from the person named. If the statement issued on 8 October 2004 was not received by the person named, a copy can be provided. Officials of my Department will contact the person named in this regard.

Proposed Legislation.

245. **Mr. Eamon Ryan** asked the Minister for Agriculture and Food if she plans to introduce legislation to allow the Garda to police activities such as motorbike scrambling on Coillte lands; and if so, when. [2394/05]

Minister for Agriculture and Food (Mary Coughlan): Coillte Teoranta was established as a private commercial company under the Forestry Act 1988, and day-to-day operational matters are the responsibility of the company. Coillte is aware of the problem referred to by the Deputy. It has

not yet approached my Department directly on the issue but I understand that it is examining the matter.

Grant Payments.

246. **Mr. Crawford** asked the Minister for Agriculture and Food when a brucellosis grant of £300 will be awarded to a person (details supplied) in County Cavan; and if she will make a statement on the matter. [2452/05]

Minister for Agriculture and Food (Mary Coughlan): The local district veterinary office is not in a position to process this payment until required documentation, which was forwarded to the person concerned, has been completed and returned to the local office. The office will contact the person concerned directly and advise him again of these requirements.

Farm Retirement Scheme.

247. **Mr. J. Breen** asked the Minister for Agriculture and Food her views on the opinion that there are serious flaws in the farm retirement scheme; her further views on whether farmers who retire due to ill health and lease their holdings, if their circumstances changed, should be entitled to all their entitlements when they resume farming; her further views on whether a farm leased to a family member is penalised; the reason her Department did not honour their contracts; the number of acres of land which are without quota. [2506/05]

Minister for Agriculture and Food (Mary Coughlan): Both schemes of early retirement from farming are governed by EU regulations and my Department must implement the schemes in accordance with the provisions of those regulations.

It is a requirement of the schemes of early retirement that participants, whether they join the scheme because of ill health or for other reasons, must never return to farming. If a retired farmer wanted to return to farming, he or she would have to repay the full value of the pension payments received under the scheme of early retirement.

As regards entitlements under the single payment scheme, farmers who joined the 1994 early retirement scheme, which closed to new applications in December 1999, did not farm during the reference period and cannot establish entitlements under the scheme. Where they transferred their holdings by lease, it was the transferees who were actively farming during the reference years and it is they who will have entitlements established for them. Entitlements are attached to the farmer who was actively farming during the reference period, not to the land. If the land was leased to a family member during the reference period, that family member will activate the entitlements in the same way as someone who is not a family member.

[Mary Coughlan.]

During the course of negotiations with the European Commission on the single payment scheme, Ireland secured agreement to an arrangement that will benefit family members or others who now take over holdings that were farmed by third parties who had leased them during the reference period. Farmers who take over such holdings, by transfer free of charge or by a lease of five or more years at a nominal amount, may apply to the national reserve for payment entitlements under the single payment scheme.

Participants in the current early retirement scheme launched in November 2000 who farmed during part or all of the reference period, will have entitlements in their own right and can, before 15 May 2005, use — subject to the agreement of both parties — the private contract clause to lease these entitlements to the young farmer who holds the lease of their land under the early retirement scheme. In such circumstances, the retired farmer must establish the entitlements in 2005 on a special form provided by the Department. The qualifying young farmer may or may not have entitlements and land in his or her own right.

The Department implements the schemes in accordance with the governing EU regulations and payment of pensions will be made to participants provided they continue to meet the conditions of the schemes. If individual retired farmers have difficulty, for example, in renewing leases or finding a replacement eligible farmer to take their land, and can provide proof of this, my Department will consider sympathetically any request for an extension of the four months that are allowed to them to complete these transactions.

Grant Payments.

248. **Mr. Connaughton** asked the Minister for Agriculture and Food the position regarding a REP scheme application by a person (details supplied) in County Galway; and if she will make a statement on the matter. [2507/05]

Minister for Agriculture and Food (Mary Coughlan): Payment issued to the person named on 24 January.

Farm Retirement Scheme.

249. **Ms Enright** asked the Minister for Agriculture and Food the maximum rate possible under the second early retirement scheme, governed by Council Regulation No. 1257/1999; if the Government is paying this maximum rate; if not, the reason therefor; and if she will make a statement on the matter. [2521/05]

Minister for Agriculture and Food (Mary Coughlan): Council Regulation No. 1257/1999, which governs the early retirement scheme intro-

duced in November 2000, provides for a maximum yearly pension of €15,000 subject to an overall maximum payment of €150,000. My Department's proposals for the scheme, which is one of the measures in the CAP rural development plan for the period 2000 to 2006, included provision for annual increases in pension over the period of the plan. The European Commission rejected this proposal and insisted that a fixed rate be set instead. My Department then proposed a rate that was the average of the scale initially proposed. This was acceptable to the Commission and a maximum rate of €13,515 is provided for in the scheme. Any change in the rate of payment would require a formal amendment to the CAP rural development plan and, if approved, could not be made retrospectively. Any increase granted would not benefit existing participants in the early retirement scheme which commenced in 2000, ERS2. It would be limited to new entrants.

Veterinary Medicines.

250. **Mr. Naughten** asked the Minister for Agriculture and Food, further to Question No. 162 of 16 December 2004, the reasons for her stated intention not to extend prescribing rights for veterinary medicines to pharmacists and other suitably qualified personnel; and if she will make a statement on the matter. [2527/05]

Minister for Agriculture and Food (Mary Coughlan): The existing distribution regime for veterinary medicines provided for under Regulation No. 13 of the Animal Remedies Regulations 1996 provides for a hierarchy of designated routes of supply ranging from those which may only be supplied and administered by a veterinary practitioner to those which may be supplied, without prescription, by the "licensed merchant" category.

Under the package of changes I propose to make to the legislation, this hierarchy will remain broadly in place with the result that medicines categorised by the Irish Medicines Board as not requiring a veterinary prescription can continue to be sold, as appropriate, by pharmacists and licensed merchants without the need to involve a veterinary practitioner. However, medicines which are designated "prescription-only" by the Irish Medicines Board on the basis that veterinary intervention is necessary before a decision is reached on use will continue to require a prescription from a veterinary practitioner. In this regard, I believe that, having regard to the overall balance of the "package", it would be inconsistent with the current concept of "prescription-only" to permit non-veterinarians to prescribe medicines. The Deputy will be aware from my reply of 16 December 2004 that I propose to make the prescription regime itself more effective and workable by removing some of the inflexibility in

terms of having to clinically examine an animal at the time of each prescription and by extending the range of outlets that may supply on foot of a veterinary prescription.

Questions Nos. 251 and 252 withdrawn.

Farm Retirement Scheme.

253. **Mr. McGuinness** asked the Minister for Agriculture and Food her plans regarding the growing number of farmers who entered the early retirement scheme who will lose their farm entitlements due to the decoupling arrangements; if she plans to restore their entitlements before or at the end of the retirement scheme either for them or a family member to restore value to the farm and compensate for the fact that the current changes and details were not known to those who entered the retirement scheme at that time; and if she will make a statement on the matter. [2698/05]

Minister for Agriculture and Food (Mary Coughlan): My Department has been aware, from an early stage in the negotiations on the Agenda 2000 single payment scheme, introduced by way of Council Regulation EC 1782/2003, that it had potential implications for farmers who had joined one or other of the early retirement schemes. Those issues were repeatedly raised by Ireland in the course of the negotiations, and we secured agreement on certain measures to address them.

In general, the new single payment scheme, introduced in Ireland on 1 January 2005, is applicable to farmers who actively farmed during the reference years 2000, 2001 and 2002, who were paid livestock premia and/or arable aid in one or more of those years and who will continue to farm in 2005.

Farmers who joined the 1994 early retirement scheme, which closed to new applications in December 1999, did not farm during the reference period and cannot establish entitlements under the single payment scheme. Where they transferred their holdings by lease, it was the transferees who were actively farming during the reference years and it is they who will have entitlements established for them. Entitlements are attached to the farmer who was actively farming during the reference period, not to the land.

During the course of negotiations with the European Commission on the single payment scheme, Ireland secured agreement to an arrangement that will benefit family members or others who now take over holdings that were farmed by third parties who had leased them during the reference period. Farmers who take over such holdings, by transfer free of charge or by a lease of five or more years at a nominal amount, may apply to the national reserve for payment entitlements under the single payment scheme.

Participants in the current early retirement scheme launched in November 2000 who farmed during part or all of the reference period will have entitlements in their own right and can, before 15 May 2005, use — subject to the agreement of both parties — the private contract clause to lease these entitlements to the young farmer who holds the lease of their land under the early retirement scheme. In such circumstances, the retired farmer must establish the entitlements in 2005 on a special form provided by the Department. The qualifying young farmer may or may not have entitlements and land in his or her own right.

Grant Payments.

254. **Mr. Connaughton** asked the Minister for Agriculture and Food the single payment entitlements of a person (details supplied) in County Galway; and if she will make a statement on the matter. [2706/05]

Minister for Agriculture and Food (Mary Coughlan): A statement of provisional entitlements will issue shortly to the person named following the processing of his single payment *force majeure* application.

Following examination of the exceptional circumstances outlined, my Department has decided that the reference years 2000, 2001 and 2002 will be excluded from the calculation of the single payment entitlements for the person named and the entitlements will be based on the reference years 1997, 1998 and 1999.

255. **Mr. Connaughton** asked the Minister for Agriculture and Food the penalty which will be imposed on a person (details supplied) in County Galway; the level of penalty which will apply across all their payments; and if she will make a statement on the matter. [2707/05]

Minister for Agriculture and Food (Mary Coughlan): The person named applied for premium on 25 animals under the 2004 suckler cow premium scheme on 3 June 2004. Payment of his 60% advance entitlement amounting to €3,362.25 issued on 16 October 2004.

At inspection on 16 November 2004 it was found that one animal applied on as a heifer and bearing tag No. 181903970141 was in fact a male animal. The herdowner was informed that this animal was to be rejected from his claim and that a penalty would be applied in accordance with paragraphs 39 and 40(a) of the terms and conditions of the scheme. The person named sought a review of this decision and has since been informed that following a re-examination of his case the penalty still remains.

As all administrative and on-farm checks are carried out on an integrated, holding based approach and as processing of final applications under the special beef premium scheme is still in

[Mary Coughlan.]
progress, it is not possible at this stage to calculate the exact level of penalty that will apply to the payments due to the person named. However, based on his applications up to December it is anticipated that the penalty will not exceed 2% to 3%. The person named has been informed that he may appeal the penalty by contacting the agriculture appeals office.

Landslide Relief Scheme.

256. **Mr. Kenny** asked the Minister for Agriculture and Food if a person (details supplied) in County Mayo will be paid for loss of livestock by her Department; and if she will make a statement on the matter. [2708/05]

Minister for Agriculture and Food (Mary Coughlan): The person named was an applicant under the Pullathomas landslide relief scheme and received €1,500 from my Department under that scheme in September 2004. Each affected farm was surveyed by officials of my Department and the cost of the work required to offset the damage caused by the landslide was assessed. As the officials found no evidence of sheep losses in his particular case, no compensation was paid to him in respect of any such losses.

Departmental Appointments.

257. **Mr. Kehoe** asked the Minister for Agriculture and Food the number of public appointments made in her Department since August 2004; the name of each appointee involved; and if she will make a statement on the matter. [2743/05]

Minister for Agriculture and Food (Mary Coughlan): Since August 2004, a total of six public appointments were made to State boards which come under the aegis of my Department. Relevant details are outlined in the schedule set out below. Schedule

	Name
An Bord Bia	Mr. Kieran Dunne Ms. Katherine O'Leary Mr. Philip Lynch
Irish National Stud	Mr. Dermot Weld Ms. Patricia O'Kelly Mr. Denis F. Sheehy

Agricultural Appeals.

258. **Mr. N. O'Keefe** asked the Minister for Agriculture and Food the position regarding an oral hearing held in respect of the 2004 special beef premium of a person (details supplied) in County Cork. [2877/05]

Minister for Agriculture and Food (Mary Coughlan): This appeal was received in the Agriculture Appeals Office on 3 December 2004. The oral hearing was held on 12 January 2005. The case is now being considered by the appeals officer. It is not expected that there will be any undue delay in dealing with this case.

Road Traffic Offences.

259. **Mr. Eamon Ryan** asked the Minister for Justice, Equality and Law Reform the legislation which governs the use of scrambling motorbikes within Coillte forest roads and paths; if it is a specific offence for vehicles in such locations not to display appropriate registration plates; and if the gardaí are restricted in any manner in enforcing such regulations. [2395/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that Coillte forest roads and paths do not come within the meaning of a public place under the Road Traffic Acts 1961 to 2004. Legislation governing lands owned by Coillte are a matter for my colleague, the Minister for Agriculture and Food, and I have been informed by her Department that there is no legislation governing the use of scrambling motorbikes within Coillte forest roads and paths. Accordingly, the non-display of registration plates is not an offence.

Citizenship Applications.

260. **Ms Enright** asked the Minister for Justice, Equality and Law Reform if a person (details supplied) in County Offaly is entitled to remain in the State on the basis of their parentage of a child; and if he will make a statement on the matter. [2396/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): It is open to the person concerned to make an application for residency in the State on the basis of her parentage of an Irish born child born prior to 1 January 2005.

The details of the revised arrangements for the consideration of applications for permission to remain in the State made by the non-national parents of Irish born children born before 1 January 2005 were publicly announced on 15 January 2005.

Applications should be made on form IBC/05 which is available on the Department of Justice, Equality and Law Reform website at www.justice.ie. Hard copies of the form are available at the Department of Justice, Equality and Law Reform, 13-14 Burgh Quay, Dublin 2, Garda District Headquarters, stations outside Dublin and at all Reception and Integration Agency accommodation centres countrywide. Forms are also available from various non-governmental organis-

ations working with immigrants and asylum seekers.

Garda Deployment.

261. **Cecilia Keaveney** asked the Minister for Justice, Equality and Law Reform the number of occasions on which the mounted gardaí were used in a town (details supplied) in County Donegal; and if he will make a statement on the matter. [2397/05]

262. **Cecilia Keaveney** asked the Minister for Justice, Equality and Law Reform the locations throughout the country in which the mounted gardaí have been used; the frequency with which they have been deployed in these locations; and if he will make a statement on the matter. [2398/05]

263. **Cecilia Keaveney** asked the Minister for Justice, Equality and Law Reform the reasons the mounted gardaí have been used in areas outside of Dublin; the details of the feedback that has been made by the mounted units in respect of their experiences in each of these locations; and if he will make a statement on the matter. [2399/05]

264. **Cecilia Keaveney** asked the Minister for Justice, Equality and Law Reform if he plans to extend the use of the mounted gardaí to all regions in the country; and if so, the timescale of the introduction of same. [2400/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I propose to take Questions Nos. 261 to 264, inclusive, together.

I have been informed by the Garda authorities, which are responsible for the detailed allocation of resources, including personnel, that the Garda mounted unit has been deployed to all Garda regions in support of Garda operational requirements since its formation in 1998. The unit is deployed to Garda regions in mainly a crime prevention and public order role.

Since September 2004, in addition to normal operational requirements, the Garda mounted unit has also been deployed in support of Operation Assist on a trial basis. In that role, the unit, in conjunction with the Garda air support, dog and water units, has been deployed to the cities and towns of Limerick, Cork, Galway, Carlow, Clonmel and Dundalk. In addition, the unit carried out public order patrols in Letterkenny on 2 and 3 December 2004 as part of Operation Assist in support of local policing requirements.

The use of the units to which I refer to complement local resources has received very positive feedback from both the public and media. With the emphasis on public order policing during the hours of darkness, it is intended to continue and extend this initiative during 2005 as part of the Garda Síochána's policing plans.

Visa Applications.

265. **Mr. Kehoe** asked the Minister for Justice, Equality and Law Reform the status of visa applications for persons (details supplied); the further length of time it will take before a decision is made; and if he will make a statement on the matter. [2401/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The applications in question were approved on 31 January. The persons concerned will be informed of this decision through the Irish mission in their country of origin.

Deportation Orders.

266. **Mr. G. Mitchell** asked the Minister for Justice, Equality and Law Reform if he will review the case of a person (details supplied) in Dublin 8. [2410/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The position is that the person concerned arrived in the State on 5 November 2002 and claimed asylum. His application was refused and he was notified of this recommendation by letter of 10 July 2003. His subsequent appeal was refused and he was notified of this recommendation by letter of 31 October 2003. He was notified of my decision to refuse him refugee status by letter of 25 February 2004 in which he was informed of the three options open to him at that point, namely, to leave the State before the Minister for Justice, Equality and Law Reform made a deportation in respect of him, to consent to the making of a deportation order in respect of him or to make written representations, within 15 working days, to the Minister for Justice, Equality and Law Reform setting out reasons he should not be deported, that is, why he should be allowed to remain temporarily in the State.

The case was examined under section 3 of the Immigration Act 1999 and section 5 of the Refugee Act 1996 — prohibition of *refoulement* — including consideration of all representations received on his behalf. On 26 August 2004 a deportation order was made in respect of this person. The order was served on him by registered post and he presented himself as requested to the Garda national immigration bureau on Thursday, 13 January 2005. He is due to present himself again on Thursday, 3 February 2005 when it is envisaged that arrangements can be made to remove him from the State.

My Department uses extensive country of origin information drawn from different independent sources, including the UNHCR, in evaluating the safety of making returns to third countries. I am satisfied that in the current case the requirements of section 5 of the Refugee Act 1996 have been complied with and that no *refoulement* matters arise. The enforcement of the

[Mr. McDowell.]
deportation order is a matter for the Garda national immigration bureau.

Asylum Applications.

267. **Mr. F. McGrath** asked the Minister for Justice, Equality and Law Reform if assistance and support will be given to persons (details supplied) in Dublin 3. [2411/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): My Department has recently been in correspondence with the refugee regarding documentation submitted in support of the application. On receipt of a response from the person in question, the application will be further considered.

Sexual Offences.

268. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform the services available to women who have been victims of a sexual assault; the plans he has to improve them; and if he will make a statement on the matter. [2412/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As the Deputy will be aware, a key service required by women who have been victims of a sexual assault is medical treatment and counselling and these are the responsibility of the relevant health board. The services for which my Department has responsibility relate mainly to the civil and criminal justice systems. I can assure the Deputy that any sexual assault reported to the Garda Síochána is fully investigated and, subsequently, a file is forwarded to the Director of Public Prosecutions for a direction as to whether a prosecution should proceed.

As regards any need the victim might have for legal advice, the Legal Aid Board offers legal advice and, in certain circumstances, representation to complainants in cases of serious sexual assault. In addition, the Department has provided funding to the Rape Crisis Network for work of this nature. Following recent discussions with the Rape Crisis Network and other victims' organisations, other initiatives are also under consideration.

Registration of Title.

269. **Mr. Connaughton** asked the Minister for Justice, Equality and Law Reform the position regarding a Land Registry Office application by a person (details supplied) in County Galway; and if he will make a statement on the matter. [2508/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that this is an application under section 49, that is, acquisition of title by virtue of long

possession, under the Registration of Title Act 1964, which was lodged on 10 April 2002 — dealing No. D2002GY003490D refers.

I understand that due to their complicated nature, applications under section 49, which require detailed examination of claims for registration as owners, can take some time to process. Accordingly it is not possible to estimate a completion date at this stage. I am further informed that queries issued to the lodging solicitors on 10 January 2005 and that the application cannot proceed until these queries have been satisfactorily resolved. However, I can assure the Deputy that on receipt of a satisfactory reply to the queries raised the matter will receive further attention in the Land Registry and will be completed as soon as possible.

Asylum Support Services.

270. **Mr. Costello** asked the Minister for Justice, Equality and Law Reform if he will report on the history of the State's ownership of Broc House; if he has lobbied or advised in any way to have the purpose of its purchase as a centre of asylum seekers put aside; if it will now be used for the purpose for which it was purchased; the insurance and security costs of the house to date; and if he will make a statement on the matter. [2509/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Commissioners of Public Works, acting on behalf of the Reception and Integration Agency, RIA, which operates under the aegis of the Department of Justice, Equality and Law Reform, purchased Broc House in June 2000, for the provision of accommodation to asylum seekers. Following the purchase, judicial review proceedings were initiated against the Minister for Justice, Equality and Law Reform, the Minister for Finance and the Attorney General by local residents who contended, *inter alia*, that the proposed use was in contravention of the planning permission attaching to the premises. Pending the outcome of the proceedings, the RIA was unable to place asylum seekers in Broc House and alternative arrangements had to be made. Judgment in favour of the respondents was delivered on 30 April 2004.

As the local residents had initiated legal proceedings to determine the validity of the planning permission in force in respect of the premises, with the result that the matter fell to be adjudicated upon by the High Court, the question of my advising or lobbying on its use did not arise. The RIA conducts regular reviews of its accommodation portfolio to determine future requirements. In a review which was finalised in September 2004, the RIA determined that Broc House with other properties acquired for the accommodation of asylum seekers was no longer required having regard to the significant down-

ward trend in the number of asylum applications, the development of regional accommodation and self catering centres, and the likely expenditure which the OPW indicated would have to be incurred in bringing the building up to current regulatory standards. At that time, the then East Coast Area Health Board, now part of the Health Service Executive, expressed an interest in acquiring Broc House for use as a community based health facility in conjunction with the development of the St. Vincent's Hospital complex and the matter is currently the subject of negotiations between the Health Service Executive and the Commissioners of Public Works.

I am advised by the Commissioners of Public Works that the total security and related costs incurred to date in the protection of this State asset stands at €585,000 and that no costs were incurred in relation to insurance. Finally and for the sake of completion, I should add that since 2000 to date asylum seekers have been placed in a total of seven centres in the Dublin 2, 4 and 6 areas, that is, Camden Street, Morehampton Road and Ranelagh.

Visa Applications.

271. **Mr. P. Breen** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 320 of 14 December 2004, the reason persons (details supplied) in County Clare were refused visas; and if he will make a statement on the matter. [2510/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In my reply to Question 320 of 14 December 2004 to the Deputy I outlined the reasons for the refusal of the visa application in question and the subsequent refusal on appeal.

The onus is on the applicant to provide sufficient documentation to enable both the initial application and, where applicable, an appeal to be examined fully and in this case it was deemed that the evidence provided by the applicant at appeal stage did not warrant a reversal of the initial decision to refuse the application.

The applicant may of course lodge a new application, which will allow the furnishing of any additional documentation the applicant may wish, at which time the application will be examined fully by my Department.

Road Traffic Offences.

272. **Mr. Naughten** asked the Minister for Justice, Equality and Law Reform the number of penalty points tickets issued to motorists in the seven days before the introduction of metrification; the corresponding figure for the seven days following the introduction of the new speed limits; and if he will make a statement on the matter. [2528/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that the information requested is not readily available and could only be obtained by the expenditure of a disproportionate amount of Garda time and resources which could not be justified in the circumstances.

Joyriding Offences.

273. **Mr. Haughey** asked the Minister for Justice, Equality and Law Reform the measures he is taking to deal with the scourge of joyriding in an area (details supplied) of north Dublin; and if he will make a statement on the matter. [2697/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): As I am sure the Deputy will appreciate, so called 'joyriding' is a complex problem which, while requiring significant inputs from the criminal justice system, can only be tackled to lasting effect through a multi-faceted and multi-agency response involving both the community and relevant statutory bodies.

I have been informed by the Garda authorities that the current policing strategies for the area are predicated on the policy of reducing and preventing incidents of public order, joyriding, the prevention of crimes of violence against persons and property and the maintenance of an environment where the quality of life of the residents can be assured and consolidated. I am assured that these strategies are, and will continue to be, the core value in policing plans for the area of the future.

Specific strategies have been put in place by the Garda Síochána to reduce the incidents of joyriding and a very large number of stolen vehicles were recovered in the division of DMR, north, in 2004. Very substantial resources have been allocated to this critical area of policing including specialist policing units from the divisional traffic section, divisional task force and the detective units. Operational strategy is supported by an effective partnership approach involving community representatives, the Garda Síochána and the public authority.

Residency Permits.

274. **Ms O'Sullivan** asked the Minister for Justice, Equality and Law Reform when an application for residency based on marriage to an Irish person will be decided in relation to a person (details supplied) in County Limerick; and if he will make a statement on the matter. [2724/05]

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 June 2004. Applications of this type are dealt with in chronological order and currently

[Mr. McDowell.] take approximately 16 months to process. I understand the person in question is the parent of an Irish-born child and therefore may also be entitled to claim residency under the recently announced revised arrangements for such persons.

Equality and Law Reform the number of public appointments made in his Department since August 2004; the name of each appointee involved; and if he will make a statement on the matter. [2744/05]

Departmental Appointments.

Minister for Justice, Equality and Law Reform (Mr. McDowell): The information requested by the Deputy is set out below.

275. **Mr. Kehoe** asked the Minister for Justice,

Appointed to	Name	Date of Appointment
National Disability Authority	Mr. James Martin	21 October, 2004
Equality Authority	Ms. Sally Ann Kinahan	7 October, 2004
Refugee Appeals Tribunal	Mr. Declan McHugh BL	10 October, 2004*
	Ms Judy Blake BL	20 October, 2004
	Mr. Sean Deegan BL	20 December, 2004
	Mr. Noel Whelan BL	20 December, 2004
	Mr. Joseph Barnes BL	17 January, 2005 *
	Mr. David Goldberg SC	20 January, 2005
	Mr David Andrews SC	3 August, 2004*
	Mr Ben Garvey BL	26 September, 2004*
	Mr. Paul A. McGarry BL	21 January, 2005 *
Castlereagh Prison Visiting Committee	Ms Mary Hoade	9 November, 2004
	Ms Eileen Morris	17 December, 2004
	Ms Marie Cleary	17 December, 2004
	Mr. Michael Geraghty	17 December, 2004
Cork Prison Visiting Committee	Mr. Oliver Cleary	6 December, 2004
Limerick Prison Visiting Committee	Mr. Pat Driscoll	15 November, 2004
	Mr. Michael O'Shea	15 November, 2004
Loughan House Place of Detention Visiting Committee	Mr. Eugene Delaney	20 December, 2004
	Ms. Rita Delahunty	20 December, 2004
Midlands Prison Visiting Committee	Ms. Jody Gunning	15 November, 2004
	Mr. John Sheehy	6 January, 2005
	Mr. Jim Casey	6 January, 2005
Mountjoy Prison Visiting Committee	Mr. Liam Hogan	6 January, 2005
	Mr. Stephen Langton	6 January, 2005
Portlaoise Prison Visiting Committee	Mr. Walter Lacey	20 December, 2004
	Ms. Eithne Reddy	6 January, 2005
St. Patrick's Institution Visiting Committee	Mr. Anthony Gavin	17 December, 2004
Wheatfield Prison Visiting Committee	Mr. John O'Neill	8 November, 2004
	Mr. Stephen O'Neill	8 November, 2004
	Mr. Gerry Hannon	17 December, 2004
	Ms. Elva MacKay	17 December, 2004
	Ms. Teresa Clarke	17 December, 2004
Films Appeal Board Part-Time Assistant Censors	Ms. Nicola Byrne	22 November, 2004
	Mr. Mark Brennan	October 2004
	Ms. Patricia Murphy	October 2004
	Ms. Dani McCafferty	October 2004
	Mr. P. J. Sheridan	October 2004
	Ms. Alison Foley	November 2004

Appointed to	Name	Date of Appointment
Private Security Authority**	Ms Michelle Doyle (Chairperson)	28 October, 2004
	Mr. Kevin McMahon	28 October, 2004
	Mr. Liam O'Dubin	28 October, 2004
	Ms Catherine Byrne	28 October, 2004
	Mr. Ray Guinan	28 October, 2004
	Mr. Bill Brown	28 October, 2004
	Ms Margaret Lovett	28 October, 2004
	Ms Mary C. Barrett	28 October, 2004
	Ms Esther Lynch	6 January, 2005
	Asst. Garda Commissioner, Pat Crummey	28 October, 2004
Deputy State Pathologist	Dr Michael Curtis***	18 November, 2004

* Reappointments

** Following an open competition held by the Public Appointments Service, Ms Geraldine Larkin is to be appointed to the post of chief executive of the private security authority.

*** Details concerning the appointment of Dr. Michael Curtis were inadvertently omitted from my reply to Parliamentary Question No. 802 of Wednesday 26, January 2005.

I have also asked Professor Finbarr McAuley, Chairperson, Jean Monnet Professor of European Criminal Justice, UCD and Law Reform Commissioner to chair the proposed criminal law advisory committee on codification. This committee has not yet been formed.

In addition to the above, 60 peace commissioners have been appointed by my Department during the period specified by the Deputy. Peace commissioners are appointed under section 88 of the Courts of Justice Act 1924. The office of peace commissioner is an honorary appointment and peace commissioners receive no remuneration or compensation by way of fees or expenses for their services.

Garda Stations.

276. **Mr. Kehoe** asked the Minister for Justice, Equality and Law Reform his plans for each Garda station in County Wexford; the breakdown of these Garda stations which have full-time, part-time and no duty; and if he will make a statement on the matter. [2748/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities, who are responsible for the detailed allocation of Garda resources, including personnel, that there are 34 Garda stations within the Wexford-Wicklow division. The six Garda stations in the above division are open to the public on a 24 hour basis are Wexford, New Ross, Enniscorthy, Gorey, Arklow and Wicklow. The remaining 28 Garda stations open on a part-time basis are Baldwinstown, Castlebridge, Glynn, Kilmore Quay, Rosslare Pier, Rosslare Strand, Taghmon, Blackwater, Clonroche, Ferns, Kiltaly, Oulart, Oylegate, Bunclody, Carnew, Courtown Harbour, Ballycullane, Ballywilliam, Campile, Carrickbyrne, Carrick-on-Bannow, Duncannon, Ashford, Aughrim, Avoca, Newtownmountkennedy, Rathdrum and Roundwood. There are currently no plans to alter the existing

arrangements in relation to Garda stations in the Wexford-Wicklow division.

Criminal Prosecutions.

277. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the nature of the relationship with the prison or with prisoners of each of the 45 persons recently arrested for smuggling drugs into Mountjoy prison; the number of prison officers, the number of other personnel with official access to the prison, and the number of prisoner family members and other visitors; and if the person has been charged in each case. [2816/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The 45 persons referred to by the Deputy were arrested following an operation by local Garda management to target individuals who were suspected of throwing packages over the perimeter walls of Mountjoy prison and the conveyance of drugs by visitors into the prison. The persons concerned were arrested outside the prison. Three persons have been charged under section 15 of the Misuse of Drugs Act, which deals with sale or supply, one person was charged under section 21 of the Misuse of Drugs Act, which deals with obstruction, and seven bench warrants were executed. Prosecutions in respect of the outstanding seizures await the result of analysis. Garda management is not aware of the nature of the relationship with the prison or with prisoners of each of the 45 persons concerned.

Mountjoy Prison operates to a level of security consistent with its population which includes persons serving long sentences for very serious offences, including murder. Even for prison staff, movement between landings requires the opening of various gates and doors to facilitate this movement. In this context, there are 509 prison officers, including governors, attached to Mountjoy prison although these staff would not all be rostered for duty at the same time. There is a further complement of support staff including

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12 teachers, two psychologists, five psychiatrists, six chaplains, four doctors and eight probation and welfare officers employed in prisoner related services. Under the rules for the Government of Prisons Act 1947, a sentenced prisoner is entitled to one visit per week of 30 minutes duration and a remand prisoner is entitled to a visit on any week day of 15 minutes duration. Each prisoner, of which there are currently about 480 in custody in Mountjoy Prison, has a list of six such persons who may visit them. Persons visiting the jail in this form have very restricted access limited solely to the waiting and visiting areas. In addition, they are supervised to and from the designated visiting areas by prison officers.

In addition, there is a myriad of other persons who could require access to the prison for a wide variety of reasons. These would include the solicitors who are granted visits with their clients; gardaí who are executing warrants; staff assigned to the Prison Service headquarters meeting with prison management; contractors carrying out maintenance or building work; catering staff and delivery men; the inspector of prisons and places of detention, visiting delegates from the Council of Europe body known as the Committee for the Prevention of Torture and Inhuman or Degrading Treatment and the eight members of the visiting committee; visiting addiction counsellors and other persons from reputable organisations such as the St. Vincent de Paul and the Samaritans.

All of these persons would have been cleared for varying levels of access to Mountjoy Prison depending on that needed to perform their duties. In many cases, these persons will have limited or no contact with prisoners and are escorted by staff at all times. The governor, as the person responsible for the management of the prison, makes the call as to what level of supervision an individual requires while on the premises.

Criminal Assets Bureau.

278. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the number of Criminal Assets Bureau investigations related to proceeds of drug trafficking since its establishment; the number of CAB investigations into tax evasion since its establishment; the number of CAB investigations into corruption since its establishment; the number of seizures in each category; the value of the assets seized in each category; and the value of assets sought but not yet seized in each category. [2817/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Garda authorities that most Criminal Asset Bureau actions relate to assets suspected to derive from drug trafficking, money laundering, prostitution, fraud, corruption, receiving stolen property and tax fraud. Data on such actions cannot be neatly categorised in terms of area of criminal activity

because usually there are overlaps. Statistics on monies seized or collected by the Criminal Assets Bureau in respect of the period 1996 to 2003 are as follows:

Proceeds of Crime Action	
Section 2 Interim Orders	€19,870,580.02 Stg£18,357,498.09 US\$ 5,783,303.00
Section 3 Interlocutory Orders	€13,284,599.61 Stg£ 2,829,799.70 US\$ 5,247,821.00

Revenue Action	
Taxes Assessed	€78,841,922.14
Tax Demanded	€76,320,965.00
Tax Collected	€56,191,004.00

Social Welfare	
Overpayments Assessed	€2,237,765.45
Savings to the Exchequer	€1,514,459.42

The number of applications, with the number of defendants shown in brackets, made to the High Court under proceeds of crime legislation over the eight year period 1996 to 2003 was:

Section 2	58	(95)
Section 3	53	(70)
Section 7	48	(47)

The number of tax assessments issued over the same eight year period is set out in the following table:

1996-1998	162
1999	183
2000	120
2001	144
2002	142
2003	182

The Criminal Assets Bureau cannot give details of ongoing investigations. Further information on the activities of the Criminal Assets Bureau since its establishment in 1996 are contained in the annual reports of the bureau. Copies of these are available in the Oireachtas Library.

Asylum Applications.

279. **Aengus Ó Snodaigh** asked the Minister for

Justice, Equality and Law Reform the criteria used to apply whitelist status to Nigeria, Romania, Bulgaria, Croatia and South Africa; if he will quantify the category of reasons for the negative decisions in 94% of cases from these countries by country, by reason and by percentage; the nature of the designated accommodation in which asylum seekers from these countries will be held while their claims are being processed under this new system; the additional restrictions that will apply to this category of persons alone; if they will be arrested for failure to report daily; the person to whom they must report; the offence with which they will be charged and the penalty attached; if they will have access to legal advice and legal aid in this fast-track system; the mechanics of the fast-track process; the qualifications of those members of the Office of Refugee Applications who will hear these claims; if they will be country specialists; the views of the Human Rights Commission received by him on these proposals; and the meaning non-cooperation with investigations into these applications. [2818/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I presume the Deputy's question refers to the arrangements which I announced on 24 January 2005 and which came into operation on 25 January 2005, for the speedier processing of asylum applications in respect of nationals of five states which are the subject of prioritisation orders made by me under section 12 of the Refugee Act 1996, as inserted by the Immigration Act 2003. The new arrangements also provide for the speedier processing of deportation orders for those applicants who are found not to be in need of refugee protection and have no other protection or humanitarian needs.

The countries in question are Nigeria, Romania, Bulgaria, Croatia and South Africa. All of these countries, except Nigeria, have previously been designated by me by order under section 12(4)(a) of the 1996 Act as safe countries of origin. The designation criteria set out in section 12(4)(b) of the 1996 Act require the Minister to have regard to a number of factors including whether a country is a party to specified international conventions such as the UN Convention against Torture, has a democratic political system and is governed by the rule of law.

The new arrangements for processing prioritised asylum applications include faster processing at first instance in the Office of the Refugee Applications Commissioner, with processing time-scales reduced from the current period of six weeks to around three weeks; faster appeal determinations with processing times reduced in the Refugee Appeals Tribunal from an average of five weeks to three weeks; full access to legal services will continue to be provided within the accelerated process by the refugee legal service; dedicated accommodation centres for applicants while their asylum claims are being processed. These centres are part of the normal direct provision system operated by the reception and inte-

gration agency; applicants will be subject to residency and daily reporting requirements which will be imposed at the time of application, as provided for in section 9(5)(a) of the 1996 Act. Section 9(7) of the 1996 Act provides statutory penalties for a person who contravenes these obligations; non-cooperation with the investigation of an asylum application will continue to have the potential to result in a refusal of the application for refugee status. Under section 11C of the 1996 Act, all applicants are under a duty to cooperate in pursuing their asylum applications. Failure to so cooperate or to meet reporting or residence requirements can, *inter alia*, under sections 11(11) and 17(1)(a) of the 1996 Act, result in an application being deemed to be withdrawn and the issue of a negative decision; persons in the deportation process to whom the new arrangements apply will also have statutory obligations imposed on them to reside at particular locations and to report to immigration officers. Failure to comply with these obligations is an arrestable offence.

On average, 94% of asylum applications from the five countries covered by the new streamlined arrangements which were determined during 2004 were found not to meet the refugee definition contained in section 2 of the 1996 Act. As part of the refugee investigation process each case is considered on its merits and all applicants are afforded the opportunity at interview to explain fully why they fear returning to their country of origin. Following each interview, an assessment is made of the core elements relating to the case, taking into account, *inter alia*, relevant country of origin information and the criteria for recognition as a refugee as set out in the 1996 Act. The assessment carried out includes determining whether an applicant has a well founded fear of persecution, whether the persecution relates to a convention reason, whether the applicant is unable or unwilling to return to his or her own country, what internal protection alternative, if any, might be available within his or her own country, as well as credibility issues. Statistics relating to the reasons for refusing applications from the specific countries referred to in the Deputy's question are not available.

As part of the investigation process in ORAC, applicants for asylum will be interviewed by authorised officers. All such authorised officers or caseworkers have attended training programmes in respect of interviews, assessments, decision making, asylum procedures and appeals, in line with international best practice. These programmes have been devised in consultation with the UNHCR. I am not aware of any views expressed by the Human Rights Commission on the new processing arrangements. It is in the best interests of all asylum applicants, particularly those with genuine protection needs, that their claims should be determined speedily and fairly. The legislative changes which I introduced in the Immigration Act 2003 have contributed signifi-

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cantly to a more streamlined asylum process and to more efficient processing of asylum applications. This has made it possible to introduce the new arrangements which I announced on 24 January last.

280. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the meetings or sidebar meetings he has had with his British counterpart regarding immigration, including the dates and topics discussed. [2819/05]

281. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if he plans to adopt annual limits on immigration, a quota for asylum seekers and a points system for work permits, as does his British counterpart. [2820/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I occasionally meet my British colleague at Justice and Home Affairs Council meetings, during which we have discussions at the margins of the meeting. There are also regular meetings between senior officials of my Department and Home Office officials in order to exchange information on issues of mutual interest and policy developments.

The Minister for Enterprise, Trade and Employment, who is responsible for economic migration, intends to bring forward legislation which will place the existing employment permits system on a statutory footing, provide greater protection for migrant workers and enable him to respond both flexibly and speedily to emerging labour market trends. A Bill for this purpose is currently at its final stages of preparation. I have no plans for a quota system for asylum seekers which, in any event, would not be possible under the terms of the Refugee Act 1996. The 1996 Act provides, *inter alia*, that any person who arrives at the frontiers of the State seeking asylum shall be given leave to enter the State for the purpose of consideration of that asylum application. A comprehensive determination system is in place for the purpose of that consideration.

Crime levels.

282. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the present rate of re-offending; and his plans to reduce it during the lifetime of the 29th Dáil. [2821/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): While accurate figures relating to rates of recidivism in the prisoner population are not yet available, the computerisation of prisoner records from 2001 will in future provide a more detailed view of a prisoner's past committal history. The director general of the prison service recently commissioned a major three year research project on this topic which, it is expected, will present an accurate picture of recidivism which, in turn, will assist and shape the way we manage prison sentences in the future.

The findings of this research are expected in early 2007.

The prison service provides a range of rehabilitative programmes which have the dual purpose of providing prisoners with purposeful activity while serving their sentences and encouraging and equipping them to lead non-offending lives on release. While the probation service does not maintain statistics on re-offending, in preparing pre-sanction reports for the courts, probation and welfare officers undertake an assessment of the risk posed to the public by an offender. This involves an assessment of the likelihood that the offender will re-offend.

As part of a policy of improving their service to the courts and in line with other probation and correctional services throughout the world, probation officers in Ireland will in future use an assessment tool known as the "level of service inventory — revised" or LSI-R to help them make more accurate assessments of the likelihood that an offender will re-offend. The LSI-R will also form an important part of assessments and reviews undertaken as part of any subsequent supervision of offenders. The LSI-R has been developed from an extensive body of international research and has been shown to predict the likelihood of adult recidivism in criminal jurisdictions throughout the world.

The LSI-R, in effect, structures the assessment undertaken by probation officers and ensures that all offenders are assessed in regard to key potential areas of risk. An important element in the process is the assessment of the offender's attitudes and values and those held by others with whom they may come into contact. The evidence shows that offenders who hold anti-social or criminal attitudes and who associate with like minded friends, family members or work colleagues are at particular risk of re-offending. The LSI-R, therefore, places heavy emphasis on the assessment of attitudes.

Finally, the Garda juvenile diversion programme was introduced in 1963 to provide an opportunity to divert juvenile offenders from criminal activity. The programme provides that if certain criteria are met an offender under 18 years may be cautioned as an alternative to prosecution. The most recent figures available for the programme are for 2003. In that year, the national juvenile office received 19,915 referrals relating to 17,043 individual children. Since some children were referred more than once, the number of referrals is greater than the number of individuals referred.

Proposed Legislation.

283. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform his plans for immigration law reform during the lifetime of the 29th Dáil. [2822/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to section C of the Government legislative programme which

was published by my colleague, Deputy Kitt, the Government Chief Whip, on 25 January last. In line with that programme, I expect to publish later this year an immigration and residence Bill which will replace existing immigration law and provide a statutory framework for the development and implementation of immigration policy in the future. Work is ongoing in my Department on this Bill and I intend in the coming months to publish a discussion document on it.

284. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform his plans for prison reform during the lifetime of the 29th Dáil. [2823/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): A number of significant changes to the Irish prison system are in the process of being introduced. The Deputy will be aware of my position regarding the elimination of the unsustainable burden of chronic overtime in the prison service with a view to delivering a more efficient and cost effective service. My proposal involves the implementation of a programme of detailed staffing and work practice efficiencies together with the elimination of overtime working and the introduction of an additional hours system of attendance.

This system envisages staff earning a stable income and giving an undertaking to work certain levels of additional hours. This approach is designed to reinforce the attractiveness of more efficient working practices. The proposal also outlines scope for organisational restructuring covering rationalisation of certain functions and greater focus on core and developmental roles of various prison grades.

Following extensive negotiations between the Irish Prison Service and the Prison Officers Association, a limited number of financial issues were the subject of a referral to arbitration, the hearings of which took place on 22 October and 1 November 2004. The arbitrator released his findings on Monday, 24 January 2005, and officials of the Irish Prison Service are engaged in further discussions with the Prison Officers Association. Discussions have not yet concluded.

New rules for the government of prisons will be introduced in the new future. These rules, which will set out in considerable detail the full range of rights, duties and obligations for prisoners, prison staff and management, are expected to be finalised in the immediate future. European standards for prisons have been taken into account in the drafting of the new rules.

Preparation of a drugs policy for the Irish Prison Service is at an advanced stage and is expected to be published within the first half of this year. The intention is that the new policy will facilitate consistent regulation and operational structure in pursuing both supply and demand reduction. This is in line with the Government commitment to operate drug free prisons.

The Criminal Justice (Temporary Release of Prisoners) Act 2003 and associated rules were commenced by me with effect from 12 November 2004. The Act provides a clearer legislative basis for the power to grant temporary release by setting down the principles which will apply to the exercise of this power. The Act amends section 2 of the Criminal Justice Act 1960 and provides a clear and transparent basis, as well as the necessary safeguards required, for the operation of the system of temporary release.

Within the prison custodial system, there is a wide range of services in place aimed at providing offenders with the means to avoid re-offending following their return to the community. The services provided include work skills, training and education and are matched, where possible, to individual aptitudes and abilities, sometimes unrecognised or untapped prior to imprisonment. In addition, a range of medical, psychological and other support services are available to assist those suffering from particular problems, such as drug addiction.

As part of its commitment to re-balancing the custodial and care-rehabilitation functions in prisons, the Irish Prison Service has established a regimes directorate, composed of a multidisciplinary team of staff. The formation of this directorate is facilitating the adoption of a multifaceted approach to helping prisoners to develop their sense of responsibility and encouraging those attitudes and skills which will assist them to return to society with the best chance of leading law abiding and self/supporting lives after release. These services are also important in sustaining prisoners' physical and mental health, counteracting the detrimental effects of imprisonment, encouraging positive personal development from within and preparing for their integration into wider society as law abiding citizens on release from custody.

Implementing positive sentence management is a key task for the Irish Prison Service. A scoping group to examine positive sentence management was established by the Irish Prison Service in 2003 and is expected to present its report to the interim board of the Irish Prison Service in the near future. Elaboration of positive sentence management will involve a new orientation in the delivery of services to prisoners and a new emphasis on prisoners taking greater personal responsibility for their own development through active engagement with both specialist and non-specialist services in the prisons. The end result should be a prisoner centred, multidisciplinary approach to working with prisoners with provision for initial assessment, goal setting and periodic review to measure progress.

I recently announced that the capital building allocation to my Department for 2005 will facilitate the implementation of the prisons building and refurbishment programme to improve facilities for prisoners, including the elimination of the practice of slopping out, the reduction of over-

[Mr. McDowell.] crowding and the introduction of special observation cells, and to facilitate a more cost effective operation of the prison service. The introduction of videoconferencing facilities in Cloverhill Prison for certain court proceedings as well as for other purposes, such as legal consultations for prisoners, is also being pursued by the prison service.

Specifically, this allocation will enable the Irish Prison Service to commence work on the following capital projects in 2005: the construction of a new 150 capacity prisoner accommodation block at Portlaoise Prison — this block will also include new education, work training and other ancillary facilities; the building of new facilities at Limerick Prison which will provide for education, medical and other ancillary services; and the Irish Prison Service is also examining the provision of additional prisoner accommodation at Wheatfield Prison.

I announced in the past week that the Government had approved the purchase of a site at Thorntown, County Dublin, to serve as the location for a new prison complex to replace Mountjoy Prison. The purchase of this site is a major step forward in modernising prison conditions and improving facilities and detailed planning will now proceed for a public private partnership to construct the new facilities. It is also my intention to proceed with the construction of a new southern prison to replace Cork Prison.

285. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform his plans for drug law reform and to increase drug enforcement during the lifetime of the 29th Dáil. [2824/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The measures undertaken by the Garda Síochána to address drug trafficking and distribution centre around the issues of strategy, structures and resources. At a strategic level, the Garda Síochána is committed to rigorous enforcement of the laws on drug misuse. Each division is required to produce a divisional drug policing plan which contributes to the overall goals of the national plan, taking into account local circumstances. Responsibility for co-ordinating the drugs strategy within the policing plan is vested in the assistant commissioner, national support services, who oversees the implementation of the organisation's drug strategy.

In the context of resourcing the Garda Síochána's drug strategy, it is worth noting that it is the responsibility of each member of the Garda Síochána to enforce the laws relating to drug usage. In addition to the general resources available to address drug trafficking, the establishment of specialist Garda units, such as the Garda national drug unit, the national bureau of criminal investigation, the Criminal Assets Bureau and the Garda bureau of fraud investigation, operating under the assistant commissioner in

charge of national support services has enabled the Garda Síochána to tackle serious crime effectively. These specialist units work very closely with gardaí operating at district and divisional level.

At local level, divisional and district drug units have been established with the specific remit of targeting individuals engaged in the sale and distribution of drugs to local communities. These units are supported by local resources as well as national units when required.

With regard to legislative proposals, I am considering bringing forward a number of relevant amendments to the Criminal Justice Bill, which is before the Houses. These include proposals to strengthen the provisions on the imposition of the ten-year mandatory minimum sentence for drug trafficking and the provision of new offences relating to the supply of drugs to prisoners.

286. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform his plans for Garda reform in the lifetime of the 29th Dáil, apart from the additional gardaí he has promised and the Garda Síochána Bill 2004. [2826/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Garda Síochána is undergoing the most far reaching programme of reform in its history. The Garda Síochána Bill will comprehensively modernise the law governing the force. It will set out the role and objectives of the force and clarify its relationship with the Minister and Government of the day.

There will be provision for the setting of policing priorities and the establishment of performance targets. The Garda Commissioner will be required to submit a three yearly strategy statement and an annual policing plan. The commissioner will also become the Accounting Officer for the Garda Vote and an audit committee will be established to advise the commissioner on financial matters.

The Bill also makes provision for the involvement of local representatives in policing matters through the establishment of joint policing committees at local level. Provision is made too for the appointment of volunteer members to the Garda Síochána in the future, if it is decided that such an approach would be beneficial. While no decision has been taken by the Government to establish a reserve of volunteer members, it is right to lay the statutory foundation for such a reserve so that it can be set up if future circumstances warrant it.

The Bill has two other key objectives. One is to establish an independent Garda Síochána inspectorate, to promote efficiency and effectiveness in the Garda Síochána and to provide advice and support to the Minister and the Department. The other is to establish the Garda Síochána ombudsman commission to replace the Garda Síochána Complaints Board and provide a new mechanism to deal with complaints against

members of the force which commands the confidence of the public and force alike.

In addition to this comprehensive set of legislative reforms, other important developments relating to the Garda Síochána are under way aimed at maximising the effectiveness and efficiency of the force. The strength of the force, already at a record high, is being further increased to 14,000. A new digital radio system for the force is being procured. A new Garda traffic corps has been established and will be developed over the next few years. Administrative functions will be outsourced where possible to free up gardaí for operational policing duties. These and many other developments will be carried forward as part of a strategy aimed at strengthening the capacity of the Garda Síochána to continue to protect and serve the public.

287. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform his plans to strengthen equality protections during the lifetime of the 29th Dáil. [2827/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): Ireland has established and effective protections which provide for and promote equality in the workplace and in the provision of goods and services on nine discriminatory grounds. These grounds are gender, marital status, family status, sexual orientation, religion, age, disability, race and membership of the Traveller community. The legislation underpinning this framework is the Employment Equality Act 1998 and the Equal Status Act 2000 together with the Equality Act 2004 which recently amended and extended the provisions of these Acts.

To ensure the implementation of these protections and provide easy access to redress in cases of discrimination or victimisation, the legislation also provided for the establishment of the Equality Authority and the Equality Tribunal. The Equality Act 2004 gave effect to more recent developments at European Union level in the area of equality protection, that is, the race directive — 2000/43/EC, the framework employment directive — 2000/78/EC — and the gender employment equality directive — 2002/73/EC.

While these directives are less comprehensive in approach than is the case under the Irish equality framework, the Equality Act amended the Employment Equality and Equal Status Acts in a way which ensures their broadest possible application across all nine grounds. In addition, the opportunity was taken in the Act of 2004 to introduce a number of technical improvements, including the significant development of transferring the jurisdiction in discriminatory dismissal cases from the Labour Court to the Equality Tribunal. This will provide additional cohesion in the hearing of claims for redress under the Employment Equality Act.

Council Directive 2004/113/EC of 13 December 2004, implementing the principle of equal treatment between men and women in the access to

and supply of goods and services, outlaws sex discrimination in the provision of goods and services, including the provision of insurance and related financial services. The directive provides also that member states may permit insurance companies to treat men and women differently when it comes to premiums and benefits if gender is a decisive factor in assessing risk, for example, in motor insurance. Member states must bring into force the laws, regulations and administrative provisions necessary to comply with this directive by 21 December 2007 at the latest.

Transposition of the directive into national law may require some slight amendments to the Equal Status Acts 2000 to 2004. A review of the Equal Status Acts 2000 to 2004 is to take place and should amendments to the legislation be required these will be introduced in time to meet the 21 December 2007 deadline.

As part of the commitment to strengthening equality protection during the life of the 29th Dail, the working group on equality proofing continues to work towards developing a system for the proofing of policies and services in the public sector to avoid unanticipated negative impact on any of the groups protected under the equality legislation, to ensure policy coherence and best use of resources. The primary task of the working group is to develop tools so that an efficient and effective proofing process can be applied. The working group is building on the experience of gender proofing under the national development plan, poverty proofing and the experience of the Northern Ireland authorities of their analogous processes.

During 2005, the working group is to oversee the completion of a number of equality proofing exercises on key policy initiatives. Also, the working group is to further develop the integrated proofing template created in 2004. The working group will continue to monitor research on statute based proofing systems during 2005. It is examining recent reports on section 75 in Northern Ireland — the Equality Commission for Northern Ireland's report on the implementation of the section 75 statutory duties — and an independent report entitled *The Section 75 Equality Duty — An Operational Review*. A report on the activities of the working group will be submitted to the steering group on Sustaining Progress shortly.

The national action plan against racism was launched on 27 January 2005. The overall aim of the plan is to provide strategic direction to combat racism and to develop a more inclusive, intercultural society in Ireland. The plan will be implemented over a four year period, 2005/2008. The emphasis is on “a whole of system approach” with particular emphasis on mainstreaming intercultural issues into formulation of public policy. The plan builds on the substantial equality infrastructure which is already in place.

During 2005, officials from my Department will continue to work in the social questions working

[Mr. McDowell.]

group of the European Council on the proposed recast directive on the implementation of the principles of equal opportunities and equal treatment of men and women in matters of employment and occupation. The proposal will bring together the various gender equal pay and equal treatment directives, including the gender employment equality directive of 2002, as well as key principles from relevant European Court of Justice case law and, on its adoption, will further strengthen the equality infrastructure and protections.

The Maternity Protection (Amendment) Act 2004, which was commenced on 18 October last, strengthens and improves legislative protection for employees who are pregnant or who have recently given birth. The Act provides for a number of important improvements, such as a new provision reducing the compulsory pre-confinement period of maternity leave from four weeks to two weeks; provision for attendance at ante-natal classes; provision for breastfeeding mothers who have given birth within the previous six months with an entitlement, without loss of pay, to either a reduction of working hours or breastfeeding breaks, where breastfeeding facilities are provided by the employer; provision for termination of additional maternity leave in the event of the employee's illness; provision for an employee to postpone the period of maternity leave and-or additional maternity leave in the event of the hospitalisation of the child; provision that an employee's absence from work on additional maternity leave will count for all employment rights associated with the employment, except remuneration and superannuation benefits, such as seniority and annual leave and strengthening the provisions protecting the employee's right to return to work.

The Government is also amending the Adoptive Leave Act 1995 to incorporate improvements made to the maternity protection legislation where relevant in the Adoptive Leave Bill 2004 currently before the Dail. As well as applying the relevant maternity legislative improvements to adoptive leave I have also brought forward two further enhancements which will allow adopting parents to better balance their employment and family responsibilities. These are the increase to 16 weeks in the adoptive leave entitlement attracting payment of salary or benefit from the Department of Social and Family Affairs, which was recently implemented by statutory instrument, and an important new entitlement to time off without loss of pay to attend the range of pre-adoption classes and meetings which prospective adopting parents are required to attend as part of the adoption process. The latter measure will be available to both the adopting mother and father in recognition that the adoption process requires the full participation of both parents throughout the lengthy and difficult preparation and assessment process.

The Government is also committed, as part of the Sustaining Progress partnership agreement, to strengthen parental leave rights in a new Bill which was published and initiated in Seanad Éireann on 16 December last. The Parental Leave (Amendment) Bill 2004 makes provision for the following: raising the maximum age of the eligible child from five to eight years; an increase in the maximum age of the eligible child to 16 years in the case of children with disabilities; extension of parental leave entitlements to persons acting *in loco parentis* in respect of an eligible child; a statutory entitlement to take the 14 weeks' parental leave in separate blocks; strengthening the provisions protecting the right to return to work; protecting employees who exercise the right to parental leave from penalisation; the preparation of statutory codes of practice on the manner in which parental leave and *force majeure* leave might be taken.

The Disability Bill 2004, also before the Dail at present, is a positive action measure designed to advance and underpin the participation of people with disabilities in Irish society. It establishes a statutory basis for assessment of individual needs, access to public buildings, services and information and the preparation of sectoral plans by key Departments to ensure access for people with disabilities is an integral part of service planning and provision. It also provides, among other protections, that public bodies be proactive in employing persons with disabilities and establishes a centre of excellence in universal design.

In addition to the legislative changes mentioned above, work has commenced on the development of a national women's strategy, which it is intended to publish before the end of 2005.

288. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform his plans to strengthen human rights protections in the State during the lifetime of the 29th Dáil. [2828/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I regard the 1998 Good Friday Agreement, in particular the section dealing with rights, safeguards and equality of opportunity, wherein the parties affirm their commitment to the mutual respect, the civil rights and the religious liberties of everyone on the island of Ireland, as the main text with regard to this matter. I respectfully draw the attention of the Deputy to paragraphs 9 and 10 of the relevant section in the Agreement in this connection.

In so far as my areas of responsibility are concerned, and in line with the obligation in the Agreement to strengthen and underpin the constitutional protection of human rights in the State, enhanced employment and equality legislation has been enacted; a human rights commission with a wide mandate and remit has been established, along with the joint committee of the two human rights commissions, North and South, with the specific task of drawing up a human

rights charter on an all-Ireland basis; and the European Convention on Human Rights has been incorporated into our law by means of the European Convention on Human Rights Act 2003. This Act contains important and far reaching provisions for all organs of the State as defined in the Act and I have no doubt that it will have a significant effect on the development of human rights protection — jurisprudentially and otherwise — in the future.

I have already made full use of the provisions of the Human Rights Commission Act 2000 to refer all legislative proposals emanating from my Department with human rights implications to the Human Rights Commission for its consideration. This is a key element in the preparation of draft legislation and it will continue to be so.

I will continue to keep under review, with a view to the preparation of legislative proposals where necessary, all aspects of the work of my Department which may give rise to human rights issues.

Crime Prevention.

289. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform his plans to reduce domestic and sexual violence in the State during the lifetime of the 29th Dáil. [2829/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The Government places a high priority on putting into place measures aimed at tackling crimes of domestic violence, rape, sexual assault and other crimes of violence against women. My Department, which is one of five Departments with responsibilities in this area, plays a major role. It has responsibility for legislative initiatives, preventative measures such as intervention programmes for perpetrators of domestic violence, awareness-raising measures aimed at changing society's attitude to domestic violence and the identifying and developing of necessary responses from the civil and criminal justice systems. Moreover, my Department co-ordinates the work of the national steering committee on violence against women, which is chaired by the Minister of State, Deputy Fahey. The steering committee comprises representatives of the Departments with responsibility for the issue, non-governmental organisations working in the area, the Garda Síochána, the Courts Service, the probation and welfare service, health boards and the medical and legal professions.

It is important to record that the number of incidents of domestic violence, rape and sexual assault reported to the Garda in 2003 — the last full year for which figures are available — show a significant reduction when compared to the recorded incidents of these crimes in 2002. For example, in 2002 there were 10,248 reported incidents of domestic violence while in 2003 this number fell to 8,452, representing a reduction of 17.5%. Between 2002 and 2003, there was a reduction of 25.5% in reported incidents of the heinous crime of rape. In the case of reported

incidents of sexual assault, the number in 2002 was 1,626, a number which fell to 1,449 by 2003. While the reductions are a very welcome development, they are of little consolation to the victims of these crimes. The Garda will continue to attach a very high priority to the prevention and detection of all domestic violence and sexual offence related crime.

The Deputy will be aware that provisional crime figures for 2004 were released last week. The provisional figures indicate a further decrease of 28% in the number of sexual assaults reported in 2004 compared to reported incidents in 2003. However, rape is the one area which gives cause for concern as the provisional figures for 2004 indicate an increase of 21% in the number of cases reported to the Garda. My Department, on behalf of the national steering committee on violence against women, has conducted a number of awareness raising campaigns on the various aspects of violence against women in recent years. Recent awareness campaigns have included a poster campaign on domestic violence in 2003 and a campaign in 2002 aimed at highlighting the dangers of drug-assisted rape. The 2002 campaign involved the development of a series of posters which were displayed in pubs, clubs and third level colleges around the country. Follow-up campaigns were undertaken in third level colleges in 2003 and 2004. In addition, my Department has provided funding to a number of rape-crisis centres to deliver an awareness raising programme in schools in their locality.

My Department, in conjunction with the steering committee, is developing a national television and radio advertising campaign on domestic violence which will be conducted jointly with the Northern Ireland authorities later this month. My Department is funding a number of initiatives aimed at preventing, where possible, further incidents of domestic violence. Funding has been provided for the development of 15 intervention programmes for perpetrators of domestic violence run by MOVE Ireland — Men Overcoming Violent Emotions — and the south-east domestic violence intervention programme. In addition, my Department has provided funding for a domestic violence intervention project on a pilot basis in the Dún Laoghaire and Bray District Court areas. The project arose from research funded by my Department into the development of an intervention model and is based on similar projects operating successfully in other jurisdictions, particularly in Duluth in Minnesota. The agency aims to co-ordinate the work of relevant agencies such as the Garda and the courts with a programme for perpetrators of domestic violence and support services for victims.

My Department commissioned an independent evaluation of all intervention programmes for perpetrators of domestic violence for which it has provided funding. The evaluation report has recently been received in the Department and is expected to be published shortly. The Deputy

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may also be interested to know that my Department has recently provided joint funding for comprehensive research into attrition rates in rape cases. The research on the understanding of attrition, early withdrawal, the trial process and identifying possible changes to support complainants in rape cases is being carried out by the department of law at the National University of Ireland, Galway, and the Rape Crisis Network Ireland. The research should provide a greater understanding of why some victims choose not to report cases to the Garda, what can be done about underreporting and why of the cases that are reported only a relatively small percentage result in a court hearing.

The Garda Síochána has never been better resourced or equipped to tackle criminal behaviour in all its manifestations. This year, the force's budget has increased to over €1.1 billion. The Garda Síochána thoroughly investigates all complaints of rape and ensures that victims are dealt with in a professional manner. The Garda monitors all incidents of domestic violence on a daily basis. Designated inspectors are allocated to each Garda division to ensure that the Garda domestic violence policy is implemented. In addition, all gardaí receive training on the investigation of cases of domestic violence, rape and sexual assault. The training is provided by experienced Garda personnel assisted by other professionals such as psychologists, doctors, social workers and experts from various non-governmental organisations.

There is close co-operation by the Garda Síochána with other organisation involved in this area including non-governmental organisations. The Garda Síochána continues to make efforts to combat incidents of rape through education, increased awareness and enforcement of the relevant legislation. Recording systems for all domestic violence incidents are being integrated into the PULSE computer system to improve the overall monitoring of domestic violence cases.

Cross-Border Projects.

290. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform his plans to create mechanisms for all-Ireland co-operation in his area of responsibility during the lifetime of the 29th Dáil. [2830/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In each of the last two years, my Department and the Northern Ireland Office have facilitated the organisation of a joint Garda-PSNI conference to enhance cross-Border co-operation in tackling organised crime. At last year's conference in September, the Garda and the PSNI launched the first joint threat assessment on cross-Border organised crime. Since then, the two police forces have begun the task of developing the strategic response to this threat. It is hoped that the conference will become an annual event and my Department and the

Northern Ireland Office have already been in contact in recent weeks with a view to facilitating a third conference in 2005.

On 29 April 2002, the Irish and British Governments signed an agreement on police co-operation providing a framework for the implementation of certain Patten recommendations enhanced police co-operation. The implementation of Articles 1 — lateral entry — and 2 — secondments with police powers — of the agreement required legislative change. The Garda Síochána (Police Co-operation) Act 2003 was enacted to provide the legal basis for secondments and permanent appointments. The Act provides that members of the Garda and the PSNI will be eligible to apply for certain posts in the other police service and for the secondment of members of each police service to the other police service with full powers for periods not exceeding three years.

The Garda and the PSNI have drafted protocols in accordance with Article 3 of the intergovernmental agreement setting out the detail of the operation of both personnel exchanges and secondments. It is expected that the Garda Commissioner and the Chief Constable will sign these protocols in the coming weeks. This will enable the immediate implementation of personnel exchanges and secondments between the two police forces. Work is ongoing to make the necessary preparations to allow members of each police service to apply for certain posts in the other police service.

Work is also ongoing to implement other provisions of the intergovernmental agreement. In August 2001, the directors general of the Irish Prison Service and the Northern Ireland Prison Service adopted a memorandum of understanding for accreditation of prisoner programmes through the establishment of a joint, all-island accreditation panel. Ongoing contact is being maintained between the two services on the purpose, terms of reference, responsibilities, composition, appointment procedures and working arrangements for establishment of the panel.

No formal mechanisms for all-Ireland co-operation are planned in the data protection area. However, the Garda Commissioner has regular meetings with the UK information commissioner and the assistant commissioner in Northern Ireland and they have constructive dialogue on matters of mutual interest including cross-Border data protection issues. In light of new management structures and personnel in the Northern Ireland forensic laboratory, meetings to discuss methods of co-operation are in place.

The Good Friday Agreement provided for a “wide-ranging review of criminal justice (other than policing and those aspects of the system relating to the emergency legislation) to be carried out by the British Government through a mechanism with an independent element, in consultation with the political parties and others”. A review of the criminal justice system in Northern

Ireland was carried out on foot of this commitment and published in March 2000. The review contains a substantial number of recommendations on, *inter alia*, co-operation between the British and Irish Governments and among the relevant agencies North and South on criminal justice matters with a view to the enhancement of existing areas of co-operation and the development of new areas. Officials from the Northern Ireland Office and my Department are working towards a proposed intergovernmental agreement on co-operation in criminal justice matters which will be signed in due course.

Consultancy Contracts.

291. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the private services at present contracted by his Department, including the name of the company, the length and value of the contract and the services to be provided; the Minister who concluded the contract in each case; and the services designated for outsourcing within the lifetime of the 29th Dáil. [2831/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In the time available for answering parliamentary questions, it has not

Company	Length of contract	Value of contract	Services provided	Minister who concluded contract
Rescon Consulting	3 years	€921,000 per annum	IT support	John O'Donoghue
Campbell Catering Ltd	3 years	€2m per annum	Staff catering facilities	John O'Donoghue

It is not possible, at this juncture, to identify further services which may be designated for outsourcing within the lifetime of the 29th Dáil.

293. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the private services at present contracted by the probation and welfare service, including the name of the company, the length and value of the contract and the services to be provided; the Minister who concluded the contract in each case; and the probation and welfare services designated for outsourcing within the lifetime of the 29th Dáil. [2833/05]

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. The information sought is being compiled at present and I will forward it to the Deputy shortly.

294. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the private services at present contracted by the Garda, including the name of the company, the length and value of the contract and the services to be provided; the Minister who concluded the contract in each case; and the Garda services designated for outsourcing within the lifetime of the 29th Dáil. [2835/05]

been possible to compile the detailed information requested by the Deputy. The information sought is being compiled and I will forward it to the Deputy as soon as it is available. Decisions on the outsourcing of designated services within the remaining lifetime of the 29th Dáil will be considered at future dates as the need arises.

292. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform the private services at present contracted by the prison service including the name of the company, the length and value of the contract and the services to be provided; the Minister who concluded the contract in each case; and the prison services designated for outsourcing within the lifetime of the 29th Dáil. [2832/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): In the time available, it is not possible to provide the information requested by the Deputy. There are numerous areas throughout the prison service where private services are contracted such as psychiatric services, medical locum services and education and training services. There are also numerous small cleaning and maintenance contracts in place. There are two major private service contracts in place. These are set out below:

Minister for Justice, Equality and Law Reform (Mr. McDowell): The full information sought by the Deputy could only be obtained by the expenditure of an inordinate amount of time and resources which is not justifiable at this time. However, details of payments in excess of €1,000, for the year ended 31 December 2004 for consultancy services provided to the Garda Síochána together with details of Garda cleaning contracts awarded for 2004 are being compiled in my Department and will be forwarded to the Deputy as soon as possible.

Under the road safety strategy 2004-2006, it is proposed that the Garda Síochána will enter into arrangements for the engagement of a private sector concern for the purpose of the provision and operation of a nationwide programme for the detection of speeding offences. In addition, the collection of payments in respect of the fixed-charge processing system is also designated for outsourcing. The potential for further outsourcing of administrative work is under examination with a view to releasing gardaí for operational duties.

Garda Disciplinary Proceedings.

295. **Aengus Ó Snodaigh** asked the Minister for Justice, Equality and Law Reform if the gardaí involved in the case of a person (details supplied)

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will be dismissed or disciplined; and if he will make a statement on the matter. [2836/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I have been informed by the Garda authorities that the two gardaí involved in the case referred to by the Deputy are the subject of criminal and disciplinary proceedings which have yet to be finalised. In the circumstances, he will appreciate that it would be inappropriate for me to make any comment which could affect these proceedings.

Deportation Orders.

296. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform if he will put a stay on a deportation order in the name of a person (details supplied) in County Kilkenny to give an opportunity to their legal representatives to contest the order based on details which were not considered in the process; and if he will make a statement on the matter. [2837/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I refer the Deputy to the reply to Question No. 412 on Tuesday, 30 November 2004.

Since that reply the Garda national immigration bureau served a letter dated 16 November 2004 on the person concerned requiring him to present himself again to the bureau on 30 November 2004. He again failed to present himself on that occasion. He subsequently attended at Kilkenny Garda station on 8 December 2004 with a letter from his legal representatives indicating an intention to seek counsel's opinion on the possibility of challenging the deportation order by way of judicial review. He was requested to present himself to the GNIB again on 13 January 2005. He failed to present on that date. Pursuant to Section 5 of the Immigration Act 1999, he is subject to arrest and detention without warrant.

Pursuant to section 5(2) of the Illegal Immigrants (Trafficking) Act 2000, the person concerned had 14 days to challenge the making of the deportation order by way of application to the High Court to institute proceedings for judicial review. This time period has long elapsed. The person concerned has had ample opportunity to challenge the deportation order since it was first served on him on 15 September 2004 and I see no reason for putting a stay on the execution of the order at this stage. The enforcement of the deportation order is a matter for the GNIB.

Asylum Applications.

297. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform if he will review the case of a person (details supplied) in County Kilkenny; if the documents provided will be examined again; if a decision will be expedited; and if he will make a statement on the matter. [2838/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The refugee in question submitted four passports in respect of his wife and chil-

dren in support of his application for family reunification under section 18 of the Refugee Act 1996. However, after initial examination by my Department, doubts arose as to the authenticity of the passports in question.

The documents were subsequently examined by a technical expert in the area of documents who concluded that one of the passports had been fraudulently altered and that there were doubts concerning the genuineness of the other passports. The passports have been forwarded to the Garda national immigration bureau for further investigation.

298. **Mr. McGuinness** asked the Minister for Justice, Equality and Law Reform the status of an application to stay here in the name of a person (details supplied) in County Kilkenny; if consideration will be given to the state of this person's health; if an early decision will be made in this case; and if he will make a statement on the matter. [2839/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): The person in question arrived in the State on 18 January 2001 and applied for asylum. Her application was refused following consideration of her case by the Office of the Refugee Applications Commissioner and, on appeal, by the Refugee Appeals Tribunal. Subsequently, in accordance with the Immigration Act 1999, as amended, she was informed by letter, dated 31 December 2003, that it was proposed to make a deportation order in her case. She was given the options, to be exercised within 15 working days, of making representations to the Minister setting out reasons she should be allowed to remain temporarily in the State, leaving the State before the deportation order is made or consenting to the making of a deportation order. This person's case file, including all representations submitted, will be considered under section 3(6) of the Immigration Act 1999, as amended, and section 5 of the Refugee Act 1996 (Prohibition of Refoulement). I expect the case file to be passed to me for decision in due course.

Peace Commissioners.

299. **Mr. Kirk** asked the Minister for Justice, Equality and Law Reform the number of peace commissioners in the country; their range of responsibilities; and if he will make a statement on the matter. [2878/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): There are 6,808 serving peace commissioners, of which 6,587 are available to the public and a further 221 were appointed in an *ex officio* capacity, mostly to prisons and places of detention but also to the Central Bank, the Revenue Commissioners, the Garda training college and a number of Departments.

A peace commissioner is normally appointed to serve a county and the immediately adjoining counties. Appointments are made following an assessment of need in respect of an area for which a nomination has been received, in consultation

with the Garda Síochána. The office of peace commissioner is an honorary appointment and peace commissioners receive no remuneration or compensation by way of fees or expenses for their services. An application for appointment may be submitted by a person who is interested in obtaining an appointment or a third party may submit a nomination in respect of a person considered suitable for appointment.

The duties and powers of a peace commissioner, as set out in section 88(3) of the Courts of Justice Act 1924, allows for signing summonses, except against a garda, signing warrants, administering oaths and taking declarations, affirmations, information, bonds and recognisances and signing certificates for the registration of clubs. Peace commissioners are also empowered to sign certificates for the destruction of food unfit for consumption under food hygiene regulations. The issuing of summonses and warrants was subject to a number of legal challenges in the late 1980s and early 1990s and decisions of the superior courts raised serious doubts about the constitutional competence of peace commissioners to exercise such powers. Notwithstanding the evolving case law over the past decade, peace commissioners are no longer requested to exercise the powers to issue summonses, warrants for arrest or to remand persons in custody or on bail. The powers and duties of peace commissioners consist primarily of taking statutory declarations, witnessing signatures on documents for various authorities and signing certificates and orders under various Acts.

Visa Applications.

300. **Mr. Boyle** asked the Minister for Justice, Equality and Law Reform if he has given consideration to introducing a cultural visa for artists coming here for specified events. [2883/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): My Department has no plans to introduce a specific cultural visa for artists intending to travel to the State. However, visas are issued for specific events such as public performances of the type referred to by the Deputy, subject to appropriate accompanying documentation. This includes a schedule of the dates of the performance or other events and a work permit or other written permission from the Department of Enterprise, Trade and Employment in place of a work permit.

Registration of Title.

301. **Mr. Timmins** asked the Minister for Justice, Equality and Law Reform the position in relation to an application to the Land Registry office for the registration of a folio for a person (details supplied) in County Leitrim; if this will be dealt with as speedily as possible; and if he will make a statement on the matter. [2886/05]

Minister for Justice, Equality and Law Reform (Mr. McDowell): I am informed by the Registrar of Titles that this is an application for a transfer order, which was lodged on 22 December 2004. Dealing Number D2004WS015439W refers. I am

further informed that queries issued to the lodging party on 31 January 2005 and that the application cannot proceed until these queries have been satisfactorily resolved. However, on receipt of a satisfactory reply, the matter will receive further attention in the Land Registry.

Vocational Training Opportunities Scheme.

302. **Mr. Durkan** asked the Minister for Education and Science if a person (details supplied) in County Kildare qualifies for VTOS; and if she will make a statement on the matter. [2851/05]

Minister for Education and Science (Ms Hanafin): The VTOS programme is designed for people over 21 years of age and in receipt of social welfare payment for six months immediately before joining the scheme. Questions relating to the eligibility of applicants for admission to the VTOS programme are determined by the local vocational education committee in the light of established criteria and having regard to the availability of places on the programmes.

Student Support Schemes.

303. **Dr. Cowley** asked the Minister for Education and Science her views on the current practice of student teachers having to supply materials and resources when on teaching practice; if her Department plans to reimburse them; and if she will make a statement on the matter. [2363/05]

Minister for Education and Science (Ms Hanafin): The position is that teaching practice is an integral part of the curriculum for the training of both primary and post-primary teachers. It is not a paid activity because it is viewed as training rather than employment. On that basis, my Department does not provide special financial assistance for students towards costs associated with teaching practice.

The Deputy will be aware that teacher education programmes provided in approved third level institutions are, however, approved courses for the purposes of the higher education grants scheme. Under the terms of the scheme, grant holders who are required to participate in off-campus placement as part of their course of study may have their grant entitlement paid in the normal manner. Accordingly, student teachers who are eligible for grant assistance continue to receive their entitlements while undertaking teaching practice.

In addition, my Department allocates funding each year to third level institutions under the student assistance fund. This fund is available in order to assist students who may be experiencing difficulties in continuing their studies because of financial hardship. The disbursement of this funding is a matter for individual institutions in line with guidelines issued by my Department.

My Department has no plans at present to introduce a scheme of financial assistance, over and above the current provision, for trainee teachers to cover costs associated with teaching practice.

Pension Provisions.

304. **Dr. Cowley** asked the Minister for Education and Science if she will demand that graduate teachers work until they are 65 to receive their full pension; her views on whether this is in the best interest of the children; her further views on whether teachers should have an earlier choice of retirement age; and if she will make a statement on the matter. [2364/05]

Minister for Education and Science (Ms Hanafin): The position is that the Public Service Pensions (Miscellaneous Provisions) Act was passed into law on 25 March 2004. It provides that the minimum age at which pension will be paid to the generality of new entrants to the public service, including teachers, will be 65. It also abolishes compulsory retirement on grounds of age in the case of new entrants.

The Act defines the term “new entrant”. The definition is complex but, broadly speaking, a new entrant is a person who commences employment in the public service on or after 1 April 2004 or who, after a break of more than 26 weeks, returns to employment in the public service on or after 1 April 2004.

The Act provides that employees in certain sectors of the public service must continue to retire before age 65. These are sectors where, unlike the provision for the majority of public servants, including teachers, retirement before 65 has always been required for operational reasons. The sectors in question comprise the Defence Forces, the Garda, prison officers and fire-fighters.

The reforms which have been enacted arose from consideration by Government of the recommendations of the commission on public service pensions. The commission was established by Government in 1996 because of concerns regarding the rising cost of public service pensions. The age at which public servants, including teachers, should retire were among the matters which were considered by the commission.

Teachers already in service may continue to avail of the existing provisions for early retirement, including the early retirement scheme for teachers introduced under the PCW agreement. This latter scheme is also available to new entrants. The early retirement scheme for teachers was introduced some years ago on a pilot basis pending review in the light of the report of the commission on public service pensions. The commission, in its report of 2001, recommended that the pilot scheme be continued for a further five years and be further reviewed at that time.

Although a quota of 400 retirements per year was agreed under the early retirement scheme for teachers, the number of retirements in any year since the scheme was introduced in 1996-97 has never attained even half of the quota.

The commission also recommended the introduction of a scheme of cost-neutral early retirement. Following consideration of this issue by a joint management and union working group, the Government announced in September 2004 that such a scheme would be established. The scheme will provide for the retirement from age 55, with

actuarially-reduced pensions, of new entrants to the public service. It will also provide similarly for the retirement from age 50 of public servants who are not new entrants. It is expected that a circular authorising the implementation of this scheme by public service bodies will be issued shortly.

Schools Building Projects.

305. **Dr. Cowley** asked the Minister for Education and Science her plans to establish a permanent base for a school (details supplied) in County Mayo; and if she will make a statement on the matter. [2365/05]

Minister for Education and Science (Ms Hanafin): The acquisition of a site for the school referred to by the Deputy is being considered in the context of the schools building and modernisation programme. The Deputy will be aware that I recently announced the first phase of this programme, providing details of 122 major school building projects which will prepare tenders and move to construction during 2005. This is the first in a series of announcements I plan to make in the coming period that will include: details of schools identified as suitable for construction under public private partnerships; an expansion of the number of schools that will be invited to deliver their building projects on the basis of devolved funding; details of schools with projects approved under the 2005 summer works scheme; schools whose projects will further progress through the design process; and schools that will be authorised to commence architectural planning.

Teaching Qualifications.

306. **Dr. Cowley** asked the Minister for Education and Science if she will continue to approve the on-line H.Dip course for primary teachers (details supplied); her views on this method of training; the way in which modules such as drama, music and art are completed successfully; and if she will make a statement on the matter. [2366/05]

Minister for Education and Science (Ms Hanafin): The college referred to by the Deputy is a privately-owned institution providing a privately-run course which has been accredited by the Higher Education and Training Awards Council, HETAC. In order for the course to secure HETAC accreditation, the college complied with HETAC's quality assurance and validation requirements. The graduate diploma conferred at the end of this course is recognised by my Department for the purposes of primary teaching.

I would like to assure the Deputy that my Department's inspectorate monitors 10% of the final teaching practice students from the college in question, as is the case for the students of the five colleges of education at undergraduate and postgraduate levels. This process aims to assess the quality of the teaching practice dimension of pre-service education in individual colleges and throughout the system and in this context, the

teaching of all curriculum areas is evaluated. The process also strives to provide information on teaching practice to the Department and the individual colleges. In addition, all newly qualified teachers undergo a probationary period, during which their work is evaluated and reported on by my Department's inspectorate.

In the case of the college which is the subject of the Deputy's question, this evaluation process has just been completed by the inspectorate for the first cohort of the college's students who are due to graduate in June 2005.

Analysis and assessment of this work is currently under way and the outcome will be provided to the college covered by the Deputy's question. Feedback on the evaluation of teaching practice is also provided to the five colleges of education in a series of meetings organised by the Department's inspectorate. The provision of feedback to the colleges is normal practice and a valuable means of improving the quality of teaching provided to students.

School Transport.

307. **Ms Shortall** asked the Minister for Education and Science if she will take action in the case of a person (details supplied) in Dublin 9; if she will explore arranging transport to cater for this person on an individual basis; and when this person's attendance at school will be resumed. [2367/05]

Minister for Education and Science (Ms Hanafin): My Department has requested a report on this case from Bus Éireann. The family referred to in the details supplied will be advised of the position regarding the availability of school transport as soon as the report has been considered.

Special Educational Needs.

308. **Mr. Ring** asked the Minister for Education and Science if resource teaching will be continued in a school (details supplied) in County Mayo in September 2005. [2368/05]

Minister for Education and Science (Ms Hanafin): As the Deputy will be aware, my Department is proposing a new system for the allocation of resource teaching supports to pupils with special educational needs, SEN. 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.

The school referred to by the Deputy has been notified of its provisional entitlement under the general allocation system. However, I am conscious of difficulties that could arise with regard to this model, particularly for children in small

and rural schools, if it were implemented as currently proposed. Consequently, 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 in the next school 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. The school currently has the services of a learning support teacher and 19 hours per week resource teaching support.

Residential Institutions Redress Scheme.

309. **Mr. O'Shea** asked the Minister for Education and Science her proposals to add a school (details supplied) to the list of residential institutions under the Residential Institutions Redress Act 2002; and if she will make a statement on the matter. [2369/05]

Minister for Education and Science (Ms Hanafin): Section 4 of the Residential Institutions Redress Act 2002 provides a mechanism whereby additional institutions may be considered for inclusion in the Schedule to the Act. Since the enactment of the legislation my Department has received correspondence from both individuals and survivor groups identifying a number of additional institutions that may be eligible for inclusion.

Consultations have taken place between my Department and other Departments that may have provided a regulatory function in the operation of these facilities in order to ascertain the case for their inclusion under the Act. As a result of those consultations and following consideration of the matter, I signed an order on 9 November 2004 which provided for the inclusion of 13 additional institutions to the Schedule.

With regard to the institution referred to by the Deputy, the Department of Health and Children has confirmed that a public body did have a regulatory or inspection function in this case and my Department is now exploring with the trustees of the institution the possibility of a contribution being made by it towards the redress scheme. While the question of a contribution being given will not be the final deciding factor, the issue must be explored before a final decision is made.

Schools Refurbishment.

310. **Mr. Costello** asked the Minister for Education and Science if she will provide sufficient funding in the summer works scheme to enable a school (details supplied) in Dublin 9 to mend the school roof; and if she will make a statement on the matter. [2370/05]

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 2005, SWS, for roof repairs and mechanical works. All SWS applications are currently being assessed in the school planning section of my Department. I intend to publish the list of successful applicants shortly.

Special Educational Needs.

311. **Mr. Stanton** asked the Minister for Education and Science the assistance which is available to parents of children with special needs who have to educate their children at home and who require extra accommodation in order to do so; the details of procedures for access to any such help; and if she will make a statement on the matter. [2443/05]

Minister for Education and Science (Ms Hanafin): My Department's key focus is to deliver education services to pupils in school settings. In some instances, my Department may provide a home tuition grant to pupils who have a medical ailment that is likely to cause disruption of their attendance at school or while a school placement is being sourced.

My Department provides accommodation for authorised educational settings only and financial assistance is not available towards providing additional accommodation in the home.

Schools Refurbishment.

312. **Mr. Penrose** asked the Minister for Education and Science if she will take steps to provide the necessary funding to enable refurbishment and modernisation of the kitchen, science laboratory, heating system and hard court area at a school (details supplied) in County Longford; if funding will be brought forward as a matter of urgency; and if she will make a statement on the matter. [2454/05]

Minister for Education and Science (Ms Hanafin): The refurbishment project at the school to which the Deputy refers has been assessed in accordance with the published prioritisation criteria, which were revised following consultation with the education partners and its progress is being considered in the context of the 2005 school building programme.

The Deputy will be aware that I recently announced the first phase of the 2005 school building programme which provided details of 122 major school building projects countrywide which will prepare tenders and move to construction during 2005.

This announcement is the first in a series of announcements I plan to make in the coming period in regard to the schools building and modernisation programme that will include: details of schools identified as suitable for construction under public private partnerships; an expansion of the number of schools that will be invited to deliver their building projects on the basis of devolved funding; details of schools with projects approved under the 2005 summer works scheme; schools whose projects will further progress

through the design process; and schools that will be authorised to commence architectural planning.

313. **Mr. Ring** asked the Minister for Education and Science when funding will be approved for a school (details supplied) in County Mayo; and the position with regard to funding. [2511/05]

Minister for Education and Science (Ms Hanafin): An extension and refurbishment project at the school to which the Deputy refers has been assessed in accordance with the published prioritisation criteria, which was revised following consultation with the education partners and the project is being considered for the 2005 school building programme.

The Deputy will be aware that I recently announced the first phase of the 2005 school building programme which provided details of 122 major school building projects countrywide which will prepare tenders and move to construction during 2005.

This announcement is the first in a series of announcements I plan to make in the coming period in regard to the schools building and modernisation programme that will include: details of schools identified as suitable for construction under public private partnerships; an expansion of the number of schools that will be invited to deliver their building projects on the basis of devolved funding; details of schools with projects approved under the 2005 summer works scheme; schools whose projects will further progress through the design process; and schools that will be authorised to commence architectural planning.

Schools Recognition.

314. **Ms Enright** asked the Minister for Education and Science if it is possible that a school (details supplied) in County Kerry be considered as co-educational in view of the fact that it has boys up to first class; and if she will make a statement on the matter. [2516/05]

Minister for Education and Science (Ms Hanafin): The school referred to by the Deputy is recognised as a single-sex girls only national school, which provides primary education for boys up to first class, as is common in many national schools throughout the country. However, agreement to amalgamate has been reached between the management authorities of this school and an all-boys national school in the area and the proposed new school will be recognised as a co-educational school.

Schools Building Projects.

315. **Ms Enright** asked the Minister for Education and Science further to Parliamentary Question No. 216 of 16 December 2004 (details supplied), if the schools in question have been assigned band ratings; when progress will be made; and if she will make a statement on the matter. [2517/05]

Minister for Education and Science (Ms Hanafin): The projects at the schools to which the Deputy refers have been assessed in accordance with the published prioritisation criteria, which were revised following consultation with the education partners. The progress of these projects is being considered in the context of the 2005 school building programme.

The Deputy will be aware that I recently announced the first phase of the 2005 school building programme which provided details of 122 major school building projects countrywide which will prepare tenders and move to construction during 2005.

This announcement is the first in a series of announcements I plan to make in the coming period in regard to the schools building and modernisation programme that will include: details of schools identified as suitable for construction under public private partnerships; an expansion of the number of schools that will be invited to deliver their building projects on the basis of devolved funding; details of schools with projects approved under the 2005 summer works scheme; schools whose projects will further progress through the design process; and schools that will be authorised to commence architectural planning.

316. **Ms M. Wallace** asked the Minister for Education and Science the position regarding the proposed extension to a school (details supplied) in County Meath, including clarification on the estimated cost of the project and the estimated timescale regarding same; and if she will make a statement on the matter. [2669/05]

Minister for Education and Science (Ms Hanafin): The project at the school to which the Deputy refers has been assessed in accordance with the published prioritisation criteria, which were revised following consultation with the education partners.

Progress on this project is being considered in the context of the school building programme and, in this regard, the Deputy will be aware that I recently announced the first phase of the 2005 school building programme which provided details of 122 major school building projects country wide which will prepare tenders and move to construction during 2005.

This announcement is the first in a series of announcements I plan to make in the coming period in regard to the schools building and modernisation programme that will include: details of schools identified as suitable for construction under public private partnerships; an expansion of the number of schools that will be invited to deliver their building projects on the basis of devolved funding; details of schools with projects approved under the 2005 summer works scheme; schools whose projects will further progress through the design process; and schools that will be authorised to commence architectural planning.

317. **Mr. Ó Feargháil** asked the Minister for Education and Science the progress made in the amalgamation of two post-primary schools

(details supplied) in County Kildare; when the building work necessary will be undertaken in order to allow the amalgamation process to be finalised. [2670/05]

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. My Department's officials are examining the stage 3 submission for the above school and the school authorities will be kept informed of developments.

I recently announced details of 122 major school building projects that will progress to tender and construction phase over the next 12 to 15 months under the €3.4 billion multi-annual funding secured for the years 2005-09.

I am anxious to ensure that a consistent flow of projects to tender and construction can be sustained into the future. I plan to make a number of announcements in the near future in relation to the schools building and modernisation programme including details of those school projects which will further progress through the design process. All projects in architectural planning, including the school in question, will be considered as part of this process.

School Staffing.

318. **Mr. Neville** asked the Minister for Education and Science the position regarding the proposed weighted model for allocation resource teachers to primary schools. [2671/05]

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 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 in the next school 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.

Special Educational Needs.

319. **Mr. Kenny** asked the Minister for Education and Science if a special resource teacher will be made available to a person (details supplied) in County Mayo in view of the circumstances involved; and if she will make a statement on the matter. [2672/05]

Minister for Education and Science (Ms Hanafin): My Department received an application for resource teaching support for the pupil referred to by the Deputy. The pupil did not qualify for resource teaching support on the basis of the application submitted and the school was notified of this in August 2004.

As the Deputy will be aware, 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. An additional 350 teacher posts are being provided to facilitate the introduction of the new system. The school referred to by the Deputy currently has the services of a shared learning support teacher and a shared resource teaching post. It would be expected that this pupil's SEN can be met from within the special needs teaching allocation available to the school. It is a matter for the school to deploy these resources to meet the SEN of the pupils in the school.

320. **Mr. Stagg** asked the Minister for Education and Science if sanction will be given for the provision of a special needs assistant and resource teaching hours to enable a person (details supplied) in County Kildare with autism to go to secondary school; and if she will make a statement on the matter. [2673/05]

Minister for Education and Science (Ms Hanafin): The National Council for Special Education, NCSE, has been established as an independent statutory body with responsibilities as set out in the National Council for Special Education (Establishment) Order 2003. With effect from 1 January 2005, the NCSE through local special educational needs organisers, SENOs, will process resource applications for children with special educational needs.

Where a pupil with special educational needs enrolls in a post primary school, it is open to the school to apply to the local SENO for additional teaching support and or special needs assistant support for the pupil. My Department has recently issued circular letter PPT 01/05, advising the authorities of post primary schools of the arrangements put in place as a result of the transfer of these functions to the NCSE.

My officials have been informed by the NCSE that no application for special educational needs support has been received by the council to date for the pupil concerned.

Higher Education Grants.

321. **Mr. O'Shea** asked the Minister for Education and Science if money received by persons on the maturing of their investment under the SSIA scheme will be assessed as means in regard to their own entitlement or the entitlement of their off spring in regard to eligibility for third level grants; and if she will make a statement on the matter. [2713/05]

Minister for Education and Science (Ms Hanafin): For the purposes of determining grant eligibility, all investments must be declared, including savings certificates, life assurance bonds and other financial instruments where the interest or profit is accumulated and paid out as a lump sum at the end of the investment period. The amount of income to be included in respect of special savings incentive accounts, SSIA's, is the government grant earned on the savings in the relevant tax year plus, in the case of savings accounts, the gross interest earned in the relevant tax year and, in the case of investment accounts, the investment profit earned in the relevant tax year. Investment losses sustained in the relevant tax year are deductible.

The treatment of the SSIA's in this regard is consistent with the treatment of similar financial products such as post office savings bonds.

Departmental Appointments.

322. **Mr. Kehoe** asked the Minister for Education and Science the number of public appointments made in her Department since August 2004; the name of each appointee involved; and if she will make a statement on the matter. [2745/05]

Minister for Education and Science (Ms Hanafin): Since my appointment as Minister for Education and Science, I have made the following public appointments to my Department: Averil Power, special adviser and Carl Gibney, personal assistant. Arrangements are being finalised in regard to the appointment of a personal secretary and I will be in touch with the Deputy as soon as this process is concluded. No public appointments were made in my Department between August and September 2004.

School Transport.

323. **Mr. Timmins** asked the Minister for Education and Science further to Parliamentary Questions Nos. 230 of 6 October 2004 and 513 of 19 October 2004, the position in regard to an appeal from persons (details supplied); if, in view of the circumstances of this case, these persons will be facilitated on the bus; if this decision will be made as a matter of urgency; and if she will make a statement on the matter. [2867/05]

Minister for Education and Science (Ms Hanafin): The school transport appeals board considered an appeal in this case and the board is satisfied that the terms of the school transport scheme had been fairly applied.

School Accommodation.

324. **Mr. Coveney** asked the Minister for Education and Science her proposals to rebuild a school (details supplied). [2868/05]

Minister for Education and Science (Ms Hanafin): The property management section of the Office of Public Works, which acts on behalf of my Department for site acquisitions generally, is continuing with negotiations for the purchase of a site for the rebuilding of the school referred to by the Deputy. 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. Provision of new accommodation for the school will be considered when a site has been acquired.

Special Educational Needs.

325. **Mr. McHugh** asked the Minister for Education and Science when a decision will be made on the provision of a special needs assistant for a person (details supplied) in County Galway; and if she will make a statement on the matter. [2869/05]

Minister for Education and Science (Ms Hanafin): I am aware of the case referred to by the Deputy. A decision on the application will be conveyed to the school authorities shortly. Meanwhile the pupil has access to some special needs assistant support from the school's special needs assistant capacity.

326. **Cecilia Keaveney** asked the Minister for Education and Science the position of an application for a special needs assistant for a person (details supplied) in County Donegal; and if she will make a statement on the matter. [2870/05]

327. **Cecilia Keaveney** asked the Minister for Education and Science the position of an application for extra resources for a person (details supplied) in County Donegal; and if she will make a statement on the matter. [2871/05]

Minister for Education and Science (Ms Hanafin): I propose to take Questions Nos. 326 and 327 together.

An application has been received for special needs assistant and resource teaching support for the pupils concerned and is with the national council for special education. The matter has been referred to the local special educational needs organiser who will make contact with the school authorities regarding the matter.

Departmental Appointments.

328. **Mr. Kehoe** asked the Minister for Defence the number of public appointments made in his Department since August 2004; the name of each appointee involved; and if he will make a statement on the matter. [2746/05]

Minister for Defence (Mr. O'Dea): Since August 2004, the only appointments I have made were to the civil defence board, a body under the

aegis of my Department. Chief Superintendent John T. Farrelly was appointed to the board in October 2004, on the nomination of the Commissioner of the Garda Síochána. Commandant Kevin Houston was appointed in November 2004 on the nomination of the Chief of Staff of the Defence Forces.

EU Directives.

329. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government his policy on the issue of giving development consent to projects which will cause new or continuing breaches of the urban wastewater treatment directive. [2384/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Considerable progress has been made in meeting our targets under the EU urban wastewater directive. Compliance with the December 2005 deadline of the directive, requiring secondary treatment for discharges from agglomerations exceeding a population equivalent of 2,000 in the case of fresh or estuarial waters, and 10,000 in the case of coastal waters, stood at 25% at the start of the national development plan. That has now risen to approximately 90%. All remaining schemes that need to achieve full compliance with the directive are included in my Department's water services investment programme 2004 to 2006, available in the Oireachtas Library.

The increase in wastewater treatment capacity over the same period is equivalent to the needs of a population of 2.9 million, seven times more than the increase achieved over the entire duration of the previous national development plan from 1994 to 1999. The target in the programme for Government for secondary wastewater treatment facilities to be put in place for every location with a population of more than 1,000 is now being implemented under the water services investment programme. Under the Planning and Development Act 2000 it is a matter for the planning authorities when considering applications for permission for development under section 34 of the Act, to consider whether there are deficiencies in the existing sewerage system. Where necessary, permission may be refused in such cases without attracting claims for compensation. Alternatively planning authorities may add conditions to the permission to require the developer to carry out works, including the provision of facilities, which the planning authority considers are required for the purpose of the development.

Archaeological Sites.

330. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government if he has taken steps to implement the recommendation of the European Commission following its examination of the environmental impact assessment of the Carrickmines M50 motorway; that to ensure the fullest involvement possible of the wider archaeological community in environmental impact assessment procedures, all environmental impact assessments be made available on

[Mr. Sargent.]
the internet and if so the date of implementation. [2385/05]

331. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government if he has taken steps to implement the recommendation of the European Commission following its examination of the environmental impact assessment of the Carrickmines M50 motorway; that an adequate risk management and contingency approach to all impacts, including when appropriate, provision for further proactive investigation, such as trial trenching be adopted during the environmental impact assessment process to reduce uncertainties and to allow for design flexibility. [2386/05]

332. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government if he has taken steps to implement the recommendation of the European Commission following its examination of the environmental impact assessment of the Carrickmines M50 motorway; that when a project involves possible multiple archaeological impacts, there be an assessment of the relative significance of the sites affected so that decision-makers are alerted to likely hot spots. [2387/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 330 to 332, inclusive, together.

The question refers to a complaint that was registered with the European Commission concerning the construction of the south-east motorway at Carrickmines, County Dublin. While my Department has been consulted by, and has submitted observations to, the Commission concerning a report conducted on its behalf into issues relating to the complaint, we have not received any recommendations from the Commission in this regard, nor has my Department had sight of the original complaint.

Environmental Policy.

333. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government if he will establish a 24-hour manned freefone service similar to that established in Northern Ireland for members of the public to report environmental damaging activities, many of which occur outside normal business hours. [2388/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): Enforcement of environmental legislation is a matter for the major local authorities and the Office of Environmental Enforcement. A significant development in 2004, led by the office, was the consolidation of environmental enforcement activity in the country through the establishment of a national enforcement network. The function of this network is to harness the collective resources, expertise and investigative capacity of all the agencies engaged in dealing with environmental crime in Ireland, including An Garda Síochána

and the relevant enforcement authorities in Northern Ireland.

The network is bringing a level of consistency and focus to waste enforcement in Ireland that did not exist prior to its establishment and targeted roadblocks and inspections of suspect premises have occurred. The network is currently considering its planned actions during 2005, and initiatives such as a special confidential telephone line to deal with complaints will form part of the examination of possible actions to be undertaken.

EU Directives.

334. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government the date on which he intends to publish the statutory instrument implementing EEC 2002/4, Access to Information on the Environment. [2389/05]

335. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government if there will be a consultation period for the draft of the statutory instrument implementing EEC 2002/4 before implementation of same. [2390/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 334 and 335 together.

Work is continuing in my Department on the transposition of Directive 2003/4/EC dealing with access to information on the environment, and I intend to make regulations in this regard as soon as possible.

While a formal consultation process has not been undertaken, I understand that Comhar, the National Sustainable Development Partnership, is developing a submission to my Department in relation to the transposition of the directive. This will be given full consideration in advance of finalisation of the transposition instrument.

Water and Sewerage Schemes.

336. **Mr. Lowry** asked the Minister for the Environment, Heritage and Local Government the progress to date on the Terryglass sewerage scheme, Terryglass, County Tipperary; the resources which have been committed to bring this essential project to fruition; when it will be sanctioned; when the tendering and selection will be complete; when it is expected that building works will begin; and if he will make a statement on the matter. [2391/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Terryglass sewerage scheme is being procured by way of a grouped design, build, operate contract that also includes six other schemes in County Tipperary.

I understand that tenders for the grouped project were received by North Tipperary County Council on 21 January last and that the tenders are under examination by the council prior to submission to my Department for approval.

EU Funding.

337. **Mr. Lowry** asked the Minister for the Environment, Heritage and Local Government if

an application for funding for a project (details supplied) in County Tipperary has been received; if he will consider granting funds to same; and if he will make a statement on the matter. [2393/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): In 2005, a sum of €80,000 each has been allocated to Clare, Limerick and north Tipperary county councils, under the EU co-financed specific grants scheme, for a feasibility study in respect of the provision of a new bridge to cross the River Shannon.

Retail Sector Developments.

338. **Mr. O'Shea** asked the Minister for the Environment, Heritage and Local Government his proposals to meet the concerns of RGDATA regarding the recent changes he announced to the retail planning guidelines (details supplied); and if he will make a statement on the matter. [2417/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I recently announced the decision to amend the retail planning guidelines, with effect from today, to provide that the floorspace cap on retail warehouses will no longer apply within the functional areas of the four Dublin local authorities and in the other national spatial strategy gateways. The gateway towns and cities are Athlone-Tullamore-Mullingar, Cork, Dublin, Dundalk, Galway, Letterkenny, Limerick-Shannon, Sligo and Waterford. This modification to the guidelines will only apply in areas subject to integrated area plans, IAPs, under the Urban Renewal Act 1998.

The amendment to the retail planning guidelines follows a review of the floorspace cap on retail warehouses set in the those guidelines, which came into effect on 1 January 2001. The guidelines prescribe a maximum floor area of 6,000 square metres gross retail floorspace for large-scale single retail warehouse development. This cap has been reviewed, taking account of the need to promote effective competition in this sector of retailing and of ongoing developments in retail formats, while underpinning proper planning and sustainable development. To assist in carrying out the review, interested parties were invited to make submissions to my Department. Some 71 submissions were received and assessed and were fully taken into account in the finalisation of the review.

I am aware of the concerns raised in the correspondence from RGDATA. The changes now introduced relate to retail warehouses which sell bulky durable household goods and do not affect the existing caps on the size of supermarkets-grocery outlets. The changes to the guidelines are further limited in that they are confined to integrated area plan areas in the gateways designated by the national spatial strategy. The overall policy objectives of the retail planning guidelines including normal planning requirements, will continue

to apply to any proposals for the development of retail warehouses in excess of 6,000 square metres. The revised guidelines clearly indicate that any proposal for an individual retail warehouse with a floorspace in excess of 6,000 square metres gross in order to be acceptable from a planning viewpoint would need, *inter alia*, to be accompanied by a detailed traffic impact assessment and be supported by the necessary infrastructure. It will be a matter for the development management process to apply the relevant criteria to any planning application that may come forward from the private sector.

The amendment to the retail planning guidelines will facilitate wider consumer choice and greater competition. It will also ensure that any such development entering the market does so on a basis which contributes to the economic and social objectives of the Government's urban renewal programme and national spatial strategy.

Water and Sewerage Schemes.

339. **Cecilia Keaveney** asked the Minister for the Environment, Heritage and Local Government if there is a delay in the progress of a scheme (details supplied) in County Donegal being put out for tender; when works are due to start; and if he will make a statement on the matter. [2674/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Malin town sewerage scheme has been approved for funding in my Department's water services investment programme 2004-06 under the rural towns and villages initiative. My Department approved Donegal County Council's preliminary report for the scheme in June 2004, subject to a number of conditions, including a review by the council of the design population of the scheme prior to preparation of contract documents. Further advancement of the scheme is, at this point, a matter for Donegal County Council.

340. **Mr. Crawford** asked the Minister for the Environment, Heritage and Local Government when funding will be made available towards the Carrickmacross sewerage system in view of the urgent need for the upgrading of the treatment plant and main drainage system; and if he will make a statement on the matter. [2675/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Carrickmacross sewerage scheme has been approved for funding in my Department's water services investment programme 2004-2006 as a scheme to commence construction in 2005. Monaghan County Council's preliminary report for the scheme is under examination in my Department and will be dealt with as quickly as possible.

341. **Mr. Crawford** asked the Minister for the Environment, Heritage and Local Government when funding will be made available to allow the water supply augmentation scheme at Carrick-

[Mr. Crawford.]
 macross, County Monaghan, to proceed; and if he will make a statement on the matter. [2676/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Carrickmacross water supply scheme has been approved for funding in my Department's water services investment programme 2004-2006 under the rural towns and villages initiative. Monaghan County Council's preliminary report for the scheme is under examination in my Department and will be dealt with as quickly as possible.

Hunt Licences.

342. **Mr. J. Higgins** asked the Minister for the Environment, Heritage and Local Government if he will revoke the licence granted by his predecessor to the Ward Union stag hunt against the advice of senior officials in the Parks and Wildlife Service (details supplied). [2677/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I refer to the reply to Questions Nos. 1380, 1381 and 1382 of 26 January 2005.

Waste Management.

343. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government the place on the waste management hierarchy on which his Department categorises the placing of tyres on farms. [2678/05]

344. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that, according to the IFA, silage pits no longer constitute best practise as a farming technique; and if this has any implications for his Department's policy on the placing of tyres on farms. [2679/05]

345. **Mr. Morgan** asked the Minister for the Environment, Heritage and Local Government if he has data on the extent to which tyres are being burnt illegally on farms in the State. [2680/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 343 to 345, inclusive, together.

The Waste Management Acts 1996 to 2003 place a general duty of care on the holders of waste to ensure that it is disposed of in a manner which does not cause environmental pollution. In addition, under the Air Pollution Act 1987, the occupier of any premises or land is prohibited from causing or permitting an emission in such a quantity or manner as to be a nuisance. The enforcement of waste and air pollution legislation is primarily a matter for the relevant local authority and my Department has no direct function in the matter. However, as part of the race against waste campaign, I am considering ways in which better awareness about the issues sur-

rounding the uncontrolled burning of waste can be created.

I have publicly stated my concerns regarding possible inappropriate practices in the way waste tyres are managed. It is imperative that waste tyres are not put to inappropriate uses such as unauthorised burning, uncontrolled disposal or the formation of indiscriminate stockpiles. These practices are not acceptable as they can cause nuisance and pose both environmental and health hazards and infringe waste and other environmental legislation.

My Department has written to local authorities asking them to carry out inspections of tyre outlets with a view to improving current practices in the management of waste tyres. The inspections are to be carried out as part of the local authorities' enforcement action plans for 2005. I want to see the tyre industry co-operate with the local authorities to achieve more effective management so that any unacceptable practices are eliminated. If the desired response is not forthcoming I will not hesitate in bringing forward regulations with a view to tightening controls in this area.

My Department has also written to State bodies with large vehicle fleets and to the tyre industry asking them to review their practices in relation how they manage this particular waste stream. The internationally recognised waste management hierarchy places reuse and recycling ahead of other forms of disposal. However, re-use will not necessarily provide the best practicable environmental option in every circumstance. This is ultimately dependent on both national and local circumstances, taking account of both the impact on the environment and resource use. Use of tyres on silage pits is considered to represent a beneficial use in circumstances where human health is not endangered and the process does not cause harm to the environment, the use of tyres is suitable for the purpose and is limited to the extent which is strictly necessary, and the tyres replace other materials which would have had to be used for that purpose, thereby conserving natural resources.

I am not aware of the IFA statement referred to by the Deputy. The use of waste tyres to hold down silage pit covering has lessened over time due to increased use of baled silage. In response to the reduced availability of traditional disposal and re-use routes for tyres my Department has been having discussions with the Irish Tyre Industry Association, ITIA, with a view to establishing a producer responsibility initiative for waste tyres. These discussions are ongoing and I expect to put in place the necessary arrangements for such an initiative later this year. My Department does not have data on the illegal burning of tyres on farms.

EU Directives.

346. **Mr. N. O'Keeffe** asked the Minister for the Environment, Heritage and Local Government if he will make available a copy of the document or

letter which he has received from the European Commission regarding Ireland's application for a derogation from the nitrates directive; the reason the EU wants a scientific basis for a derogation based on a nutrient management plan for each farmer; if it has objected to the levels of storage being suggested; if they have queried the spreading periods of slurry or farm waste in different parts of the country; his views on whether, in certain areas, a period of 22 weeks would be the norm for spreading *vis-à-vis* other areas in which 12 to 14 weeks would be the norm; if his attention has been drawn to the fact that there are 140,000 registered farmers here but only 20,000 real commercial farmers; if his attention has further been drawn to the fact that if these restrictions are imposed and no protection is put in place for intensive commercial farmers, Ireland will finish up with no pig industry, no poultry industry, no mushroom industry and intensive dairy farmers will disappear due to the exorbitant costs that farmers will be burdened with in putting these envisaged proposals in place; if his attention has further been drawn to the fact that with the present economic profitability of farming, it will not be possible for farmers to make ends meet; and if he will make a statement on the matter. [2705/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The EU nitrates directive was adopted in 1991 with the objective of reducing water pollution caused or induced by nitrates from agricultural sources. The European Court of Justice delivered a judgment on 11 March 2004 that Ireland is non-compliant with the directive. The main finding was that Ireland has not fulfilled its obligations under the directive by reason of failure to establish and implement an action programme to protect water quality against pollution by farming.

Following extensive consultations with the main farming organisations and other interested parties, a nitrates action programme was submitted to the European Commission on 22 October 2004, a copy of which is available in the Oireachtas Library.

In reply, the European Commission has issued a letter of formal notice of further legal infringement action against Ireland, Article 228 letter, on 22 December 2004 which indicates that the Commission does not regard the action programme as being complete or compliant with the judgment of the court. It is the view of the Commission that the action programme needs to be strengthened in certain respects, for example, to extend the "prohibited periods" for the land spreading of livestock manure and to require additional storage capacity for livestock manure. As the Article 228 letter is part of continued infringement proceedings against Ireland, I am advised that it would not be appropriate to make the letter generally available for public reference.

Together with my colleague, the Minister for Agriculture and Food, I met representatives of

the main farming organisations on 26 January to brief them on the situation arising from the Commission's response. I intend that the matter be pursued further with the European Commission with a view to making our formal response to the Commission's concerns by 22 March next. The Commission has also indicated that Ireland's application for a derogation in certain circumstances from the 170 kg limit will not be considered until an action programme has been agreed.

National Parks.

347. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government his plans for the management of the Burren National Park; and if there are plans for park and ride visitor facilities. [2716/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): The Burren National Park is managed by the national parks and wildlife service of my Department. In September last, my predecessor announced a new management planning process for all six of Ireland's national parks. As the first part of that process, I intend shortly to launch management plans for the Wicklow Mountains and Killarney national parks, which have been drafted with the assistance of the relevant national park liaison Council and public consultation. Following their launch, I propose to apply this process to the other national parks at Glenveagh, Connemara, Ballycroy and the Burren.

With regard to the Burren National Park, I hope to be in a position to establish a liaison council for this park later this year, and my Department will work with the council in drafting a management plan for the park. The primary role of the council will be to represent the views of the local communities and groups which have an interest in the management of the national park.

There are no current plans for park and ride visitor facilities to the Burren National Park. However, I would envisage that this and other issues can be considered in the context of the management plan for the park.

Water and Sewerage Schemes.

348. **Mr. McHugh** asked the Minister for the Environment, Heritage and Local Government when he will approve the tender documents in relation to the design, building and operation of a sewerage plant at a location (details supplied) in County Galway; when construction of the works will commence; and if he will make a statement on the matter. [2717/05]

349. **Mr. McHugh** asked the Minister for the Environment, Heritage and Local Government when the tender recommendation report will be approved by him in relation to the civil work and sewerage network element of the scheme at a location (details supplied) in County Galway;

[Mr. McHugh.]
when construction of the works will commence;
and if he will make a statement on the matter.
[2718/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I propose to take Questions Nos. 348 and 349 together.

The Dunmore East sewerage scheme is an element of the Waterford grouped towns and villages sewerage scheme which is included in my Department's water services investment programme 2004-2006 as a scheme to start construction in 2005.

My Department approved Waterford County Council's preliminary report for the scheme in May 2004, subject to several conditions. Revisions to the preliminary report were submitted by the council in December 2004, following which it has been necessary for my Department to request certain further clarification from the

council. On receipt of that additional information, the revised preliminary report will be dealt with as quickly as possible by my Department.

Departmental Appointments.

350. **Mr. Kehoe** asked the Minister for the Environment, Heritage and Local Government the number of public appointments made in his Department since August 2004; the name of each appointee involved; and if he will make a statement on the matter. [2747/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I assume that the question refers to persons appointed as temporary civil servants to my Department during the relevant period.

The following appointments, as set out in the following table, have been made since August 2004.

Name	Function
Seán Fitzpatrick	Press Officer*
David Grant	Special Adviser to Minister Roche
Geraldine Cole	Personal Assistant to Minister Roche
Ciara Furlong	Personal Secretary to Minister Roche
Katherine Woods	Personal Assistant to Minister of State O'Keefe
Donal Howard	Personal Secretary to Minister of State O'Keefe
Tom Gately	Civilian Driver to Minister of State O'Keefe
Michael Daly	Civilian Driver to Minister of State O'Keefe

*Provides a service to the Department generally as well to the offices of the Minister and Ministers of State.

EU Directives.

351. **Mr. Sargent** asked the Minister for the Environment, Heritage and Local Government if he will confirm that he had no prior knowledge of the recent eight EU infringement proceedings against Ireland and only learned of them through the Commission press release, as he stated to the media; and if he will make a statement on the matter. [2875/05]

Minister for the Environment, Heritage and Local Government (Mr. Roche): I can confirm that I had no knowledge of the European Commission's press release until issued by the Commission. There has, however, been ongoing correspondence between my Department and the Commission regarding the cases referred to in the question.

The European Commission has the power to take infringement proceedings against member states where it considers that legislation has not been transposed or has been improperly transposed. In line with that prerogative, the Commission raises issues in correspondence with member states, and if agreement is not reached

on how to address the issue, may take a case to the European Court of Justice. My Department is in ongoing communication with the Commission on a range of issues at any given time and in addition meets Commission officials regularly to identify how issues of alleged non-compliance can best be addressed. A high priority is being given to addressing outstanding issues in consultation with the Commission and relevant stakeholders.

Regarding the complaints procedure operated by the Commission, it is a matter of concern to me that the member state does not have sight of any original complaint made to the Commission and is not told who the complainant may be or what steps the complainant has taken to address issues within national procedures. I look forward to addressing that issue further with the Commission at an appropriate opportunity with a view to securing greater transparency in the Commission's proceedings. I am keenly aware of the importance of timely transposition and effective implementation of EU environmental legislation and fully support the efforts made by my Department and partner bodies and agencies in that regard.